



CITY OF HAMILTON

Corporate Services Department

Clerk's Office

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	April 18, 2018
SUBJECT/REPORT NO:	Use of City Resources During an Election Period Policy (CL18004) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tony Fallis, Manager, Elections/Print & Mail
SUBMITTED BY:	Rose Caterini City Clerk Corporate Services Department
SIGNATURE:	

RECOMMENDATION

That the use of City Resources during an Election Period Policy, attached as Appendix A to Report CL18004, be approved.

EXECUTIVE SUMMARY

Section 88.18 of the *Municipal Elections Act, 1996* (MEA) now requires municipalities and local boards, before May 1 of an election year, to establish rules and procedures with respect to the use of municipal or board resources during the election campaign period.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)

Financial: NA

Staffing: NA

Legal: NA

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

HISTORICAL BACKGROUND (Chronology of events)

Use of city resources during election time is currently enforced through the Council Code of Conduct (By-Law 16-290) and the Clarification of Councillor Sponsorships and Related Expenditures Report (FC11108)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Background

The MEA specifies that a municipality or local board cannot make a contribution to a municipal election candidate (Section 88.8 (4) or a registered third party (Section 88.12 (4).

A “contribution” includes:

- a) money, goods and services given to and accepted by or on behalf of a person for his or her election campaign (Section 88.15 (1))
- b) money, goods, and services given to and accepted by or on behalf of an individual, corporation or trade union in relation to third party advertisements (Section 88.15 (2)).

A “contribution” may take the form of money, goods or services, any use of the Corporation’s resources for an election campaign by a Member of Council who is a candidate, or by any candidate or any registered third party, would be a contribution by the City.

The current Council Code of Conduct (By-law 16-290) states the following:

SECTION 6: USE OF CITY PROPERTY, SERVICES AND OTHER RESOURCES

6. (1) No Member of Council shall use, or permit the use of, City land, facilities, equipment, supplies, services, City employees or other resources, including City-owned materials, websites, Council transportation delivery services, or Councillor global budgets, for activities other than the business of the City.

(2) No Member of Council shall obtain financial gain from the use or sale of any City-developed intellectual property, (including inventions and creative writings or drawings), computer program, technical innovation, or other item capable of being patented, in which property remains in the exclusive ownership of the City.

SECTION 7: ELECTION CAMPAIGN WORK

7. (1) No Member shall use facilities, equipment, supplies, services or other resources of the City for any election campaign or campaign-related activities, except on the same basis (including paying a fee if any) as such resources are normally made available to members of the public.

(2) No Member shall use her or his newsletter or website linked through the City's website, for any election campaign or campaign-related activities.

(3) No Member shall use the services of any City employee for any election campaign or campaign-related activities during hours in which those City employees receive any compensation from the City.

The MEA specifies that a municipality or local board cannot make a contribution to a municipal election candidate (Section 88.8 (4) or a registered third party (Section 88.12 (4).

Clarification of Councillor Sponsorships and Related Expenditures Report (FC11108) contain the following Council approved guidelines:

Campaign Literature	Expenses incurred to produce or distribute campaign literature or materials will not be paid for by the City. In addition, newsletters may not be distributed after August 30 of an election year.
Sponsorship/Donations/Ticket Expense	Expenses related to sponsorships and donations (including the purchase of event tickets) will not be allowed after August 31 of an election year. Sponsorships/donations are not to be provided for any amounts levied in respect of any tax or user fees. Sponsorships/donations are limited to \$350 per named organization

The Policy, Use of City Resources During an Election Period Policy, attached as Appendix A to Report CL18004 is intended to be in addition to, and not replace, the above listed sections of the Council Code of Conduct or the Clarification of Councillor Sponsorships and Related Expenditures Report.

It is recognized that Members of Council are holders of their office until the end of their term. Nothing in this Policy shall preclude a Member of Council from performing their job, nor inhibit them from representing the interests of the constituents who elected them.

Purpose

The purpose of this Policy is to provide a consistent approach and direction regarding the use of corporate resources during an election campaign.

Application and Scope

This Policy applies to Members of Council, candidates, registered third parties in a municipal election and staff during a campaign period.

RELEVANT CONSULTATION

Municipal Elections Act, 1996

Council Code of Conduct By-Law 16-290

Clarification of Councillor Sponsorships and Related Expenditures (FC11108)

Legal Services

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Consistent with the current MEA legislation and other municipalities in Ontario

ALTERNATIVES FOR CONSIDERATION

NA

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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