



MEMO

DATE: September 27, 2017
TO: Mayor and Members of Municipal Council
FROM: Cathy Saunders, City Clerk
RE: **Clause 6 – 26th Report of the Corporate Services Committee – Council Policy – Policy for the Use of City of London Resources for Municipal Election Purposes**

At the September 26, 2017 Corporate Services Committee meeting, the City Clerk was asked to further review the proposed Council Policy regarding the use of corporate resources during an election period, specifically as it relates to the time period in which the Policy would be in effect and to provide further clarity in section 5 of the proposed Policy as to the activities would be permitted during the time period in which the Policy is in effect.

The City Clerk has reviewed the proposed draft Policy and recommends that the revised draft Policy attached as Appendix “A” be considered by Municipal Council for adoption. The following summarizes the proposed revisions to the draft Policy that was presented to the Corporate Services Committee.

1. Delete the term and definition entitled “Election Period” and instead have the Policy apply at any time.
2. Amend section 5 as follows:

No ~~Council Member~~ **individual** shall distribute, in print or electronic form, material paid for by the City that illustrates, references, promotes, profiles or otherwise relays, information about an individual that **may directly or indirectly benefit a municipal campaign**. ~~is, or will be a registered candidate in an election, with the exception of official reports and/or minutes of City Council and Standing Committee meetings.~~ **This does not limit a Member of Council from communication with constituents on matters that are relevant to the business of the City and fall within the fiduciary responsibility of the Member of Council, providing that these do not promote the personal interests of a Member of Council.**

Section 5, as revised, would read as follows:

“No individual shall distribute, in print or electronic form, material paid for by the City that illustrates, references, promotes, profiles or otherwise relays information about an individual that may directly or indirectly benefit a municipal election campaign. This does not limit a Member of Council from communicating with constituents on matters of interest that are relevant to the business of the City and fall within the fiduciary responsibility of the Member of Council, providing that these do not promote the personal interests of a Member of Council.”

3. Amend by adding the following new section 6:
 - “6. No individual shall host a town hall or ward meeting that would directly or indirectly benefit a municipal election campaign. Rather, town hall or ward meetings shall be focused on the interests of the constituency regarding City business.”

REVISED

APPENDIX "A"

Bill No.
2017

By-law No. CPOL.-

A by-law to revoke and repeal Council policy entitled "Use of Corporate Resources During a Municipal Election Year" and replace it with a new Council policy entitled "Policy for the Use of City of London Resources for Municipal Election Purposes".

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Council of The Corporation of the City of London wishes to revoke and repeal Council policy entitled "Use of Corporate Resources During a Municipal Election Year" and replace with a new policy entitled "Policy for the Use of City of London Resources for Municipal Election Purposes";

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Any policy of The Corporation of the City of London approved, adopted, or amended by Municipal Council on a day prior to the day this by-law is in force and effect, pertaining to Use of Corporate Resources During a Municipal Election Year is hereby revoked.
2. Any by-law of The Corporation of the City of London in force and effect on a day prior to the day this by-law is in force and effect, which approves, amends or adopts a Council policy pertaining to the Use of Corporate Resources During a Municipal Election Year is hereby repealed.
3. The policy entitled "Policy for the Use of City of London Resources for Municipal Elections Purposes", attached hereto as Appendix "A", is hereby adopted.
4. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on October 3, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – October 3, 2017
Second Reading – October 3, 2017
Third Reading – October 3, 2017

Appendix "A"

Policy to Restrict the Use of City of London Resources for Municipal Election Purposes

Purpose:

To clarify the restrictions pertaining to the use of City of London resources for directly or indirectly benefitting a municipal election campaign.

Definitions:

For the purposes of this policy,

"Campaign-related activities" shall mean any activities that may directly or indirectly benefit a municipal election campaign.

"City" shall mean The Corporation of the City of London

"City resources" shall include, but not be limited to City employees, events organized or funded solely or jointly by the City, City facilities, City funds, City information and City infrastructure

Application:

This policy applies to the use of City resources by any party in a manner that would directly or indirectly benefit a municipal election campaign.

Policy:

1. Without exception, all parties shall adhere to the applicable provisions of the *Municipal Elections Act, 1996*, as amended, the Declaration of Office for Members of Council, the Code of Conduct for Members of Council and the Code of Conduct for Employees, regarding the use of City resources.
2. City resources, assets and funding that shall not be used by any party to directly or indirectly benefit a municipal election campaign include, but are not limited to:
 - City staff
 - City property, facilities and/or equipment, except in those cases where use of the property, facilities and/or equipment are rented in accordance with City procedures applicable to the general public and/or use of the property, facilities and/or equipment is permitted under other legislation (e.g. Election Sign By-law, etc.)
 - City funds
 - Print or electronic materials paid for by the City promoting an individual
 - Any photos or videos produced by the City, including electronic images and videos
 - City mail room supplies and services
 - City print room supplies and services
 - City technical services and equipment (e.g. computers, laptops, mobile devices and applications such as voice mail, e-mail, Internet and Intranet, City web pages and domains, etc.)
 - City brand (e.g. logos, crest, etc.)
 - Lists and files produced using City resources, with the exception of lists produced for election purposes in accordance with the *Municipal Elections Act, 1996* (e.g. Voters List).
3. City staff shall not canvass or actively work in support of a municipal candidate during business hours unless they are on paid or unpaid leave.
4. Campaign-related signs or materials shall not be displayed at or in City-owned or leased facilities, unless otherwise permitted by legislation, and, where permitted for display, shall comply with the provisions of the Election Sign By-law.
5. No individual shall distribute, in print or electronic form, material paid for by the City that illustrates, references, promotes, profiles or otherwise relays information about an individual that may directly or indirectly benefit a municipal election campaign. This does not limit a Member of Council from communicating with constituents on matters of interest that are relevant to the business of the City and fall within the fiduciary responsibility of

the Member of Council, providing that these do not promote the personal interests of a Member of Council.

6. No individual shall host a town hall or ward meeting that would directly or indirectly benefit a municipal election campaign. Rather, town hall or ward meetings shall be focused on the interests of the constituency regarding City business.
7. Nothing in this Policy is intended to prohibit a Member of Council from performing their job as an elected representative to represent the interests of their constituents regarding City business, during their period of office.