



Staff Report for Committee of the Whole Meeting

Date of Meeting: October 16, 2017

Report Number: SRCFS.17.039

Department: Corporate and Financial Services

Division: Office of the Clerk

Subject: **SRCFS.17.039 - Use of Corporate Resources for Election Campaign Purposes Policy**

Purpose:

To recommend the adoption of an amended Use of Corporate Resources for Election Campaign Purposes Policy, as required by the *Municipal Elections Act, 1996*, S.O. 1996, c. 32 ("Municipal Elections Act" or "Act").

Recommendation(s):

- a) That staff report SRCFS.17.039 be received.
- b) That the "Use of Corporate Resources for Election Campaign Purposes Policy", Attachment A to staff report SRCFS.17.039, be approved.
- c) That the "Use of Corporate and Communication Resources during an Election Year", Attachment B to staff report SRCFS.17.039, be repealed.

Contact Person:

Stephen M.A. Huycke, Director, Legislative Services/Town Clerk, extension 2529

Report Approval:

Submitted by: Mary-Anne Dempster, Commissioner of Corporate and Financial Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Background:

The Municipal Elections Act was amended on June 9, 2016 when Bill 181, the *Municipal Elections Modernization Act*, 2016 (“Bill 181”), received Royal Assent. Section 88.18 of the amended Act requires the Town to establish “...rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period.” Bill 181 also changed Nomination Day, in a regular election year, from the second Friday in September to the fourth Friday of July. Nomination Day in the 2018 Election will be Friday July 27.

In March 2012, Council approved the “Use of Corporate and Communication Resources during an Election Year” policy (Attachment B) (the “2012 Policy”). This policy states that its purpose is “to clarify the goods and services that, if provided to an/or used by any person for his or her election campaign, would be considered a contribution by the Town to an election campaign in contravention of the Act.” As a result of the Bill 181 amendments, as well as feedback following the 2014 municipal election, staff recommend that the 2012 Policy be replaced with an updated “Use of Corporate Resources for Election Campaign Purposes Policy” (Attachment A).

Policy Purpose and Principles

The purpose of proposed policy is to ensure:

1. that no municipal resources are used for any campaign related purpose as required by the Act; and,
2. that any Town operations, events and facilities are used for non-partisan activities only.

Aligned to this purpose, the revised policy includes clear principles that can be used to interpret the policy and to provide guidance to be Members of Council, staff and any candidate in any election. These principles are:

1. Richmond Hill is committed to a fair and transparent municipal election process, and abiding by the principles of the Act;
2. A municipality is prohibited from making any contribution to any Candidate’s election campaign;
3. The use of any Richmond Hill Resources for any Campaigning, or any election-related purpose, is prohibited;
4. Richmond Hill Resources, events and other activities should be non-partisan; and,
5. Members of Council should not be impeded from fulfilling his/her representative duties as a Member during an Election Campaign.

Updates to 2012 Policy Provisions

Based on the above noted purposes and principles, the proposed policy clarifies many of the definitions and specific rules of the 2012 Policy. These proposed changes better reflect the rules and changes in the Municipal Elections Act. Highlights of the changes include:

1. Adjusting the dates and times on which services provided to Members of Council as a result of the change in Nomination day (paragraphs 14, 15 and 16), while ensuring that Members are able to continue to fulfill their duties;
2. Provide better guidance to staff on participating in the election campaigns as required by the Employee Code of Conduct and the Act (paragraph 6 and 7); and,
3. Providing clarified language to ensure that Town events, facilities and operations are used for non-partisan purposes only (paragraphs 3, 5 and 8).

New 2017 Provisions

In addition to the updates to the 2012 policy rules, the proposed policy includes additional rules that reflect more recent technological changes, or to clearly state practices already observed by the Town. For example, paragraphs 19 and 20 of the draft policy provide clear rules for the use of electronic communication which reflects the fact that websites, social media and e-newsletters are more prevalent than in 2012. As another example, paragraphs 17, 18 and 21 of the proposed policy reflect that fact that it has been the Town's practice to provide Members with only one printed Newsletter in an election year, as well as only permitting one Members event to be held in an election year.

Financial/Staffing/Other Implications:

There are no direct financial or staffing implications associated with adopting the revised Use of Corporate Resources for Election Campaign Purposes Policy.

Relationship to the Strategic Plan:

Effective administration of the 2018 Municipal Election relates to the strategic plan goal of "Stronger Connections in Richmond Hill" by enhancing a fundamental democratic responsibility of the part of the Town.

Conclusion:

Section 88.18 of the Municipal Elections Act requires the Town to adopt a policy with respect to the use of municipal resources for election campaign purposes. The proposed Use of Corporate Resources for Election Campaign Purposes Policy meets this legislative responsibility, and clarifies the rules that are contained in the 2012 Policy.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Attachment A – 2017 Use of Corporate Resources for Election Campaign Purposes Policy
- Attachment B – 2012 - Use of Corporate and Communication Resources during an Election Year

Report Approval Details

Document Title:	SRCFS.17.039.docx
Attachments:	- SRCFS.17.039- Appendix A - 2017 Use of Corporate Resources for Election Campaign Purposes_final (Aug 24 2017).pdf - SRCFS.17.039- Appendix B - 2012 Use of Corporate Resources for Election Campaign Purposes_final (Aug 24 2017).pdf
Final Approval Date:	Oct 2, 2017

This report and all of its attachments were approved and signed as outlined below:

Mary-Anne Dempster - Oct 2, 2017 - 10:34 AM

Neil Garbe - Oct 2, 2017 - 3:53 PM