

THE CORPORATION OF THE TOWNSHIP OF AMARANTH

BY-LAW NUMBER 25-2022

BEING A BY-LAW TO ADOPT THE USE OF CORPORATE RESOURCES POLICY
FOR THE CORPORATION OF THE TOWNSHIP OF AMARANTH

WHEREAS Subsection 88.18 of the Municipal Election Act, 1996, as amended, (the Act) states that, Before May 1 in the year of a regular election, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during the election campaign period;


WHEREAS Subsection 88.15(1) of the Act states that, For the purposes of this Act, money, goods and services given to and accepted by a person for his or her election campaign, or given to and accepted by another person who is acting under the person's direction, are contributions;

NOW THEREFORE The Corporation of The Township of Amaranth by the Municipal Council thereof enacts as follows:


1. That the attached Policy Statement – Use of Corporate Resources Policy be adopted and form part of this by-law
2. That this by-law shall come into force and effect on the date of passing.

BY-LAW READ A FIRST AND SECOND TIME THIS 2 DAY OF MARCH 2022.

BY-LAW READ A THIRD TIME AND PASSED THIS 2 DAY OF MARCH 2022.

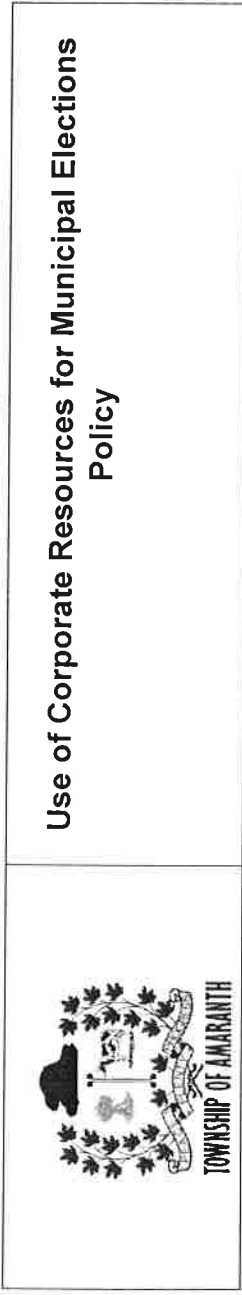


Head of Council



Clerk - Acting Treasurer
Deputy Treasurer
Deputy Clerk

Schedule "A"



POLICY STATEMENT

The Township of Amaranth is committed to ensuring accountable and transparent election practices relating to the use of municipal resources.

SCOPE

This policy applies to all members of Council, Registered Election Candidates (including acclaimed candidates), Registered Third Parties, municipal and local board employees and members of the public.

PURPOSE

This Policy is intended to:

- a) ensure compliance with the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended, with respect to the role of the Township in contributing to a municipal and trustee election campaign.
- b) ensure Candidates and Registered Third Parties are treated fairly and consistently within the municipality.
- c) ensure the integrity of the election process is always maintained.
- d) establish the appropriate use of resources during an election period, in order to:
 - i. protect the interests of Members of Council, Candidates, Registered Third Parties, Staff and the Corporation; and
 - ii. ensure accountable and transparent election practices.

DEFINITIONS

For the purpose of this policy, the following definitions apply:

Act - means the Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended.

Candidate - means a person who has filed a Nomination Form for an office pursuant to section 33 of the Act and includes a person who has filed a nomination for election to a school board pursuant to the Education Act, R.S.O. 1990, c. E.2, as amended.

Clerk - means the Clerk of the Township of Amaranth or their designate.

Corporate Resources - means real property, goods and/or services owned, controlled, leased, acquired, or operated by the Township including but not limited to facilities, parks, materials, equipment, monetary funds, technology, Township IT system and resources, databases, websites, social media, intellectual property, and supplies.

Election Day - for a regular election is the fourth Monday in October in the year of the election, as prescribed by the Municipal Elections Act, 1996.

Members of Council - means the Council of the Township of Amaranth.

Member - means a Member of the Council of the Township of Amaranth.

Policy - means this Use of Corporate Resources for Municipal Elections Policy.

Registered Third Party - means an individual, corporation or trade union that has filed a Notice of Registration as a third party advertiser in the municipal election.

Staff - means all full-time, part-time and contract persons hired by the Township.

Township - means The Corporation of the Township of Amaranth.

POLICY

No Person with access to or control of Corporate Resources shall use Corporate Resources for the purposes of an election or contribute or allow the contribution of Township Resources for campaign-related purposes.

For greater clarity from May 1st of the municipal election year until the Inaugural Meeting in December, inclusive, Members of Council, Candidates and Third Party Advertisers shall not:

- a) Use the Township crest, logo, brand, coat of arms, letterhead, slogan or other such municipally-owned property in campaign-related material either in print or digital format.
- b) Use the Township website, domain names, or social media accounts in campaign-related material either in print or digital format.
- c) Use the Township voicemail system to record election-related messages.
- d) Use the Township computer network (including the Township's email system) for election-related correspondence.
- e) Use any photographs or video material produced for and owned by the Township or any photos taken utilizing Township equipment or sent through Township email accounts for any election-related purposes.
- f) Use corporate information technology (IT) assets, infrastructure or data (i.e. computers, corporate email, web pages, social media links, portals, photocopiers, scanners, fax machines or telephones) to respond to or communicate campaign-related messages.
- g) Benefit from the use of any Township pricing established under the Township's procurement policy.
- h) Use any Council or Councillor budgets for election-related purposes or to advertise, promote or support any Candidate or Registered Third Party, or any position related to any questions which may be authorized to be placed on the ballot.
- i) Print or distribute any material paid for by municipal funds that illustrates that a member of Council or any other individual is registered in any election or where they will be running for office.
- j) Profile (name or photograph), or make reference to, in any material paid for by municipal funds, any individual who is registered as a Candidate in any election.
- k) Print or distribute any material using municipal funds that makes reference to, or contains the names, photographs, or identifies registered Candidates for municipal elections.
- l) Use Township property or staff in any campaign photos.
- m) Use any municipal facility/property for any election-related purpose unless a rental fee has been established and the rental of such is available to all candidates and Registered Third Parties. Notwithstanding the foregoing, no facility/property shall be rented or used for any municipal election-related purpose by members of Council, candidates, Registered Third Parties, or the public during any day that voting is taking place on the property, including set-up, hosting, or take-down activities.

To avoid any confusion with official websites and social media accounts used for Township, members of Council, Candidates and Registered Third Parties who choose to create or use their own websites or social media accounts shall, throughout the period from May 1st of the municipal election year until the date of the inaugural meeting in December, inclusive, include a clear statement, easily found and readable, on each website or social media account's home page indicating that the account is being used personally or for election campaign purposes and is not associated with the Township.

Corporate Resources - Municipality Facilities/Buildings

When considering the use of Municipal Facilities/Buildings, including Municipality owned or leased lands, as Corporate Resources:

- Any Candidate may attend any public Standing Committee, Advisor Committee or Council meeting; however, they shall not use this forum to speak on, or address, any matter relating to their Campaign.
- Candidates or Registered Third Parties are prohibited from renting space (e.g., a booth) as part of a Municipally organized event.
- All Candidates and Registered Third Parties must adhere to the provisions set out in any other Municipal Policies pertaining to Municipal Facilities/Buildings.
- Members of Council, Registered Third Parties, and Candidates may not use their constituency office, municipal or any municipally provided facilities for any election-related purpose, which includes the display of any campaign-related signs in the window or on the premises, as well as the display of election-related material in the office.
- Campaigning and the distribution or display of campaign material is not permitted in any municipal or local board facility, on municipal land, or at municipal or local board event including any municipal or board meeting.

All staff shall:

- a) Behave in a manner that is impartial, fair and unbiased toward all registered candidates and third parties.

- b) Consult with their direct Supervisor prior to agreeing to perform any task requested by a member of Council, Candidate, or Registered Third Party that exceeds their normal duties or could be construed as contributing to an election campaign.
- c) Not rent any corporate facility/property for any municipal election-related purpose to members of Council, candidates, third parties or the public during any day that voting is taking place anywhere on the property, including set-up, hosting, or take-down activities.
- d) Not canvass or actively work in support of a municipal candidate or third party during normal working hours unless they are on a leave of absence without pay, lieu time, float day or vacation leave
- e) Take care to separate personal activities from their official positions.
- f) Request and obtain a leave of absence without pay should they wish to run for federal, provincial, or municipal office and abide by the respective legislation governing such elections.

To avoid a perceived conflict of interest, staff are discouraged from assisting with or having any involvement in municipal election campaigns, including posting election signs on their property, phone and e-mail solicitations, signing nomination papers, distribution of brochures and wearing candidate buttons.

Staff may be involved in provincial and federal campaigns as long as this involvement does not affect the objectivity with which they must discharge their duties as a representative of the Township.

ADMINISTRATION

Staff are authorized and directed to take the necessary action to give effect to this policy.

The Integrity Commissioner may at any time be consulted by members of Council with regard to complying with any part of this policy and will be responsible for enforcement of this policy through Council's Code of Conduct. Members of Council shall not use the services of the Integrity Commissioner during the Election Period for the purposes of seeking advice related to their campaign.

Nothing in this policy shall preclude a member of Council from performing their duties as a member of Council.

During an election, responses to information requests from a Candidate or Registered Third Party will be provided to Council and all Candidates in a manner deemed appropriate by the Clerk. It is at the Clerk's discretion to determine if a request for information from members of Council, who are also Candidates, is made in the capacity as a member of Council or as a Candidate, bearing in mind the requirement for fair and transparent treatment of all Candidates.

The Clerk is delegated the authority to make administrative changes to this policy that may be required from time to time due to legislative changes or if, in the opinion of the Clerk, the amendments do not change the intent of the policy.