

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2018 - 22

Being a By-law to adopt a policy to regulate the use of municipal resources during the election campaign period.

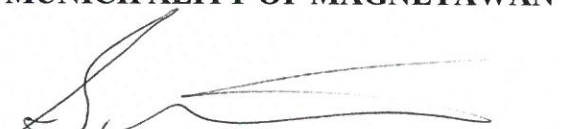
WHEREAS Section 88.18 of the *Municipal Elections Act, 1996, S.O. 1996, c.32*, as amended, requires that, before May 1 in the year of a regular election, municipalities establish rules and procedures with respect to the use of municipal resources during the election campaign;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. **THAT** the policy for the use of municipal resources during the election campaign period shall be adopted, attached hereto as Schedule 'A' and forming part of this By-law.
2. **THAT** this By-law shall come into force and effect on the date of its passing.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 25th day of April, 2018

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor



Clerk-Administrator

SCHEDULE 'A' TO BY-LAW 2018-22

USE OF MUNICIPAL RESOURCES
DURING THE ELECTION CAMPAIGN PERIOD

April 25th, 2018

1. POLICY STATEMENT

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

2. SCOPE OF POLICY

This policy applies to members of Council and its local boards, municipal and local board employees, registered election candidates (including acclaimed candidates), registered third parties, and members of the public.

3. PURPOSE

To supplement the provisions of Council's Code of Conduct, the Employee Code of Conduct and the *Municipal Elections Act, 1996*, to provide consistent information and direction to ensure that the Municipality of Magnetawan's municipal resources and those of its local boards and committees are not provided or used for any election-related purpose, unless required or directed by staff in the conduct of said election. Where municipal or related terms are used, it shall also be read to include its local boards and committees as applicable.

For clarity, local boards and committees of the Municipality of Magnetawan include the Magnetawan Public Library, the Magnetawan Community Centre Board, the Magnetawan Community Development Committee, the Burk's Falls and Area Economic Development Committee, the Magnetawan Heritage Centre Board, the Central Almaguin Planning Board, and the Election Compliance Audit Committee. Should any local board of the Municipality of Magnetawan adopt its own policy governing the use of its resources for elections, such policy shall take precedence over this policy.

4. POLICY

4.1. Specific Regulations

- 4.1.1.** The following, if supplied by the Municipality, shall be discontinued for all members of Council throughout the period from May 1 of the municipal election year until Voting Day, inclusive:
- a)** All forms of advertising, including advertising in Municipal publications.
 - b)** All printing, high speed photocopying and distribution that is unrelated to the member's role as a sitting member of Council, including printing and general distribution and display of newsletters.
 - c)** The ordering of any stationery or office supplies or furnishings unless approved by the Clerk.
 - d)** Links to Council member-related web sites or social medialinks that are posted on the Municipal website, social media accounts or in any municipal publication.
 - e)** The posting of information relating to the activities of Council or any member of Council on the Municipal website, excluding the minutes of Council and committee meetings. Only the Council photo and a contact phone and/or email posted for each member of Council at the commencement of each term shall remain on the Municipal website.
- 4.1.2.** To avoid any confusion with any website or social media accounts used for Municipal or Council work, members of Council who choose to create or use their own websites or social media accounts shall, throughout the period from May 1 of the municipal election year until December 3, 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.
- 4.1.3.** Throughout the period from May 1st of the municipal election year until the end of the campaign period, Members of Council and candidates shall not:
- a)** 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;
 - b)** 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.
 - c)** Print or distribute any material using municipal funds that makes reference to, or contains the names, photographs, or identifies registered candidates for municipal elections.
 - d)** Use the Municipal website, domain names or the Municipal logo, letterhead or other such municipally-owned property for campaigning or advertising or as a substitute to distributing newsletters or flyers.
 - e)** Use the Municipality's voicemail system to record election-related messages.
 - f)** Use the Municipality's computer network (including the Municipality's email system) for election-related correspondence.

- g)** Use any photographs produced for and owned by the Municipality of Magnetawan or any photos taken utilizing Municipal equipment or sent through Municipal email accounts for any election-related purposes.
- h)** Use Municipal property or staff in any campaign photos or images unless all candidates are afforded the same opportunity and the Clerk has authorized same.
- i)** 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 third parties. Notwithstanding the foregoing, no facility/property shall be rented or used for any municipal election-related purpose by members of Council, candidates, third parties, or the public during any day that voting is taking place on the property, including set-up, hosting, or take-down activities.
- j)** Benefit from the use of any Municipal pricing established under the Municipality's procurement policy.
- k)** Use any Council or Councillor budgets for election-related purposes or to advertise, promote or support any candidate or third party or any position related to any questions which may be authorized to be placed on the ballot.

4.2. Staff Involvement (see also By-law 2017-18: Employee Code of Conduct):

- 4.2.1.** To avoid a perceived conflict of interest, staff is 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.
- 4.2.2.** Staff shall 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.
- 4.2.3.** All staff, including full time, part time and contract employees 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, registered candidate, or 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)** Take care to separate personal activities from their official positions.
 - e)** 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.
- 4.2.4.** 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 Municipality.

5. POLICY MANAGEMENT

- 5.1.** Staff is authorized and directed to take the necessary action to give effect to this policy.
- 5.2.** The Integrity Commissioner, if one is appointed, 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. If no Integrity Commissioner is appointed, the Clerk and By-law Enforcement Officer shall be responsible for the enforcement.
- 5.3.** Nothing in this policy shall preclude a member of Council from performing their duties as a member of Council.
- 5.4.** 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.