

Category:	Governance
Title:	Use of Corporate Resources Policy
Policy Number:	GOV-120
Approved by:	Recommendation CW403-2017 / Council Resolution C356-2017
Administered by:	City Clerk's Office
Effective:	January 1, 2018

1. Background

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.

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) as of April 1, 2018).

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) as of April 1, 2018).

Since 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.

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.

2. Purpose

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

3. Application and Scope

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

Exceptions:

- 3.1 Municipal information prepared, posted and maintained by the City, names and photographs of Members of Council, their contact information, and a list of current representation on committees that is prepared, posted and maintained by the City.
- 3.2 Agendas and minutes of Council and Committee meetings.
- 3.3 Media releases and City materials that describe inter-governmental activities of the Mayor in the capacity as Head of Council and Chief Executive Officer of the City.

4. Outcomes

This policy is intended to:

1. Ensure compliance with the *Municipal Elections Act, 1996*, in regards to the role of the City contributing to a municipal and trustee election campaign.
2. Ensure candidates and registered third parties are treated fairly and consistently within the municipality.
3. Ensure the integrity of the election process is maintained at all times.
4. Establish the appropriate use of resources during an election period, in order to:
 - a. protect the interests of Members of Council, candidates, registered third parties, staff and the Corporation, and
 - b. ensure accountable and transparent election practices.

5. Policy Statement(s)

5.1 Candidates, Registered Third Parties and Members of Council

In accordance with the MEA, Members of Council, candidates and/or registered third parties in a campaign period are not permitted to:

- (a) Use equipment, supplies, services, staff or other resources of the municipality for any campaign or campaign related activities;
- (b) Use City funds to acquire any resources for any campaign or campaign related activities, including ordering of stationery and office supplies.
- (c) Use City facilities or property for campaign events, unless the facility or property is rented in accordance with municipal agreements and the appropriate rates are paid;

Note: Such rental must be paid from the campaign account of the candidate or registered third party.

- (d) Use City funds to print or distribute any material that makes reference to, or contains the names or photographs, or identifies candidates or registered third parties;
- (e) Make reference to and/or identify any individual as a candidate, political party, registered third party or a supporter or opposer of a question on a ballot during an election, on any social media sites, blogs, and other new media created and managed by City employees. *(see also Addendum at the end of this policy)*
- (f) Use the City brand, logo, crest, coat of arms, slogan or corporate program identifiers on any election campaign related material, either printed or on a campaign website; and

Note: This provision includes the Municipal Election logo and any related identifiers.

- (g) Use corporate Information Technology (IT) assets, infrastructure, or data (e.g. computers, wireless devices, portals, corporate email, web pages, blogs, telephone) to communicate election related messages.

Note: Any online Candidate's or Registered Third Parties' lists shall be the only area of the City of Brampton's websites where links to external election campaign contacts, websites and/or social media will be posted during the Campaign Period.

5.2 Advertising and Publications

The following services will be discontinued for Members of Council who are candidates as of the end of Nomination Day:

- (a) All forms of advertising, including municipal publications (e.g. paper or web-based); and
- (b) All printing services, including printing, photocopying and distribution of publications, such as newsletters and ward reports, with the exception of communications specifically related to an authorized or scheduled City event (e.g. Public Meeting).

If a compelling corporate need arises between Nomination Day and Voting Day, a Member of Council who is a candidate may use corporate resources to advise or contact their constituents, in keeping with this policy, with the consent of the City Clerk.

5.3 Candidate and Registered Third Party Conduct

- (a) Candidates and registered third parties who attend City organized events (e.g. Canada Day, Brampton Day) are permitted to campaign (e.g. distribute campaign material). The designated City staff responsible for organizing the City event may request that a candidate or registered third party desist if such campaigning is disruptive to the City event;
- (b) A Member of Council attending an event as a representative of City Council is not to campaign while conducting City business. A Member of Council may speak at an event, as a representative of City Council, but is not permitted to use the event as an opportunity to campaign; and
- (c) Candidates or registered third parties are not permitted to engage in campaign activities directed at City employees while those employees are at their workplace or engaged in work for the City.

5.4 City Staff Conduct

- (a) City staff shall not perform any work in support of a candidate or registered third party (e.g. campaign), during hours in which a person is receiving any compensation from the City, except during scheduled time off (e.g. scheduled vacation time). Staff shall not post or distribute campaign material on behalf of a candidate or registered third party at City facilities or on City property.

6. Roles and Responsibilities

The City Clerk's Office is responsible for communicating this policy to candidates and registered third parties.

Chiefs, Commissioners, Directors, Managers and Supervisors are responsible for communicating this policy to their staff and to investigate reported contraventions to ensure that there is compliance.

Members of Council, election candidates, registered third parties and staff are accountable to comply with this policy.

7. Monitoring and Compliance

The City Clerk's Office, Chief Administrative Office shall ensure this policy is reviewed on a regular basis (not to exceed three years) and remains relevant to the

needs of the Corporation, in accordance with legislative requirements and good business practices.

Contact: Senior Coordinator of Elections and Special Projects, 905.874.3481

8. Definitions

Campaign Period	For candidates, the date on which the Nomination Form is filed until December 31 in the year of an election (unless a request for extension of campaign period has been filed) For registered third parties, the date on which the Notice of Registration as a third party advertiser is filed until December 31 in the year of an election (unless a request for extension of campaign period has been filed)
Candidate	Person who has filed a Nomination Form as a candidate in the municipal election
Corporation	The Corporation of the City of Brampton
Municipal Publications	Any City publication
Nomination Day	4th Friday in July in the year of the election, as prescribed in the <i>Municipal Elections Act, 1996</i> (MEA)
Registered Third Party	An individual, corporation or trade union that has filed a Notice of Registration as a third party advertiser in the municipal election
Social Media	Online technologies and practices used to share opinions, insights, experiences, and perspectives through words, pictures, music, videos and audio. Social media can take many different forms, including but not limited to internet forums, web logs (blogs), social blogs, messaging, wikis, podcasts, pictures, video, music sharing, rating and bookmarking.
Staff	All full-time, part-time and contract employees of the Corporation

9. References and Resources

External references

- [Municipal Elections Act, 1996](#)

References to related bylaws, Council policies, and administrative directives

- [Council Code of Conduct](#)
- [Employee Code of Conduct](#) and [Handbook](#)

Revision History

Date	Description
2017/11/22	Approved by Council Resolution C356-2017
2021/09/01	Next Scheduled Review

Addendum (May 30, 2018):

In order to maintain consistency with the City's Policy, Members of Council have two (2) options to choose from if engaging in election campaign activities via social media:

1. Establish separate and distinct social media accounts for election purposes that are clearly labelled election accounts and not identified as Member accounts that use municipal resources; or
2. Use existing elected official social media accounts as election campaign accounts, subject to members:
 - 1) Removing all reference to the City and official duties (e.g., logos, telephone and email contacts),
 - 2) Refraining from using any City resources in relation to the account (e.g., City staff, funds, assets, pictures/images taken by or the property of the municipality), and
 - 3) Expressly notifying followers that the account will be used for election purposes and providing an alternate source of information for elected official constituency information (i.e., establish a new elected official social media account).