

Report to / Rapport au:

**Ottawa Public Library Board
Conseil d'administration de la Bibliothèque publique d'Ottawa**

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Submitted by / Soumis par:

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File Number: OPLB-2022-0403

SUBJECT: Amendment to Election-Related Resources Policy

OBJET: Modification de la politique sur les ressources liées aux élections

REPORT RECOMMENDATION

That the Ottawa Public Library Board approve the amendments to the Elections-Related Resources Policy as described in this report.

RECOMMANDATION DU RAPPORT

Que le conseil d'administration de la Bibliothèque publique d'Ottawa approuve les modifications à la Politique sur les ressources liées aux élections telles que décrites dans ce rapport.

BACKGROUND

All municipal elections in Ontario, including the election in the City of Ottawa ("the City"), are governed by the *Municipal Elections Act, 1996* ("the MEA").

Following amendments to the MEA made by Bill 181, the *Municipal Elections Modernization Act, 2016*, municipalities and local boards were required to establish rules and procedures with respect to the use of municipal or board resources during a municipal election campaign period. As the Ottawa Public Library Board is subject to

the MEA and encompassed by the definition of “local board” in the *Municipal Affairs Act*, on April 10, 2018, the OPL Board (“The Board”) adopted the City of Ottawa’s Elections-Related Resources Policy (OPLB-2018-0403).

The MEA provides rules for the administration of elections. Municipalities are required under the MEA to conduct municipal council elections every four years. The next municipal elections to elect a Mayor and City Councillors will take place on Monday, October 24, 2022. The 2022-2026 Term of Council will begin on Tuesday, November 15, 2022, and end on Saturday, November 14, 2026. The Board is appointed by Ottawa City Council, and the term of the Board mirrors the term of municipal council (every four years, with the next term being 2022-2026). Ottawa City Council will have 60 days to appoint a new Board after the municipal election, and until such time that the new appointments are made, the current Board will remain in effect.

On March 23, 2022, the City of Ottawa Council approved amendments to its Elections-Related Resources Policy (ACS2022-OCC-GEN-0003). Specifically relevant to OPL, was the establishment of the Elections-Related Blackout Period Procedures.

The purpose of this report is to amend OPL Board Policy 021 - Elections-Related Resources Policy, to align with the City of Ottawa’s policy.

DISCUSSION

City of Ottawa staff reviewed the City’s Elections-Related Resources Policy (ERRP) in advance of the 2022 Municipal Elections. As a result of this review, City staff proposed various amendments to the Policy that would codify and reflect guidance and guidelines that the City Clerk has provided during previous election periods. This will assist in clarifying various requirements and obligations for Councillors, City Council-appointed board trustees, staff, and candidates in relation to election-related matters.

Specifically, given that the City receives a significant number of inquiries regarding matters relating to the “blackout period” established under the existing Policy, and further to an observation that other municipalities have detailed policies and procedures regarding certain activities, staff recommended that the Election-Related Blackout Period Procedures be established to accompany the ERRP. Provisions within the Procedures are consistent with the advice and interpretations provided by the City Clerk during previous elections, and relate to matters such as events, City facilities and resources, and communications in the 60-day period prior to, and including, Voting Day.

Subject to any legislative or policy changes with respect to election dates and/or the blackout period, the blackout period for the 2022 Municipal Elections is Thursday, August 25, 2022, up to and including Monday, October 24, 2022 (Voting Day).

The new Election-Related Blackout Period Procedures incorporates past advice and guidance provided by the City Clerk with respect to the 60-day blackout period prior to, and including, Voting Day. The following applies to any OPL Councillor trustee who is running for re-election, or a citizen trustee who is running in the municipal election. The following does not apply to any citizen trustee who is not seeking election. A high-level overview of some provisions within the Procedures is set out below, for those Councillor and citizen trustees who are running for election:

Events: Provisions with respect to trustee attendance at City and community events, including Ottawa Public Library events:

- A trustee may attend OPL events during the blackout period in their capacity as an appointed official provided they maintain a low profile in accordance with various rules and obligations, including a prohibition on any campaigning. In addition, the trustee's participation/attendance shall not be advertised in City-, OPL-, or trustee-issued communications materials.
- External organizations such as community groups and other levels of government may continue to invite trustees to attend and participate in events in their capacity as appointed officials during the blackout period. A trustee may attend community events in their capacity as an appointed official provided they maintain a low profile in accordance with various rules and obligations, including a prohibition on any campaigning. Furthermore, the trustee's participation/attendance shall not be advertised in City-, OPL- or trustee-issued communications materials.
- A trustee shall not use OPL resources to purchase a ticket to a community event that occurs during the blackout period, or to purchase a ticket during the blackout period for a community event that occurs outside the blackout period. That said, a trustee may use personal funds to purchase a ticket to attend a ticketed external community event during the blackout period, either in their capacity as a trustee or as a candidate.

Facilities and Resources: Provisions relating to public display signage on OPL resources. This includes as follows:

- Generally speaking, signage on City or OPL resources that includes a trustee's name (i.e. on the exterior of facilities containing a ward office, on construction signs, etc.) shall be covered during the blackout period.

Communications and Related Matters: Provisions relating to matters such as Members' biblioottawalibrary.ca content, various forms of communication, ceremonial matters, OPL advertising and other communications materials. This includes as follows:

- Trustee's biographies on biblioottawalibrary.ca shall become static and shall not be updated throughout the blackout period apart from any minor administrative changes.

CONSULTATION

The Office of the City Clerk was consulted.

ACCESSIBILITY IMPACTS

Ottawa Public Library supports and considers the *Accessibility for Ontarians with Disabilities Act, (2005)* in its operations. There are no direct accessibility implications associated with this information report.

BOARD PRIORITIES

This report is prepared in adherence with OPL Board Policy OPLB-004 Trustee Conduct.

BUSINESS ANALYSIS IMPLICATIONS

There are no anticipated future data requirements, or impacts, as a result of this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this information report.

LEGAL IMPLICATIONS

There are no legal impediments to receiving this report.

INDIGENOUS AND GENDER EQUITY IMPLICATIONS

There are no Indigenous and Gender Equity implications with this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

SUPPORTING DOCUMENTATION

Document 1 – OPLB Policy 021 – Election-Related Resources Policy (Revised)

DISPOSITION

Upon receipt by the OPL Board, staff will work with the Office of the City Clerk and Solicitor to fulfill the requirement and adhere to the City of Ottawa's Election-Related Resource Policy, as updated in 2022.