

## 021 - OPLB Election-Related Resources Policy

### Background

The Ottawa Public Library (OPL) is an agency of the City of Ottawa established by municipal by-law under the authority of the *Public Libraries Act*. It is governed by a Council-appointed Board. As per the *Municipal Elections Modernization Act, 2016* to the *Municipal Elections Act, 1996* (MEA), local boards are required to establish rules and procedures with respect to the use of municipal or board resources, during an election campaign period.

### Practices

The OPL Board has adopted the City of Ottawa's *Election-Related Resources Policy* (Appendix A). The policy is comprehensive and includes five elements: Definition, Campaign-Related Materials, Staff Involvement in Elections, Budget Administration, Enforcement, and Election-Related Blackout Period (new component, March 2022). Councillors and Trustees serving on the Ottawa Public Library Board, and staff of the Ottawa Public Library, will follow the Policy as it relates to their office budgets, any OPL and City resources that are used, as well Blackout Period Procedures that provide Members of Council and staff with guidance on the use of corporate resources in the 60-day period up to and including Voting Day.

By adopting the Policy it is understood that references made therein to "Members of Council", "City staff", "corporate resources", "Member budgets", apply to OPL staff, OPL and City resources, and OPL budgets. In Section 3, the reference to the City's Employee Code of Conduct is recognized as the OPL Employee Code of Conduct. In addition, parts of section 2 and the entirety of section 4, Budget Administration, are not applicable as OPL Board members do not have independent budgets.

In addition, in keeping with tenets for public libraries, Ottawa Public Library remains neutral and non-partisan. To accomplish this, OPL does not:

- Support, endorse, or advocate the viewpoints or beliefs of any one candidate, political party, organization or group.
- Allow the posting or distribution of election or campaign material in or around library facilities or on the website.
- Rent space for election or campaign activities, except in the case of non-partisan programs (e.g. polling stations, all candidates forum).

<b>Effective Date:</b> January 29, 2019	<b>Last Review Date:</b> December 2018
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APPENDIX A

## **Election-Related Resources Policy**

Department: City Clerk and Solicitor Department

Branch: Legislative Services

Authority/Approval Date: City Council, February 13, 2013

Effective Date: February 12, 2003

Revision Date: February 13, 2013

### **Purpose**

To provide direction to Members of Council and all City staff on the administration of Corporate resources and Members' budgets with respect to election-related matters.

### **Principle**

In compliance with the Municipal Elections Act, 1996, public funds are not to be used for any election-related purposes, including the promotion of or opposition to the candidacy of a person for elected office.

### **Policy Elements**

#### **1. DEFINITION**

For the purpose of this policy, "election-related purposes" refer to the occurrence of a municipal election or by-election. It also includes any participation in federal and provincial elections that is partisan in nature.

#### **2. CAMPAIGN-RELATED MATERIALS**

- a. At no time shall Corporate resources and/or Members' budgets be used to sponsor or produce any campaign-related materials. For the purposes of this clause, the phrase "campaign-related materials" means those materials that promote or oppose the candidacy of a person for elected office. Subject to Clause 2(b), this prohibition is not meant to restrict Members from routinely communicating with ward constituents via flyers, newsletters, householders or by e-mail. However, Members of Council are responsible for ensuring that any communications or activities funded by the City for each Member's office is not related to an election.
- b. In a municipal election year or in the event of a by-election, Corporate resources and Members' budgets are not to be used to sponsor any advertisements, flyers, newsletters or householders for the 60-day period

prior to, and including, Voting Day. All communications must be delivered by the beginning of this period. This prohibition also applies to the use of any City equipment, facilities or websites if the access is City-sponsored.

- c. Notwithstanding Clause 2(b):
  - i. Where an emergency occurs, a non-emergency related community issue arises or where an annual community event is held during the 60-day period prior to, and including, Voting Day, a Member of Council may use Corporate resources to advise or contact their ward constituents with the approval of the City Clerk and Solicitor;
  - ii. The prohibitions set out in Clause 2(b) are not applicable where the City equipment, facilities or website access are available for such use by the public generally and the Member of Council is receiving no special preference with respect to its use; and
  - iii. The prohibitions set out in Clause 2(b) are not applicable to a Member of Council who is acclaimed, or who is retiring from office and therefore not a candidate in the election.

### **3. STAFF INVOLVEMENT IN ELECTIONS**

In line with the City's Employee Code of Conduct, City Staff are expected preserve the public trust and confidence in the City and apply the core values of the Code to their daily work. With respect to Elections, employees are expected to promote the principles of transparency, impartiality, respect and accountability as follows:

- a. Employees engaged in political activities must take care to separate those personal activities from their official positions. Employees may participate in political activity at the federal, provincial and municipal levels providing that such activity does not take place during work hours or utilize City assets, resources, or property. Notices, posters or similar material in support of a particular candidate or political party are not to be displayed or distributed by employees on City work sites or on City property.
- b. Employees wishing to run for federal, provincial or municipal office must request, and obtain, a leave of absence without pay, and abide by the respective legislation governing such elections.
- c. Should an employee of a sitting Member of Council wish to run for election or by-election, that employee must begin the required leave of absence immediately upon certification of the nomination by the City Clerk

or designate.

Subsequently, all employee accesses, including email and security, related to the Member's office will be suspended and all Corporate assets and resources, such as cell phones and electronic storage devices, utilized by the individual as a result of employment within the Councillor's office must be returned immediately.

#### **4. BUDGET ADMINISTRATION**

- a. As approved by the Member Services Committee, in a municipal election year, a pro-rated portion of the annual budget for each Members' office is to be reserved for the new term of Council. This means that up to 11/12 of the budget can be spent by the incumbent Member and 1/12 is to be reserved for the next term. The staff of the City Clerk's Office will monitor expenditures to assist each office in ensuring that the budget threshold is not exceeded.
- b. In the event of a ward or city-wide by-election, or an appointment for a position of Council, funds from the vacated Member's office will be set aside on a pro-rated basis for the newly elected representative based on the start date of the new Member.
- c. Pursuant to Clause 4(b), any pre-committed funds and obligations, such as web hosting fees, will be brought to the attention of the City Clerk and Solicitor within 48 hours of the certification and will be addressed on a case-by-case basis.

#### **5. ENFORCEMENT**

Should any written complaint arise regarding the alleged use of Members' budgets or other Corporate resources in contravention of this policy, the City Clerk and Solicitor, or his/her designate, shall have the delegated authority to investigate it and resolve any issues. If a breach of this policy is confirmed, the Member will be required to personally repay any of the costs associated with the breach.

#### **6. ELECTION-RELATED BLACKOUT PERIOD PROCEDURES**

These Procedures apply to Members of Council and City staff during the 60-day blackout period prior to and including Voting Day in relation to the occurrence of a municipal election or by-election.

That said, these Procedures do not apply to a Member who is acclaimed, or who is retiring from office and therefore is not a candidate in the election. The

Procedures also do not apply where City resources (e.g. facilities and infrastructure) are available for use by the public generally and the Member is receiving no special preference with respect to their use.

Subject to any legislative or policy changes with respect to election dates and/or the blackout period, the Member must comply with the blackout period stated in the City of Ottawa's Election-Related Blackout Period Procedures, and its related procedure description, monitoring/contraventions, references, legislative and administrative authorities, definitions and appendices, specifically:

- I. Events
- II. Facilities and resources
- III. Communications and related matters

### **Enquiries**

For more information on this policy, contact:

Deputy City Clerk, City Clerk's Branch, City of Ottawa

Tel: 613 -580-2424 ext. 28857