

Report to / Rapport au:

**OTTAWA POLICE SERVICES BOARD
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

26 March 2018 / 26 mars 2018

Submitted by / Soumis par:

**Executive Director, Ottawa Police Services Board / Directrice exécutive,
Commission de services policiers d'Ottawa**

Contact Person / Personne ressource:

**Krista Ferraro, Executive Director / Directrice exécutive
*Krista.Ferraro@ottawa.ca***

SUBJECT: ELECTION-RELATED RESOURCES POLICY

OBJET: POLITIQUE SUR LES RESSOURCES LIÉES AUX ÉLECTIONS

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board approve that the City's *Election-Related Resources Policy* apply to the use of the Board's resources during the 2018 municipal election campaign period.

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa approuve que la Politique de la Ville sur les ressources liées aux élections s'applique à l'utilisation des ressources de la Commission lors de la période de campagne électorale municipale de 2018.

BACKGROUND

The Municipal Elections Modernization Act, 2016 requires municipalities and local boards to establish rules and procedures with respect to the use of municipal or board resources, as the case may be, during an election campaign period, by May 1, 2018.

Subsection 1(1) of the *Municipal Affairs Act* provides the following definition of the term "local board":

“local board” means a school board, municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof;

As the Ottawa Police Services Board is subject to the MEA and encompassed by the definition of “local board” in the *Municipal Affairs Act*, it is required to establish rules and procedures with respect to the use of board resources by May 1.

DISCUSSION

The City of Ottawa has an *Election-Related Resources Policy* in place that applies to all Members of Council and City staff. Should the Board approve that the City’s *Election-Related Resources Policy* apply to its resources, those Councillors and staff serving on the Ottawa Police Services Board would follow the *Policy* as it relates to their office budgets and any city resources that are used.

The Board has the option of producing its own separate policy for the use of board resources during a municipal election campaign period. However, given the comprehensiveness of the City’s policy and the short timeline to adopt a policy by the May 1 deadline, it is recommended that the Board adopt a motion that the City’s *Election-Related Resources Policy* applies to the Board for the 2018 municipal elections.

By adopting the *Policy* it is understood that references made therein to “Members of Council”, “City staff”, “corporate resources”, “Member budgets”, apply to Board staff, resources, and budgets.

CONSULTATION

The Office of the City Clerk and Solicitor was consulted.

FINANCIAL IMPLICATIONS

Not applicable.

SUPPORTING DOCUMENTATION

Document 1 – City of Ottawa Election-Related Resources Policy

CONCLUSION

As per the Municipal Elections Modernization Act, 2016, the Board is required to establish rules and procedures with respect to the use of board resources during an

election campaign period, by May 1, 2018. Adopting the City's *Election-Related Resources Policy* would fulfill this requirement.

Document 1**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

- o 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.

Enquiries

For more information on this policy, contact
Deputy City Clerk, City Clerk's Branch, City of Ottawa
Tel: 613 -580-2424 ext. 28857