

BY-LAW NUMBER 27-2022

OF

THE CORPORATION OF THE CITY OF BRANTFORD

By-law to amend By-law 70-2010, being a By-law to adopt various City of Brantford Policies and to create a Corporate Policy Manual, by repealing and replacing Council Policy – 044 – Use of Corporate Resources for Election Purposes

WHEREAS Section 8 (1) of the *Municipal Act, 2001*, S.O., 2001, c.25, as amended, (the “Act”) provides that the powers of a municipality shall be interpreted broadly so as to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS, at its meeting of June 7, 2010, Council for the Corporation of the City of Brantford (“Council”) passed By-law 70-2010, being a By-law to adopt various policies of the City of Brantford and to create a Corporate Policy Manual, which policies are attached as Appendix “A” to By-law 70-2010;

AND WHEREAS Council, at its meeting held on February 22, 2022, adopted the recommendations set out in Report No. 2022-16 which recommended *Council - 004 – Use of Corporate Resources for Election Purposes* be repealed and replaced within the Corporate Policy Manual;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD ENACTS AS FOLLOWS:

1. That Council Policy -004 (*Use of Corporate Resources for Election Purposes*) is hereby repealed and replaced with the updated Council Policy – 004 attached hereto as Schedule “A”.
2. This By-law shall come into force effective immediately.

READ A FIRST TIME:
READ A SECOND TIME:
PASSED:

FEBRUARY 22, 2022
FEBRUARY 22, 2022
FEBRUARY 22, 2022

Mayor

Clerk

Schedule "A"



POLICY MANUAL

POLICY NUMBER: COUNCIL-004

SUBJECT: USE OF CORPORATE RESOURCES FOR ELECTION PURPOSES

GENERAL POLICY STATEMENT:

The purpose of this Policy is to clarify for all Municipal Election Candidates, including Members of Council seeking re-election, acclaimed Members or a Member not seeking re-election, registered third party advertisers and those acting on its behalf, and all City of Brantford Staff, who are required to follow the provisions of the Municipal Elections Act, 1996 as amended (*MEA*) and:

- No candidate, registered third party advertiser or its agents, or City Staff shall use the facilities, equipment, supplies, services, staff or other resources of the Municipality for any Municipal Election campaign or campaign-related activities;
- The City of Brantford cannot make a contribution, including money, goods and services, to any candidate, registered third party, or in support of or opposition of a question on the ballot during an election;
- No candidate, registered third party advertiser or its agents, or City Staff shall undertake campaign-related activities on Municipal Property unless rented in accordance with City rental procedures (of which expenses must be paid from the campaign account of the candidate or registered third party);
- No candidate, registered third party advertiser or its agents, or City Staff shall use the services of persons during hours in which those persons receive any compensation from the City;

Employees of the City of Brantford may not engage in election related activity while wearing clothing which identifies them as City employees, or engage in activities that creates a real or perceived conflict of interest or an activity in contravention of the Employee Code of Conduct;

Nothing in this Policy precludes a Member of Council from fulfilling his/her role and responsibilities as a Councillor, nor shall it inhibit him/her from representing the interests of the constituents. Further, this Policy does not preclude Members of Council from participating in a formal all-candidates meeting as may be organized for the benefit of the electors.

POLICY PROCEDURES/GUIDELINES:

THAT in accordance with the provisions of the Municipal Elections Act, 1996 as amended (MEA):

1. Corporate resources, assets and funding may not be used for any Municipal Election campaign-related (hereafter referred to as “campaign-related”) purposes;
2. Members of Council, candidates, registered third party advertisers or their agents, and City Staff may not display campaign-related materials, or conduct campaign related activities inside, or on the property of, any Municipal facility, which includes individual offices, parking lots and workspaces unless under the following conditions:
 - A. The facility is rented in accordance with municipal agreements and the appropriate fees are paid. Such rental must be paid from the campaign account of the candidate or registered third party and all campaign related materials displayed or posted at the rental facility are removed before the rental period expires;
 - B. A candidate is campaigning between the hours of 9:00a.m and 9:00 p.m at the doors of apartments or units owned by the City of Brantford including but not limited to; Lorne Towers, Beckett Building and Albion Street Apartments as permitted within the MEA;
 - C. A Member of Council, candidate, registered third party advertiser, or their agents, is temporarily parked in a City owned parking lot with a vehicle affixed with campaign related stickers, decals or other images while making lawful use of the City owned lot;
 - D. A Member of Council, candidate, registered third party advertiser, or their agents, temporarily use on-street parking or free parking areas at City facilities with a vehicle affixed with campaign related stickers, decals or other images so long as the parking regulations are followed (i.e. duration);
 - E. Vehicles that are used for the purposes of campaign advertising must not be affixed, or made practically immovable while parked in a City owned parking lot.

3. The limitations set out above do not apply to private property or the use of public roadways, boulevards and sidewalks except where other applicable by-laws may govern campaign activities (i.e. Sign By-law);
4. No candidate shall undertake any campaign related activity on any property while it is being used for election or polling purposes;
5. Members of Council shall not use their constituency office or any other facility provided by the Municipality for any election related purposes, which includes displaying any campaign related signs or material in or about the area;
6. Members of Council shall not use their allocated budget for campaign-related purposes. The budgets for Members of Council for the period of January 1 to Election Day in a Municipal Election year be restricted to 11/12th of the approved annual budget amount with the provision that subsequent to Election Day:
 - a. New Members of Council be allocated a budget equal to 1/12th of the approved budget amount for the month of December; and
 - b. Re-elected Members of Council have available to them the balance of funds remaining as of Election Day;
7. Members of Council are responsible to ensure that the content of any communication material, including printed, hosted or distributed and funded by the Municipality for the operation of each Councillor's or Mayor's Office, is not directly or indirectly campaign-related;
8. Members of Council, candidates, registered third party advertiser or its agents, or City Staff may not, for campaign-related purposes:
 - 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 or photographs of, or identifies registered candidates for Municipal Elections except in connection to material release by the City Clerk for the purposes of executing the election process; and
 - d) Minutes of Council and Committee meetings are exempt from this Policy;
9. Web sites or domain names that are funded or maintained by the Municipality shall not include any campaign-related material except for nomination and financial submission material as per the Municipal Elections Act, 1996;
10. Members of Council, a registered third party advertiser or its agents, or City Staff may not use the Municipality's Web site to provide links, directly or indirectly, to external Websites for campaign-related activities. Candidate information will be

displayed on the City's Election Web page for all candidates under the candidates section ONLY;

11. Members of Council, a registered third party advertiser or its agents, or City Staff may not use any corporate Information Technology (IT) assets, infrastructure, or data (e.g. computers, wireless devices, portals, corporate email, web pages, blogs, corporate social media accounts, telephone) to communicate campaign-related messages;
12. The City of Brantford's logo, crest, Coat of Arms or slogan shall not be printed or distributed on any campaign-related materials or be included on any campaign-related Website, except in the case of a link to the City's Election Web site to obtain information about the Municipal Election. Images of identifiable or prominent landmarks, facilities, structures or public spaces may be used in campaign materials provided that the image does not include the City's logo, crest, Coat of Arms or slogan;
13. Candidates, registered third party advertisers or its agents, or City Staff shall not use the services of staff to assist in any communication activity related to the preparation or distribution of campaign-related materials or events;
14. City of Brantford employees are not permitted to participate in campaign related activities during hours in which they are receiving compensation unless they are on a lieu time, flex day or vacation leave;
15. Employees may engage in election related activities if those activities are separate from their official positions and duties. Employees must ensure that their election related activities do not create a perceived or actual conflict of interest in their day to day work and are not in contravention of the Employee Code of Conduct;
16. While engaging in election related activities, City of Brantford employees shall not wear any clothing, such as uniform or badge, which identifies them as a City of Brantford Employee except where directed by the City Clerk, or designate, as part of their regular duties;
17. The following shall be discontinued for Members of Council from the day prior to Nomination Day in a Municipal Election year except as required to perform their regular duties as a Member of Council and as approved by Council:
 - a. all forms of notices, advertisements and communications to ratepayers in Municipal publications;
 - b. all printing, photocopying and distribution, including printing and general distribution of newsletters;
 - c. the ordering of stationary (including letterhead, business cards, name tags etc.); and
18. The City Clerk, or designate, shall have the delegated authority to investigate and resolve any issues arising from any written complaint regarding a contravention of this Policy. If a breach of the policy is confirmed, the Member or Candidate will be subject to any penalty provisions under the Municipal Elections Act, 1996 as amended.

<p>Date of Enactment:</p> <p>June 24, 2013</p>	<p>Related By-law Number/Staff Report Number:</p> <p>CS2013-079 By-law 65-2013</p> <p>CS2018-019 By-law 43-2018</p>
<p>Review and Amendment Dates:</p> <p>March 2018, February 2022</p>	<p>Department Responsible for Review:</p> <p>City Clerk's Department</p>
<p>Date of Next Review:</p> <p>2026</p>	<p>Applicable Legislation/Legislative Authority:</p> <p><i>Municipal Act, 2001, as amended</i></p> <p><i>Municipal Elections Act, 1996 as amended</i></p>