



THE CITY OF WINDSOR
COUNCIL SERVICES DEPARTMENT

BRUCE P. ELMAN
INTEGRITY COMMISSIONER

IN REPLY, PLEASE REFER
TO OUR FILE NO. _____

June 25, 2018

Dear Members of Council:

Re: Advisory Bulletin Regarding 2018 Election Related Activities

Please find enclosed a copy of my **Advisory Bulletin regarding 2018 Election-related activities**.

Because 2018 is an election year this Bulletin serves to remind those Councillors seeking re-election of their obligations under the **Code of Conduct for Members of Council and Local Boards**.

Please Note: This will be posted on the Integrity Commissioner's webpage on Tuesday, July 3rd, 2018.

Should you have any questions please do not hesitate to contact me.

I remain,

Yours truly,

Bruce P. Elman
Integrity Commissioner

cc. Onorio Colucci, Chief Administrative Officer
Valerie Critchley, City Clerk
Shelby Askin-Hagar, City Solicitor
Steve Vlachodimos, Deputy City Clerk

ADVISORY BULLETIN

REGARDING 2018 ELECTION-RELATED ACTIVITIES

Bruce P. Elman
Integrity Commissioner
1 June 2018

PURPOSE OF THE BULLETIN

- [1] This Bulletin is intended to assist Council Members ("Members"), who are seeking re-election in the 2018 municipal election, in understanding their obligations under the **Code of Conduct for Members of Council and Local Boards ("Code of Conduct")**.
- [2] The Office of the Integrity Commissioner is a confidential resource available to Council Members for clarification and advice regarding how to separate their work as Members of Council from their activities as candidates. Pursuant to Part II (Framework and Interpretation) of the **Code of Conduct**, advice that is general in nature cannot be relied upon to the same extent as advice given in writing and based upon specific facts. General advice is subject to change when applied to specific facts that become known after the time when the general advice was provided. Failure to follow the guidelines set out in this Bulletin may lead to a finding that a Member has contravened the **Code of Conduct**.

THE CODE OF CONDUCT

- [3] It is important to understand that Members seeking re-election remain Members of City Council until November 30, 2018 and, accordingly, they continue to be bound by the **Code of Conduct** as long as they remain Members of Council.
- [4] Members must adhere to all of the Rules set out in the **Code of Conduct**. However, the following provisions are particularly relevant to a Member's involvement in election-related activities:
 - a. Part I -- Preamble;
 - b. Part II -- Framework and Interpretation;
 - c. Part III -- Key Principles;
 - d. Rule No. 3 (Gifts and Benefits);
 - e. Rule No. 11 (Election Campaign Work);
 - f. Rule No. 20 (Compliance with the **Code of Conduct**);
 - g. Schedule "A-1" to the **Code of Conduct** (*Use of Corporate Resources by Council Members Seeking Re-election*); and

- h. Schedule "A-2" to the **Code of Conduct** (*City of Windsor Form EL13*).

RELEVANT LEGISLATION, POLICIES, AND GUIDES

- [5] The current versions of the following provincial legislation and City policies and guides apply to Members' activities during an election year. Members should have reference to the following documents:
 - a. *Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.*;
 - b. *Use of Corporate Resources by Council Members Seeking Re-election* (Schedule "A-1" to the **Code of Conduct**) ("*Use of Corporate Resources Policy*");
 - c. *Use of Corporate Resources and Corporate Communication Tools by Council Members* (Schedule "A-2" to the **Code of Conduct**) ("*Form EL13*");
 - d. *Campaign Finance Information for Municipal Council Candidates*;
 - e. *City of Windsor Sign By-law 250-2004*;
 - f. *City of Windsor Public Works By-Law 25-2010 - A By-law for the Protection of Streets and for other Purposes*;
 - g. *Candidate Access to Buildings*; and
 - h. *2018 Candidates' Guide for Ontario Municipal and School Board Elections*.

APPLICABLE PRINCIPLES

- [6] The public is entitled to expect the highest standards of conduct from elected Members at all times (**Preamble**). There is heightened scrutiny of all involved during an election year.
- [7] It is advised that Members transparently and clearly establish a separation between their election-related activities and their ward or constituency-related activities. Members must avoid using any City resources (actual or apparent) to support election-related activities.
- [8] Members seeking re-election in a regular election are required to follow the City Clerk's Procedure #A-7, "*Use of Corporate Resources by Council Members Seeking Re-election*," which is found in Schedule "A-1" to the **Code of Conduct**. (Hereinafter referred to as *Schedule "A-1"*.) Members seeking re-election in a regular election must sign Form EL13 which is Schedule "A-2" to **Code of Conduct**. (Hereinafter referred to as *Schedule "A-2"*.) Both are amended from time to time under the provisions of the *Municipal Elections Act, 1996, S.12(1)*. (See **Code of Conduct**, Rule No. 11- Election Campaign Work).
- [9] Nothing in these procedures shall prevent Members from performing their duties as elected Councillors or from representing their constituents in their respective wards. (See *Schedule "A-1"*, section 3 - Procedures Preamble).

USE OF CITY RESOURCES

- [10] Members seeking re-election may not receive campaign contributions from the Corporation of the City of Windsor to ensure the protection of the interests of both the Members and the Corporation. (See *Schedule "A-1"*, section 2.3.)
- [11] Under the "Campaign Finance Information for Municipal Council Candidates" policy, campaign contributions include money, goods, or services that are given to, or used in, a Member's campaign, including money or gifts contributed by the Member him or herself.
- [12] Examples of City resources include the following: staff; websites funded by the City; publications or online content produced by the City; City-issued computers, mobile devices, smartphones, or tablets; City-funded mobile devices or smartphones; Members' office space; and any incident of office, which includes any privilege or benefit available to a Member owing to their status as a Member of Council (See **Code of Conduct**, Rule No. 7 - Use of City Property, Services, and Other Resources).
- [13] The following select Corporate resources will be discontinued for all Members starting after 2:00 o'clock pm on July 27, 2018 until Voting Day, October 22, 2018:
- a. All forms of advertising, including in-house municipal publications;
 - b. All printing and distribution of newsletters, unless directed by Council;
 - c. The ordering of office furniture and furnishings, except those of an emergency nature;
 - d. Movement of furniture and furnishing; and
 - e. Ordering of stationery and office supplies (*Schedule "A-1"*, section 3.10-The Discontinuation of Select Corporate Resources).
- [14] Once Members seeking re-election are registered as nominated candidates for the 2018 Municipal Election, they may not use the following:
- a. City Council and Committee meetings for campaign purposes (See *Schedule "A-1"*, section 3.1-The Use of Formal City Council Meetings);
 - b. Corporate property for election campaigning purposes (e.g. corporate computers, email system, printers, telephones, voicemail, stationery) and this includes posting links on the City's website and social media accounts (See *Schedule "A-1"*, section 3.2 - The Use of City Equipment and Supplies);
 - c. City-owned properties for election-related activities, save and except for areas that are for public use and not subject to a rental fee (e.g. general campaigning in a City park) (See *Schedule "A-1"*, section 3.3(b) - The Use of City-owned Properties);
 - d. Actual administrative buildings at 350 City Hall Square West and 400 City Hall Square East for campaigning purposes (See *Schedule "A-1"*, section 3.3(c) -The Use of City Hall);

- e. Constituency offices for election-related purposes or for display of election-related material (See *Schedule "A-1"*, section 3.4-The Use of Councillor Constituency Office).

[15] However, Members seeking re-election who are registered as nominated candidates in the 2018 Municipal Election may rent a room or rooms in a City-owned facility for election-related purposes using the established rental process that is available to the public. This ensures all candidates running for election are treated equally and fairly by the municipality (See *Schedule "A-1"*, section 3.3(a) -The Use of City-owned Facilities).

[16] Members seeking re-election, who are registered as nominated candidates may not dispense any campaign-related materials in any City-owned facilities (See *Schedule "A-1"*, section 3.9 -The Distribution of Candidate Election Campaign Material).

[17] Municipal funding sources may not be used for any election-related purposes by Members who are registered as nominated candidates. This includes printing and distributing materials paid for by municipal funds that illustrate the member or any individual as a candidate in an election. Candidates must ensure that content of any communications material (printed material, newsletters, advertising, and so forth), funded by the City for the operation of each Councillor's Office, is not election-related (See *Schedule "A-1"*, section 3.7 -The Use of Councillor Funding Sources).

MEMBER-ORGANIZED EVENTS

[18] Members may not solicit donations for Member-organized community events after filing nomination papers for the 2018 Municipal Election.

[19] From Nomination Day, July 27, 2018 until Voting Day, October 22, 2018, Members cannot initiate projects using municipal ward funds, unless specifically approved by Council (See *Schedule "A-1"*, section 3.8 - The Use of Ward Funds).

[20] Finally, Members and their staff cannot use City resources to forward campaign-related questions from their City Council offices to their campaign offices.

CITY STAFF

(21) City staff cannot canvas or actively work in support of a municipal candidate during normal working hours. It is permitted if the City staff, who are working for the candidate, are on leave of absence without pay, lieu time, vacation leave and any other unpaid time (See *Schedule "A-1"*, section 3.5 - The Use of City Employees).

- [22] Members seeking re-election who are registered as nominated candidates are not allowed to distribute campaign-related materials to City employees while the employee is being paid by the Corporation of the City of Windsor (See *Schedule "A-1"*, section 3.9 -The Distribution of Candidate Election Campaign Materials).
- [23] Staff should keep sufficient documentation of their time spent working for Members' campaigns. If any staff member is intensely involved in a Member's campaign, the Member should require the staff to obtain a leave of absence from their City duties.
- [24] A Member's *staff* who is themselves considering running as a candidate in the election must inform their Councillor and/or Mayor. If they decide to run, they must take a leave of absence from their City duties. The employee must ensure there are no ethical or practical conflicts by consulting Human Resources or the Office of the Integrity Commissioner.

ELECTION SIGNAGE

- [25] Members registered as nominated candidates should familiarize themselves with the City of Windsor's *Sign By-law 250-2004*, *Public Works By-law 25-2010*, and the *Guidelines from the Chief Building Official*. These documents are found within the Candidate's Package, which is distributed to all registered candidates upon filing nomination papers. These documents explain the allowable placement of election signs (See *Schedule "A-1"*, section 3.6 - The Use of Election Signs).

SOCIAL MEDIA ACCOUNTS

- [26] Using social media accounts that identify a Member as a "Councillor" or as the "Mayor", as the case may be, or that are supported by City resources, for posting any election-related content or to promote a particular political view is strictly prohibited.
- [27] Members are advised to have separate social media accounts for campaign-related activities. This can be achieved by creating new accounts for election-related purposes only. If a Member wishes to change an account that is currently in use for City duties to an account for campaign activities, all references to the Member's role as a "Councillor" or as the "Mayor" must be removed.
- [28] The principles of proper use of social media by Members are found in Advisory Bulletins previously issued by the Integrity Commissioner. See [Use of Social Media](#) and [Blocking or Unfriending Members of the Public](#). Members should ensure they are familiar with these documents.

ACKNOWLEDGEMENT

This Bulletin is informed by the 2018 Election-Related Activities policies and Codes of Conduct of other municipalities, with particular acknowledgement to Valerie Jepson, Integrity Commissioner for the City of Toronto.

FURTHER INFORMATION

This Advisory Bulletin is intended to provide general information. To rely on the advice of the Integrity Commissioner with respect to specific situations, Members of Council must seek written advice consistent with the provisions of Rule 19 of the **Code of Conduct**. If you have any questions or wish to seek written advice on this matter, please contact:

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