

City of Mississauga Corporate Report



Date: September 1, 2021 To: Chair and Members of Governance Committee	Originator's files:
From: Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer	Meeting date: September 27, 2021

Subject

Elected Officials Communications Expenses during Election Periods

Recommendation

That the report titled "Elected Officials Communications Expenses during Election Periods" dated September 1, 2021 from the Commissioner of Corporate Services and Chief Financial Officer be received for information.

Executive Summary

- At the request of Governance Committee, staff were asked to prepare a report outlining the ability for the Mayor and Members of Council to use their elected officials' expense budget when running in another election (e.g. provincial or federal elections).
- "The Elected Officials Expense Policy" and the Use of City Resources during an Election Campaign policies do not allow communication expenses to be incurred for election campaigning purposes.
- There is no provision in either policy to handle non-election related expenses if a member of Council is running in another election. Council direction to amend the "Elected Officials Expense Policy" would be required.

Background

The Elected Officials Expense Policy (04-05-04) outlines the expenses which will be paid by the City for the Mayor and Members of Council while conducting official City business and performing their duties as elected officials. At the March 1, 2021 Governance Committee meeting, staff were requested to provide a report to Council regarding a member of Council's ability to issue newsletters and communicate using their elected officials expense budget if they are running in another election (e.g. provincial or federal office).

This report provides an overview of the current provisions in City policies on election related spending, and benchmarking from other municipalities on the ability for Elected Officials to use their expense budget when running for other office.

Comments

Current Policy Provisions

Currently, the Elected Officials Expense Policy outlines the following on election related expenses:

- Election Campaign Expenses: any costs associated with an election campaign, including the production or distribution of campaign literature or materials. Newsletters may not be distributed after June 30 of an election year
- Communication services expenses or use of City facilities, materials or equipment for election campaigning purposes, in accordance with Corporate Policy and Procedure – Use of City Resources during an Election Campaign (02-04-01) are ineligible
- Costs associated with published telephone, pager or fax numbers, or published e-mail addresses used in conjunction with campaign information and communications are considered election related and are not funded through the elected officials' expense budget. Elected officials are responsible for declaring any communication services expenses, which have been paid by the City, but used for campaigning purposes, and the City must be reimbursed.
- Elected officials may fund promotional items that carry the elected official's contact information and/or identify the elected official through their expense account, provided that the items will be not be distributed or used *after June 30 of an election year*.

While the use of communication services expenses when running for office outside of Council is not explicitly ineligible in the Elected Officials Expense Policy, the scope of the Use of City Resources during an Election Campaign Policy applies to all Candidates for a provincial or federal election or by-election. Taken together, the use of communication services expenses for election campaigning purposes, regardless of the public office that a member of Council is campaigning for, would be ineligible to be paid from a Council expense budget.

Municipal Benchmarking

A municipal benchmarking exercise was completed to review policies and procedures around elected officials' expenses and election related resources when running for other public office.

Municipality	Findings
City of Toronto <i>Constituency Services and Office Budget Policy</i>	<ul style="list-style-type: none"> The City of Toronto funds Council member expenses that do not support or feature any candidate in any municipal, school board, provincial, federal election or by-election, or promote consent or rejection of a question that has been submitted to electors. Councillors' personal websites cannot advocate for a political party, other levels of government, for-profit organizations or individuals not related to the business of the City, or candidates in any municipal, provincial, federal election or by-election, or promote consent or rejection of a question on a ballot that has been submitted to electors.
City of Ottawa <i>Election-Related Resources Policy</i>	<ul style="list-style-type: none"> The use of municipal resources, both actual municipal property and staff time, for election-related activity is strictly prohibited. The prohibition applies to both the promotion and opposition to the candidacy of a person for elected office. Election-related activity applies not only to a Member's personal campaign for office, but also other campaigns for municipal, provincial and federal office. 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."
City of Burlington <i>Council Expense Manual</i>	<ul style="list-style-type: none"> Advertising expenses that promotes for-profit organizations, third parties, other levels of government, political parties, or candidates in any election campaigns is ineligible. Newsletters cannot advocate for a political party, other levels of government, particular for-profit organizations or individuals not related to the business of the City. The Council Member's own internet sites cannot advocate for a political party, other levels of government, for-profit organizations or individuals not related to the business of the City, or candidates in any election campaign.
City of Brampton <i>Mayor and Councillors' Expense Policy</i>	<ul style="list-style-type: none"> Any expenses incurred that promote for-profit organizations, third parties, other levels of government, political parties, or candidates in any election campaigns will be ineligible for reimbursement.
Region of Peel <i>Use of Corporate Resources for</i>	<ul style="list-style-type: none"> Members of Council shall not print or distribute any material paid for by municipal funds that indicates that a member of Council or any other individual is registered in any election or

Governance Committee	2021/09/01	4
----------------------	------------	---

Municipality	Findings
<i>Elections Policy</i>	where they will be running for office
City of London <i>Use of City of London Resources for Election Purposes Policy</i>	<ul style="list-style-type: none"> City resources, assets and funding that shall not be used by any party to directly or indirectly benefit a municipal, provincial, or federal election campaign or campaigns related to a question on a ballot election campaign.

The benchmarking exercise confirmed that comparator municipalities have policies in place similar to the City of Mississauga where municipal funds are not to be used for election campaign purposes, regardless of the election that is taking place.

In none of the findings however, were there provisions to handle non-election campaign related communication services expenses for members of Council in the Elected Officials Expense Policy if they are running for other office. The City of London, for example, has language in its Use of City of London Resources for Election Purposes Policy that states:

“Nothing in this Policy is intended to prohibit a Member of Council from performing their job as an elected representative to represent the interests of their constituents regarding City business, during their period of office.”

Should Council wish to limit the use of Elected Officials' expense accounts while running for other office, an amendment to the Elected Officials Expense Policy will be required.

Financial Impact

There are no financial impacts resulting from the recommendations in this report.

Conclusion

The City's Elected Officials Expense Policy and Use of City Resources during an Election Campaigns Policy do not allow elected officials expense budgets to be used for the purposes of election campaigning, regardless of the election that is taking place.

There are no provisions in either policy to limit the use of an elected official's expense account when running for other office if their communications expenses are non-election related. Council direction would be required if changes to either policy are needed.



Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Wes Anderson, Manager, Financial & Treasury Services