

City of Mississauga

Corporate Report



<p>Date: December 20, 2023</p> <p>To: Chair and Members of Governance Committee</p> <p>From: Diana Rusnov, Director, Legislative Services and City Clerk</p>	<p>Originator's files:</p> <hr/> <p>Meeting date: January 29, 2024</p>
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Subject

2024 Updates to the Use of City Resources during an Election Campaign Corporate Policy and Procedure, Acting Mayor By-law and Council Code of Conduct

Recommendation

1. That changes to the Use of City Resources during an Election Campaign Corporate Policy and Procedure, policy number 02-04-01, be made as outlined in the corporate report dated December 20, 2023 from Diana Rusnov, Director, Legislative Services and City Clerk, to reflect:
 - a. That Councillor's newsletters, including e-newsletters, cannot be sent after a by-law declaring a by-election to fill a vacant seat on Council has been passed. Once the nomination period closes, those sitting members of Council who have not submitted their nomination to run in a by-election are permitted to send out Councillor's newsletters and e-newsletters. Those Councillors who have submitted their nomination to run in a by-election are not permitted to send out Councillor newsletters or e-newsletters until after the final day of voting. City Resources, including Councillor newsletters and e-newsletters, cannot be used to endorse or campaign on behalf of a candidate running in a municipal, provincial or federal election/by-election.
 - b. That the term "Ward-specific business" be added to the Use of City Resources during an Election Campaign Corporate Policy and Procedure and be defined as activities that advance ward specific business or address issues and include things such as town halls, public meetings etc. that are related to community matters. For context, Ward-specific business is not celebratory in nature and does not include such things as Ward barbeques, skating parties, meet and greets, celebrations, other social community events etc.
 - c. That Ward-specific business as defined in the Use of City Resources during an Election Campaign Corporate Policy and Procedure be permitted during a campaign period for a general election or by-election, but no campaigning be allowed at Ward-specific business.

- d. That “Ward-specific events” as defined in the Use of City Resources during an Election Campaign Corporate Policy and Procedure be restricted beginning when the nomination period opens and ending after the final day of voting.
 - e. That “Ward-specific events” as defined in the Use of City Resources during an Election Campaign Corporate Policy and Procedure be restricted during a by-election once the by-law requiring a by-election is passed until after the last day of voting.
 - f. That no new Official City Openings/Events be scheduled for the time between when a by-law requiring a by-election to fill a vacant seat on Council is passed until the last day of voting. Only those Official City Openings/Events that were scheduled prior to the by-law requiring a by-election being passed will be permitted. No campaigning is allowed at Official City Openings/Events.
 - g. That the definition of campaign period be amended to more clearly reflect the campaign period for a by-election by stating that “Election Campaign Period means for a municipal election or by-election the period that commences on the date a Candidate’s nomination paper is filed... The Election Campaign Period concludes on December 31 of the election year for a regular election and 45 days after voting in the case of a by-election, or otherwise in accordance with applicable legislation.”
 - h. When a by-law requiring a by-election to fill a vacant seat on Council is passed, no new Council-led initiatives that require new funding be initiated or approved until after the final day of voting. The exception to this is if staff identify the need for emergency funding and the City Manager has approved that the request for funding be made to Council.
2. That the Acting Head of Council By-law 0222-2022, be amended to:
 - a. Add the provision that if a Member of Council is a candidate in a municipal by-election or in a provincial or federal election or by-election, that Member of Council shall forfeit their turn as Acting Head of Council until after the last day of voting.
 - b. If a sitting Member of Council forfeits their turn as Acting Head of Council, the schedule is to be adjusted accordingly and the other Members of Council will continue to be Acting Head of Council for the period of time established and in the rotation as set out in the Acting Head of Council by-law excluding the member of Council that is running.
 3. That two provisions be added to the Mississauga Code of Conduct for Members of Council stating that:
 - a. If a sitting Member of Council expresses their intention to run in a municipal by-election or in an election/by-election for any other level of government, that Member of Council must inform Council in writing that they are no longer eligible to be the Acting Head of Council and should be removed from the schedule. The Head of Council or Acting Head of Council must immediately inform the City

Clerk that the Member of Council running in a municipal by-election or in an election/by-election for any other level of government is no longer eligible to serve as Acting Head of Council until after the last day of voting.

- b. Councillors serving as Acting Head of Council shall not endorse a candidate running in a municipal, provincial or federal election/by-election using their title as Acting Mayor.

Executive Summary

- With an upcoming by-election in the City of Mississauga, it is recommended that the Use of City Resources during an Election Campaign Corporate Policy and Procedure, policy number 02-04-01 be updated to provide clarity surrounding permissible and restricted activities
- It is also recommended that the by-law to repeal By-law 0206-2018 and to appoint an Acting Head of Council for The Corporation of the City of Mississauga, By-law 0222-2022 and Mississauga Code of Conduct for Members of Council be updated as outlined in this report

Background

Under section 88.18 of the Municipal Elections Act, 1996 (MEA), the City of Mississauga is required to establish rules and procedures with the respect to use of municipal resources during an election campaign period. To comply, the City established the Use of City Resources During an Election Campaign Corporate Policy and Procedure 02-04-01 (the policy), attached as Appendix 1. The policy is required by May 1 of a regular election year. The MEA provides no deadline for changes made to the policy prior to a by-election. As part of by-election planning to fill the vacancy for the Head of Council seat, updates to the policy are recommended to provide clarity on permissible and restricted activities.

In addition, updates to the By-law to repeal By-law 0206-2018 and to appoint an Acting Head of Council for The Corporation of the City of Mississauga, By-law 0222-2022, (Acting Head of Council by-law), attached as appendix 2 and Mississauga Code of Conduct for Members of Council (Code of Conduct) attached as appendix 3, are recommended to:

- Define the rules regarding Members of Council who are running in a municipal by-election or by-election/election at another level of government filling the role of Acting Head of Council
- Clarify that Members of Council who are filling the role of Acting Head of Council during a federal, provincial or municipal by-election or general election campaign period cannot endorse a candidate or campaign or be perceived to campaign on behalf of a candidate using their title as Acting Mayor

Comments

Recommendations for updates to the policy

It is recommended that the following updates be made to the policy:

1. Councillor's newsletters including e-newsletters, cannot be sent after a by-law declaring a by-election to fill a vacant seat has been passed. Once the nomination period closes, those sitting members of Council who have not submitted their nomination to run in a by-election are permitted to send out Councillor's newsletters and e-newsletters. Those Councillors who have submitted their nomination to run in a by-election are not permitted to send out Councillor newsletters or e-newsletters until after the last day of voting. City resources, including Councillor newsletters and e-newsletters, cannot be used to endorse or campaign on behalf of a candidate running in a municipal, provincial or federal election/by-election. The policy will continue to stipulate that "Elected Officials, may, during the restricted time periods, use IT Resources or Councillor letter-head to communicate notifications to their ward residents that are not election related."
2. A definition for "Ward-specific business" be added and be defined as activities that advance Ward related business or address issues and include things such as town halls, public meetings etc. that are related to community matters. These activities are not celebratory in nature and do not include such things as Ward barbeques, skating parties, meet and greets, celebrations and other social community events etc. Ward-specific business will be permitted during an election campaign period and/or after a by-law requiring a by-election to fill a seat on Council is passed. Notwithstanding that Ward-specific business is allowed, campaigning is restricted.
3. It is recommended that "Ward-specific events" as defined in the policy be restricted during an election campaign period during a regular election, and after a by-law requiring a by-election to fill a vacant seat on Council is passed. "Ward-specific events" are defined in the policy as "events that apply to an individual ward and are not Official City Openings/Events. Ward-specific events may include, but are not limited to, community park openings; ward barbecues/celebrations; road extension/bridge developments/major transportation links; and other community milestones." Currently these events are permitted during an election campaign period.
4. In cases where an Official City Opening/Event has been scheduled and, subsequently a by-law to declare a by-election is passed to fill a vacant seat, the event is permitted. No new Official City Openings/Events will be scheduled until after the last day of voting in a by-election. Official City Events" are defined in the policy as events that "are held in Mississauga and have a City-wide impact; are identified in a project work plan/charter and/or are endorsed by the Leadership Team and/or Council. An Official City

Opening/Event includes an opening ceremony component, followed by the main public program. The ceremony must include:

- An official invitation sent to the approved guest list on the City's official invitation template, and
 - All or some of the following elements: attendance of the Mayor and/or Members of Council, agenda, speakers, plaque unveiling, ribbon cutting
5. That the definition of Election Campaign Period be amended to more clearly reflect the campaign period for a by-election. The policy currently states: "Election campaign period means: "For a municipal election - the period that commences on the date a Candidate's nomination paper is filed or a Registered Third Party registers with the City as a third party advertiser. The Election Campaign Period concludes on December 31 of the election year for a regular election and 45 days after voting in the case of a by-election, or otherwise in accordance with applicable legislation." For clarity, the definition in the policy should be amended to state "Election Campaign Period means: For a municipal election or municipal by-election..."
 6. When a by-law declaring that a by-election be held to fill a vacant seat on Council is passed, no new Council-led initiatives that require new funding be approved or initiated until after the final day of voting. The exception to this is if staff identify the need for emergency funding and the City Manager has approved that the request for funding be made to Council.

Recommendations for updates to the Acting Head of Council by-law

Based on direction from Council, it is recommended that the Acting Head of Council by-law be updated to include a new section. The new section will state that if a sitting Member of Council submits their nomination to run in a municipal by-election or in an election/by-election for any other level of government, that Member of Council forfeits their turn as Acting Head of Council. If a sitting member of Council forfeits their turn as Acting Head of Council, the schedule is to be adjusted accordingly. The other members of Council will continue to be Acting Head of Council for the period of time established and in the rotation as set out in the Acting Head of Council by-law excluding the member of Council that is running.

Recommendations for updates to the Council Code of Conduct

It is recommended that the Council Code of Conduct be updated to reflect:

1. That if a sitting Member of Council expresses their intention to run in a municipal by-election or in an election/by-election for any other level of government, that member of Council must inform Council in writing that they are no longer eligible to be the Acting Head of Council and should be removed from the schedule. The Head of Council or Acting Head of Council must immediately inform the City Clerk that the Member of Council running in a municipal by-election or in an election/by-election for any other level

of government is no longer eligible to serve as Acting Head of Council until after the final day of voting in the elections noted above.

2. That a sitting Member of Council who is acting as Head of Council during a municipal, provincial or federal election/by-election is not permitted to endorse a candidate using their title of Acting Mayor. As specified in the policy, City resources must not be used to endorse or campaign on behalf of any candidate running in a municipal, provincial or federal election/by-election by any sitting member of Council.

Financial Impact

There is no financial impact associated with this report.

Conclusion

In light of the upcoming Mayoral by-election, staff recommend updating the Use of City Resources during an Election Campaign Corporate Policy and Procedure, Acting Mayor By-law and Council Code of Conduct to provide clarity on permissible and restricted activities.

Attachments

- Appendix 1: The Use of City Resources during an Election Campaign Corporate Policy and Procedure, policy number 02-04-01
- Appendix 2: By-law 0222-2022, A by-law to repeal By-law 0206-2018 and to appoint an Acting Head of Council for The Corporation of the City of Mississauga
- Appendix 3: Mississauga Code of Conduct for Members of Council



Diana Rusnov, Director, Legislative Services and City Clerk

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