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ROBERT J. SWAYZE

BARRISTER & SOLICITOR

CERTIFIED BY THE LAW SOCIETY OF UPPER CANADA AS A SPECIALIST IN
MUNICIPAL LAW - LOCAL GOVERNMENT/LAND USE PLANNING AND DEVELOPMENT

TELE: (519) 942-0070
FAX: (519) 942-1233
E-mail: robert.swayze@sympatico.ca

20736 Mississauga Road
CALEDON, ONTARIO
L7K 1M7

*Integrity
Commissioner's
Report*

Governance Committee
JAN 13 2014

DATE: January 8, 2014
TO: Chair and members of the Governance Committee
Meeting Date: January 13, 2014
FROM: Robert J. Swayze
Integrity Commissioner
SUBJECT: Newsletters During an Election

RECOMMENDATION: That the Council Code of Conduct and the Complaint Protocol for the City of Mississauga be amended in accordance with Appendix 1 attached to the report of the Integrity Commissioner to the Governance Committee meeting of January 13, 2014.

BACKGROUND: The *Council Code of Conduct* (the "Code") provides in Rule 6 (3) as follows:

"In a municipal election year, commencing on June 30th until the date of the election, Members may not publish Councillor newsletters or distribute them in municipal facilities. All newsletters distributed through the mail must be post-marked by no later than June 30th in an election year."

I have been asked for an interpretation on whether "publish" includes sending newsletters in electronic form. It was pointed out that ward councillors have a function to perform throughout their

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term, including during an election, to communicate to their constituents important events and notifications in each ward, which newsletters accomplish.

COMMENTS:

In my opinion, the intent of the word "publish" as used in the Code includes all newsletters, however delivered. The purpose of Rule 6(3) is to ensure that City resources, property and staff are not used and generally, no public funds are expended on political campaigning by an incumbent councillor. I have reviewed several examples of the newsletters which use the City computer system and are professionally formatted by City staff. They include some notices that could be regarded as important for residents of a ward but the majority of the information contained in them is available elsewhere or cannot be regarded as urgent. In most cases they are impressive documents which are publicly funded and would constitute an unfair advantage to an incumbent councillor during an election.

I considered recommending that members of Council communicate important ward information to one or a group of staff members who would inform the ward residents on behalf of the City during the election period. However, the mailing and E-mail lists developed by members of Council are the property of each Councillor and I cannot require that they be shared. I have decided to recommend that the Code be amended to permit ward councillors to communicate to their constituents after June 30th in an election year, all ward information they consider to be important by E-mail in the normal Outlook format or by letter on the Councillor's stationery. Newsletters would continue to be prohibited during the period.

Section 1 (4) of the Complaint Protocol provides for a moratorium on complaints during an election period as follows:

"For any Complaint received from and after August 1 in any municipal election year, the Integrity Commissioner shall stay any investigation required by such complaint until the day after the inaugural meeting of the new Council and until then, shall keep such complaint confidential."

In my opinion, there should be some control during an election on the content of E-mails and letters sent using the City system to ward

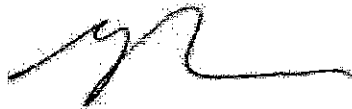
mailing lists by incumbent Councillors. I have decided to recommend further that the Complaint Protocol be amended to lift the moratorium on complaints if they relate to the content of such E-mails and letters.

CONCLUSION:

It is acknowledged that members of Council have a job to do as councillor while an election is proceeding. The amendment to the Code proposed in this report is a compromise to allow necessary communication with ward residents using City resources while continuing to prohibit the circulation of elaborate newsletters which might benefit the councillor politically.

ATTACHMENTS:

Appendix 1: AMENDMENT TO COUNCIL CODE OF
CONDUCT AND COMPLAINT PROTOCOL
RE: COMMUNICATING WITH WARD
RESIDENTS DURING AN ELECTION



Robert J. Swayze
Integrity Commissioner

Prepared By: Robert J. Swayze

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APPENDIX 1

AMENDMENT TO COUNCIL CODE OF CONDUCT AND COMPLAINT PROTOCOL
RE: COMMUNICATING WITH WARD RESIDENTS DURING AN ELECTION

The Integrity commissioner recommends that the Council Code of Conduct be amended as follows:

1. That Rule 6 (3) be amended by adding the following at the end of such subsection 3:

“Members of Council may, during such period, use City facilities to communicate important notifications to the residents of their ward by E-mail in normal Outlook format or by letter on the Councillor’s stationery.”

The Integrity Commissioner recommends that the complaint Protocol be amended as follows:

1. That Section 1 of the Complaint Protocol be amended by adding a new subsection 5 thereto as follows:

“5. Notwithstanding subsection 4 hereof, the Integrity Commissioner shall not stay and shall process in accordance with this Complaint Protocol, any complaint received at any time that a member of Council has, after June 30th in an election year, used City facilities to send E-mails or letters to residents of the City which contain information related to the election campaign or campaign related activities of such member of Council.”
