

**City of Port Colborne
Council Meeting Addendum**

Date: Tuesday, April 26, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

9. Staff Reports

*9.10. Corporate Use of Resources Policy – Municipal Election, 2022-91 1

18. Motions

18.2. Memorandum from Councillor Wells- Motion to Request a Temporary
Moratorium on all Aggregate Extraction license applications in Ontario

- *a. Delegation Material from Graham Flint-Co-Chair and Spokesperson, Reform Gravel Mining Coalition 10
- *b. Verbal Delegation in favour from Cindy Mitchell President, Niagara Water Protection Alliance



Subject: Corporate Use of Resources Policy – Municipal Election

To: Council

From: Development and Legislative Services Department

Report Number: 2022-91

Meeting Date: April 26, 2022

Recommendation:

That Development and Legislative Services Report 2022-91 be received; and

That the Use of Corporate Resources for Election Purposes policy, amended and attached as Appendix A of Development and Legislative Services Report 2022-91 be approved.

Purpose:

The purpose of this report is to seek approval of the amended policy to oversee the use of corporate resources for election purposes

Background:

In accordance with the Municipal Election Act, 1996 (MEA), the City of Port Colborne is prohibited from providing a contribution to a candidate. A contribution may include not simply money, but also goods and services. As such, each municipality is now required to establish a policy for the use of corporate resources for election purposes by May 1 of the election year.

Council approved the Corporate Use of Resources policy for election purposes on April 23, 2018, due to changes in the MEA with regards to dates for nomination periods, staff have amended the policy to reflect the changes in the MEA.

Discussion:

The amended policy, attached as Appendix A, sets out a list of guidelines restricting the use of City resources for election purposes in general. Additional restrictions are also added after Nomination Day, which is August 19th, 2022, to limit access to resources for sitting members of Council who are also registered candidates. The amended policy is similar to the policy that was in place during the 2018 Election with the following changes:

- Election Period definition changed to reference the prescribed period in the *MEA*;
- Nomination Day definition changed to reference the date prescribed in the *MEA*;
- Voting Day definition changed to reference the date prescribed in the *MEA*.

The approved Corporate Use of Resources policy will be communicated to all candidates, staff, and members of Council.

Financial Implications:

There are no financial implications associated with this report or Corporate Use of Resources policy.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

Staff recommend approval of the amended policy to accurately reflect the changes in the *MEA*.

Appendices:

- a. Corporate Use of Resources Policy

Respectfully submitted,

Nicole Rubli
Acting City Clerk
905-835-2900 x106
cityclerk@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



**CITY OF PORT COLBORNE
2022 MUNICIPAL ELECTION
PROCEDURE MANUAL**

Corporate Use of Resources Policy for Election Purposes

Section: Clerk's Division

Contact: City Clerk

Created: September 10, 2010

Revised: May 5, 2014, April 4, 2018, April 26, 2022

Filed: Clerk K:/Elections/Municipal 2022/Policies and Procedures/Policies/Use of Corporate Resources for Election Purposes/Final

Primary Backup: Deputy Clerk

Secondary Backup: Election Coordinator

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Policy Statement

The purpose of this policy is to notify all registered candidates, including members of City Council, of the requirement to follow the provisions of the *Municipal Elections Act*, 1996, (the *Act*) as amended, and that:

- No member/candidate shall use the facilities, equipment, supplies, services, staff, or other resources of the municipality (including City letterhead, City business cards, City e-mail accounts, City computers, tablets, cell phones, and any Councillor budgets) for any election campaign or campaign-related activities;
- No member/candidate shall undertake campaign-related activities on municipal property during regular working hours; and
- No member/candidate shall use the services of persons during hours in which those persons receive any compensation from the municipality.

Purpose

To ensure that members of City Council, registered candidates, and staff adhere to the provisions of the *Act*, as amended.

Scope

This policy is applicable to:

- All registered candidates, including sitting members of Municipal Council; and
- Municipal elections, including bi-elections and applies, with necessary modifications, to provincial and federal elections.

Definitions

In this policy:

“The *Act*” means the *Municipal Elections Act*, 1996, as amended from time to time, and includes any regulation made thereunder;

“Blackout Period” is a term which refers to the temporary period from Nomination Day in a municipal election year to and including Voting Day in which certain privileges are discontinued for sitting members of Municipal Council and the Mayor;

“By-election” means an election other than a regular election;

“Candidate” means a person who has filed a nomination to run in a municipal, provincial or federal election, and shall be deemed to include third party advertisers and any person seeking to influence other persons to vote for or against any candidate, or any question, or by-law submitted to the electors under section 8 of the *Act*;

“Campaign Period” begins on the date a candidate files their nomination through to and including Voting Day;

“City of Port Colborne” means The Corporation of the City of Port Colborne;

“Corporate Resources” includes but is not limited to the City of Port Colborne staff, events, funds, information, and assets;

“Election Period” begins the first day that Candidates may file their nomination, as prescribed by the *Municipal Elections Act, 1996*, as amended, through to and including Voting Day;

“Municipal Facilities” means any real property owned or under the control of the City of Port Colborne;

“Nomination Day” for a regular municipal election is the date prescribed by the *Municipal Elections Act, 1996*, as amended;

“Staff” includes full-time, part-time, and contract employees, paid by the City of Port Colborne;

“Voting Day” is the day on which the final vote is to be taken in an election as prescribed by the *Municipal Elections Act, 1996*, as amended.

Policy

1. That in accordance with the provisions of the *Act*:
 - a. Corporate resources may not be used for campaign related purposes;
 - b. Staff shall not canvass or actively work in support of a municipal, provincial, or federal candidate or party during normal working hours unless they are on a leave of absence without pay, lieu time, float day, or vacation leave;
 - c. Members of Council, including the Mayor, candidates, and registered third parties shall not use any municipal facilities for any election-related purposes. Campaign-related signs or any other election-related material shall not be

- displayed in any municipally owned facility;
- d. Candidates shall not engage in any campaign related activity at a municipally-sponsored event or festival;
 - e. During the Blackout Period, no Member of Council, including the Mayor shall:
 - i. Advertise, including in municipality funded publications;
 - ii. Print, photocopy or distribute any newsletters unless so directed and approved by Council;
 - iii. Order office furniture or furnishings, except those of an emergency nature; and
 - iv. Order any stationery or business cards, except within reason and as needed to carry out their current duties.
 - f. Members of Council, including the Mayor shall not deliver any unsolicited material outside of their existing ward where the printing and/or distribution costs are paid by the municipality. Care should be taken to ensure that the mailing of newsletters be restricted to the member's ward only;
 - g. Members of Council shall not:
 - i. Print or distribute any material using municipal funds that make reference to, or contains the names or photographs of, or identifies registered candidates for municipal elections; and that minutes of municipal council and committee meetings be exempt from this policy;
 - ii. Enter into joint ventures using corporate resources outside of their existing wards from Nomination Day to Voting Day, unless specifically approved by Council.
 - h. Members of Council are responsible to ensure that the content of any communications material, including printed materials such as newsletters, advertising, etc. funded by the municipality for the operation of each Councillor's office, are not directly election-related;
 - i. Websites or domain names that are funded by the municipality may not include any election-related campaign material;
 - i. Candidates are permitted to link to any City document available to the

- public or on a public City webpage from their campaign website;
- ii. Candidates are not permitted to incorporate a video or other material (i.e. photos) for which the City has proprietary rights on the Candidate's own webpage;
 - iii. Sitting Members of Council are permitted to place campaign phone numbers, website, and e-mail addresses on the election page of the City's website, which is available and authorized for use by all Municipal Candidates;
 - iv. Sitting Members of Council shall not use the City's IT resources, including individual websites linked through the City's website and social media accounts used for communication, for any election campaign and/or campaign-related activities;
 - v. If a Member of Council uses any social media account for campaigning, such accounts must not be created or supported by corporate resources. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers; and
 - vi. Sitting Members of Council who choose to create or use social media accounts for campaigning must include, for the duration of the election period, a clear and easily accessible statement on each campaign website or social media account's home page indicating that the account is being used for election campaign purposes and is not related to their duties as a Member of Council.
- j. Candidates must not, under any circumstances, use a City logo or any variation of it on any campaign material, election signs, social media, or campaign websites;
 - k. A City of Port Colborne e-mail address may not be used for the distribution of campaign related correspondence or include campaign related material;
 - l. Members of Council may not use the municipality's voicemail system and/or cell phones to record election related messages;
 - m. Photographs produced for and owned by the City of Port Colborne may not be used for any election purposes;
 - n. The policies contained herein also apply to an acclaimed member, a member not seeking re-election, or to a registered third party.

2. That the Municipal Clerk be authorized and directed to take the necessary action to give effect to this policy.

Limitation

This policy does not restrict the City Clerk from utilizing municipal resources for the proper conduct of an election in accordance with the requirements of the *Act*.

This policy does not preclude a member of Municipal Council or Regional Council from performing their duties as a Councillor or Regional Chair, nor inhibit them from representing the interests of the constituents who elected them.

Implementation


This policy shall become effective immediately upon approval by the Municipal Council.

Rationale and Legislative Authority

It is necessary to establish on the appropriate use of corporate resources during an election period to protect the interests of both members of Council and the City of Port Colborne.

The *Act* prohibits a municipality from making any contribution to a candidate. The *Act* also prohibits a candidate, or someone acting on the candidate's behalf, from accepting any contribution from a person who is not entitled to make a contribution.

Any use of the Corporation's resources by a Member of Council for their election campaign would be viewed as a contribution by the municipality to the member, which is a violation of the *Act*.



Graham Flint, Co-chair & Spokesperson

[REDACTED]

([REDACTED]

 Reform
Gravel Mining
Coalition

THE ISSUE

Gravel Mining...

- is Not a Benign Activity
- Destroys the Environment and Damages Communities
- Feeds Highways, Sprawl and Climate Change
- Ignores the Rights of Indigenous Nations

Municipalities are caught in the middle, with things getting worse, not better...

- MPAC Assessments, Levies, Below the Water Table Zoning Restrictions, Excess Soil Dumping, etc.

13x

**MORE GRAVEL LICENSED
THAN USED ANNUALLY IN
ONTARIO**

5,000

**ACRES OF LAND LOST PER
YEAR TO THE INDUSTRY**

67%

**MORE LAND DISTURBED
OVER THE LAST TWO
DECADES**

THE SOLUTION

1 IMPOSE AN IMMEDIATE MORATORIUM ON ALL NEW GRAVEL MINING APPROVALS

2 CONVENE AN INDEPENDENT PANEL

3 USE FINDINGS TO CHART A NEW PATH FORWARD

A MORATORIUM WILL...

- Directly respond to urgent requests from municipalities and communities across Ontario
- Provide an opportunity to update policies & regulations

A MORATORIUM WILL NOT IMPACT...

- The current supply of gravel in Ontario
- Operator rights with current gravel mining operations
- Current employment provided by the gravel mining industry

PROTECTING ONTARIO'S FUTURE

THE GRAVEL MINING INDUSTRY IN ONTARIO IS BROKEN.
WE NEED TO TAKE A PAUSE SO WE CAN FIX IT.

Protect Ontario from
unnecessary gravel mining.

Support the Resolution
for a Moratorium.

Demand A Moratorium Now

A MORATORIUM ON ALL NEW GRAVEL MINING APPROVALS TODAY

—a step towards a sustainable tomorrow

ISSUES

- 1 Gravel mining permanently changes the existing natural environment and causes numerous negative impacts to surrounding communities. It is not a benign activity.
- 2 The gravel mining industry provides the raw materials for cement production, highway construction and urban sprawl. These activities are significant contributors to greenhouse gas emissions in Ontario.
- 3 Ontario's current application process for gravel mining:
 - Allows uncontrolled proliferation of gravel sites across Ontario
 - Favours corporations and places an unfair burden on municipalities and local communities forced to advocate for the protection of the natural environment and built communities
 - Does not fulfill the requirements for free, prior and informed consent of Indigenous Nations as guaranteed in the Canadian constitution

POLICY PROPOSAL

- 1 Impose an immediate moratorium on all new gravel mining approvals (including interim orders and site plan amendments for mining below the water table or that increase licensed tonnages).
- 2 Create an independent panel to conduct broad consultations involving Indigenous Nations, municipalities, affected communities, industry, and independent experts and scientists.
- 3 Chart a new path forward for gravel mining which:
 - Prevents greater climate chaos
 - Protects groundwater and farmland
 - Increases the weight of local perspectives in land use planning
 - Ensures long term supplies of a finite resource
 - Honours treaties and obligations with Indigenous Nations as prescribed in the Canadian Constitution

IMPACT OF A MORATORIUM

A moratorium on new approvals of gravel mining sites in Ontario will:

- 1 Provide an opportunity to **update gravel mining industry policies** and regulations to reflect current societal expectations and meet the national and international requirements of addressing climate change.
- 2 **Respond to the urgent requests** from thousands of Ontario residents (predominantly rural) struggling with the threats to their families, homes and communities from gravel mining.
- 3 **NOT impact** the current supply of gravel required to meet Ontario's needs.
- 4 **NOT impact** the rights existing gravel mining operators have to continue their existing operations as they do today.
- 5 **NOT impact** current employment in the gravel mining industry.

FOUR FACTS ON GRAVEL MINING IN ONTARIO

FACT #1

The provincial government has authorized the gravel mining industry to extract thirteen times more gravel each year than is required to meet average annual consumption.

- On average 157.4 million tonnes of gravel was extracted annually over the past 10 years in Ontario.^{1,2}
- 2.05 billion tonnes of gravel extraction are allowed each year from the 5000-plus licensed gravel mining sites in Ontario. (Note: 800-plus sites, {approximately 15%} are permitted to extract unlimited tonnages each year. These amounts are in addition to the 2.05 billion tonnes mentioned above.)

FACT #2

Gravel mining consumes an average of 5,000 acres of land in Ontario each year.

- Licenses for gravel extraction have increased from 183,000 acres in 1992 to 333,000 acres in 2020³, an increase of almost 150,000 acres or 5,000 acres per year over the past three decades. That's a land area equivalent to two proposed Melancthon mega-quarries each year.⁴

FACT #3

The gravel mining industry doesn't pay its fair share, for example municipal property taxes.

- Municipalities challenge preferential property tax treatment given to gravel mining sites.
- Disputes continue between Ontario Municipalities and the gravel industry over property taxes.
- Examples:
 - Wellington County asserts that *"other sectors, mainly residential and small business, are subsidizing the aggregate industry's artificially low valuations"*.
 - In Puslinch Township *"single family homes in Puslinch pay more taxes than 100-acre active (gravel) sites"*.⁵

FACT #4

The gravel mining industry supplies sand, stone and gravel for cement production, highway construction and urban sprawl, which make significant contributions to greenhouse gas emissions in Ontario.

- The cement industry produces 8% of global carbon emissions, as a country it would be the third largest global emitter of CO₂.⁶
- Transportation has become the biggest source of GHG emissions in Ontario.⁷

RECOMMENDED AREAS OF CONSULTATION AND INQUIRY

- Determine the total amount of licensed supply in Ontario's 5000-plus pits and quarries.
- Propose criteria and processes for determining and demonstrating the need for new gravel mining sites.
- Define limits on 'virgin' aggregate extraction, and set targets for aggregate reprocessing in order to ensure sustainable management of the finite gravel resources in Ontario.
- Propose revisions to application procedures which fully honour Indigenous Nations' treaty rights.
- Recommend updated policies and restrictions for gravel mining below the water table to reflect current groundwater sciences.
- Propose methods which increase the weight given to municipal and community perspectives in gravel mining decisions.
- Recommend approaches to ensure that gravel mining sites are not allowed to transform themselves in significant ways after initial approval. This would include changes to progressive or final rehabilitation plans.
- Recommend a fair levy for gravel mining that includes compensation for the full social and environmental costs of its extraction.
- Recommend approaches to gravel mining oversight to ensure full compliance with all regulations and license conditions.

1. Aggregate Resources Statistics in Ontario, Production Statistics annual reports, The Ontario Aggregate Resources Corporation (TOARC)

2. Active aggregate sites and related maximum tonnage

3. Aggregate Resources Statistics in Ontario, Production Statistics annual reports, The Ontario Aggregate Resources Corporation (TOARC)

4. <https://www.inthehills.ca/2011/06/melancthon-mega-quarry-by-the-numbers>

5. Presentation, Ken DeHart, Wellington County Treasurer May 30th 2021 Gravel Watch Ontario

6. <https://www.carbonbrief.org/qa-why-cement-emissions-matter-for-climate-change>

7. Why Are Ontario's GHG emissions going up instead of Down? Environmental Defence, April 21, 2020