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Item No. 12.1.2
Executive Standing Committee
February 24, 2020

TO: Mayor Savage and Members of the Executive Standing Committee

SUBMITTED BY: - Original Signed -
John Traves, QC, Director, Legal, Municipal Clerk & External Affairs

- Original Signed -
Jacques Dubé, Chief Administrative Officer

DATE: February 2, 2020

SUBJECT: Elections Administrative Order

ORIGIN

On October 30, 2018, Halifax Regional Council adopted By-law C-1100, the *Campaign Financing By-law (By-law)*, and Council passed the following motion:

1. Adopt By-law C-1100, the Campaign Financing By-law, as set out in the revised Attachment A of the staff report dated August 15, 2018.
2. Direct staff to conduct a review of By-law C-1100 after the next regular election and return to the Executive Standing Committee with their findings; and
3. Request a staff report regarding the introduction of an administrative order on the use of HRM corporate resources during an election.

This report responds to item 3 of the motion.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, subsection 59(3),

59. (3) In addition to matters specified in this Act, or another Act of the Legislature, the Council may adopt policies on any matter that the Council considers conducive to the effective management of the Municipality.

Administrative Order 52, the *Code of Conduct for Elected Officials*, section 11

11. No Member shall request or permit the use of municipal-owned vehicles, equipment, materials, or property for personal convenience or profit, except where such privileges are granted to the general public. Members shall ensure that the business of the municipality is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resource.

Recommendations on page 2

The *Campaign Financing By-law*, clause 2(g) and section 6,

2. (g) "Contribution" means services, money or other property donated to an Association or a person to support the political purposes of an Association or Candidate, but does not include personal services or the use of a vehicle volunteered by a person and not provided as part of that person's work in the service of an employer;
6. A person, including a Corporation, Trade Union, Partnership or Non-Profit Organization who makes a Contribution in contravention of section 5 is guilty of an offence.

Administrative Order One, the *Procedures of the Council Administrative Order*, Schedule 6, Executive Standing Committee, Terms of Reference, subsection 7 (1) and section 8:

7. (1) Subject to subsection 2, the Executive Standing Committee shall oversee and provide advice on Administrative Order 32 the *By-law Development Administrative Order* and other policy matters related to the By-laws, Ordinances, Administrative Orders and Policies of the Council.

(2) The Executive Standing Committee shall not oversee nor advise the Council on Package B respecting the Regional Centre Secondary Municipal Planning Strategy, the Regional Centre Land Use By-law, and any necessary amendments to existing planning documents arising from Package B.
8. The Executive Standing Committee shall act as a review committee for matters related to the general self-governance and administration of the Council as directed by the Council.

RECOMMENDATIONS

It is recommended that Executive Standing Committee recommend that Halifax Regional Council:

1. adopt Administrative Order 2019-001-GOV, the *Elections Administrative Order*, as set out in Attachment 2 of this report; and
2. direct the Chief Administrative Officer to conduct a review of the administrative order after the next regular election and return to the Executive Standing Committee with their findings.

BACKGROUND

The concept of the use of corporate resources during an election arose from the jurisdictional scan conducted when researching municipal election campaign finance practices and by-laws. Creating additional rules may help to clarify the role between the Municipality, its resources, and candidates for federal, provincial or municipal elections. Therefore, staff is recommending Council adopt an administrative order to complement the By-law. This administrative order would apply to federal, provincial and municipal candidates, elections and campaigns.

On October 8, 2019 Council adopted the new *District Funds Administrative Order* which suspends the expenditure of district funds for:

- an ordinary or special municipal election, from the date the Councillor files their nomination papers to the date the Councillor is sworn into office;
- for a provincial by-election or general election, from the date the writ is issued until the return on the writ is completed; and

- for a federal by-election or general election, from the date the writ is issued until the return on the writ is completed.

Where an incumbent Councillor is acclaimed in an ordinary municipal election, the Councillor may resume making expenditures from the District Funds as of the date of their acclamation. The Administrative Order allows expenditures of District Funds that have already been authorized prior to the applicable date.

The proposed administrative order is an additional step in campaign finance accountability. Should Regional Council approve the administrative order, staff is recommending Council direct a review of the use of corporate resources after the 2020 Halifax Regional Municipality Election, which may yield additional amendments. The results of the review would be directed to the Executive Standing Committee. Staff anticipates this review would occur at the same time as the review of the *Campaign Financing By-law* as directed by Regional Council on October 30, 2018. This administrative order is also in line with the HRM Code of Conduct for Municipal Employees, specifically clause 10(1)(f) and subsection 10(2) regarding employees supporting election campaigns, as follows:

10. (1) During the course of their employment, an employee will not:
 - (f) perform work, either volunteer or paid, on behalf of any political organization and/or political candidate during their hours of employment with the Municipality.
- (2) Political involvement by an employee in municipal, provincial or federal levels of government is permitted, except as noted in sections 17B and 17C and clause 18(1)(d) of the *Municipal Elections Act* [requiring an employee to be on a leave of absence if they run for Council], providing that the employee makes it clear that they are acting as private citizens and not as representatives of the Municipality.

A jurisdictional scan of municipalities and cities of comparable size across the country found the use of corporate resources during an election was addressed in legislation and/or policy. This scan is attached as Attachment # 1.

DISCUSSION

The use of corporate resources during an election is part of the broader campaign finance picture. The purpose of this Administrative Order is to ensure HRM remains impartial through the electoral process by meeting its responsibilities under relevant election legislation by establishing the requirements and restrictions related to the use of municipal resources during election campaigns. No part of this Administrative Order shall preclude a Councillor or employee from performing their job or inhibit Councillors from representing the interests of their constituents.

The main objective of this Administrative Order is to provide clarity around the use of corporate resources during an election. Clarification will support an equitable and consistent approach to ensure all candidates have the same access to HRM resources during an election.

Corporate Funds:

Councillors may continue to incur expenses related to their duties as a Member of Council, during an election period. This Administrative Order clarifies that no corporate funds may be used directly, or indirectly, to acquire any election-related items or services, or HRM materials and items to be used for campaign purposes.

Technology:

This Administrative Order addresses the use of all technology (hardware and software included) owned by the Municipality for campaign purposes. This includes, but is not limited to, mobile phones, computers,

printers, HRM websites, email, and voicemail. It is understood that during an election, Members of Council will continue to require the use of HRM technology in their role as elected officials. This Administrative Order specifically speaks to the use of HRM owned technology for election and campaign purposes. If a Candidate is contacted by an elector through HRM technology regarding the election, they shall provide the individual with their personal contact information.

Facilities and Events:

During an election period, Members of Council may continue to attend events in their official capacity as elected officials. However, Members are not permitted to distribute campaign literature and materials at these events, if they are attending as a sitting Member, and cannot identify themselves as a candidate. Campaigning is also not permitted at HRM sanctioned events where Candidates are attending as Members of Council.

HRM facilities and properties are not to be used for election or campaign related activities or purposes by Candidates unless rented in accordance with HRM rental procedures.

Communication Materials/Services:

As Members of Council, or members of boards, committees or councils, Candidates may acquire address books and contact information for individuals. This information is not to be used for campaigning or election purposes.

HRM communication materials, such as pamphlets, booklets and newsletters, may not be used or distributed as part of any campaign activity. This includes both hard copy and digital materials, and Councillor outreach materials.

Employees

The *Code of Conduct for Municipal Employees (Code)* applies to the employees of the Municipality. Under this *Code*, HRM employees may become involved in campaigns and election activities; however, they may not work on campaigns during regular business hours or while receiving compensation from HRM. Employees can not distribute campaign information at HRM work sites and cannot use corporate resources to support a candidate or campaign.

The *Code* states:

10. (1) During the course of their employment, an employee will not:
 - (f) perform work, either volunteer or paid, on behalf of any political organization and/or political candidate during their hours of employment with the Municipality.”

The *Code* goes on to say,

- 10 (2) Political involvement by an employee in municipal, provincial or federal levels of government is permitted, except as noted in sections 17B and 17C and clause 18(1)(d) of the *Municipal Elections Act*, providing that the employee makes it clear that they are acting as private citizens and not as representatives of the Municipality.

The references to the *Municipal Elections Act* are in respect to the requirement for employees to be on a leave of absence if they intent to be a Candidate in a municipal election.

Employee Specific Provisions:

In some roles, HRM employees directly support the roles of Members of Council as elected officials. This Administrative Order will not prevent these employees from performing their duties to support Council. However, staff support is to be exclusively for the business of Council – not for campaigns.

FINANCIAL IMPLICATIONS

None identified at this time.

RISK CONSIDERATION

There are no risks associated with the adoption of this Administrative Order. However, there may be reputational risks to the Municipality if Regional Council chooses to not pursue adopting a use of corporate resources Administrative Order because there was extensive public consultation in preparation of the campaign finance by-law, which included the use of corporate resources. Also, a request for an Administrative Order on the use of corporate resources during an election was part of the motion to adopt By-Law C-1100 respecting campaign financing.

COMMUNITY ENGAGEMENT

None.

ENVIRONMENTAL IMPLICATIONS

No identified environmental impacts.

ALTERNATIVES

Regional Council may decide not to approve the proposed Administrative Order on the Use of Corporate Resources during an election. As an alternative to accepting the proposed Administrative Order, Council could decide to approve a section of the recommendations or request additional information or amendments through a motion for an additional report.

ATTACHMENTS

1. Jurisdictional scan
2. Proposed Administrative Order
3. Code of Conduct for Elected Officials
4. Code of Conduct for Municipal Employees

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Trish Smith, Elections Coordinator, 902.490.6810

City	Services/Funds	Technical Assets/Services	Communication materials/services	Facility Provisions	Events	Employee-specific provisions
The following cities were considered, but did not have use of corporate resources policies: Vancouver, BC; Surrey, BC; Calgary, AB; Winnipeg, MB.						
Under Section 88.8(4) and 88.12(4) of the Ontario Municipal Elections Act relating to campaign contribution rules, municipalities are prohibited from making contributions in any form to candidates' and third party advertisers' campaigns. The following policies are in response to these sections.						
<p>Kingston, Ont. https://www.cityofkingston.ca/documents/10180/20847/Use+of+Corporate+Resources+For+Elections+Purposes+Policy/7c6c9522-c809-4c88-a736-a43b76f29e0a - includes rules that councillors, employees and registered third party advertisers (RTPA) must follow.</p>	<ul style="list-style-type: none"> - Funds shall not be used to print/distribute campaign materials. - As of Nomination Day, Council members' budgets won't be used to sponsor comms materials. 	<ul style="list-style-type: none"> - No use of computers, cell phones, printers, etc. or website/domain names funded by the City for campaigning. - Voicemail/email systems shall not be used to record or distribute campaign messages. 	<ul style="list-style-type: none"> - No links to councillor social media accounts on city website. - Council bios remain static - Only online candidate list may contain links to candidate websites. - No use of City logo, etc. or City produced intellectual property on campaign materials. - No Council member names on City ads unless consistent with their duties. 	<ul style="list-style-type: none"> - Must rent municipal facilities for campaign purposes as per procedure. - Campaign materials can only be displayed at municipal facilities when rented accordingly. 	<ul style="list-style-type: none"> - No campaigning at city-hosted events 	<p>Prohibited from:</p> <ul style="list-style-type: none"> - Political activity during normal working hours (unless on approved leave). - Using corporate assets, resources, or property for campaigning - Producing, displaying, or distributing campaign materials on City work sites or property - Wearing items identifying them as employees while working for a Candidate.

City	Services/Funds	Technical Assets/Services	Communication materials/services	Facility Provisions	Events	Employee-specific provisions
<p>Toronto, Ont. https://www.toronto.ca/wp-content/uploads/2018/02/8dc6-resources-during-election-policy.pdf - includes rules that councillors and RTPAs must follow.</p> <p>Entity = councillor and RTPAs</p>	<ul style="list-style-type: none"> - General information provided to one election entity must be provided to all other entities. - City databases shall not be used for campaigning unless they're public. - If meeting/tours are organized by employees with one entity, employees must commit to organizing similar ones with all others entities. - As of August 1 of election year, comms materials will only reference job titles (e.g., Mayor of TO). Ceremonial documents will be signed by the Mayor as CEO. The Mayor may be named in intergovernmental activities. 	<ul style="list-style-type: none"> - City infrastructure (physical or tech systems that support City ops) won't be used for campaign purposes. 	<ul style="list-style-type: none"> - No use of logo, etc., pictures with City employees, intellectual property created by City will be on campaign materials - City websites, domains, email addresses won't be used to distribute campaign materials or reference individuals as candidates and can't be repurposed for campaigns. 	<ul style="list-style-type: none"> - May not be used for campaign purposes unless rented for a nominal fee. - Materials may not be distributed in a City-owned facility, but may be distributed in public parks or squares. 	<ul style="list-style-type: none"> - Materials may not be distributed at a city event. - Entities may attend events, but may not campaign. - Once writ is dropped (prov/fed), MPs or MPPs (except Ministers) are no longer invited to attend. 	<p>No employee-specific provisions, but may be in corporate policies.</p>

City	Services/Funds	Technical Assets/Services	Communication materials/services	Facility Provisions	Events	Employee-specific provisions
<p>Ottawa, Ont. https://ottawa.ca/en/city-hall/your-city-government/policies-and-administrative-structure/administrative-policies#election-related-resources-policy – includes rules and direction for members of Council and City staff.</p>	<p>- Member budgets will be pro-rated during election year with a portion reserved for the time after the election.</p>	<p>- Website access available to the public generally may be used by Council members.</p>	<p>- Member budgets won't sponsor ads/flyers 60 days before Voting day or campaign materials.</p>	<p>- Equipment or facilities access available to the public generally may be used by Council Members as no special preference is being given.</p>	<p>N/A</p>	<ul style="list-style-type: none"> - Prohibited from - Political activity during work hours or use of City assets, resources, property to do so. - Distributing campaign materials on City work sites/property - Employees wishing to run must obtain a leave of absence and return all accesses.
<p>London, Ont. https://www.london.ca/newsroom/Documents/Resources/ElectionPeriod.pdf - includes rules for members of Council, other election candidates, and employees.</p>	<p>- City staff, equipment, funds, mail room supplies, print room supplies/services, brand, lists/files produced (except those produced for election purposes) shall not be used for campaign-related purposes during election period.</p>	<p>- City technical services or equipment (e.g., computers, mobile devices, email, voicemail, websites) shall not be used for election campaign purposes.</p>	<p>- City print/electronic materials, and photos/videos shall not be used for election campaign purposes. - No City comms materials shall illustrate, reference, or profile an individual who is a registered candidate except official reports or minutes.</p>	<p>- City property and facilities shall not be used for election campaign purposes. - Campaign materials may not be displayed or distributed at city facilities.</p>	<p>- N/A</p>	<p>- May not canvass or work in support of a candidate during business hours unless on a leave of absence without pay, lieu time, overtime leave, or vacation leave.</p>

City	Services/Funds	Technical Assets/Services	Communication materials/services	Facility Provisions	Events	Employee-specific provisions
<p>Brampton, Ont. https://www.brampton.ca/EN/City-Hall/election/Documents/Use%20of%20Corporate%20Resources%20Policy%202017.pdf – rules for Council members, candidates, RTPAs and staff.</p>	<ul style="list-style-type: none"> - Equipment, supplies, services, staff, or other resources shall not be used for campaign activities. - Funds not used to acquire campaign resources, or print or distribute material that references or contains the names or photographs of candidates or RTPAs. 	<ul style="list-style-type: none"> - Corporate IT assets, infrastructure or data (e.g., computers, wireless devices, portals, corporate email, web pages, blogs, telephones) shall not be used to communicate election related messages. 	<ul style="list-style-type: none"> - No reference to individual as a candidate on social media, blogs, other new media. - As of nomination day, all advertising and printing services shall be discontinued for Council members who are candidates unless there are compelling corporate needs. 	<ul style="list-style-type: none"> - Campaigning not permitted unless the facility is rented in accordance with municipal agreements. - May not direct campaign at city employees engaged in city work. 	<ul style="list-style-type: none"> - Candidates or RTPAs are permitted to campaign at city/non-city events unless they are attending as city representatives. 	<ul style="list-style-type: none"> - Staff shall only work for candidates or RTPAs when they are not receiving compensation from the City or during scheduled time off. - Staff may not distribute campaign material at any city facility or property.
<p>Hamilton, Ont. https://d3fpllf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2018-05-23/city-resources-during-election-period-policy-8-1-cl18004.pdf - rules for Council members, RTPAs and staff</p>	<ul style="list-style-type: none"> - Equipment, supplies, services, staff, or other resources shall not be used for campaign activities. - Funds shall not be used to acquire campaign resources. - Funds shall not be used to print or distribute material that names/provides image of candidates RTPAs. 	<ul style="list-style-type: none"> - Corporate IT assets, infrastructure or data (e.g., computers, wireless devices, corporate email, web pages, telephones) shall not be used to communicate campaign messages. 	<ul style="list-style-type: none"> - No Council member’s newsletter or website linked through the City’s website will be used for campaigning. - City social media, blogs, or other new media shall not reference candidates, political parties or RTPAs. 	<ul style="list-style-type: none"> - Facilities or property shall not be used for campaigning unless the resources are made available to the public and rented accordingly. 	<ul style="list-style-type: none"> - Candidates will not campaign at city events. - Council members attending events as City representatives shall not campaign. - No campaigning directed at City staff while they are working. 	<ul style="list-style-type: none"> - Staff shall only work for candidates or RTPAs when they are not receiving compensation from the City or during scheduled time off. - Staff may not distribute campaign material at any city facility or property.

**ATTACHMENT 2
(Proposed Administrative Order)**

**ADMINISTRATIVE ORDER NUMBER 2019-001-GOV
RESPECTING ELECTIONS**

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

WHEREAS By-law C-100, the *Campaign Financing By-law* prohibits a corporation, such as the Municipality, from making a contribution towards an election for the Mayor or a Councillor;

AND WHEREAS under section 9 of the *Code of Conduct for Elected Officials* all Members of Council are prohibited from disclosing or releasing to the public any confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the Municipality to do so;

AND WHEREAS under section 9 of the *Code of Conduct for Elected Officials* all Members of Council are prohibited from using confidential information for personal or private gain, or for the gain of relatives or any person or corporation;

AND WHEREAS under section 11 of the *Code of Conduct for Elected Officials* all Members of Council are prohibited from using Municipal Assets for personal convenience or profit, except where such privileges are granted to the general public;

Short Title

1. This Administrative Order may be cited as the *Elections Administrative Order*.

Interpretation

2. In this Administrative Order,

(a) “**Act**” means the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended;

(b) “**Candidate**” means a Member of Council who is a Candidate in an Election pursuant to the:

(i) clause 2(b) of the *Act*,

(ii) clause 2(c) and section 203 of the *Elections Act*, 2011, S.N.S. c. 5, s. 2(c), as amended,

(iii) subsection 2(1) of the *Canada Elections Act*, S.C., c. 9. S. 2(1), as amended, or

(iv) subsection 3(2) of the *Act* and section 13 of the *Education (CSAP) Act*, 1995-1996 S.N.S., c. 10, as amended;

(c) “**Campaign Financing By-law**” means By-law C-1100 Respecting Campaign Financing adopted by Council on October 30, 2018, as amended;

(d) **“Code of Conduct for Elected Officials”** means Administrative Order 52, the *Code of Conduct for Elected Officials*, adopted by Council on July 23, 2013, as amended from time to time;

(e) **“District Funds Administrative Order”** means Administrative Order 2017-009-ADM, Respecting District Funds, adopted by Council on October 8, 2019, as amended from time to time;

(f) **“Election”** means an election held pursuant to the *Act*, the *Canada Election Act*, the *Elections Act*, and the *Education (CSAP) Act*,

(g) **“Member”** means a Member of Council, including the Mayor;

(h) **“Municipal Asset”** means vehicles, equipment, materials, or property owned, in whole or in part, by the Municipality; and

(i) **“Municipality”** means the Halifax Regional Municipality.

Application

3. Expenditures of district funds by a Councillor who a Candidate in an Election is regulated by the *District Funds Administrative Order*.

4. Campaign contributions and permitted expenditures in municipal elections is regulated by the *Campaign Financing By-law* and the *Municipal Elections Act*.

5. (1) Use of a Municipal Asset by Members is regulated by the *Code of Conduct for Elected Officials*.

(2) Part I of this Administrative Order provides additional regulations respecting the use of Municipal Assets by Members who are Candidates in an Election.

6. Nothing in this Administrative Order prohibits a Candidate from addressing the needs of the residents in the course of their duties.

PART I USE OF MUNICIPAL ASSETS DURING AN ELECTION

Application

7. This Part provides additional regulation to those under section 11 of the *Code of Conduct for Elected Officials*.

8. The use of Municipal Assets by Members who are Candidates during an Election for personal convenience or profit is prohibited, unless such use is granted to the general public.

Use Municipal Assets for Election Purposes

9. The following are examples of situations where a Municipal Asset is being used for personal convenience or profit by a Candidate in contravention of this Part,

- (a) expending municipal funds on campaign items, including:
 - (i) campaign advertising, production of campaign materials, or promotional items for a campaign, or
 - (ii) on or after nomination day, expenditures on communications which contain the names or photographs of the Candidate;
- (b) using equipment, technology, websites, social media accounts, or services owned, licensed, or provided by the Municipality, including:
 - (i) using printers, scanners, or electronic devices such as computers, cell or smart phones or tablet,
 - (ii) using electronic services, such as electronic mail, internet, voicemail system, or file storage,
 - (iii) using an address book or contact list, municipal databases not accessible by the general public,
 - (iv) using the print shop, mail room, supply rooms, or office space,
 - (v) locating campaign material or links to sites that feature campaign materials on websites or social media accounts of the Municipality,
 - (vi) using the Coat of Arms, official flag, the shield, the badge, or the brand that is identified in Administrative Order 19, the *Corporate Coat of Arms and HALIFAX brand Administrative Order*,
 - (vii) after becoming a Candidate, retaining links to the Candidate's social media accounts or to personal external websites on websites or social media accounts of the Municipality, or
 - (viii) after becoming a Candidate, changing the biography of the Candidate on websites or social media accounts of the Municipality;
- (c) distributing:
 - (i) campaign materials during an event hosted by the Municipality,
 - (i) promotional materials of the Municipality as part of a campaign, or

(iii) outreach materials of the Candidate, such as newsletters or emails, as campaign materials;

(d) campaigning at events hosted by the Municipality; and

(e) using facilities of the Municipality for campaigning, except where such use is granted to the general public and on the same terms and conditions as the general public.

10. When a Candidate receives an election related communication through the voicemail system or computer network purchased, owned or licensed by the Municipality, such as an email or phone call, the Candidate shall provide the individual with the appropriate contact information for their campaign.

Mayor

Municipal Clerk

I, _____, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on [month], [day], 202_.

_____, Municipal Clerk

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER 52
CODE OF CONDUCT
FOR
ELECTED MUNICIPAL OFFICIALS**

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality as follows:

I. SHORT TITLE

1. This Administrative Order may be cited as Administrative Order 52, the *Code of Conduct for Elected Officials*.

IA. PURPOSE

2. The public expects the highest standards of professional conduct from Members elected to local government. The purpose of this Code is to establish guidelines for the ethical and interpersonal conduct of Members of Council (“Members”). Council is answerable to the community through democratic processes and this Code will assist in providing for the good government of the Halifax Regional Municipality.

II. STANDARDS OF CONDUCT

3. Members shall uphold the law and at all times:

(a) Seek to advance the common good of the municipality as a whole while conscientiously representing the communities they serve.

(b) Perform the functions of office truly, faithfully and impartially to the best of their knowledge and ability in accordance with the following core values:

(i) **Integrity** – giving the municipality’s interests absolute priority over private individual interests;

(ii) **Honesty** – being truthful and open;

(iii) **Objectivity** – making decisions based on a careful and fair analysis of the facts;

(iv) **Accountability** – being accountable to each other and the public for decisions taken;

(v) **Leadership** – confronting challenges and providing direction on the issues of the day.

(c) Uphold this Code as a means of promoting the standards of behaviour expected of members and enhancing the credibility and integrity of Council in the broader community.

III. COUNCIL RESPONSIBILITIES

4. The Council (or its designated committee) will:

(a) review the Halifax Regional Municipality's Code of Conduct for Elected Officials as required and make any amendments considered appropriate.

(b) review, consider or take other action concerning any violation of this Code of Conduct which is referred to Council for consideration.

(c) where there is any conflict between this Code of Conduct and the requirements of any statute of the provincial or federal government, provincial or federal statutes shall take precedence.

IV. MEMBER RESPONSIBILITIES

Conduct to be Observed

5. Members are agents of the public whose primary objective is to address the needs of the citizens. As such, they're entrusted with upholding and adhering to the by-laws of the municipality as well as all applicable provincial and federal laws. As public servants, Members must observe a high standard of morality in the conduct of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interests.

Dedicated Service

6. All Members should faithfully work towards developing programs to address the needs of the citizens in the course of their duties. Members should strive to perform at a level which is expected of those who work in the public's interest.

Respect for Decision-Making Process

7. All Members recognize the responsibility of the Mayor to accurately communicate the Decisions of the Council, even if they disagree with such decisions, such that respect for the decision-making processes of Council is fostered.

Conduct at Meetings

8. Members shall respect the chair, colleagues, staff and members of the public present during Council meetings or other proceedings of the municipality. Meetings shall provide an environment for transparent and healthy debate on matters requiring decision-making.

Release of Confidential Information Prohibited

9. No Member shall disclose or release to any member of the public any confidential information acquired by virtue of their office, in either oral or written form except when required by law or authorized by the municipality to do so. Nor shall Members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

Gifts and Benefits

10. No Member shall show favouritism or bias toward any vendor, contractor or others doing

business with the municipality. Members are prohibited from accepting gifts or favours from any vendor, contractor or others doing business with the Municipality personally, or through a family member or friend, which could give rise to a reasonable suspicion of influence to show favour or disadvantage to any individual or organization.

Use of Public Property

11. No Member shall request or permit the use of municipal-owned vehicles, equipment, materials, or property for personal convenience or profit, except where such privileges are granted to the general public. Members shall ensure that the business of the municipality is conducted with efficiency and shall avoid waste, abuse and extravagance in the provision or use of municipal resource.

Obligations to Citizens

12. No Member shall grant any special consideration, treatment, or advantage to any citizen or group of citizens beyond that which is accorded to all citizens.

Interpersonal Behaviour

13. Members shall treat every person, including other Members, corporate employees, individuals providing services on a contract for service, and the public with dignity, understanding and respect and ensure that their work environment is free from discrimination, bullying and harassment.

Community Representation

14. Members shall observe a high standard of professionalism when representing the municipality and in their dealings with members of the broader community.

V. GOOD GOVERNANCE

15. Members accept that effective governance of the municipality is critical to ensuring that decision are taken in the best interests of all stakeholders and to enable the municipality to function as a good corporate citizen.

VI. GOVERNMENT RELATIONSHIPS

16. Members recognize the importance of working constructively with other levels of government and organizations in Nova Scotia and beyond to achieve the goals of the municipality.

VII. CONFLICT OF INTEREST AVOIDANCE

17. Members are committed to making decision impartially and in the best interests of the municipality and recognize the importance of fully observing the requirements of the *Municipal Conflict of Interest Act*, R.S.N.S. 1989, c. 229 with regard to the disclosure and avoidance of conflicts of interest.

VIII. REPORTING BREACHES

18. Persons who have reason to believe that this Code has ben breached in any way are encouraged to bring their concerns forward. No adverse action shall be taken against any Member or municipal employee, who, acting in good faith, brings forward such information.

IX. CORRECTIVE ACTION

19. Any reported violations of this Code will be subject to an investigation by Council. Council may retain an external consultant or panel with relevant experience to conduct an investigation and provide a report and recommendation to Council. If an investigation finds a Member has breached a provision of this Code, Council may take corrective action which may include censure of the Member, an apology to those affected by the breach, counselling, and withdrawal of appointment from any committee of Council.

X. COMPLIANCE WITH CODE

20. Members acknowledge the importance of the principles contained in this Code which will be self-regulated by Council. Councillors are required to sign a “Statement of Commitment to the Code” (Attachment A) within seven (7) days of taking the Councillors’ oath pursuant to section 147 of the *Municipal Elections Act*, R.S.N.S. 1989, c. 300.

XI. OVERALL RESPONSIBILITIES

21. The Halifax Regional Municipality Code of conduct for elected Municipal Officials applies to all members of Council.

Done and passed in Council this 23rd day of July, 2013.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk of Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on July 23, 2013.

Cathy Mellett, Municipal Clerk

ATTACHMENT A

**STATEMENT OF COMMITMENT TO THE ELECTED OFFICIALS CODE OF
CONDUCT
OF THE HALIFAX REGIONAL MUNICIPALITY**

I, (Full Name) _____ declare that as a member of **HALIFAX REGIONAL COUNCIL** acknowledge and support the elected official's Code of Conduct.

Signed: _____

Declared this ____ day of _____, 20 __.

Before me:

Municipal Clerk

Approval:

July 23, 2013

Code of Conduct for Municipal Employees

Original Implementation Date	March 1, 2006 (Ethical Conduct Policy and Illegal & Irregular Conduct policy)	Approved by	Dan English, CAO
Date of Last Revision	June 2006	Approved by	Halifax Regional Council (policies changed to Administrative Orders 40 & 41)
Approval Date:	April 24, 2018	Approved by	Jacques Dubé, Chief Administrative Officer
Effective Date:	July 1, 2018		

Policy Name

Code of Conduct for Municipal Employees

Scope/Application

1. (1) Subject to subsection 2, this Code applies to all employees of the Municipality and all employees are required to abide by and act in accordance with it.
 - (2) This Policy does not apply to a sworn member of the Halifax Regional Police or a member of Halifax Regional Council. Separate policies or legislation apply to these groups.
 - (3) This policy shall apply to volunteer firefighters unless otherwise specifically stated in the policy.
2. The standard that will be applied to determine whether a breach of this Code exists is that of an independent person who would reasonably determine that the employee's activities, actions or decisions constitute a breach of this Code.
3. This Policy shall come into force on July 1, 2018.

Purposes

4. The purposes of this Code are to:
 - (a) promote high standards of professional conduct for employees; and
 - (b) provide employees with guidelines for identifying unethical or illegal conduct, including a conflict of interest; and
 - (c) help ensure that employees do not place themselves or permit themselves to be placed in a position which would constitute illegal or unethical conduct, including a conflict of interest.

Definitions/Interpretation

5. For the purposes of this Code,
- (a) “CAO” means the Chief Administrative Officer.
 - (b) “Code” means this Code of Conduct for Municipal Employees.
 - (c) “Community Council” means a Community Council established by Administrative Order 48, the *Community Council Administrative Order*.
 - (d) “employee” includes:
 - (i) an individual employed by the Municipality; and
 - (ii) individuals employed on a personal service contract or sub-contract;
 - (e) “family” includes a Spouse and also includes, in respect of either or both the employee and their spouse:
 - (i) a parent and the parent’s spouse;
 - (ii) a sibling, step-sibling or half-sibling and the spouse of any of them;
 - (iii) a child, including an adoptive child, (i.e. step-child) and the spouse of any of them;
 - (iv) a child of an aunt or an uncle and their spouse;
 - (v) a grandchild and their spouse;
 - (vi) grandparent and their spouse;
 - (vii) an uncle or aunt and their spouse;
 - (viii) a nephew or niece and their spouse;
 - (ix) a current or former foster parent or foster child;

- (x) a current or former ward or guardian; and
 - (xi) any other person who is residing in the household of the employee.
- (f) “illegal conduct” means an action taken by an individual during the course of their employment which is contrary to a federal, provincial or municipal enactment, including:
- (i) acts in violation of the *Criminal Code of Canada*, such as offences against the person including assault or threats;
 - (ii) offences against property, such as theft or damage to property;
 - (iii) offences against commerce, such as fraud or falsifying an employment record;
 - (iv) acts in violation of the *Halifax Regional Municipality Charter*; or
 - (v) acts in violation of the by-laws of the Municipality.
- (g) “municipal assets” means all property and services of the Municipality, including:
- (i) equipment such as vehicles, computers and electronic devices;
 - (ii) financial assets and land; and
 - (iii) information and documentation of the Municipality such as internet services, electronic mail, data sets, images and all other work product.
- (h) “Municipality” means the Halifax Regional Municipality.
- (i) “personal interest” includes any interest arising from a family relationship.
- (j) “Council” means the Council of the Municipality; and
- (k) “spouse” means an individual who:
- (i) is married to the employee;
 - (ii) is married to the employee by a marriage that is voidable and has not been annulled by a declaration of nullity; or
 - (iii) has gone through a form of marriage with an employee, in good faith, that is void and is cohabitating with the employee or has cohabitated with the employee in the past year.

Responsibilities

6. The CAO, or designate, will:
 - (a) implement, administer and promote this Code; and
 - (b) ensure that managers and Directors promote the standards expressed within this Code to their employees; and
 - (c) investigate and review any reported violation of this Code and approve and administer any subsequent corrective action.
7. Managers and Directors will:
 - (a) ensure that all employees in their business unit or department are aware and have access to this Code and follow its terms; and
 - (b) report any perceived employee violations of this Code to the CAO, or delegate, and institute appropriate preventative or corrective action; and
 - (c) recommend any appropriate changes of this Code to the CAO.

Inquiry by Employee

8. If there are any questions about the application of this Code to any situation, the employee should ask their manager(s) for clarification. Guidance may also be sought from Human Resources and Legal Services.

ETHICAL CONDUCT

9. (1) An employee will:
 - (a) perform their duties with honesty and integrity and in a manner that is helpful, respectful and courteous regardless of their personal or financial interests;
 - (b) safeguard and protect municipal assets;
 - (c) use municipal assets only for the performance of their municipal duties, including complying with policies of the Municipality respecting the use of assets including the Acceptable Internet Use and Email Acceptable Use policies;
 - (d) to the extent possible, avoid a conflict of interest; and
 - (e) disclose a conflict of interest situation in accordance with section 11.
 - (2) Clause 9(1)(c) does not prevent an employee from using a municipal asset where such use is granted to the general public.
10. (1) During the course of their employment, an employee will not:

- (a) exceed their authority, breach the law, or ask others to do so;
 - (b) grant any unfair advantage to any citizen or group of citizens;
 - (c) use municipal assets in a manner:
 - (i) that will damage the assets; or
 - (ii) that would be offensive to a reasonable person;
 - (d) provide false information to the Municipality, such as providing false information respecting personal qualifications for any job, transfer or promotional application or procedure;
 - (e) solicit members of Council or another employee directly or indirectly in order to obtain preferential consideration in connection with any appointment and if such solicitation occurs, the employee will be disqualified from further consideration for the appointment; or
 - (f) perform work, either volunteer or paid, on behalf of any political organization and/or political candidate during their hours of employment with the Municipality.
- (2) Political involvement by an employee in municipal, provincial or federal levels of government is permitted, except as noted in sections 17B and 17C and clause 18(1)(d) of the *Municipal Elections Act*, providing that the employee makes it clear that they are acting as private citizens and not as representatives of the Municipality.

Conflict of Interest

8. (1) A conflict of interest exists when the duties and responsibilities of an employee are compromised by a financial or personal interest which
- (a) is incompatible with the proper discharge of their duties; or
 - (b) would impair or reasonably give the perception of impairing their independence of judgement or action in the performance of their duties.
- (2) The following are examples of situations which constitute a conflict of interest:
- (a) accepting private employment or rendering services for private interests when:
 - (i) such employment or services are incompatible with the proper discharge of their official duties;
 - (ii) such employment or services would impair, or reasonably give

the perception of impairing, their independence of judgment or action in the performance of their official duties;

- (iii) such employment or services puts the employee in competition with services provided by the Municipality; or the employee has an advantage derived from their employment with the Municipality that is not an interest in common with the public generally.
- (b) disclosing confidential information concerning the property, government, employees or affairs of the Municipality, without the prior authorization of the CAO or designate;
- (c) using confidential information concerning the property, government, employees or affairs of the Municipality to advance the financial or personal interest of themselves or others;
- (d) showing favouritism or bias toward any vendor, contractor, or other who does business with the Municipality;
- (e) accepting gifts or favours from any vendor, contractor, or others who do business with the Municipality that may influence them, or could be perceived to influence them, in the proper discharge of their duties, including providing them special treatment;²
- (f) representing third party interests before any agency, board, committee, commission or Community Council of the Municipality or in any action or proceeding against the interests of the Municipality, or in any litigation to which the Municipality is party, without the prior consent of the CAO;
- (g) accepting compensation or a retainer which is conditional upon the actions of any agency, board, committee, commission of the Municipality, or Community Council or Council;
- (h) having an interest in any municipal contract issued by the Municipality;
- (i) being in a managerial and subordinate working relationship with a family member or another employee with whom they are romantically involved;
- (j) participating in a hiring process where the employee's objectivity would be compromised, or perceived to be compromised; or
- (k) hiring, or attempting to obtain preferential consideration in connection with the hiring of a member of the employee's family.

² More information on gifts and favours can be found in the *Making a Difference Booklet and Guidelines for Accepting Gifts and Favours*.

- (3) Subclause 11(2)(f) does not apply to an action or proceeding where an employee has a personal right to advance an action or proceeding granted by statute, a collective agreement or another policy of the Municipality.
9. A conflict of interest must be disclosed:
- (a) by the employee to their immediate supervisor or manager; and
 - (b) if the conflict of interest relates to a matter before an agency, board, committee, commission of the Municipality or a Community Council or Council where the employee will be discussing the matter or providing an opinion on the matter, to their Director and ultimately to that agency, board, committee, commission, Community Council or Council.

REPORTING AND INVESTIGATING PROCEDURES

Reporting a Violation of Code

10. An employee suspecting the Code has been breached must:
- (a) where safe to do so, remove themselves from the situation causing the breach; and
 - (b) report the potential breach to:
 - (i) their immediate manager;
 - (ii) if the employee has reason to believe their immediate manager may be involved, to their Director; or
 - (iii) if the employee has reason to believe their immediate manager and the Director may be involved, to the Municipal Solicitor.

Investigations of Breaches of this Code

11. (1) A Manager, Director, or if 13(b)(iii) applies the Municipal Solicitor, who receives an allegation of breach of this Code or if a Manager or Director has reasonable grounds to suspect a breach has occurred, must
- (a) if the matter is in respect of illegal conduct, after discussion with their Director notify the police and the CAO and co-operate with police with any resulting police investigation; or
 - (b) if the matter is not in respect of illegal conduct, conduct an investigation.
- (2) If clause 13(1)(b)(i)(ii) applies, the Manager, the Director, or, if 13(b)(iii) applies the Municipal Solicitor, may conduct an investigation, providing such

investigation does not obstruct a police investigation.

12. An investigation will be objective and impartial, regardless of the position, title, length of service or relationship with the Municipality of the employee being investigated.
13. (1) An investigation should include compiling notes and pertinent records and reviewing any documentation available within the manager, Director, or Municipal Solicitor's custody or control.

(2) Once the investigation is complete, the manager, Director, or Municipal Solicitor must notify the CAO of the results of the investigation.

GENERAL PROVISIONS

Suspension During Investigation

1. If it is prudent or necessary for the protection of evidence or personnel, or is otherwise in the public interest to do so, a person subject to an investigation for breach of this Code may be suspended by their manager with pay pending the conclusion of the investigation or the implementation of any discipline or remedial action arising therefrom.

Corrective Action

2. (1) A violation of this Code by an employee may constitute a cause for corrective action by the Municipality, regardless of any steps taken by the police.

(2) If an investigation finds an employee guilty of a breach of this Code, the corrective action pursued against the employee shall be commensurate with the nature and severity of the violation, including suspensions or terminations.

Submitting a False Report

3. Knowingly or recklessly submitting a false report regarding a violation of this Code will be subject to disciplinary action up to and including dismissal and the Municipality reserves the right to seek any other proceedings or remedies available to it.

Whistleblower Protection

- (1) The identity of the reporting employee shall be kept confidential, except as required by law.

- (2) No adverse action shall be taken against any employee who, acting in good faith, reports a potential violation of this Code.

- (3) If retaliatory action occurs, the employee should immediately report the action to their manager(s), Director, the CAO or the Municipal Solicitor and the person to whom it was reported will investigate this action following the process set out in sections 14, 15 and 16.

Revisions

14. This Code and the sections contained therein will be reviewed and amended by the CAO, from time to time.

Rescission of Prior Policies

15. The Halifax Regional Municipality Illegal and Irregular Conduct Policy revised June 27, 2006 and the Ethical Conduct Policy revised June 27, 2006 and all amendments thereto are rescinded.

Related Policies and Practices

16. The following policies and practices are related to this Code:
 - (a) Making a Difference booklet;
 - (b) Substance Abuse Prevention Policy;
 - (c) Values and Ethics;
 - (d) Workplace Rights Harassment Prevention Policy;
 - (e) Workplace Violence Prevention Corporate Statement;
 - (f) Workplace Violence Prevention Corporate Procedure;
 - (g) Employee Relationships;
 - (h) Guidelines for Accepting Gifts and Favours
 - (i) Guidelines for Employee Participation in Public Meetings and Conferences;
 - (j) Social Media Guidelines;
 - (k) Acceptable Internet Use Policy;
 - (l) Email Acceptable Use Policy;
 - (m) HRM Mobility Policy; and
 - (n) Data Governance Policy.