



**HALIFAX REGIONAL COUNCIL  
COMMITTEE OF THE WHOLE MINUTES  
October 2, 2018**

PRESENT: Mayor Mike Savage  
Deputy Mayor Wayne Mason  
Councillors: Steve Streach  
David Hendsbee  
Bill Karsten  
Lorelei Nicoll  
Sam Austin  
Tony Mancini  
Lindell Smith  
Shawn Cleary  
Russell Walker  
Stephen Adams  
Matt Whitman  
Lisa Blackburn  
Tim Outhit

REGRETS: Councillors Richard Zurawski  
Steve Craig

STAFF: Jacques Dubé, Chief Administrative Officer  
John Traves, Municipal Solicitor  
Sherryl Murphy, Deputy Municipal Clerk  
Liam MacSween, Legislative Assistant

*The following does not represent a verbatim record of the proceedings of this meeting.*

*The agenda, reports, supporting documents, information items circulated, and video (if available) are online at [halifax.ca](http://halifax.ca).*

*The meeting was called to order at 10:01 a.m. and adjourned at 12:13 p.m.*

**1. CALL TO ORDER**

Mayor Savage called the meeting to order at 10:01 a.m. in Council Chamber, 3<sup>rd</sup> Floor City Hall, 1841 Argyle Street, Halifax.

**2. APPROVAL OF THE MINUTES – NONE**

**3. CALL FOR DECLARATION OF CONFLICT OF INTERESTS**

**4. First Reading Proposed By-law C-1100, Respecting HRM Election Campaign Financing**

The following documentation was before Council:

- An Executive Standing Committee report dated September 20, 2018 with attached staff recommendation report dated August 15, 2018
- A draft brochure handout entitled "Campaigning in 2020?"
- A staff presentation dated October 2, 2018

Kevin Arjoon, Municipal Clerk provided a presentation on Proposed By-law C-1100, Respecting HRM Election Campaign Financing.

MOVED by Deputy Mayor Mason, seconded by Councillor Nicoll

**THAT Committee of the Whole recommend that Halifax Regional Council:**

- 1. Give First Reading of By-law C-1100, the Campaign Financing By-law, as set out in 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.**

In response to a question, Kevin Arjoon noted that the issuance of tax receipts to campaign donors would require an amendment to the Nova Scotia Income Tax Act. Arjoon explained that this would encompass the entire province and clarified that it could be burdensome to smaller municipalities should they be required to administer a rebate program.

With respect to the proposed spending formula for candidates, Arjoon advised that staff took district size under consideration when devising the proposed spending formula and highlighted a provision for a per square kilometer rate for those in larger districts.

In response to follow up questions, Arjoon advised that there is a section in the Municipal Elections Act that speaks to contributions and gifts related to fundraising events. If approved, additional documentation providing guidelines will provide further parameters in this regard. With respect to the usage of resident databases by incumbent Councillors, Arjoon advised that a proposed administrative order, on HRM corporate resources during an election, will help to provide additional guidance on how municipal assets are to be dealt with. Arjoon clarified that staff will utilize the final list of the electors at the end of the election to determine the eligible electors for the next election.

With respect to how the self-funding limit was determined, Arjoon clarified that the current legislation is vague on contributions from the candidate to their own campaign, and that staff does not have the necessary data to accurately describe how much was spent by each candidate in previous election years. In addition, Arjoon advised that staff are taking an iterative approach to the proposed by-law and pending administrative order and will have a better understanding of candidate contributions after the 2020 election.

In response to a follow up question, Arjoon advised that candidates do not have to submit campaign related expense receipts as there is a form to be submitted by the candidate (outlined in attachment C of the August 15, 2018 staff report). Arjoon clarified that the Municipal Clerk's Office encourages candidates to keep receipts and records as they can be requested if required.

In terms of penalties for non-compliance with the proposed by-law, Arjoon explained that if there is a breach, staff will work with By-law Standards, and Halifax Regional Police to investigate. Arjoon further noted that the Municipal Elections Act outlines fines ranging from \$500 to \$10,000. Arjoon advised that Halifax Regional Police is the investigating body with respect to corrupt practices as defined in the Municipal Elections Act and has investigated election related matters in the past.

In response to questions on the sixty-day campaign contribution disclosure statement (Form 40) requirement, Arjoon advised that the proposed by-law is consistent with the provisions in the Municipal Election Act (MEA) which sets out that the form 40 Disclosure statement is to be submitted 60 days after the election. Arjoon noted that MEA is silent on candidates collecting contributions over this time frame.

John Traves, Municipal Solicitor suggested that the rationale for sixty-day timeline for campaign disclosure as set out the MEA allows candidates to collect on contributions that were spent but not collected (pledges). Traves further advised that it also provides candidates with more time to wrap up accounts.

In response to a follow up question, Arjoon advised that as this is the first attempt at a by-law on HRM Election Campaign Financing staff took a conservative approach. Arjoon concluded by noting that amendments can be considered in future years and staff will follow direction from the province with respect to permanent residents being allowed to vote in municipal elections.

Deputy Mayor Mason proposed that **Committee of the Whole approve the staff recommendation and request a supplementary report to address:**

- 1. Potential housekeeping amendments submitted by the public**
- 2. Limits being put on fundraising in the 60 days following election**
- 3. Potential methods of ensuring that candidates do not receive a tax receipt for contributions donated to a charity**
- 4. Value be given for an expense from signs from previous election.**

Councillor Walker suggested that the proposed staff report include a provision on how contributions can be refunded in the case of an acclamation, to which Committee of the Whole agreed.

The proposed staff report would now address:

- 1. Potential housekeeping amendments submitted by the public**
- 2. Limits being put on fundraising in 60 days following election**
- 3. Potential methods of ensuring that candidates do not receive a tax receipt for contributions donated to a charity**
- 4. Value be given for an expense from signs from previous election**
- 5. How contributions can be refunded in the case of Acclamation.**

Councillor Hendsbee requested that the proposed supplementary staff report also include **consideration of personal expenses (for travel purposes) separate from the total expenditure limit**, to which the Committee of the Whole agreed.

MOVED by Councillor Austin, seconded by Councillor Cleary

**THAT the motion be amended to provide that the maximum contribution for Councillor campaign be reduced from \$2,500 to \$1,000 and the limit on the total individual contribution reduced to \$5,000.**

**MOTION TO AMEND PUT AND PASSED.**

The following further amendment was suggested:

MOVED by Councillor Walker, seconded by Councillor Whitman

**THAT the motion be amended to provide that the maximum spending for Mayor be capped at \$300,000 and for Councillors be capped at \$30,000 with no use of a formula.**

**MOTION TO AMEND PUT AND PASSED.**

A further amendment was suggested as follows:

MOVED by Councillor Walker, seconded by Councillor Whitman

**THAT the maximum candidate/spouse contribution be increased from \$10,000 to \$30,000.**

Council held a brief discussion with respect to the proposed candidate or spouse of candidate contribution limit increase to \$30,000. Councillor Outhit suggested that the motion be amended to reflect an increase to \$15,000. This amendment was deemed friendly.

The amendment before Committee of the Whole now reads:

MOVED by Councillor Walker, seconded by Councillor Whitman

**THAT maximum candidate/spouse contribution be increased from \$10,000 to \$15,000**

**MOTION TO AMEND PUT AND PASSED.**

The following final amendment to the main motion was suggested:

MOVED by Councillor Karsten, seconded by Councillor Whitman

**THAT the period in which campaign contributions can be accepted and expended be changed from one year to March 1, 2018 the year of the election and for 60 days to 30 days following the election**

**MOTION TO AMEND PUT AND PASSED.**

The motion before Council now reads:

MOVED by Deputy Mayor Mason, seconded by Councillor Nicoll

**THAT Committee of the Whole recommend that Halifax Regional Council:**

**1. Give First Reading of By-law C-1100, the Campaign Financing By-law, as set out in Attachment A of the staff report dated August 15, 2018, with the following amendments**

- **Maximum contribution for Councillor campaign be reduced from \$2,500 to \$1,000 and the limit on the total individual contribution reduced to \$5,000**
- **Maximum spending for Mayor be capped at \$300,000 and for Councillors be capped at \$30,000 with no use of a formula**
- **Maximum candidate/spouse contribution be increased from \$10,000 to \$15,000**
- **The period in which campaign contributions can be accepted and expended be changed from one year to March 1, 2018 the year of the election and for 60 days to 30 days following the election**

**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.**

**MOTION AS AMENDED PUT AND PASSED.**

MOVED by Deputy Mayor Mason, seconded by Councillor Blackburn

**THAT Committee of Whole recommend that Regional Council request a supplementary staff report to address:**

- 1. Potential housekeeping amendments submitted by the public**
- 2. Limits being put on fundraising in 60 days following election**
- 3. Potential methods of ensuring that candidates do not receive a tax receipt for contributions donated to a charity**
- 4. Value be given for an expense from signs from previous election**
- 5. How contributions can be refunded in the case of Acclamation**
- 6. A personal expense (for travel purposes) separate from the total expenditure limit.**

**MOTION PUT AND PASSED.**

**5. ADJOURNMENT**

The meeting was adjourned at 12:13 p.m.

Kevin Arjoon  
Municipal Clerk