



TOWN OF DEEP RIVER CANDIDATES' GUIDE

2022 MUNICIPAL ELECTION

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INTRODUCTION

This guide provides information to Candidates for the 2022 municipal and School Board elections and covers topics that are important to know throughout your term of office as a municipal Councillor or head of Council. The Guide is not meant to replace provincial legislation, it provides general information about the rules contained in the *Municipal Elections Act, 1996* and other legislation and regulations. It covers the role of Council and the Councillor, accountability and transparency, governance and law-making in the municipal setting. The guide also outlines where you can access more information about municipal governance and includes references to specific sections in legislation that can be a helpful starting point when you are considering a particular matter.

As a Member of Council you may be challenged by complex issues, faced with controversial policies, or receive questions from constituents. Understanding your role as a municipal Councillor, as well as the role of Council and Staff, will help you address these situations. In general, Council and Staff work together towards the common goal of serving the needs of those who live in the municipality.

One of the first things you can do, if you have not already done so, is develop a general understanding of the *Municipal Act, 2001* (referred to throughout this section as the *Act*), which is the primary piece of legislation applicable to municipalities. The *Act* is a legislative framework for municipalities that recognizes municipalities as responsible local governments with a broad range of powers. The *Act* balances increased local autonomy and flexibility with requirements for improved accountability and transparency of municipal operations.

FILING OF NOMINATION

You must be eligible to hold office on the day you file your nomination. For example, a person who is 17 years old but will turn 18 before nomination day must wait until they have turned 18 to file their nomination.

Who is Not Eligible?

The following people are disqualified from being elected to municipal office:

- Any person who is not eligible to vote in the municipality
- An employee of a municipality who has not taken an unpaid leave of absence and resigned
- a judge of any court
- an MP, an MPP, or a Senator
- an inmate serving a sentence in a penal or correctional institution

Nomination Papers can be filed with the Clerk's office at Town Hall, 100 Deep River Road, Deep River, beginning Monday, May 2nd, 2022 until Thursday, August 18, 2022 during regular business hours from 8:30 AM to 4:30 PM (excluding weekends and holidays), and on Friday, **August 19, 2022** (Nomination Day) from **9:00 AM to 2:00 PM**.

The Clerk has until 4:00 PM on Monday, August 22, 2022 to certify or reject your nomination. The Clerk must be satisfied that you are eligible to run in order to certify your nomination. If your nomination is not certified you will be advised and your name will not appear on the ballot.

The Council and School Board term of office will run from November 15, 2022 to November 14, 2026.

Forms Required for Filing Nomination:

Nomination including Declaration of Qualifications Form (Form 1)
Consent to Release of Personal Information (MFIPPA) Form (Form EL52)

Nomination Fee:

Mayor	\$200.00
Reeve	\$100.00
Councillor	\$100.00

The filing fee may be paid in cash, debit card, or certified cheque or money order made payable to The Town of Deep River.

Nominations must be on the Prescribed Form (Form 1) and **must be completed in full**. Nominations are to be filed with the Clerk at the Municipal Office in the following manner:

- In person, or through an agent. If filed through an agent the Candidate's declaration must be completed by the Candidate before filing.
- During regular office hours at the Clerk's Office beginning, Monday, May 2, 2022 through Thursday, August 18, 2022, and on Friday, August 19, 2022 (Nomination Day) between **9:00 AM and 2:00 PM**.
- Prescribed statement of qualifications, signed by the person being nominated
- Prescribed nomination filing fee of \$200.00 for head of Council and \$100.00 for all other offices – the filing fee shall be paid by cash, debit card, certified cheque or money order.

When filling out the Nomination Form write your name as you want it to appear on the ballot. If you normally go by a different name than your legal first name you may use that name.

You do not have to provide all of your names under the box entitled “Given Name(s)” on the form. Only provide the one(s) you want to appear on the ballot.

Your campaign period begins when the Clerk has received your nomination.

Nomination Identification:

All Candidates must provide Government Photo ID showing qualifying address to the Returning Officer with their Nomination Papers.

Endorsement of Nomination

If you are running for municipal Council and a municipality has more than 4,000 electors you must submit original endorsement signatures from 25 people who are eligible to vote in the municipality. Candidates for School Board Trustee and Candidates for municipal Council in municipalities with 4,000 or fewer electors do not have to submit endorsement signatures.

Note: The Town of Deep River has less than 4,000 electors and therefore Candidate endorsement signatures **are not required**.

Nomination Day:

Nomination Papers will be received at the Municipal Office between **9:00 AM and 2:00 PM** on Nomination Day (Friday, August 19, 2022).

Withdrawal of Nomination

If you decide to withdraw your nomination you must notify the Clerk in writing by the close of nominations – **2:00 PM** on Friday, August 19, 2022.

If you withdraw your nomination you are still required to file a campaign Financial Statement covering all of the financial transactions you made in your campaign. If your campaign did not have any financial transactions you must file a Financial Statement reporting this.

Your nomination fee will be refunded by the Clerk if you file your Financial Statement by the deadline (March 31, 2023).

Running for a Different Office

You may only run for one office at a time. If you decide to run for a different office your first nomination is deemed to be withdrawn when you file your second nomination.

If you decide to run for a different office on the same Council or School Board and both offices are elected at large (i.e., office of the Mayor that everyone in the municipality can vote for) contributions, expenses, etc., from your first campaign is transferred to your second campaign.

Example:

You file your nomination to run for Councillor on May 12, 2022 and during the summer you decide to run for Mayor instead and then file your second nomination form on June 29, 2022. In that case:

- your first nomination form submitted is deemed to be withdrawn.
- the nomination fee you paid on May 12 is transferred to your second nomination and in this case you would be required to pay an additional \$100 to make up the \$200 fee to run for head of Council.
- your campaign for Mayor is deemed to have started on May 12
- any campaign contributions or expenses that occurred prior to June 29 are transferred to your Mayoral campaign
- you must file one campaign Financial Statement covering your campaign finances from May 12 until January 3, 2023
- your nomination fee will be refunded if you file your campaign Financial Statement by the filing deadline.

Certification Of Nominations

The Clerk has until 4:00 PM on Monday, August 22, 2022 to certify or reject a Candidate's nomination. The Clerk must be satisfied that you are eligible to run in order to certify your nomination. If your nomination is not certified your name will not appear on the ballot.

Election by Acclamation

If at 4:00 PM on Monday, August 22, 2022 the number of certified Candidates for an office is the same as or less than the number to be elected to the office, the Clerk shall immediately declare the Candidate or Candidates elected by acclamation.

If you are elected by acclamation, you must still file a campaign Financial Statement.

Additional Nominations

If there are positions that no Candidates have run for, or positions that are still vacant after the Candidates who did run have been acclaimed, the Clerk will call for additional nominations.

Additional nominations for the remaining vacant seats must be filed between **9:00 AM and 2:00 PM** on Wednesday, August 24, 2022. The Clerk must either certify or reject each nomination by 4:00 PM on Thursday, August 25, 2022.

School Board Trustee

You must be a resident within the jurisdiction of the Board and you must be eligible to vote in a School Board election. When you file your nomination you must:

- Be a Canadian citizen
- Be over 18 years of age, and
- Meet any other qualifications to vote for the School Board (i.e., be Roman Catholic or hold French language rights).

School Board Employees

You cannot work for a School Board and be a Trustee in Ontario at the same time. If you are an employee of any Ontario School Board and you want to run for a Trustee position on a School Board in Ontario you must take an unpaid leave of absence that begins the day you are nominated. If you are elected you must resign from your job.

The following people are disqualified from being elected as a School Trustee:

- Any person who is not eligible to vote in the School Board election
- An employee of a School Board or a municipal official who has not taken an unpaid leave of absence and resigned
- A judge of any court
- An MP, MPP, or a senator
- An inmate serving a sentence in a penal or correctional institution.

ELECTION SIGNS

All of your campaign signs and other advertising must identify that you are responsible for the sign. This is so that people seeing the sign or advertisement can tell that it is from your campaign, rather than from a Third-Party Advertiser.

By-law 25-2015 – A By-law to Regulate the Use of Signs and Advertising Devices within the Town of Deep River.

Section (2)

- 2.2 A temporary sign, not larger than 1.5 square metres in residential zones and not larger than 3.0 square metres in other zones, is permitted in connection with Federal, Provincial or Municipal elections, or in connection with civic events.
- 2.2.1 Election signs may be erected not sooner than the first Monday following Nomination Day for a Municipal Election and not sooner than the call of a Federal or Provincial Election. Candidates not eligible to be elected in the Town of Deep River shall not erect, nor permit his/her election signs to be erected within the geographic boundaries of the Town of Deep River.
- 2.2.2 Such signs shall not be erected more than six weeks prior to the date of the civic event.
- 2.2.3 Election signs and event signs shall be removed within five days after the election or event.
- 2.2.4 Election signs and event signs shall not be erected on private property without the consent of the owner(s).

You are responsible for ensuring your campaign signs are removed after Voting Day.

ALL CANDIDATES DEBATES

The *Municipal Elections Act, 1996* does not require Candidate debates to be held, and the municipal Clerk is not responsible for organizing meetings or debates. Debates could be organized by community groups, media outlets, Candidates or any other interested persons.

THIRD PARTY ADVERTISING

There are rules for Third Party Advertising in Ontario's municipal Council and School Board elections.

A Third-Party Advertisement is an ad that supports, promotes, or opposes a Candidate, or a "yes" or "no" answer to a question on the ballot.

Third Party in this context means a person or entity who is not a Candidate. Eligible individuals, corporations and trade unions can register to be Third Party Advertisers. Third party advertising is separate from any Candidate's campaign and must be done independently from a Candidate.

Third Party Advertisers who wish to spend money on advertisements during the election must register with the municipal Clerk and must file a Financial Statement.

For more information about Third Party advertising rules, including eligibility, spending limits and enforcement please see the Third-Party Advertisers' Guide.

Eligible Third-Party Advertisers

The following are eligible to register as a Third-Party Advertiser:

- any person who is a resident of Ontario
- a corporation carrying on business in Ontario
- a trade union that holds bargaining rights for employees in Ontario

Groups or businesses that are not corporations cannot register as Third-Party Advertisers. Candidates cannot register as Third-Party Advertisers.

Only registered Third Party Advertisers may spend money on advertisements supporting, promoting or opposing Candidates or answers to a question on the ballot during the municipal election.

VOTING DAY

Campaigning on Voting Day

The *Municipal Elections Act, 1996* does not prohibit campaigning on Voting Day. While there are restrictions on advertising for federal and provincial elections on Voting Day, these "blackouts" do not exist for municipal Council and School Board elections.

The *Act* prohibits the display of campaign material inside a voting place. The "voting place" includes the entire property of a building that has a voting place inside it, including the parking lot. You are not allowed to have campaign brochures, campaign buttons, signs or any other material inside or outside the voting place.

VOTING METHOD

The Town of Deep River will provide internet and telephone voting for the 2022 Municipal Elections.

A voter's introduction to using Simply Voting's internet and telephone voting system is provided on the Town of Deep River Elections page under Voting Methods at <https://www.deepriver.ca/residents/2022-election/voting-methods.html>

Results

After the voting results have been received the Returning Officer will prepare an unofficial statement showing the results.

Tied Vote

If two or more Candidates get the same number of votes and they cannot all be elected, there is an automatic recount. The recount must be held within 15 days of the Clerk declaring the results of the election. If you are one of the Candidates in the tie, you are entitled to be present at the recount.

If the recount shows that there is still a tie, then the legislation states that the Clerk will choose the winner by lot. This means putting the names of the tied Candidates into a hat (or other suitable container) and drawing the name of the winner.

Recounts

The *Municipal Elections Act, 1996* requires an automatic recount only if the votes are tied and they cannot all be elected.

A municipal Council or School Board may also order a recount within 30 days after the Clerk has officially declared the results of the election. If you feel there should be a recount, you must either persuade Council (or the School Board) to order one or you may apply to the Superior Court of Justice to persuade a judge to order a recount. This application may be made by any eligible elector, and must be made within 30 days of the Clerk declaring the results of the election.

Recounts must be conducted in the same way that the votes were originally counted, unless the recount is ordered by the court. For example, if the votes were counted by a vote tabulator, they may not be counted by hand during the recount.

If the recount is ordered by the court, the judge may order that the votes be counted in a different manner if the judge believes that the way the votes were counted the first time was an issue.

Wrapping Up Your Campaign

After voting day, remove any election signs that have been put up and take down your campaign website, if you have one. If you would like to keep using your website, remove any references to the campaign.

Usually, campaigns must end on December 31st. However, since December 31st, 2022 is a Saturday, the deadline moves to January 3, 2023. Your campaign must end on January 3, 2023 unless you have a deficit and inform the Clerk in writing that you are going to extend your campaign. Once your campaign has ended you should close your campaign bank account and prepare your campaign Financial Statement.

Financial statements must be filed with the Clerk by **2 PM on Friday, March 31, 2023**.

CAMPAIGN FINANCE

Record Keeping

You are responsible for keeping records of the financial activities related to your campaign. The *Municipal Elections Act, 1996* does not require you to use any specific accounting system.

You should also look through the Campaign Financial Statement (Form 4) that you will be required to file to make sure that you are keeping records of all the information that must be included in the statement.

You are required to keep all of your campaign financial records until November 15, 2026 when the next Council or School Board takes office.

You must keep the following campaign records:

- receipts issued for every contribution including when you accepted the contribution and the date you issued the receipt (remember to issue receipts to yourself for any contributions you make)

- the value of every contribution, whether it is in the form of money or goods or services, and the contributor's name and address
- all expenses including the receipts obtained for each expense
- any claim for payment of an expense that the campaign disputes or refuses to pay
- the funds raised and expenses incurred from each separate fundraising event or activity
- the terms of any loan received from a bank or other recognized lending institution.

Campaign Period

You may accept contributions or incur campaign expenses during your campaign period only. Your campaign period begins on the day the Clerk receives your nomination. In most cases, your campaign will end on January 3, 2023. Exceptions are if you:

- withdrew your nomination, your campaign ends on the date you informed the Clerk in writing that you wanted to withdraw
- were not certified as a Candidate and your name did not appear on the ballot, your campaign ends on Nomination Day (August 19, 2022)
- know you will not have any more financial activity, you can end your campaign at any time after Voting Day and before January 3, 2023.

If you have extended your campaign to pay down a deficit the end date for the extended campaign period will be the earliest of:

- the day you notify the Clerk in writing that you will be ending your campaign and not accepting any more contributions
- June 30, 2023

Bank Account

You must open a bank account exclusively for your campaign if you accept any contributions of money (including contributions from yourself or your spouse) or incur any expenses. You do not have to open a campaign bank account if you do not spend any money and do not receive any contributions or money. If you receive contributions of goods or services but no contributions of money you do not have to open a campaign bank account.

You cannot use your personal bank account for campaign finances even if you are planning a very small campaign.

All contributions – including contributions you make to yourself – must be deposited into the campaign bank account. All expenses must be paid from the campaign account.

The nomination fee is considered to be a personal expense, not a campaign expense. You do not need to have a campaign bank account in order to pay the nomination fee.

Contributions and Campaign Income

Campaign contributions are any money, goods or services that are given to you for use in your campaign, including money and goods that you contribute to yourself.

If you are given a special discount on a good or service that you are purchasing for your campaign, the difference between what you were charged and what the market value would be is considered to be a contribution.

Corporations and other businesses are not permitted to make contributions to Candidates. If you are being offered a discount, you should make sure that whoever is offering the discount is entitled to make a personal contribution to your campaign.

If a professional who would normally charge for a service gives you that service for free, the market value of the service is considered to be a contribution.

If you sell tickets to a fundraising event, the cost of the ticket is considered to be a contribution. If you sell goods at a fundraising event for more than their market value, the difference between what the person attending the fundraising event paid you and what they would have normally paid for the item is considered to be a contribution.

If you have inventory such as signs left over from a previous campaign and you use them again the current market value of the signs (what it would cost to you to buy those signs today) is considered to be a contribution that you make to your campaign.

If you or your spouse guarantees your campaign loan and the campaign is unable to repay the full amount, any unpaid balance is considered to be a contribution by the guarantor.

Things That Are Not Contributions

Volunteers working for your campaign. The value of their volunteer labour is not considered to be a contribution.

A cash donation of \$25 or less received at a fundraising event is not considered to be a contribution, and you may accept such donations without keeping track of who gave them to

you. You will have to report the total amount of money that you received from these donations on your Financial Statement.

The value of free political advertising, provided that such advertising is made available to all Candidates and is in accordance with the Broadcasting Act is not considered to be a contribution.

Who Can Make a Contribution?

- You can accept contributions only from individuals who are residents of Ontario. Corporations and trade unions are not permitted to make contributions to Candidates.
- If your spouse is not a resident of Ontario they can still make contributions to your campaign. However, they may not make contributions to any other Candidate.
- Groups such as clubs, associations or ratepayer's groups are not eligible to make contributions. The members of these groups may make individual contributions from their personal funds (as long as they are residents of Ontario).

Who Cannot Make a Contribution?

- a corporation
- a trade union
- an individual who is not normally a resident in Ontario
- a federal political party, constituency association, or a registered Candidate in a federal election
- a provincial political party, constituency association, or a registered Candidate or leadership contestant
- a federal or provincial government, a municipality or a School Board.

Receiving Contributions

You may only accept contributions after the Clerk has received your nomination. You cannot accept contributions after your campaign period has finished. Any contributions received outside the campaign period must be returned to the contributor. If you cannot return the contribution to the contributor, you must turn it over to the Clerk.

Contribution Limits – You and Your Spouse

There is a limit on the total amount you and your spouse may collectively contribute to your own campaign. The contribution limit is calculated based on the number of electors who are eligible to vote for the office that you are running for. The formula to calculate the limit is:

- for head of Council: \$7,500 plus \$0.20 per eligible elector
- for Council member: \$5,000 plus \$0.20 per eligible elector

There is a cap of \$25,000.

All of the contributions you and your spouse make to your own campaign count towards this limit, including:

- contributions of money
- the value of goods or services that you or your spouse donate to the campaign
- the value of any inventory from the previous election that you use again in this campaign

This limit does not apply to School Board Trustee Candidates.

Contribution Limits – From Other People

There is a \$1,200 limit that applies to contributions from other individuals. If a person makes more than one contribution (i.e., contributes money, goods, and purchases a fundraising ticket) the total value of all contributions cannot exceed \$1,200.

Only a contribution that is \$25 or less can be made in cash. All contributions above \$25 must be made by cheque, money order, or by a method that clearly shows where the funds came from.

Contribution Receipts

You must issue a receipt for every contribution you receive. The receipt should show who made the contribution, the date, and the value. If the contribution was in goods or services you must determine the value of the goods and services and issue a receipt for the full value.

If you receive a contribution from a joint account, the contribution can only come from one person. You must determine who is making the contribution and issue the receipt to that person.

You are required to list the names and addresses of every contributor who gives more than \$100 total to your campaign in your Financial Statement. You should keep a record of the names and

addresses of every contributor regardless of the value of their contribution because the same contributor may make multiple contributions that end up totaling more than \$100.

Note: Contribution receipts are not tax receipts. Contributions to municipal Council and School Board campaigns cannot be credited against provincial or federal income taxes.

Returning Ineligible Contributions

You are required to return any contribution that was made or accepted in contravention of the *Municipal Elections Act, 1996* as soon as you learn that it was an ineligible contribution. If you cannot return the contribution, you must turn it over to the Clerk.

Contributions should be returned or paid to the clerk if the contribution is:

- made outside your campaign period
- from an anonymous source (except for donations of \$25 or less at a fundraising event)
- from an ineligible source (someone who doesn't live in Ontario, a corporation, etc.)
- greater than the individual \$1,200 limit or the \$5,000 total limit per jurisdiction
- a cash contribution greater than \$25
- from funds that do not belong to the contributor who gave them to you

Unused contributions

If your campaign ends with a surplus, you can withdraw the value of contributions that you and your spouse made from the surplus. If you still have a surplus once you have withdrawn your contributions, the remaining surplus must be turned over to the clerk.

You are not permitted to refund eligible contributions made by anyone other than yourself or your spouse.

Contributions to municipal Council and school board campaigns are not tax deductible.

Fundraising

Fundraising functions are events or activities held by you or on your behalf for the primary purpose of raising money for your campaign. If you hold an event to promote your campaign and you happen to receive some contributions or ask people to consider contributing to your campaign, this would not qualify as a fundraising event.

Similarly, if you have a sentence in your campaign brochure asking people to make a contribution or giving them information about how to contribute, this would not be a fundraising brochure since its primary purpose is to promote your campaign, not to raise money.

Fundraisers can only be held during your campaign period. You must record the gross income (including ticket revenue and other revenue) and the expenses related to each event and activity on your campaign Financial Statement.

If you sell tickets to an event, the ticket price is considered to be a contribution to your campaign and you must issue a receipt to each person who purchases tickets. If the ticket price is higher than \$25, tickets cannot be paid for in cash.

Campaign income

If you raise funds by selling goods or services for more than fair market value, the difference between the fair market value and the amount paid is considered to be a contribution. If the good or service is sold for \$25 or less, the amount paid is considered to be campaign income that is not a contribution.

Campaign expenses

Campaign expenses are the costs that you incur during your campaign.

Reminder: the nomination fee is a personal expense rather than a campaign expense. It should not be reported on your campaign financial statement.

Expenses must be paid from your campaign bank account. If you use a credit card to pay for purchases you should make sure that you keep clear records showing that the expense on the credit card was reimbursed from the campaign account.

Any taxes such as HST paid on purchases should be included in the amount of the expense.

You can incur expenses only during your campaign period, except for expenses related to the preparation of an Auditor's Report. If you are required to include an Auditor's Report with your Financial Statement, you may incur these expenses after the campaign period has ended. These expenses must also be reported on your Financial Statement.

Goods and services

Goods or services that are contributed to your campaign are also expenses. They should be treated as if the contributor gave you money and you went out and purchased the goods and services. You must record both the contribution and the expense.

Spending limits

Candidates are subject to two spending limits – a general limit, and a separate limit for expenses relating to parties and expressions of appreciation after voting day.

General spending limit

The general spending limit for your campaign is calculated based on the number of electors who are eligible to vote for the office that you are running for. The formula to calculate the limit is:

- for head of council: \$7,500 plus \$0.85 per eligible elector
- for Council member or Trustee: \$5,000 plus \$0.85 per eligible elector

When you file your nomination, the Clerk will give you an estimate of your general spending limit. This estimate will be based on the number of electors in the previous election.

On or before September 25, 2022, the Clerk must give you a final general spending limit which is based on the number of electors on the voters' list for the current election.

If the spending limit estimate that you received when you filed your nomination is higher than the final spending limit you receive in September, the estimate becomes your official spending limit.

While most of your expenses will be subject to the general spending limit, the following expenses are not:

- expenses related to holding a fundraising event or activity
- expenses relating to a recount
- expenses relating to a court action for a controverted election
- expenses relating to a Compliance Audit
- expenses incurred by a Candidate with a disability that are directly related to the Candidate's disability and would not have been incurred if not for the election
- audit and accounting fees

Note: Any materials, events or activities must have fundraising as the primary purpose in order to be exempt from the spending limit. An incidental mention of contributions is not enough to qualify as fundraising.

When the general spending limit applies

Your spending limit covers expenses that you incur between the beginning of your campaign and voting day. Expenses that you incur between the day after voting day and the end of your campaign are not subject to the spending limit.

Note: If you incur an expense before voting day, but don't get around to paying for it until after voting day, it would still be subject to the spending limit.

Spending limit for parties and expressions of appreciation

The spending limit for expenses related to holding parties and other expressions of appreciation after the close of voting is calculated as 10% of the amount of your general spending limit.

Expenses related to parties and expressions of appreciation are subject to the specific spending limit regardless of whether they are incurred before or after voting day.

Leftover campaign inventory

If you ran in the last municipal Council or School Board election and you want to reuse leftover goods such as signs or office supplies you must establish the current market value of the goods – what it would cost you to purchase them today. You must record the current market value as an expense.

If you have inventory left at the end of your campaign it becomes your personal property. If you want to store materials such as signs for use in another election, any costs related to storage are personal costs, not campaign expenses.

The value of all goods must be recorded as an expense regardless of whether the campaign ends with used or unused goods in inventory. Do not deduct the value of unused goods from the campaign expenses, as this will result in the campaign having a surplus on paper that the Candidate does not actually have.

Surplus and deficit

If your campaign has a surplus after you have refunded contributions made by yourself or your spouse, you must pay the surplus over to the Clerk when you file your Financial Statement. The surplus will be held in trust, and you can use it if you incur expenses related to a Compliance Audit. If the surplus is not needed for these expenses it becomes the property of the municipality or the School Board.

If your campaign expenses are greater than your campaign income, your campaign will be in deficit.

Financial Statement

It is your responsibility as a Candidate to file a complete and accurate Financial Statement on time.

The filing date is **2:00 PM** on the last Friday in March following the election (March 31, 2023).

If you filed a Nomination form you must file a Financial Statement. This includes Candidates who withdrew their nomination, Candidates who were not certified and did not appear on the ballot, and Candidates who were acclaimed.

If you did not receive any contributions (including contributions from yourself) or incur any expenses you are only required to fill out the first page of the Financial Statement and sign it.

If you received contributions or incurred any expenses you must complete the relevant parts of the Financial Statement.

You can file your campaign Financial Statement after you have ended your campaign. If you file your statement early and then discover there is an error you can submit a corrected statement at any time before the filing deadline on March 31, 2023. Your original statement is deemed to be withdrawn when you file the corrected statement. You cannot withdraw a Financial Statement without submitting a corrected one.

Applying for an Extension

If you think you will be unable to file your Financial Statement by the deadline you may apply before March 31, 2023 to the Superior Court of Justice for an extension. If the Court grants the extension you will receive the refund of your nomination fee if you file by the deadline given to you by the Court.

Grace Period for Filing

If you have not filed your Financial Statement by the deadline you may file your Financial Statement within 30 days after the deadline if you pay the municipality a \$500 late filing fee. This grace period ends at 2:00 PM on Monday, May 1, 2023. You will not receive a refund of your nomination fee if you file during the 30-day grace period.

If you have not filed your Financial Statement by the end of the 30-day grace period and you did not apply to the Court for an extension prior to the deadline, automatic penalties apply:

- you will forfeit your elected office (if you won the election)

- you will be ineligible to run for office or to be appointed to fill a vacancy until after the 2026 election.

If you did not file your Financial Statement by the end of the grace period you may still file it for the purposes of having your finances on the record. The Clerk will accept the Financial Statement and make it available to the public. The penalties will still apply.

Extended Campaigns

Your campaign period ends on January 3, 2023. However, if your campaign has a deficit you can extend your campaign in order to do some additional fundraising. If you wish to extend your campaign you must notify the Clerk on or before January 3, 2023 using the Notice of Extension of Campaign Period form (Form 6).

Your campaign may be extended until June 30, 2023. If you extend your campaign you must file two Financial Statements:

- a Financial Statement reflecting your campaign until January 3, 2023 (due March 31, 2023)
- a supplementary Financial Statement that includes the information from your initial statement and adds financial information from your extended campaign.

The supplementary Financial Statement must be filed with the Clerk by 2:00 PM on Friday, September 29, 2023.

Auditor's Report

You must have an Auditor review your Financial Statement and provide a report if:

- your campaign expenses exceed \$10,000
- the contributions you received (including contributions from yourself) exceed a total of \$10,000
- both your expenses and your contributions exceed \$10,000 each

The Auditor's report (if required) must be prepared by an Auditor licenced under the *Public Accounting Act, 2004*.

You can incur expenses relating to the Auditor's report after January 3, 2023. These expenses do not count toward your spending limit. Include these expenses on the Financial Statement that you are filing.

Compliance and Enforcement

Enforcement of the *Municipal Elections Act, 1996* is done through the courts. The Ministry of Municipal Affairs and Housing does not have a role in investigating elections or in determining penalties.

Automatic Penalties

There are three contraventions of the Municipal Elections Act, 1996 where penalties automatically apply:

1. if you fail to file a Financial Statement by the end of the 30-day grace period or fail to apply to the Court before March 31, 2023 for an extension by the filing deadline
2. if your Financial Statement shows that you exceeded your spending limit
3. if you fail to turn over your surplus to the Clerk when you file your Financial Statement

The penalty is that you forfeit your office (if you won the election) and you become ineligible to run or be appointed to fill a vacancy until after the 2026 election.

Compliance Audits

Each municipality and School Board must appoint a Compliance Audit Committee.

If an eligible elector believes you have contravened the election finance rules they may apply for a compliance audit of your campaign finances. The application must be in writing and must set out the reasons why they believe you contravened the rules.

An application for a compliance audit must be submitted to the Clerk who conducted the election within 90 days of the deadline to file the campaign Financial Statement.

The compliance audit committee will consider the application and decide whether to grant or reject the application. You may appeal the committee's decision to the Superior Court of Justice within 15 days after the decision is made.

If the committee grants the application, it will appoint an auditor to conduct a compliance audit of your campaign finances. The auditor is entitled to have access to all of the financial records related to your campaign. The auditor will produce a report, which you are entitled to receive.

The compliance audit committee will meet to consider the auditor's report. If the report concludes that there is an apparent contravention of the *Municipal Elections Act, 1996* the committee will decide whether to commence legal action.

The compliance audit committee does not have any authority to set penalties. Only the court can decide if you contravened the Act and, if so, which penalties should apply.

A person who does not want to or who is not able to apply for a compliance audit may decide to commence legal action on their own. A prosecution related to the 2022 election must be commenced before November 15, 2026.

Penalties

If you are convicted of an offence, you may be subject to the following penalties:

- a fine of up to \$25,000
- ineligibility to vote or run in the next general election
- up to six months in prison
- forfeiture of your elected office, if the judge finds that you committed the offence knowingly

If you are convicted of exceeding the spending limit, you may also be fined the amount by which you exceeded the limit.

Completing the Financial Statement

All candidates must file a financial statement. This includes candidates who withdrew their nomination, candidates who were not certified and did not appear on the ballot, and candidates who were acclaimed.

Candidates must use [Form 4](#).

All candidates must complete Box A: Name of Candidate and Office and Box B: Declaration.

- **If you did not receive any contributions** (including contributions from yourself) or incur any expenses, check the box indicating this, and complete the Declaration in Box B. No further information is required.
- **If you did receive contributions** (including contributions from yourself) or incur expenses, you must fill in the information in Box C, Box D, Schedule 1 and Schedule 2, as appropriate. You may find it easier to fill out the form if you start with the more detailed sections such as the tables in Schedule 1 before filling in Box C (Statement of Campaign Income and Expenses).

If you received contributions or incurred expenses in excess of \$10,000, you must include an auditor's report with your financial statement.

Your completed financial statement must be submitted to the clerk by **2 p.m. on the last Friday in March (March 31, 2023)**.

Supplementary financial statements must be submitted to the clerk by **2 p.m. on the last Friday in September (September 29, 2023)**.

Tips for Completing Form 4

Box A: Name of Candidate and Office

Record your general spending limit and your spending limit for parties and other expressions of appreciation.

Note: automatic penalties will apply if the form reports that either of the spending limits have been exceeded.

If you are running for a council position, record your self-funding limit.

Box B: Declaration

By signing the form, you are declaring that the information recorded in the financial statement is true and accurate. If your financial statement was prepared by someone else, you as the candidate are still responsible for its accuracy.

Box C: Statement of Campaign Income and Expenses

Loan

If you obtained a loan for your campaign you must record the name of the bank or recognized lending institution and the amount borrowed.

You are permitted to get a loan only from a bank or other recognized lending institution in Ontario, and it must be paid directly into your campaign bank account. You may not receive a loan from family members or from any corporate accounts that you may have access to.

The loan is not considered to be campaign income, and paying it back is not a campaign expense. However, if you or your spouse guarantee the loan and the campaign does not repay all of it, the remaining balance is considered to be a contribution (since the guarantor is basically providing the campaign the means to repay the loan). This amount counts towards your self-funding limit.

Any interest that the campaign pays on the loan is a campaign expense.

Income

Your campaign income includes all contributions received from yourself, your spouse and other eligible contributors. This includes the value of contributions of goods and services. Income also includes any refunds of deposits, interest earned by your campaign bank account, and revenue from fundraising events or activities that is not deemed a contribution (for example, if you sold refreshments at market value).

Example:

You have 100 t-shirts printed to sell at a fundraiser. The cost to the campaign is \$10 per shirt, and you sell them for \$25 each.

The \$25 is not a contribution. You do not have to collect names and contact information, or issue a contribution receipt to anyone who buys a shirt.

The \$1,000 that you spent on the shirts must be recorded as a campaign expense.

The \$2,500 that you raised by selling the shirts must be recorded as revenue from fundraising events not deemed a contribution.

If you sell goods (such as food and drink) at market value, the revenue is not considered to be a contribution and must be recorded as revenue from fundraising events not deemed a contribution.

Expenses

Your campaign expenses include the value of any goods or services that have been contributed to your campaign (it is as if the contributor gave money to the campaign, which the campaign then spent on acquiring the goods or services).

The general spending limit applies only to expenses incurred until the end of voting day. Expenses incurred after voting day are not subject to the spending limit.

Note: An expense subject to the general spending limit that was incurred prior to voting day but not paid for until after voting day is still subject to the limit.

Some types of expenses are not subject to the general spending limit even if they are incurred prior to voting day.

Expenses related to parties and expressions of appreciation after voting day are subject to that spending limit regardless of when they are incurred.

Box D: Calculation of Surplus or Deficit

Campaign deficit

At the top of Box D, you must subtract the total amount of your campaign expenses from the total amount of your campaign income. If your expenses are greater than your income, your campaign is in deficit.

If you have extended your campaign in order to fundraise, you must still file a financial statement reflecting your campaign finances to January 3, 2023.

Campaign surplus

At the top of Box D, you must subtract the total amount of your campaign expenses from the total amount of your campaign income. If your income is greater than your expenses, your campaign has a surplus.

You are entitled to reimburse contributions made by yourself or your spouse out of the surplus. For example, if the surplus was \$500 and you contributed \$400 to your campaign, you may deduct that \$400, leaving your campaign with a surplus of \$100. If the surplus was \$500 and you contributed \$600, you may deduct \$500 of your contribution, leaving your campaign with \$0. You may not deduct more than the value of the surplus.

If, after deducting contributions made by yourself or your spouse, the campaign still has a surplus, these funds must be turned over to the clerk.

Schedule 1: Contributions

Schedule 1 includes a summary of contributions from your campaign.

The following tables are included in Schedule 1 and need to be filled in, if applicable:

- Table 1: Contributions in goods or services from candidate or spouse
- Table 2: Inventory of campaign goods and materials from previous municipal campaign used in this campaign
- Table 3: Monetary contributions from individuals other than candidate or spouse where contributions exceed \$100 per contributor
- Table 4: Contributions in goods or services from individuals other than candidate or spouse where contributions exceed \$100 per contributor

Contributions from yourself and/or your spouse

If you are running for municipal council, you and your spouse are subject to limits on how much you can contribute to your campaign. This limit applies to contributions of money, goods and

services, as well as the value of any inventory from a previous campaign that you have used in your current campaign.

Record these amounts on the lines provided in Schedule 1. Do not include them in the tables of contributions (Table 1 or Table 2). The other reason to identify the contributions from you and your spouse is because those contributions can be reimbursed by you and your spouse if the campaign ends with a surplus.

Note: you must report the full amount of the contributions made by you and your spouse, including any amounts that have been reimbursed from a surplus.

Contributions Totaling \$100 or Less

If the total amount contributed (including the value of goods and services) from a single contributor is \$100 or less, you do not need to provide details on the form. Simply indicate the total value of all such contributions on the line provided at the top of Schedule 1.

If an anonymous contribution is \$100 or less, include it in the total value of contributions not exceeding \$100 per contributor. Any anonymous contribution that is greater than \$25 must be turned over to the clerk.

Goods and services from candidate or spouse

If you or your spouse contribute goods and services to your campaign, this must be recorded as a contribution. Record any contributions in Table 1 of Schedule 1.

Inventory from previous campaign

Any inventory from a previous campaign that you are using again is a contribution in goods that you make to your campaign and counts towards your self-funding limit. You must calculate the current market value (for example, if you have 100 signs left over from 2018 and use them again, you must calculate how much it would cost to purchase those same signs in 2022) and record it in Table 2. This inventory must also be recorded as a campaign expense.

Contributions Totaling More Than \$100

If a contributor makes 1 or more contributions totaling more than \$100 (including the value of goods and services and the cost of tickets to fundraising events), you must record all of these contributions in the tables provided in Schedule 1 (Tables 3 and 4).

If an anonymous contribution is more than \$100, include it in the total value of contributions exceeding \$100 per contributor, and include it in Table 3 (listing "anonymous" as the name of the contributor). Any anonymous contribution that is greater than \$25 must be turned over to the clerk.

Note: it is the total amount contributed that matters – if an individual buys a ticket to a fundraising event for \$50, and then later in the campaign contributes \$75, each of these contributions must be recorded in Table 3 because the total exceeds \$100.

Goods and services from individuals other than candidate or spouse

Eligible contributors may donate goods and services to the campaign. These must be recorded as a contribution and as an expense (as if the contributor donated money, which the campaign then spent on the goods and services).

Corporations and trade unions are not permitted to make contributions to candidates. This includes contributions of goods and services.

Example:

Your friend spends \$150 on coffee and baked goods which they donate for a campaign event. You should record a contribution of \$150 in goods or services from your friend and record an expense of \$150.

If you are given a special discount on a good or service that you are purchasing for your campaign, you should record the expense as if you were not given the discount (since the value of the discount is considered to be a contribution of the good or service to your campaign).

Example:

Your order for campaign signs would normally cost \$500, but the vendor lets you have them for \$300 because he wants to help out your campaign. You should record an expense of \$500 for the signs and record a contribution of \$200 in goods or services from the vendor.

Note: As businesses are not permitted to make contributions, the contribution would have to be a personal contribution from the vendor.

Contributions in goods or services from individuals other than the candidate or spouse must be recorded in Table 4 of Schedule 1.

Schedule 2: Fundraising Events and Activities

The cost of holding fundraising events or activities is not subject to the spending limit. However, in order to be considered a fundraising cost, the primary purpose for the expense must be related to fundraising rather than promoting the candidate. Incidental fundraising that happens to occur during a promotional event is not sufficient to make it a fundraising event. Similarly, a line at the bottom of a campaign brochure asking people to donate does not make the production of the brochure a fundraising expense.

If you have included costs of fundraising events/activities as an expense in Box C, you must provide details of these events and activities in Schedule 2.

Contributions received at a fundraising event may include:

- the price of the ticket
- if goods or services are offered for sale, any amount of money paid that exceeds their market value (for example, if a \$100 item is sold for \$175, the purchaser has made a \$75 contribution to the campaign)
- personal cheques collected from contributors at the event

If contributors have donated goods or services for the fundraising event, these must be recorded as contributions and as expenses.

These contributions must be recorded in Schedule 1, and where the total from a contributor exceeds \$100, be detailed in the appropriate tables. Refer to [Schedule 1: Contributions](#) (page 32) for more information.

The fundraising event may also generate revenue that is not considered to be a contribution:

- donations of \$25 or less
- if goods or services are offered for sale, the market value of those goods and services sold (for example, if a \$100 item is sold for \$175, \$100 is revenue)
- the amount paid for goods or services offered for sale for \$25 or less.

Anonymous contributions

You may keep anonymous contributions that do not exceed \$25 each that are received at a fundraiser (such as those collected by passing the hat or having a tip jar). Report the total amount of money received from these donations in Schedule 2 for that fundraiser.

All other anonymous contributions must be turned over to the clerk.

You will then subtract the contribution as paid or payable to the clerk to arrive at the Total for Part II Contributions in Schedule 2.

Auditor's report

If your campaign expenses or the contributions you received total more than \$10,000 you must have an auditor review your financial statement and provide a report.

The auditor's report must be prepared by an auditor licensed under the [Public Accounting Act, 2004](#). Before you hire someone to prepare the report, you should ensure that they are properly qualified.

Term of Office

The Council and School Board term of office will run from November 15, 2022 to November 14, 2026.

ELECTED OFFICE

The following offices will be elected for the 2022 Municipal Elections:

Mayor	One (1) to be elected
Reeve	One (1) to be elected
Councillor	Five (5) to be elected

ELECTION OFFICIALS

Municipal Elections Act, 1996

Clerk / Office of The Returning Officer

The Clerk's office is where forms (Nomination and Campaign Financial Statements) must be filed. The Clerk is also responsible for providing information about spending limits and filing deadlines to Candidates.

Duties of Clerk – 11 (2)

Responsibility for conducting an election includes responsibility for,

- (a) preparing for the election;
- (b) preparing for and conducting a recount in the election; and
- (c) maintaining peace and order in connection with the election.

Powers of Clerk – 12 (1)

A clerk who is responsible for conducting an election may provide for any matter or procedure that,

- (a) is not otherwise provided for in an *Act* or regulation; and

- (b) in the Clerk's opinion, is necessary or desirable for conducting the election.

Clerk – To Give Notice – 13 (1)

Any notice or other information that this *Act* requires the Clerk to give shall be given in a form and manner and at a time that the Clerk considers adequate to give reasonable notice or to convey the information, as the case may be.

Emergency Declaration by the Clerk

If the municipal Clerk believes that circumstances have arisen that prevent the election from being conducted appropriately, they may declare an emergency. This declaration is specific to the election and separate from an emergency that may be declared by the municipality or the province.

Once the Clerk has declared an emergency they can decide what arrangements to make to allow the election to proceed appropriately. The arrangements that the Clerk makes will depend upon the nature of the emergency.

Deputy Returning Officer

The Clerk / Returning Officer may delegate to a Deputy Returning Officer (DRO) or other Election Official any of the Clerk's powers and duties.

COUNCIL

In Ontario, a Council is required to have a minimum of five members, one of whom is the head of Council.

The role of Council is outlined in section 224 of the *Municipal Act, 2001* - PART VI, PRACTICES AND PROCEDURES, Municipal Organization and Administration.

Role of Council

224. It is the role of Council,

- (a) to represent the public and to consider the well-being and interests of the municipality;

- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- (e) to maintain the financial integrity of the municipality; and
- (f) to carry out the duties of council under this or any other *Act*.

Municipal Councils have a broad range of responsibilities and may choose to organize their work using Committee structures. Some municipalities may choose to use a Committee of the Whole structure, while other Councils will often have a number of Standing Committees consisting of Councillors only, or Advisory Committees made up of a mix of Councillors and members of the public.

These committees carry out the work of Council and then report back to Council with recommendations. Examples of Council Committees include: Planning, Parks and Recreation, Public Works, Finance, Administration, etc.

As a Councillor, you have three main roles to play in your municipality: a representative, a policy-maker, and a steward. These roles may often overlap. You will be called on to consider and make decisions on issues that will sometimes be complex and controversial. Many of those decisions will have long-term consequences for your municipality that extend beyond your four-year term of office, and should be made in the context of your municipality's plans for the long-term health and welfare of the community.

The representative role of Council is clearly indicated in section 224 of the *Act*. At first glance, the representative role appears to be fairly simple and straightforward. But what does it involve?

On one hand, you were elected by your constituents to represent their views when dealing with issues that come before Council. Your constituents have many views and opinions, and you cannot represent all of them, all of the time.

On the other hand, election to office requires you to have a broader understanding of the issues that impact the municipality as a whole. You will have to consider conflicting interests and make decisions that will not be popular with everyone. Generally, evidence-based decisions are made by taking into account all available information. Working as a team with the rest of Council and Staff will contribute to making your time on Council a success.

Some decisions are made by designated Staff who operate at arm's length from the Council. Examples of this include decisions made by statutory officers such as the Clerk, Treasurer, Fire Chief, Chief Building Official, or Medical Officer of Health. These individuals may also be acting

in accordance with accountability provisions under other pieces of legislation, which may impact their advice to Council.

Council's role in policy-making is important to providing direction for municipal operations. Policy-making is another key Council responsibility identified in section 224 of the *Act*.

Many Council decisions are routine, dealing with the ongoing administration of the municipality, but others establish the principles and direction that may determine the municipality's future actions. These are often considered to be policy decisions. Some policies can be specific, such as a by-law requiring dogs to be kept on leashes in public areas, and others can be broader and more general, such as approval of an Official Plan.

Policy-making may involve a number of steps and requires Council to:

- identify an issue that needs to be dealt with
- reach agreement on the facts of the issue, making sure the objectives are met
- give direction to staff to research the issue, identify the available options and report back to Council with recommendations
- engage members of the public on the issue and consider their feedback
- consider the information provided by staff, taking into account demands on time, funding and other issues
- make a decision based on the best course of action available and adopt a policy
- direct staff to implement the policy
- work with staff to evaluate the policy and to update or amend it as required

In practice, however, policy-making is sometimes less orderly because of:

- a rapidly changing environment, the complexity of issues facing local government, and the difficulty in singling out problems that require more immediate attention
- differing and sometimes strongly held views by stakeholders and members of the public
- the lack of time to identify all possible alternatives and to conduct detailed research and analysis
- the legal and financial limits on what Council may do
- the complexity of implementing policies and developing ways to monitor and evaluate them

Council is the municipality's primary policy-making body. Municipal staff are responsible for implementing the policies approved by Council and may provide information and advice to help inform Council's policy decisions.

Council's objectives are to ensure that the municipality's financial and administrative resources are being used as efficiently as possible. Generally, Council monitors the implementation of its

approved policies and programs, but the practical aspects of its implementation and administration are a staff responsibility.

Role of Head of Council

Depending on the municipality, the head of Council may be called a Warden, Chair, Reeve, or Mayor. Whatever title is preferred, the role of head of Council as set out by the *Act* remains the same, as outlined in section 225:

s.225. It is the role of the head of Council,

- (a) to act as Chief Executive Officer of the municipality;
- (b) to preside over Council meetings so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to the Council;
- (c.1) without limiting clause (c), to provide information and recommendations to the Council with respect to the role of Council described in clauses 224 (d) and (d.1);
- (d) to represent the municipality at official functions; and
- (e) to carry out the duties of the head of Council under this or any other *Act*.

As Chief Executive Officer of the municipality, the head of Council has special responsibilities which are set out in section 226.1:

- (a) uphold and promote the purposes of the municipality;
- (b) promote public involvement in the municipality's activities;
- (c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally, and internationally, and
- (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

The head of Council has a prominent and very public profile. Many citizens within your municipality will have high and often varied expectations for the head of Council. The head of Council must find a way to balance these expectations and special responsibilities.

Municipal decisions, however, are made by Council as a whole. Generally, the head of Council does not have any more power than any other member of Council to make decisions on behalf of the municipality. Each member of Council has one vote.

MUNICIPAL ADMINISTRATION

s.227. It is the role of the officers and employees of the municipality,

- (a) to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- (b) to undertake research and provide advice to Council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any *Act* and other duties assigned by the municipality.

Chief Administrative Officer

The Chief Administrative Officer is a discretionary position whose responsibilities are set out in section 229 of the *Act*.

s.229.

A municipality may appoint a Chief Administrative Officer who shall be responsible for,

- a. exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- b. performing such other duties as are assigned by the municipality.

This approach separates policy making from policy implementation, with Council concentrating on policy making and the Chief Administrative Officer and other staff implementing the policy.

Clerk

s.228. A municipality shall appoint a Clerk whose duty it is,

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of the Council;
- (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of the Council;
- (d) to perform the other duties required under this *Act* or under any other *Act*; and
- (e) to perform such other duties as are assigned by the municipality.

Role Of Staff

A key feature of effective and efficient Councils is an understanding of Council-Staff relations and the role of each. Just as section 224 of the *Act* outlines the role of council, section 227 sets out the role of staff:

227. It is the role of the officers and employees of the municipality:

- a. to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b. to undertake research and provide advice to Council on the policies and programs of the municipality; and
- c. to carry out other duties required under this or any *Act* and other duties assigned by the municipality.

There are some specific legislative provisions that set out the duties of some officers of the municipality, such as the Clerk, Treasurer, and the Chief Administrative Officer.

Council-Staff Relationship and Roles

Councils and their administration have different roles within the municipality, but their roles have common goals and purposes.

The relationship between Council and Staff is a vital component of an effective municipal government. Staff and Council rely on one another to move the municipality forward. Both Staff and Council provide leadership; Council provides political leadership, while Staff provide leadership in implementing Council decisions.

COUNCIL MEETINGS

Generally, the powers of your municipality must be exercised by Council through By-Laws which are passed (enacted) at Council Meetings. Council and local Board meetings must generally be open to the public to conduct business in a transparent and accountable way. Central parts of Council decision making – including deliberation and voting take place there. It is important that Council Meetings be properly notice is given and organized, and that proper procedures are followed.

The effective and efficient conduct of meetings can help move the business of Council along in a timely manner. One of the roles of the head of Council is to act as the presiding officer

(sometimes called chairperson) at Council Meetings, although Council may assign this duty to another member of Council with the consent of the head of Council. The presiding officer is often responsible for following the agenda, preserving order and enforcing any rules of procedure Council may have adopted.

Procedure By-Laws

Every municipality and certain local Boards must pass a Procedure By-Law to govern the calling, place and proceedings of their meetings and meetings of certain committees. The content of the Procedure By-Law is generally up to the Council or the local Board.

Notice

Municipalities are required to provide for public notice of meetings in their Procedure By-Laws. Notice of meetings is an important factor in strengthening municipal accountability and transparency, and encouraging public participation in local government decision making.

Special Meetings

The *Municipal Act, 2001* provides for special meetings to be called in certain circumstances, subject to the municipality's Procedure By-Law. For example, the Clerk might call a Special Meeting upon receipt of a petition from a majority of Councillors or the head of Council might want to call a Special Meeting in the event of an extreme weather event. Some municipalities have established a minimum notice period for holding special meetings, requiring that the time, location and purpose of the meeting be clearly stated in the notice.

Definition of a Meeting

Council meetings are customarily either regular or special. Although the frequency of regular meetings is up to Council, they are usually held at regular intervals and at locations set out in the Procedure By-Law. An exception is the date of Council's first meeting after an election, which cannot be held later than 31 days after the term of Council begins, at the time set out in the municipality's Procedure By-Law.

For the purposes of certain meeting rules, the *Act* now provides that a "meeting" means any Regular, Special or other Meeting of a Council, of a local Board, or of a Committee of either of them, where,

- a. A quorum of members is present
- b. Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, local Board or Committee

Open and Closed Meetings

The *Municipal Act, 2001* includes provisions related to the transparency and accountability of Council as well as certain local Boards and Committees, including the conduct of meetings. Transparent decision-making processes may be seen as part of foundation of good municipal governance.

A key transparency rule for municipalities is the requirement that most municipal meetings be open to the public. There are limited exceptions where a closed meeting can be held. Open meeting rules recognize the importance of transparency in local decision-making. As a result of changes made to the *Act*, there are now additional reasons for which meetings may be closed.

Quorum

A quorum is the minimum number of members needed to conduct business at a meeting. Generally (there are exceptions), a quorum is a majority of members. Electronic participation of members may count towards quorum if the Procedure By-Law allows it. For additional information about quorum, please see section 237 of the *Municipal Act, 2001*.

Quorum may be affected if a member declares a pecuniary (financial) interest in a matter being considered at a meeting. If a member is required to declare a pecuniary interest in a matter at a meeting, the member cannot vote (or participate generally) with respect to the matter. For more information about a member's duties in this regard, please see the *Municipal Conflict of Interest Act*, particularly section 5, and the accountability and transparency section of this guide.

Electronic Participation in Meetings

The *Municipal Act* allows members of Councils, Committees and certain local Boards to:

- participate in open and closed meetings electronically
- count members participating electronically for purposes of quorum (the minimum number of members needed to conduct business at a meeting)

These provisions are optional and Municipalities can choose whether they wish to use these provisions and incorporate them in their individual Procedure By-Laws. The Town of Deep River has incorporated electronic meeting participation into its Procedural By-Law.

Absence longer than three months

A member's seat becomes vacant if they are absent from Council meetings for three successive months without being authorized by a Resolution of Council.

ACCOUNTABILITY AND TRANSPARENCY

Ensuring accountability and transparency is one of Council's roles under section 224 of the *Municipal Act, 2001* (the *Act*), and is a priority in maintaining public trust. Councillors are, of course, accountable to the public as elected officials. However, it is also important that procedures and policies are clearly set out and accessible, and that the day-to-day operations of the municipality are transparent.

Ontario municipalities and members of Council operate under a legislated accountability and transparency framework that include rules for the municipality and rules for members of Council and local Boards. Local accountability and transparency frameworks consist of a mix of requirements and options.

Key requirements for municipalities include:

- adopting policies related to accountability and transparency specified in section 270 of the *Municipal Act, 2001*
- establishing a code of conduct for members of Council and certain local Boards, ensuring access to an Integrity Commissioner
- certain *Municipal Conflict of Interest Act* and open meeting requirements

Discretionary options for municipalities include appointing additional accountability officers, such as a municipal Ombudsman or Auditor General.

Adoption of Policies

Section 270 of the *Municipal Act, 2001* requires municipalities to have policies on:

- sale and other disposition of land
- hiring of employees
- procurement of goods and services
- when and how to provide notice to the public

- how the municipality will try to ensure accountability and transparency to the public
- delegation of powers and duties
- the relationship between council members and municipal officers and employees
- the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality
- pregnancy leaves and parental leaves of members of council

Codes of Conduct and Other Ethical Rules

Codes of conduct set out expectations and standards for Councillor conduct. Codes may help prevent ethical conflicts and help in their resolution, serve as a basis for Council orientation and training, and serve as a reference throughout the operation of the Council's term.

Municipalities are required to establish codes of conduct for members of Council and certain local Boards and include the following subject matters in their local codes:

- gifts, benefits and hospitality
- respectful conduct, including towards officers and employees of the municipality or of local boards
- confidential information
- use of municipal or local board property

Accountability Officers

To help support integrity and accountability in public office, municipalities may pass By-Laws to establish certain accountability officers. Municipalities are required to provide access to an Integrity commissioner, and may establish a municipal Ombudsman, Auditor General and / or Lobbyist Registrar.

Role of the Integrity Commissioner

Municipalities are required to provide access to an Integrity Commissioner. The Integrity Commissioner's role is to perform, in an independent manner, the functions assigned by Council with respect to:

- applying the local codes of conduct for members of Council and certain local Boards
- applying local procedures, rules, and policies governing the ethical behavior of members
- applying certain *Municipal Conflict of Interest Act* (MCIA) rules to members

- requests for advice from members of Council and certain local Boards respecting their obligations under:
 - the local code of conduct applicable to the member
 - local procedures, rules or policies governing the ethical behavior of the members
 - certain sections of the MCIA
- providing educational information to the public, the municipality and members of Council and certain local Boards about local codes of conduct for members and about the MCIA.

The Commissioner's functions also include conducting inquiries into requests from Council or a local Board, a member of Council or a Board, or a member of the public about whether a member of Council or a local Board has contravened the applicable code of conduct. If the Commissioner reports that, in their opinion, a member of the Council or local Board has contravened the code of conduct, the municipality may impose a penalty in the form of a reprimand or a suspension of pay for a period of up to 90 days. It is up to the municipality to decide how to proceed after an Integrity Commissioner's report. Some municipalities have considered measures that may be outside a code of conduct process, such as requesting an apology and / or removing the member from Committees

Municipal Conflict of Interest Act Matters

The *Municipal Conflict of Interest Act* (MCIA) sets out ethical rules for Council and local Board members if they have certain pecuniary (financial) interests in a matter that is before their Council or local Board at a meeting. For example, a member may have to take steps if they are present at a Council or local Board meeting where that member's land will be discussed.

The possible penalties for contravention of the MCIA include:

- reprimand
- suspension of pay for a period of up to 90 days
- restitution
- removal from office
-

The courts decide whether or not a contravention of the MCIA has taken place.

A member with a financial interest is required – with certain exceptions – to:

- disclose the interest and its general nature before the matter is considered at the meeting
- not take part in the discussion or voting on any question in respect of the matter
- not attempt to influence the voting before, during, or after the meeting
- immediately leave the meeting, if the meeting is closed to the public

If a member of a Council or local Board has a financial interest in a matter, the MCIA generally prohibits them from using their office to attempt to influence decisions or recommendations being considered by municipal or local Board employees (or by persons with authority delegated from Council). For example, a member with a financial interest in a matter could not, in most instances, try to influence a decision or recommendation of a municipal employee who is considering the matter.

Integrity Commissioner role in *Municipal Conflict of Interest Act* matters

Integrity Commissioners may investigate a complaint from an elector or a person demonstrably acting in the public interest concerning an alleged contravention of *MCIA* rules that apply to members.

After completing an investigation, an Integrity Commissioner may decide to apply to a judge for a determination as to whether the member has contravened the *MCIA*. If an Integrity Commissioner decides not to apply to a judge, the person who made the complaint may still do so.

See the *Municipal Conflict of Interest Act* and section 223.4.1 of the *Municipal Act, 2001* for additional information.

The Ontario Ombudsman

The Ontario Ombudsman has a role with respect to municipalities. This role builds on the local accountability and transparency framework in the *Municipal Act, 2001*. The role is in addition to the Ontario Ombudsman's role as the default meeting investigator for municipalities that have not appointed a local meeting investigator.

The Ontario Ombudsman supports transparency in government and may recommend improvements.

The Ontario Ombudsman may investigate municipalities on complaint or on the Ombudsman's own initiative. Although the Ontario Ombudsman may investigate, they cannot compel municipalities to take action. The Ombudsman may make recommendations to Council and the municipality as part of their report. It is up to the municipality whether and how to address any recommendations made by the Ombudsman.

It is up to the Ombudsman how to respond to complaints. For example, the Ontario Ombudsman's practice is to investigate complaints made to local integrity officers (for example, a local Ombudsman) only after the local complaint processes are completed.

The Ontario Ombudsman does not replace locally established complaint mechanisms or act as an Integrity Commissioner for municipalities. Local integrity officers and municipal codes of conduct are an important part of Ontario's local accountability framework.

Certain local boards (for example, police services board and children's aid societies) may be exempted from the Ontario Ombudsman's oversight. For more information, see *Ontario Regulation 114/15* under the *Ombudsman Act*.

For more information on the Ontario Ombudsman, including their processes, please see the *Ombudsman Act* and the Ontario Ombudsman's Website.

Privacy and Confidentiality

Personal privacy and other confidentiality issues are an important practical and legal consideration for municipal Councillors and Staff.

The *Municipal Freedom of Information and Protection of Privacy Act* is the primary statute for privacy and confidentiality. It sets out rules for collection, use and disclosure of personal information. According to these rules, Councillors (and Staff), in most circumstances, would protect personal privacy and only collect, use and disclose personal information in accordance with those rules. For example, depending on circumstances, Councillors and Staff may or may not be authorized to obtain personal information in the course of their duties. This might mean that at times Councillors could not obtain this kind of information from staff.

Municipal freedom of information legislation also regulates confidential information of other kinds (in addition to personal information). Other statutes and laws (including local By-Laws) also regulate personal and other kinds of confidential information.

Councillors who may have received personal or other confidential information in the course of their duties will have related responsibilities, such as protecting and safeguarding the information. Councillors may wish to check with municipal staff about appropriate measures and the municipality's practices (for example, providing for physical security to help prevent unauthorized disclosure or loss of confidential information).

IMPORTANT DATES

Provided in the Clerk's Procedures Manual

RESOURCES

Municipal Act, 2001

Municipal Elections Act, 1996

Accessibility for Ontarians with Disabilities Act, 2005

Occupational Health and Safety Act

Municipal Conflict of Interest Act

Ontario Ombudsman

Building Code Act, 1992

Municipal Freedom of Information and Protection of Privacy Act