

HRM Councillors District Activity Fund: Policy and Procedures

A. POLICY

1. Context

The Municipal Government Act (1998) provides the broad framework within which policies authorizing the expenditure of public monies are developed. According to the Act, the Municipality may award a grant or make a contribution to a duly registered non-profit organization, charity, society, club, association, or exhibition.

In general, contributions made under the Councillors' District Activity Fund focus on local activities related to recreation, social welfare, culture, charitable fund-raising by a recognized institution or duly registered community group, community and civic events, an amateur sports club or sports event, environmental protection or a community beautification project, and community-based educational initiatives.

- 1.1 Contributions made under the Councillors' District Activity Fund are not intended to supplement HRM departmental budgets in program and service delivery.
- 1.2 Contributions made under the Councillors' District Activity Fund are not intended to subsidize the operations of an HRM Standing Committee or a Committee of Council.
- 1.3 Contributions made under the Councillors' District Activity Fund are not intended to compensate or supplement federal or provincial responsibilities in health care, social services, justice or employment.

2. Statement of Intent

The Councillors' District Activity Fund Policy, is intended to guide expenditures in accordance with the Terms of Reference for the Grants Program, HRM Finance Policy, and legislation regarding spending during government elections.

3. Approved Purposes

- 3.1 The Municipal Government Act (1998), Part IV Finance, Section 65, Item (au) states that the Municipality may make a grant or contribution to:
 - (i) a society within the meaning of the *Children and Family Services Act*,
 - (ii) a mental health clinic in receipt of financial assistance from the Province,
 - (iii) an exhibition held by an educational institution in the Municipality,
 - (iv) a club, association or exhibition within the meaning of the *Agricultural and Marketing Act*,

(v) any charitable, nursing, medical, athletic, educational, environmental, cultural or social organization within the Province,

(vi) a registered Canadian charitable organization,

but the total of the grants so paid in a fiscal year shall not exceed one per cent of the taxes for general municipal purposes levied by the Municipality for that year;

Interpretation: grants may not be awarded to commercial or private enterprises; grants may not be awarded to individual persons or families; the total value of grants awarded by the Halifax Regional Municipality in any given fiscal year cannot exceed 1% of the property tax assessment¹.

3.2 Funds may be expended in support of a duly convened Community Council. Such funds may be combined with other HRM polling districts for collaborative use by several Community Councils for municipal purposes as outlined in Section 65 of the Municipal Government Act.

Rationale: by sharing the costs and pooling resources Community Councils can organize an event or program on a scale to serve residents of several communities.

Such funds may be used for constituency surveys, needs assessment surveys, asset-mapping exercises, public opinion surveys, strategic planning, feasibility studies, and public consultations regarding a municipal government service.

3.3 Donations may be made to established, registered charities

3.4 A donation to a registered charitable organization or event shall be recognized with a receipt. Individual members of Council shall receive no personal tax benefit. All receipts for such donations are to be submitted to HRM.

3.5 Emergency assistance to an individual constituent or family is not permissible

Rationale: Where possible, assistance for social welfare needs should be handled by an institution. Referring personal requests to an independent agency or group within the local community helps in situations when (a) the demand for help exceeds funds available and a judgement must be made as to who can receive assistance, and (b) there is a risk of alleged undue process or conflict of interest.

Individual beneficiaries are not recognized under the Municipal Government Act, Section 65. Members of Council who wish to assist cases of individual or family need must do so through a recognized third party (a church, registered charity, or local social agency).

¹Includes all forms of grants awarded across all HRM departments, programs and special projects.

3.6 Donations to a local public school Parent-Teacher Association are permissible².

Such donations may include subsidizing school trips or extra-curricular activities for socially disadvantaged students, Safe Grad committees, assistance for school teams (sports, science, drama, music, arts, etc), citizenship or recognition awards, programs which promote social inclusion and personal safety (for example, the League of Peaceful Schools, anti-bullying, anti-violence, anti-racism), public consultations, and minor equipment purchases (such as enhanced school playground or garden provision, safety etc).

The intent of such donations is to demonstrate support for important educational and social principles, citizenship, and community pride. Assistance to school activities is intended to promote inclusion and to enhance cultural activities for children and youth.

Assistance for the enhancement of school grounds recognizes that in some communities a school property may be the principle facility for community social, athletic or cultural activities. Some schools act as the equivalent of a social centre or recreational facility where no private or municipal facilities exist.

3.7 Donations to a local recreational, athletic, environmental, cultural, arts, or heritage group are permissible³.

3.8 Recipients of public funds administered through Halifax Regional Municipality are expected to uphold the Charter of Human Rights and participation should be open to all citizens without undue discrimination.

4. Restrictions on Type of Expenditure

4.1 No HRM department, program, committee, or representative shall solicit a member of Council for District Activity Funds for any HRM program, project or service.

Examples include the purchase or donation of equipment, supplies, service fees, or honoraria. Any such solicitation should be reported to the Grants Committee.

Staff are expected to relay information to members of Council regarding community issues and requests. Such information should be relayed in the form of a written memorandum.

Staff are not expected to encourage individuals or groups in lobbying members of Council.

4.2 District Activity Funds are not intended for use in fund-raising activities that are of direct or indirect benefit to an HRM department, program, project, service, or individual.

Examples of such exclusions include calendar sales, funds for staff competitions, cadet corps, benefit events; conferences, scholarships, team uniforms, social events, awards, or sports events.

²*Municipal Government Act (1998), Section 65, Item (au), (v).*

³*Municipal Government Act (1998), Section 65, Item (au), (v).*

5. Restrictions on Expenditures During a Municipal Election Campaign

- 5.1 Councillors' District Activity Fund expenditures shall be suspended during a municipal election campaign; the date of cessation of spending shall be set as the official date for the closure of candidacy **as per the HRM Discretionary Spending During Municipal, Provincial or Federal Elections: Policy and Procedures (2003). This date is in accordance with Provincial and Federal election regulations.**

Rationale: The intent of this restriction on spending during an election campaign is to avoid allegations of irregular election spending among candidates.

- 5.2 No monies from the Councillors' District Activity Fund may be spent on an incumbent's election related costs.

Such expenditures are not deemed to qualify as a municipal purpose.

- 5.3 In the event of an incumbent's acclamation to Regional Council access to their District Activity Fund account shall not be suspended.

6. Record-Keeping Requirements

- 6.1 Receipts shall be required for all expenditures.

- 6.2 If a Councillor uses a personal credit card, cash, or a personal cheque to pre-pay an expense on behalf of a District Fund applicant an invoice and/or receipt and the name of the beneficiary should be submitted for reimbursement.

Approval must be in place to ensure reimbursement.

- 6.3 The fiscal year starts April 1st and ends March 31st of the following year. No expenses shall be claimed or reimbursed after the fiscal year cut off of March 31st.

There shall be no over-expenditures from the Councillors' District Activity Fund.

- 6.4 There is no accrual of funds. Any monies not expended and accounted for in any year (by March 31st) shall not be carried forward to the next fiscal year.

- 6.5 Council members and staff are responsible for making a clear determination if an expenditure is permissible and shall be expected to issue funds in accordance with the appropriate HRM financial policies. Assistance is available from staff of Financial Services and the Grants Program.

- 6.6 The authority and responsibility for the administration of the Councillors' District Activity Fund is that of the Grants Committee.

- 6.7 The authority and responsibility for the determination of a permissible expense is that of HRM Financial Services.

Staff of the Grants Program and the Councillors Support Office are expected to obtain guidance

in decision- making from the HRM Director of Financial Services or his/her designate.

- 6.8 Any dispute regarding the appropriate expenditure of funds shall be mediated by members of the Grants Committee. This committee comprises representation from Regional Council, the public, and HRM staff.

If a dispute regarding the Councillors' District Activity Fund is to be debated by the Grants Committee such proceedings shall be held "In Camera" for the purpose of protecting the privacy of individual recipients.

- 6.9 Authority for the inter-departmental transfer of funds from the Grants Program to the Councillors' Support Office is that of the **Director, HRM Financial Services** or his/her designate.
- 6.10 A review of accounts may be conducted at the discretion of the Grants Committee or as requested by HRM Financial Services and included in the annual HRM audit.

7. Reporting Requirements

- 7.1 An annual reporting of itemized expenditures by electoral district shall be the responsibility of the Grants Program.
- 7.2 The annual list of expenditures shall be made available to elected officials, HRM staff, and members of the general public.
- 7.3 The *Grants Program Annual Report* shall include an itemized list of expenditures for the Councillors' District Activity Fund. Access to this information may also be made available by electronic means such as the HRM Web Site.

8. Continuous Renewal Clause

- 8.1 This policy shall be assessed after one (1) year of implementation to evaluate its scope, relevance, and effectiveness. Thereafter, the policy shall be reviewed every **three (3) years** or upon request to reflect substantive changes in legislation of municipal policy and priorities.
- 8.2 Responsibility for policy review and revision shall be that of the HRM Grants Program.
- 8.3 Recommended changes to policy shall be forwarded to Regional Council by the Grants Committee for approval.

B. Procedures

1. Roles and Responsibilities

Grants Program:

The Grants Program, through a standing Committee of Council (the Grants Committee) shall seek the approval of Council for the Fund's annual budget through the regular HRM business planning and budget process. Staff of the Grants Program are responsible for maintaining policy and procedures for the Fund, shall publish a listing of disbursements from the Fund in the *Grants Program Annual Report*, and shall respond to staff or public inquiries.

Financial Services:

Staff of HRM Financial Services shall be responsible for processing the payment of awards, monitoring appropriate expenses, the maintenance of financial records including all original receipts, invoices, and cheque requisitions, the compilation of a list of annual expenditures by electoral district for inclusion in the *Grants Program Annual Report*, and shall oversee the auditing of accounts as required.

Councillors Support Office:

Staff of the Councillors' Support Office shall be responsible for the orientation of new members of Council and HRM staff, shall provide direct assistance to members of Council in completing payment requisitions, and shall maintain records of expenditures for members of Council.

Note: the original invoices and receipts are sent to Financial Services. The files maintained by the Councillors' Support Office are duplicates and only provide for convenient access to information.

2. Procedures

- 2.1 Cheque requests for payment of an invoice, reimbursement of an out-of-pocket pre-payment by a Councillor, or a grant to a community organization are completed by staff of the Councillors' Support Office and sent to Financial Services

Note: pre-paid expenses which do not conform to the guidelines for eligible expenses may be declined reimbursement.

- 2.2 Cheque requisitions should include the appropriate documentation ie. An invoice, or a receipt for pre-payment (sales slip, credit card slip, letter, invoice). The originals are to be attached to the cheque requisition and are retained in the files held by Financial Services. Photocopies of these forms should be made by staff of the Councillors' Support Office and filed for reference.
- 2.3 Any tax receipt issued by community non-profit groups and charities for donations made using public funds should be submitted to HRM. These receipts are to be forwarded to Financial Services by the Councillors' Support Office.

- 2.4 At the end of each fiscal year as part of the regular reporting process for HRM, Financial Services prepares a list of expenditures by polling district. One copy of this listing is to be sent to the Grants Committee and one copy is to be sent to the Councillors' Support Office.

Staff of the Councillors' Support Office are responsible for circulating this information report to all members of Council. This information will assist individual Councillors' in tracking their discretionary expenditures.

- 2.5 Staff of the Grants Program are responsible for making this information available to the public through the *Grants Program Annual Report*. The information may also be posted on the HRM Web Site.
- 2.6 The Councillors' District Activity Fund will be included in the annual audit and requests for a more detailed review will be evaluated by the HRM Revenue and Process Audit group. Such an audit shall check for complete and appropriate documentation, compliance with policy, the fair and consistent application of policy, accurate reporting, and other issues determined relevant by the audit team.
- 2.7 **Requests concerning expenditures from the Fund should be fulfilled within five (5) working days. Staff shall inform the party requesting information regarding the Fund, or a specific district, that the applicable Councillor(s) shall be notified of the request.**
- 2.8 **Staff are required to inform a Councillor, or Councillor(s), of requests for information in a timely manner and to supply a copy of the information to be released prior to public disclosure.**

Approved: December 2002

Revised: April 2003