



**Policy No.:** 2016-04

**Policy Title:** Caretaker Procedures During Election Period

**Policy Group:** Council

---

## 1. PURPOSE(S):

- 1.1 To provide guidance to the Mayor and members of Council (the “Councillors”), Town staff, and the public, as to the roles, responsibilities and appropriate behavior of Councillors in carrying out their duties as defined in the Municipal Act RSY 2002, c. 154, as amended (“the Act”) during an election period (the “Caretaker Period”);
- 1.2 Council has adopted a Code of Conduct for Mayor and Council (the “Code”), therefore, this Policy is intended to provide additional clarity specifically for appropriate conduct and behaviour of Councillors during the Caretaker Period to avoid prejudicing the incoming Council, and;
- 1.3 Nothing in this policy shall absolve Councillors from their other obligations under the Code.

---

## 2. STATEMENT OF CARETAKER PROCEDURES

Prior to a municipal election, including a by-election, the Chief Administrative Officer will ensure that all Councillors and all staff are advised in regard to the application of the Caretaker Period procedures as follows:

### 2.1 Council Decision-Making

- 2.1.1 During the Caretaker Period, which is from the end of the last day of nominations until 8:00 pm on the date of the election, Council will operate under a “business as usual” approach except for the restrictions imposed by this Statement of Caretaker Procedures whereby Council will not make any decisions during the Caretaker Period that will be binding on an incoming Council or Councillor save for decisions that are part of the normal operating function of Council which includes most municipal planning matters.
- 2.1.2 Council will not make any Major Policy Decisions during the Caretaker Period relating to:
  - 2.1.2.1 The employment of the Chief Administrative Officer under Sections 180 and 188 of the Act, other than a decision to appoint an acting Chief Administrative Officer, or;
  - 2.1.2.2 Terminating the appointment of the Chief Administrative Officer under Section 180 of the Act;
- 2.1.3 If Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by Council not making a particular Major Policy Decision, Council will, by resolution, make a decision. Such resolutions will be noted as extraordinary.
- 2.1.4 During the Caretaker Period, further to any Major Policy Decisions, there is to be no Council policy formation or adoption, no censure of other levels of government or Ministers, and no introduction of notices, motions or general business of a political nature.
- 2.1.5 Council will not undertake a dispute resolution procedure under the Code of Conduct if it is to occur within the Caretaker Period.

## 2.2 Use of Council Resources

- 2.2.1 Councillors will ensure that Town resources are not used inappropriately during the Caretaker Period in ways that may influence voting in an election or provide undue advantage for a candidate.
- 2.2.2 In any circumstances where the use of Town resources might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Administrative Officer.
- 2.2.3 Municipal Staff will not authorize, use, or allocate a Town resource for any purpose that may influence voting in the election, except where it only relates to the election process and is authorized by the Chief Administrative Officer.
- 2.2.4 Town resources, including but not limited to offices, support staff, hospitality services, equipment, stationery and printing will be used exclusively for normal Town business during the Caretaker Period and will not be used in connection with any election campaign or in a manner that may be construed as supporting an election campaign.
- 2.2.5 No Town logos, letterheads, or other Town branding will be used for, or be linked in any way to, a candidate's election campaign.
- 2.2.6 Public events and functions during the Caretaker Period will only be organized and run by staff if they are part of the Town's normal business activities. Staff shall otherwise avoid planning or staging any functions, public events or the launch of publications during the Caretaker Period.
- 2.2.7 No election material or active campaigning, including within the context of speeches by Councillors, is to be conducted at Town sponsored events.
- 2.2.8 Reimbursements of Councillors' out-of-pocket expenses during the Caretaker Period will only apply to costs that have been incurred in performance of normal Council duties and not for expenses that could be perceived as supporting or being connected with the election.
- 2.2.9 Town equipment and facilities, including but not limited to phones, tablets, laptops, or printers provided to Councillors for the purpose of conducting normal Council business will not be used for campaigning purposes. Where it is impractical for Councillors to discontinue their use of these facilities during the Caretaker Period, Councillors will reimburse the Town for the use of those services in accordance with applicable Town of Faro Policy or Bylaw.
- 2.2.10 Town of Faro e-mail addresses (@faroyukon.ca or @faro.ca) will not be included with campaign material.

## 2.3 Information

- 2.3.1 Information and briefing material prepared by staff for Council during the Election period will relate only to factual matters, existing Town services, or information that would normally be available to the public.
- 2.3.2 All requests by Councillors for information or action are to be issued through the Town's administrative offices and staff will keep a record of requests made and advice provided.
- 2.3.3 The information provided to a Councillor will be collated by administrative staff in an Information Request Register.
- 2.3.4 No information will be provided which relates to new policy development, new projects or matters that are the subject of public or election debate or might be perceived to be connected with a candidate's election campaign.

## 2.4 Publicity

- 2.4.1 The Town will not print, publish or distribute or cause, permit or authorize to be printed published or distributed, electoral advertisements, handbills, pamphlets or notices during the Caretaker Period unless it only contains information about the electoral process.

- 2.4.2 Council further commits to the following standards during the Caretaker Period:
  - 2.4.2.1 No Councillor will influence a municipal staff member to make any public statement other than statements of clarification that are approved by the Chief Administrative Officer.
  - 2.4.2.2 Where a publicity campaign is deemed necessary for a Town service or function, the Chief Administrative Officer must approve it.
  - 2.4.2.3 Town publicity during the Caretaker Period will be restricted to promoting normal Council activities.
  - 2.4.2.4 Any requests for media advice or assistance from Councillors during the Caretaker Period will be channeled through the Chief Administrative Officer.
  - 2.4.2.5 No media advice or assistance will be provided in regard to publicity that involves individual Councillors where that advice would relate to their election campaign.
  - 2.4.2.6 Councillors will not use their position as an elected representative, as it relates to access to Municipal staff, or other Town resources to gain media attention in support of an election campaign.

2.5 Assistance to Candidates

- 2.5.1 Council affirms that all candidates for election to Council will be treated equally in terms of assistance and advice relating to the conduct of the municipal election.
- 2.5.2 All election related enquiries will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Administrative Officer.

**3. ENFORCEMENT OF THIS POLICY**

- 3.1 This Policy will be self-regulated by Council through the resolving disputes process specified in the Code.
- 3.2 By signing a "Statement of Commitment to the Code of Conduct for Councillors" (Attachment C of the Code), Councillors also commit to adhering to this Policy.
- 3.3 Councillors shall be cognizant of their responsibilities under the Code and this Policy. Additionally, this Policy may be reviewed within the period of twelve (12) months after a municipal election.

POLICY TITLE: Caretaker Procedures During Election Period

POLICY #: 2016-04

ADOPTED BY COUNCIL ON: December 20, 2016

RESOLUTION #: 16-394

Originals Signed by



John Bowers, Mayor



Ian Dunlop, CAO