

THE CORPORATION OF
TOWNSHIP OF WHITEWATER REGION

BY-LAW NUMBER 10-06-434

A BY-LAW TO ADOPT THE TERMS OF REFERENCE FOR A JOINT
COMPLIANCE AUDIT COMMITTEE FOR THE 2010 MUNICIPAL ELECTION

WHEREAS Section 81.1 (1) of the *Municipal Elections Act*, 1996, as amended, states that a council or local board shall, before October 1 of an election year, establish a committee for the purposes of Section 81 of the *Act*;

AND WHEREAS Section 81.1 (4) of the *Municipal Elections Act*, 1996, as amended, states that the clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this *Act* to implement the committee's decisions;

AND WHEREAS the Council of the Corporation of the Township of Whitewater Region deems it advisable to appoint a Joint Compliance Audit Committee for the 2010 Municipal Election, with the Township of Laurentian Valley and the City of Pembroke, whereby each municipality shall appoint one member to the committee, and to set out the terms of reference of the committee;


NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION ENACTS AS FOLLOWS:

1. THAT the Council of the Corporation of the Township of Whitewater Region deems it advisable to adopt the Terms of Reference for the Joint Compliance Audit Committee, attached hereto as Schedule "A", to meet the requirements of Section 81.1 (4) of the *Municipal Elections Act*, 1996, as amended.
2. THIS by-law shall come into force and take effect upon the date of the final passing thereof.

This By-law given FIRST and SECOND reading this 16th day of June, 2010

This By-law read a THIRD time and finally passed this 16th day of June, 2010


MAYOR, Donald Rathwell


Dean Sauriol, CAO/CLERK

Schedule "A" to By-law 10 – 06 – 434

Terms of Reference
2010 Election Joint Compliance Audit Committee

1. Name

The name of the Committee is the "2010 Election Joint Compliance Audit Committee".

2. Duration

The Committee must be appointed by October 1, 2010 and will remain in existence until November 30, 2014 so as to be able to address any audit requests arising from the October 25, 2010 municipal election and any by-elections occurring during the term of Council.

3. Mandate

The powers and functions of the Committee are set out in subsections 81 (5), (7), (10), (14), and (15) of the *Municipal Elections Act*, 1996. The Committee will be required to:

- (a) Consider the compliance audit application received from an elector and decide whether it should be granted or rejected;
- (b) If the application is granted the Committee shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances;
- (c) Receive the auditor's report;
- (d) Consider the auditor's report and decide whether legal proceedings should be commenced; and
- (e) Recover the costs of conducting the compliance audit from the applicant if the auditor's report indicates there were no apparent contraventions and if there appears there were no reasonable grounds for the application.

4. Membership

The Committee will be composed of three (3) members (one (1) member from each partnering municipality), with membership drawn from the following stakeholder groups:

- (a) Accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
- (b) Academic – college or university professors with expertise in political science or local government administration;
- (c) Legal; and
- (d) Other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act*, 1996.

Members of Council, municipal staff, and candidates running in the election are not eligible to be appointed to the Committee pursuant to clause 81.1 (2) of the *Municipal Elections Act*, 1996.

5. Membership Selection

All applicants will be required to complete an application outlining their qualifications and experience. If necessary, due to the volume of applications received, staff will interview applicants who meet the selection criteria and prepare a short list of candidates to be considered by each municipal Council.

The selection process will be based upon clearly understood and equitable criteria. Members will be selected on the basis of the following:

- (a) Demonstrated knowledge and understanding of municipal election campaign financing rules;
- (b) Proven analytical and decision-making skills;
- (c) Experience working on a committee, task force or similar setting;
- (d) Availability and willingness to attend meetings; and
- (e) Excellent oral and written communication skills.

To avoid possible conflicts of interest, care must be taken that any auditors or accountants appointed to the compliance audit committee do not audit or prepare the financial statement of any candidate running for office in the municipal election. Accordingly, any auditor or accountant appointed to the committee will have to agree in writing to not undertake the audits or preparation of the financial statements of any candidates seeking election. Failure to adhere to this requirement will result in the individual being removed from the Committee.

Members will be appointed by municipal by-law by the Councils of the Township of Whitewater Region, City of Pembroke and Township of Laurentian Valley.

6. Chair

The Committee members will select a Chair from amongst its members at its first meeting.

7. Staffing and Funding

Staff from the host municipality where an application for an audit has been filed will provide administrative support to the Committee. Members will receive remuneration of \$75.00 per diem for attendance at meetings to be funded by the host municipality. Administration costs for such items as printing and mailing will be absorbed by the host municipality.

8. Meetings

The Committee will conduct its meetings in public, subject to the need to meet in closed session for a purpose authorized by section 239 of the *Municipal Act*, 2001. Meetings will only take place if a compliance audit request is received and subsequent meetings may be held to deal with the request.