

The Corporation of the Township of Whitewater Region

By-law Number 18-09-1101

A by-law to establish a Joint Election Compliance Audit Committee and Appoint Committee Members as required under the Municipal Elections Act, 1996, as amended


Whereas, section 88.37 of the Municipal Elections Act, 1996, as amended requires the Council of a municipality to establish a Compliance Audit Committee before October 1 in an election year to deal with matters regarding election campaign finances and contributions; and

Whereas, the Township of Laurentian Valley, Township of Whitewater Region, Town of Renfrew and the City of Pembroke deem it expedient to establish a Joint Compliance Audit Committee;

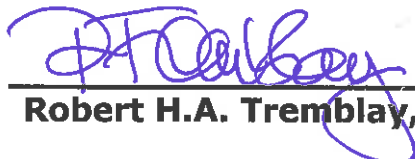
Now therefore Council of the Corporation of the Township of Whitewater Region enacts as follows:

1. That a Committee, to be known as the Joint Election Compliance Audit Committee (2018-2022) is hereby established to deal with matters provided for in the Municipal Elections Act, 1996 as amended.
2. That the Joint Election Compliance Audit Committee shall consist of those members indicated on Schedule "A" attached hereto and forming part of this by-law.
3. That the business of the Joint Election Compliance Audit Committee be conducted in accordance with the Terms of Reference set out in Schedule "B" attached hereto and forming part of this by-law.
2. That this by-law shall come into force and take effect upon the date of the final passing thereof.

Read a first, second and third time and finally passed this 5th day of September, 2018.



Hal Johnson, Mayor



Robert H.A. Tremblay, Clerk

Schedule "A"
By-law 18-09-1101

Janet Bradley

Rick Eustace

Mackie McLaren

Les Scott

Kent Tubman

Schedule "B"
By-law 18-09-1101

Joint Election Compliance Audit Committee

Terms of Reference

Name

The name of the Committee is the "Joint Election Compliance Audit Committee" for the following member municipalities:

- City of Pembroke
- Town of Renfrew
- Township of Laurentian Valley
- Township of Whitewater Region

Duration

The term of office is from December 1, 2018 to November 14, 2022 to deal with applications from the 2018 election and any by-elections during the term of council.

Mandate

The powers and functions of the Committee are set out in Sections 88.33 and 88.34 of the Municipal Elections Act, 1996 as amended. The Committee will perform the functions relating to the compliance audit application process as outlined in the Act. These functions include:

Candidate Contravention

- a. within 30 days' receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;
- b. give to the Candidate, the Clerk and the Applicant the decision of the Committee to grant or reject the application, and brief written reasons for the decision;
- c. if the application is granted, appoint a licensed auditor to conduct a compliance audit of the Candidate's election campaign finances;
- d. receive the auditor's report from the Clerk;
- e. within 30 days' receipt of the auditor's report, consider the report;
- f. if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, decide whether to commence legal proceedings against the candidate for the apparent contravention;
- g. after reviewing the report, give to the Candidate, the Clerk and the Applicant the decision of the Committee, and brief written reasons for the decision.

Candidate Contributor Contravention

- a. within 30 days' receipt of the report, consider the report;
- b. if the report concludes that the Contributor appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Contributor for the apparent contravention;
- c. after reviewing the report, give to the Contributor and the Clerk the decision of the Committee, and brief written reasons for the decision.

Registered Third Party Contravention

- a. within 30 days' receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;

- b. give to the Registered Third Party, the Clerk and the Applicant the decision of the Committee to grant or reject the application, and brief written reasons for the decision;
- c. if the application is granted, appoint a licensed auditor to conduct a compliance audit of the Registered Third Party's campaign finances;
- d. receive the auditor's report from the Clerk;
- e. within 30 days' receipt of the auditor's report, consider the report;
- f. if the report concludes that the Registered Third Party appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Registered Third Party for the apparent contravention;
- g. after reviewing the report, give to the Registered Third Party, the Clerk and the Applicant the decision of the Committee, and brief written reasons for the decision.

Registered Third Party Contributor Contravention

- a. within 30 days' receipt of the report, consider the report;
- b. if the report concludes that the Contributor appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Contributor for the apparent contravention;
- c. after reviewing the report, give to the Contributor and the Clerk the decision of the Committee, and brief written reasons for the decision.

Auditor Selection

If the committee decides to grant the application, it shall appoint an auditor licensed under the Public Accounting Act, 2004 to conduct a compliance audit of the Candidate's election campaign finances.

The selection process will be coordinated through the CAO/Clerk of the respective municipality.

Membership

The Committee shall be composed of a minimum of three to a maximum of five members.

Membership will be drawn from the following groups:

- a. accounting and audit - accountants or auditors with experience in preparing or auditing financial statements;
- b. legal;
- c. professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and/or
- d. other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act, 1996*.

Municipal employees or officers of the municipality, members of Council or local board; any Candidates or any persons who are Registered Third Parties in the 2018 municipal election or in any by-election during the term of Council for any member municipality are ineligible to be appointed as a member of the Committee pursuant to subsection 88.37 (2) of the of the *Municipal Elections Act, 1996*.

Membership Selection

A slate of potential members will be recommended by staff for appointment.

Members will be selected on the basis of the following:

- a. demonstrated knowledge and understanding of municipal election 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.

Any members appointed must also agree in writing they will not be a candidate or an individual who is a Registered Third Party in the current municipal election or in any by-election during the term of Council for any member municipality. Failure to adhere to this requirement will result in the individual being removed from the Committee.

Conflict of Interest

The principles of the Municipal Conflict of Interest Act, apply to this Committee. Failure to adhere to this requirement will result in the individual being removed from the Committee.

To avoid a conflict, any person appointed to the Committee must agree in writing not to prepare or audit the election financial statements of any candidate or registered third party for any of the member municipalities in the current municipal election. Failure to adhere to this requirement will result in the individual being removed from the Committee.

Chair

The Committee will select a Chair from amongst its members at its first meeting when a compliance audit application is received.

The Chair is the liaison between the members and the Secretary of the Committee on matters of policy and process.

The Chair shall enforce the observance of order and decorum among the Committee members and the public at all meetings.

When the Chair is absent, the Committee may appoint another member as Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair.

Staffing and Funding

The Clerk or Designate from the applicable member municipality shall act as Secretary to the Committee.

The member municipality requiring the services of the Committee shall be responsible for all associated expenses, including the auditor's costs.

Committee Member Remuneration - \$150 per diem per meeting, plus mileage at a rate of \$0.50 cents per kilometre.

Meetings

Meetings of the Committee shall be open to the public. Members may convene in private to deliberate and prepare written reasons for the decision.

Timing of Meetings

Meetings shall be called by the Clerk of the member municipality when required. The date and time of the meeting will be determined by the Clerk and communicated directly to the Committee members. Subsequent meetings will be held at the call of the Chair in consultation with the Clerk.

Meeting Location

The Committee shall meet at the location determined by the member municipality.

Meeting Notices, Agendas & Minutes

The agenda shall constitute notice. The Clerk of the member municipality requiring the services of the Committee shall cause notice of the meetings to be provided:

- to members of the Committee, Candidate, and the Public for a meeting regarding an application by an elector;
- to members of the Committee, Contributor, Candidate and the Public for a meeting regarding a Candidate Contributor Contravention report;
- to members of the Committee, Contributor, Registered Third Party and the public for a meeting regarding a Registered Third Party Contributor Contravention.

A minimum of two (2) business days prior to the date of each meeting, not including weekends or holidays. The agendas and minutes of meetings shall be posted on the member municipality's website.

Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.

Agenda Format

1. Call to Order
2. Disclosure of Pecuniary Interest and General Nature Thereof
3. Consideration of Compliance Audit Application, Clerk's Report or Auditor's Report
4. Adjournment

Quorum

Three members will be required for a hearing based on availability. Quorum for meetings shall consist of all three designated members of the Committee.

If no quorum is present thirty (30) minutes after the time appointed for a meeting, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next meeting.

For continuity, the same three members, where possible, will sit and hear matters involving the same Candidate, Contributor, or Registered Third Party.

Motions & Voting

A motion shall only need to be formally moved before the Chair can put the question or a motion can be recorded in the minutes. A motion shall be reduced to writing and shall be signed by the Chair and Secretary.

Every Member present shall be deemed to vote against the motion if they decline or abstain from voting, unless disqualified from voting by reason of a declared pecuniary interest.

The manner of determining the vote on a motion shall be by show of hands. The Chair shall announce the result of every vote.

Administrative Practices and Procedures

The Terms of Reference constitute the Administrative Practices and Procedures of the Committee. Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with Section 88.33 to 88.37 of the *Municipal Elections Act, 1996*.

The Clerk at any time has the right to develop additional administrative practices and procedures.