



2022-2026

TERMS OF REFERENCE

COMPLIANCE AUDIT COMMITTEE

Mandate

The 2022-2026 Municipal Election Compliance Audit Committee (the "Committee") has the full authority provided by Sections 88.33 to 88.37(7) of the *Municipal Elections Act, 1996*, as amended (the "MEA"), to address applications requesting an audit of a candidate, registered third party advertiser, or contributor to an election campaign and to consider reports from the Clerk citing apparent instances of over-contribution to municipal campaigns. The Committee is to be comprised of three (3) members and one (1) alternate member to serve the Townships of Scugog, Uxbridge and Brock.

In accordance with the MEA, this authority includes but is not limited to the following:

- review applications for a compliance audit and grant or reject audit requests within thirty (30) days of receipt;
- where an audit is granted, appoint an auditor and review the audit report;
- following the audit, decide whether legal proceedings may commence;
- within 30 days after receiving report(s) from the Clerk under Sections 88.34 and 88.36 (dealing with apparent campaign contributions in excess of permitted limits), the compliance audit committee shall meet to consider the report(s) and decide whether to commence a legal proceeding against a contributor for an apparent contravention, if applicable.

Conflict of Interest

Members of Council, local boards and committees, municipal staff, registered third parties, contributors or candidates running for office in the municipal election in the Regional Municipality of Durham or any lower-tier municipality in the Region of Durham are not eligible to be appointed to the Committee. Should an appointed Member accept employment with any of the member municipalities or register as a candidate or third party with any of the member municipalities, their appointment shall be terminated.

Anyone who has participated as a candidate, registered third party or contributor in the member municipality elections, or who has conducted audits or provided financial advice in respect of such campaigns, shall be disqualified from participation on the Committee.

To avoid any potential conflict of interest, applicants with accounting or auditing backgrounds must agree in writing that they will not offer their services to any municipal election candidate or registered third party.

All members must agree in writing that they will not work or volunteer for, or contribute to, any candidate or registered third party in any capacity in an election of a lower-tier municipality in the Region of Durham, the Regional Municipality of Durham, or a school board having jurisdiction in the Region of Durham.

Composition

The committee shall be comprised of three members and one alternate member. The alternate member will be called upon only in the event that one of the three main members is unable to serve and/or attend meetings during the period of appointment.

The Municipal Elections Act, 1996, as amended, does not require members to be qualified electors from the municipality to which the Committee is to serve, and as such, the Committee will be comprised of the best qualified individuals.

Term

The term of the Committee shall be concurrent with the term of Council, and shall therefore serve in the instance of any by-election that may take place during that time. Additionally, if there is an ongoing matter, the Committee may continue beyond the term of Council for the purposes of hearing that matter.

Chair

The Committee called to hear a request for compliance audit shall select one of its Members to act as a Chair at the first meeting by way of majority.

Proposed Meeting Schedule

The Committee shall meet as needed with meetings to be scheduled by the Clerk, in consultation with the committee members, when a compliance audit application is received or as the Clerk deems fit.

Staffing and Funding

Staff from the applicable member municipality shall provide administrative support to the Committee. The member municipality requiring the services of the Committee shall be responsible for all costs in relation to the Committee's operation and activities.

Meetings

Meetings of the Committee shall be conducted in accordance with the open meeting requirements of the provisions in the *Municipal Act, 2001*. However, deliberations of the Committee may be held in private and are not subject to investigations by the Municipal and/or Provincial Ombudsman. The websites of the member municipalities shall be utilized to communicate the meeting notices and agendas. Meetings will occur as needed and shall be conducted in accordance with the Compliance Audit Committee Rules of Procedure established by the Clerk.

Remuneration

- \$300 - Retainer fee (includes compensation for review of any background materials).
- \$100 - For each meeting plus applicable mileage.

Cost

Staff from the applicable member municipality shall provide administrative support to the Committee. The member municipality requiring the services of the Committee shall be responsible for all costs in relation to the Committee's operation and activities. This includes but is not limited to:

- General costs associated with the Committee's operations and activities;
- The cost of the Auditor for any audit that takes place; if necessary; and
- The cost of external legal counsel for the Committee, if necessary.

Membership Selection

All applicants shall be required to forward an expression of interest and resume outlining their experience and qualifications to serve on this Committee.

Applications shall be reviewed by the Clerk of each municipality and a joint recommendation report shall be prepared for consideration by each Council. Members of the Committee shall be formally appointed by by-law.

Selection Criteria

- a) Demonstrated knowledge and understanding of municipal election campaign financing rules;
- b) Proven analytical and decision-making skills;
- c) Experience in accounting, law, and/or law enforcement;
- d) Demonstrated understanding of objectivity and neutrality;
- e) Experience working on committees, task forces or similar settings;
- f) Demonstrated knowledge of quasi-judicial proceedings;
- g) Availability and willingness to attend meetings; and
- h) Excellent oral and written communication skills.