

**The Corporation of the
Township of Smith-Ennismore-Lakefield**

By-law No. 2010 - 051

**Being a By-law to Appoint Members to the
Compliance Audit Committee for the
2010 Municipal Election**

Whereas Section 81.1(1) of the Municipal Elections Act, R.S.O. 1996, c.32 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; and

Whereas the Council of the Township of Smith-Ennismore-Lakefield deems it advisable to appoint Steve Brickell; Cheryl Healey; Bryce McLean; and Ruth Benson to the Elections Compliance Audit Committee for the Township of Smith-Ennismore-Lakefield;

Now Therefore, the Council of the Corporation of the Township of Smith-Ennismore-Lakefield hereby enacts as follows:

1. That Steven Brickell; Cheryl Healey; Bryce McLean; and Ruth Benson be appointed to the Elections Compliance Audit Committee for the Township of Smith-Ennismore-Lakefield.
2. That in the event the Committee is required to meet, three (3) of the four (4) members will convene to consider an application.
3. That the Committee exercise its duties in accordance with the Municipal Elections Act and the Committee's Terms of Reference attached hereto and forming part of this By-law.
4. That By-law No. 2006-114 be and is hereby repealed.
5. That this By-law shall come into full force and effect on the date of passage thereof.

Read a first, second and third time and finally passed this 20th day of July A.D., 2010.



Reeve
Ron Millen



Angela Chittick
Clerk

Terms of Reference

Township of Smith-Ennismore-Lakefield Compliance Audit Committee

Mission:

The Township of Smith-Ennismore-Lakefield Compliance Audit Committee has full delegation of the authority in the *Municipal Elections Act, 1996, as amended*, to address applications requesting an audit of a candidate's election campaign finances. This authority includes, but is not limited to, the following:

- Review applications and grant or reject audit requests
- Where an audit is granted, to appoint an auditor, licensed under the Public Accounting Act, and review the audit report
- Where indicated, decide whether legal proceedings shall be commenced.

Background:

The *Municipal Elections Act, 1996, as amended*, requires Council, before October 1 of an election year to appoint a Compliance Audit Committee to consider applications made by an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the *Municipal Elections Act, 1996, as amended*, relating to election campaign finances.

Council appointed the Compliance Audit Committee at its meeting held July 20, 2010 by By-law Number 2010-051.

Objectives:

To ensure that the provisions of the *Municipal Elections Act, 1996, as amended*, Section 81 are not contravened and to follow the necessary steps to ensure compliance as noted in Section 81. The Committee will abide by any terms and conditions which may be set out by the Township's Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

Composition:

The Committee shall be comprised of a minimum of three and a maximum of 7 members of the public. Council shall appoint committee members by By-law. Ideally, Committee members will have a financial/accounting background and be familiar with the *Municipal Elections Act, 1996, as amended*. The Committee shall appoint such executive positions as it deems necessary and shall, as a minimum, appoint a Chair and Vice-Chair. The Clerk shall act as Secretary to this Committee.

In accordance with the *Municipal Elections Act, 1996, as amended*, members of Council or local Boards, Township employees or officers of the Township, and candidates are prohibited from being appointed to the Committee. Careful

deliberation should be made before considering appointing a member of the public affiliated with any candidate's campaign. The intent of the Committee is to be 'arms length' and transparent.

Term of appointment:

The term of office of the Committee is the same as the term of office of the Council or local board that takes office following the next regular election, and the term of office of the members of the Committee is the same as the term of the Committee to which they have been appointed.

Resources:

The Clerk's Department will act as a resource to the Committee. The Clerk and/or her designate shall act as the secretary to the Committee.

Timing of Meetings:

The first meeting will be called by the Clerk upon receipt of an application to conduct a compliance audit. 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. All time frames established in the *Municipal Elections Act, 1996, as amended*, and regulations shall be adhered to.

- Applications for an audit shall be made in writing, with reasons, to the Clerk.
- Application deadlines must be met in accordance with Section 81 (3).
- Applications must be forwarded to the Committee within 10 days upon receipt of an application and a copy is to be provided to the Council.
- The Committee has 30 days to grant or reject the application.
- An appeal of the Committee's decision to the Ontario Court of Justice must be made within 15 days after the decision is made.

Meetings procedures:

Committee activity shall be determined primarily by the number and complexity of applications for compliance audits that may be received. The frequency and duration of Committee meetings will be determined by the Committee in consultation with the Clerk.

The Chair shall cause notice of the meetings to be posted, including the agenda for the meetings. The agenda will be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Committee.

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

Meetings of the Committee shall be governed by the Township's Procedural By-law, Robert's Rules of Order and Legislation.

The Committee may, upon affirmative vote of the majority of its members present at a meeting, determine to hold any meeting or part of a meeting as a closed session in accordance with Section 239 of the *Municipal Act*. If the Committee elects to hold a closed session, all persons not entitled to vote (with the exception of the Clerk and all persons excepted by the members) shall vacate the premises where the meeting is taking place. Closed meetings can only be held in accordance with Section 239 of the *Municipal Act*.

Reports:

The Committee will conduct the compliance audit in accordance with the *Municipal Elections Act, 1996, as amended*. The Clerk will act as the main contact between the Committee and Council and will report on Committee activity as required to the appropriate individuals and Council.

Administration:

Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with the *Municipal Elections Act, 1996, as amended*.

Conflicts of Interest:

Members shall abide by the rules outlined within the *Municipal Conflict of Interest Act* and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

Errors/Omissions:

The accidental omission to give notice of any meeting of the Committee to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any Resolution passed or any proceedings taken at the meeting. Any member of the Committee may at any time waive notice of any meeting.

Immunity:

No action or other proceeding for damages shall be instituted against an auditor for any act done in good faith in the execution or intended execution of the audit or for any alleged neglect or default in its execution in good faith.

Meeting Attendance:

Any member of the Committee, who misses three consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of any member.

Location of meetings:

The location of the meetings will be established by the Committee.

Purchasing Policy:

All Committees that have purchasing responsibilities shall follow the Procurement Policy of the Township unless another purchasing policy has been endorsed by Council.

Budget:

The expenses of this Committee shall be the responsibility of the Clerk under the Election Budget.

Remuneration:

Members of the Committee shall be paid \$75.00 per meeting.

Expulsion of member:

The Committee and/or Clerk may recommend to Council the expulsion of a member for reasons as listed, but not limited to, the member being in contravention of the *Municipal Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Provincial Offences Act*, the *Municipal Conflict of Interest Act* and the *Municipal Elections Act, as amended*; disrupting the work of the Committee or other legal issues.