

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2022-55

Being a By-law to Establish a Joint Municipal Election Compliance Audit Committee and Appoint Members.

WHEREAS Section 88.37 (1) of the *Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.*, as amended, requires Council to establish a Compliance Audit Committee before October 1 of an election year for the purposes set out in the Act;


AND WHEREAS Section 88.37 (5) of the *Municipal Elections Act, 1996, S.O. 1996, c. 32, Sched.* as amended, states 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;

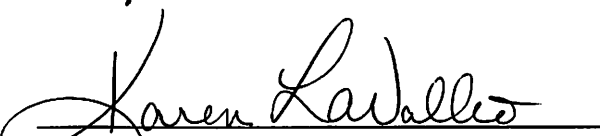
AND WHEREAS the County of Hastings member Municipalities deem it expedient to establish a Joint Municipal Election Compliance Audit Committee for all Municipalities in the County of Hastings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF TWEED HEREBY ENACTS AS FOLLOWS:

- 1) THAT the Municipality of Tweed establish a Joint Municipal Election Compliance Audit Committee with the County of Hastings member Municipalities for 2022-2026 in accordance with the Terms of Reference, attached hereto as Schedule 'A'.
- 2) THAT the following persons are hereby appointed to the Joint Hastings County Compliance Audit Committee for the term from November 15, 2022 until November 14, 2026:
Karen Baker
Adam Choinard
Bill Davie
Lynda Matchett
- 3) THAT the Terms of Reference for the Joint Hastings County Compliance Audit Committee attached hereto as Schedule 'A' shall form part of this By-law.
- 4) THAT By-law No. 2018-47 is hereby repealed effective November 14, 2022.
- 5) THAT this By-law shall come into force and take effect on November 15, 2022.

Read a first, second, and third and final time, passed, signed, and sealed in open Council this 23rd day of August, 2022.


MAYOR


CLERK

SCHEDULE 'A' TO BY-LAW NO. 2022-55



Joint Hastings County 2022 Election Compliance Audit Committee

Terms of Reference	
1	<p><u>Name</u></p> <p>The name of the Committee is the “Joint Hastings County 2022 Election Compliance Audit Committee” consisting of the following municipalities:</p> <p style="padding-left: 40px;">Town of Bancroft Township of Carlow/Mayo Municipality of Centre Hastings Town of Deseronto Township of Faraday Municipality of Hastings Highlands Township of Limerick Township of Madoc Township of Marmora and Lake Township of Stirling-Rawdon Township of Tudor and Cashel Municipality of Tweed Township of Tyendinaga Township of Wollaston</p>
	<p><u>Duration</u></p> <p>The term of office for the committee shall be from November 15, 2022 to November 14, 2026 to deal with applications from the 2022 election and any by-elections during Council’s term.</p>
3	<p><u>Mandate</u></p> <p>The powers and functions of the Committee are set out in Sections 88.33 and 88.34 of the <i>Municipal Elections Act, 1996</i> (Appendix “A”). The Committee will perform the functions relating to the compliance audit application process as outlined in the Act. These functions include:</p> <p style="padding-left: 40px;"><u>Candidate Contravention</u></p> <p>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;</p> <p>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;</p> <p>c. if the application is granted, appoint a licenced auditor to conduct a compliance audit of the Candidate’s election campaign finances;</p> <p>d. receive the auditor’s report from the Clerk;</p> <p>e. within 30 days receipt of the auditor’s report, consider the report;</p> <p>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;</p> <p>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.</p>

Candidate Contributor Contravention

- a. within 30 days receipt of a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits, consider the report and decide whether to commence a legal proceeding against the contributor for an apparent contravention.
- b. 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 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 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, licenced 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 Clerk of the respective municipality.

4 Membership

The Committee shall be composed of not less than three (3) and no more than five (5) voting members.

Membership will be drawn from the following groups:

- a. Accounting and audit - accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates and registered third parties;
- 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

	<p>local board; any Candidates or any persons who are Registered Third Parties in the 2022 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 <i>Municipal Elections Act, 1996</i>.</p>
5	<p><u>Membership Selection</u></p> <p>The terms of reference and application form will be posted, as a minimum, on the municipal websites of the member municipalities. Staff will also contact and solicit those individuals as set out under section 4 of the Terms of Reference. In addition, joint advertisement(s) will be placed in local paper(s).</p> <p>All applicants will be required to complete an application form outlining their qualifications and experience. Staff may interview applicants who meet the selection criteria and prepare a list of voting members and any alternate members. Recommended candidates will be submitted to the Council of each member municipality for appointment.</p> <p>Members will be selected on the basis of the following:</p> <ol style="list-style-type: none"> 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. <p>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.</p>
6	<p><u>Conflict of Interest</u></p> <p>The principles of the <i>Municipal Conflict of Interest Act</i> apply to this Committee. Failure to adhere to this requirement will result in the individual being removed from the Committee.</p> <p>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.</p>
7	<p><u>Chair</u></p> <p>The Committee will select a Chair from amongst its members at its first meeting when a compliance audit application is received.</p> <p>The Chair is the liaison between the members and the Secretary of the Committee on matters of policy and process.</p> <p>The Chair shall enforce the observance of order and decorum among the Committee members and the public at all meetings.</p> <p>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.</p>
8	<p><u>Staffing and Funding</u></p> <p>A Clerk from a member municipality requiring the services of the Committee may request a Clerk of another member municipality to act as Secretary to the Committee.</p> <p>The member municipality requiring the services of the Committee shall be responsible for all associated expenses, including the auditor's costs.</p>

	<p>Committee Member Remuneration - \$150 per diem per meeting, plus mileage at the current CRA rate per km.</p>
<p>9</p>	<p><u>Meetings</u></p> <p>Meetings of the Committee shall be open to the public or if electronic, upon request.</p> <p style="text-align: center;"><u>Timing of Meetings</u></p> <p>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.</p> <p>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 meetings will be determined by the Committee in consultation with the Clerk.</p> <p style="text-align: center;"><u>Meeting Location</u></p> <p>The Committee shall meet at the location determined by the member municipality.</p> <p style="text-align: center;"><u>Meeting Notices, Agendas & Minutes</u></p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.</p> <p style="text-align: center;"><u>Agenda Format</u></p> <ol style="list-style-type: none"> 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 <p style="text-align: center;"><u>Quorum</u></p> <p>Quorum for meetings shall consist of a majority of the members of the Committee.</p> <p>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.</p> <p style="text-align: center;"><u>Meeting Attendance</u></p> <p>Any member of the Committee, who misses three (3) 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.</p> <p style="text-align: center;"><u>Motions & Voting</u></p> <p>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.</p>

	<p>A motion shall be reduced to writing and shall be signed by the Chair and Secretary.</p> <p>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.</p> <p>In the case of a tie vote, the motion shall be considered to have been lost.</p> <p>The manner of determining the vote on a motion shall be by show of hands.</p> <p>The Chair shall announce the result of every vote.</p>
10	<p><u>Administrative Practices and Procedures</u></p> <p>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 <i>Municipal Elections Act, 1996</i>.</p> <p>The Clerk at any time has the right to develop additional administrative practices and procedures.</p>