

**Terms of Reference  
For the Joint Compliance Audit Committee  
Serving the interested Municipalities of the Almaguin Area**

1. Definitions:

For the purpose of this Terms of Reference, the following definitions shall apply:

**Almaguin Clerk's Group** – The information organization of Clerks, CAOs, or appointed staff from interested municipalities in the Almaguin Area, who have agreed to pool information, staff, and financial resources for the 2018 election, for the mutual benefit of all participating municipalities.

**Clerk** – The Administrative staff member, generally known to be the Clerk, or Clerk-Administrator from any municipality within the Almaguin Clerk's Group, for which an application for a compliance audit has been received, or who carries out the business of the Council for his or her respective municipality.

**Committee** – The Joint Compliance Audit Committee as established by the respective Councils of those municipalities represented by the Almaguin Clerk's Group, and which have passed a resolution of participation for the 2018 election term.

**Council** – The group of elected officials, generally known to be the Council, from any municipality within the Almaguin Clerk's Group, for which an application for a compliance audit has been received, or who is responsible for making an appointment to a Compliance Audit Committee, as required by Section 88.37 of the *Municipal Elections Act*, 1996, as amended.

**Contributor** – A resident of Ontario who makes a contribution to the election campaign a candidate to support his/her candidacy for municipal election. Additionally, the candidate and his/her spouse can also be contributors to the candidate's election campaign.

**Hiring Committee** – The sub-committee of the Almaguin Clerk's Group to promote, process, and make recommendation to Council for membership to the Joint Compliance Audit Committee.

**Interested Municipalities** – Those municipalities in the Parry Sound District who have by mutual agreement established a joint compliance audit committee, as supported by a resolution of each respective council, and authorized by By-Law from each respective council.

**Registered Third Party** - Means, in relation to an election in a municipality, an individual, corporation or trade union that is registered under Section 88.6 of the *Municipal Elections Act*.

Committee Mandate:

1. The Joint Compliance Audit Committee shall ensure that the provisions relating to election campaign finances under the *Municipal Elections Act*, are not contravened, and shall follow the necessary procedures to ensure compliance when requested.
2. The Committee shall abide by any terms and conditions which may be set out by the respective municipality's Solicitor, Auditor, and/or Insurer, for any business relating to a compliance audit, in accordance with the procedural by-law for the respective municipality.
3. The Committee will perform all required functions relating to all compliance audit applications. This shall include the following:
  - a. The meetings of the committee shall be open to the public and reasonable notice shall be given to the candidate, the applicant and the public (Section 88.33(5)).

- b. Within 30 days of receipt of an application for a compliance audit from the Clerk, Committee members shall consider the application and decide whether to grant or deny the request (Sec. 88.33(7)).
  - c. The decision of the committee to grant or reject the application, and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant (Sec. 88.33(8)).
  - d. If an application is granted, the Committee shall appoint an auditor to conduct a compliance audit of the candidate`s election campaign finances. (Sec. 88.33(10)).
  - e. Within 10 days after receiving the audit report, the Clerk of the municipality shall forward the report to the compliance audit committee (Sec. 88.33(14)).
  - f. Give consideration to the auditor`s report within 30 days of receiving it, to determine if legal proceedings should be commenced against the candidate (Sec. 88.33(17)).
  - g. The decision of the committee under subsection (e) and brief written reasons for the decision, shall be given to the candidate, the clerk with whom the candidate filed his or her nomination, the secretary of the local board, if applicable, and the applicant (Section 88.33(18)).
  - h. If the report indicates that there was no apparent contravention and the committee finds that there were no reasonable grounds for the application, Council is entitled to recover the auditor`s costs from the applicant.
4. The Committee will perform all required functions relating to receiving a report from the Clerk under the review of contributions to candidates, section 88.34(4) or 88.34(7) of the *Municipal Elections Act*. This shall include the following:
- a. Within 30 days after receiving a report from the Clerk, the committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention (Section 88.34(8)).
  - b. The meetings of the committee shall be open to the public and reasonable notice shall be given to the contributor, the applicable candidate and the public (Section 88.34(9)).
  - c. The decision of the committee under article 4(a) and brief written reasons for the decision, shall be given to the contributor, the clerk of the municipality or the secretary of the local board, if applicable (Section 88.34(11)).
5. The Committee will perform all required functions relating to receiving a report from the Clerk under the review of contributions submitted by a registered third party, section 88.36(4) of the *Municipal Elections Act*. This shall include the following:
- a. Within 30 days after receiving a report from the Clerk, the committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention (Section 88.36(5)).
  - b. The meetings of the committee shall be open to the public and reasonable notice shall be given to the contributor, the registered third party and the public (Section 88.36(6)).
  - c. The decision of the committee under article 5(a) and brief written reasons for the decision, shall be given to the contributor and the clerk of the municipality (Section 88.36(7)).

2. Term of Appointment:

The Committee shall serve for the 2018 – 2022 term of council, which shall be from December 1, 2018 to November 14, 2022, to consider applications originating from the 2018 election, and any by-elections during that term.

Notwithstanding the term identified above, the Committee shall be dissolved at the earliest of:

- a. The conclusion of the requirements noted in Section 88.37 of the *Municipal Election Act*, or
- b. On November 30, 2022.

3. Committee Composition

The Committee shall consist of four (4) members, one of which is to be designated as an alternate.

A Chair, a Vice Chair, and a Secretary shall be appointed at the first committee meeting.

Membership shall be limited to individuals with a legal or financial background, or who have served on boards or committees, or who have demonstrated knowledge of campaign finances, including retired municipal professionals.

Appointment to the Committee shall be by resolution of Council.

Members of the Committee shall not be Council members, municipal staff or candidates in the 2018 election or any by-election during the term of council, and must attest to same in writing.

To avoid possible conflict of interest, any auditor or accountant appointed to the committee may not undertake the audits of preparation of financial statements of any candidates seeking election to Council. Contravention of this requirement shall result in expulsion from the Committee.

The respective Clerk shall provide administrative support to the Committee, and shall establish procedures, as required.

4. Committee Selection:

To ensure adherence with the *Municipal Freedom of Information and Protection of Privacy Act*, a hiring committee shall be established by the Almaguin Clerk`s Group, from among its members.

The hiring committee will promote, advertise, interview, and make recommendation for appointment to the joint committee, having regard for individual municipalities` policies relating to committee appointment. One individual shall be chosen from within the hiring committee to be the Secretary, and shall be the contact for resume submission.

Applicants will be required to submit a resume outlining their qualifications and experience.

The hiring committee will receive and review all applications, conduct interviews, and make recommendations to Council based on the following:

- a. Knowledge of rules for municipal election campaign finances
- b. Experience on a committee, board, or similar group
- c. Availability to attend meetings
- d. Oral and written communication
- e. Level and area of expertise

The Almaguin Clerk`s Group shall prepare an advertisement to be placed in the Almaguin News, calling for interested, qualified applicants to submit resumes for consideration. The Committee positions shall also be promoted on respective municipal websites for application submission by the date prescribed by the Almaguin Clerk`s Group.

A recommendation for the expulsion of a member of the Committee may be made to Council by another member of the Committee, or by the Clerk.

Reasons for expulsion shall include, but not limited to, the member being in contravention of *Municipal Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Provincial Offences Act*, the *Municipal Conflict of Interest Act*, the *Municipal Elections Act*, or the Joint Compliance Committee Terms of Reference, or for disrupting the work of the Committee.

5. Meetings:

The committee shall hold one initial meeting. Subsequent and additional meetings shall be in response to application(s) for compliance audit, to a maximum of 4 meetings per application, in consultation with the Clerk of the respective municipality.

Meetings shall be conducted using guidelines established in the Municipal Procedural By-Law for the municipality from which an application originated.

The Chair shall cause notice of the meetings, including the agenda for the meetings to 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 shall be recorded at each meeting and shall outline the general deliberations and resulting actions and recommendations.

The location of the meetings shall be set by the Committee. Reasonable notice will be provided.

Financial consideration shall be as per Section 9.

6. Closed Meetings:

The meeting may be held in whole or in part in a closed session upon affirmative vote of the majority of the membership to do so. Closed sessions shall be conducted only to discuss matters identified under Section 239(2) of the *Municipal Act*. Should a closed session be required, all attendees who are not committee members, or the Clerk, or individuals expressly requested by the committee to remain, shall vacate the meeting premises. Members of the public may return to the meeting, once the closed session has concluded.

7. Conflicts of Interest:

Committee members shall be bound by the *Municipal Conflict of Interest Act*, with respect to financial interest, and shall disclose any pecuniary interest to the Secretary. That member shall then remove himself or herself from that portion of the meeting at which the matter for which pecuniary was declared is discussed.

8. Financial Compensation:

An honorarium of \$500.00 per year shall be provided to each active committee member, including the alternate member. Payment of the annual honorarium shall be shared equally between the participating municipalities.

In addition to the annual honorarium, a meeting per diem shall be issued in the amount of \$75.00 per meeting. Mileage shall be reimbursed at a rate of \$0.45/km upon receipt of the request for reimbursement from the committee member. Payment of the per diem reimbursement, as well as the mileage reimbursement, shall be paid by the municipality for which an application has been received, except in the case of the initial meeting, for which payment of these monies shall be shared equally between the participating municipalities.

Administration of financial compensation shall be the responsibility of the Office of the Clerk for the Township of Whitestone.

9. Miscellaneous / Notes:

Committee members shall be bound by the Code of Conduct in force in the municipality for which they are performing the functions included in this Terms of reference.

Committee members shall be asked to sign an acknowledgement accepting terms and conditions outlined in the above Terms of Reference, and the *Municipal Elections Act*, 1996, as amended.

Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with Sections 88.33 to 88.36 of the *Municipal Elections Act*, 1996 as amended.