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## The Corporation of the Municipality of Clarington

### By-law Number 2018-024

Being a By-law to establish a Clarington Municipal Election Compliance Audit Committee for the 2018-2012 Term <sup>2012 corrected to 2022</sup>  
as per June Gallagher, Municipal Clerk

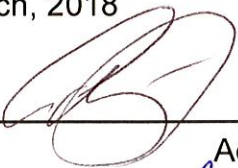
Whereas Sub-section 88.37(2) of the *Municipal Elections Act, 1996*, as amended, (the Act) requires the Council to establish a Compliance Audit Committee, before October 1, 2018, for the purposes of Section 88.33 to Section 88.37 of the Act; and

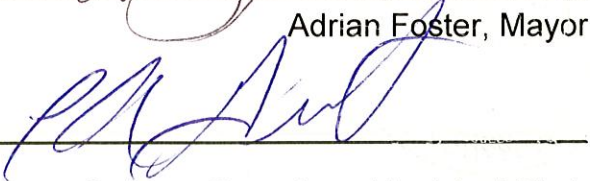
Whereas the Municipality of Clarington is committed to ensuring a consistent, open and transparent process for receiving and processing compliance audit applications,

Now Therefore the Council of the Corporation of the Municipality of Clarington Hereby Enacts as Follows:

1. The Clarington Municipal Election Compliance Audit Committee, consisting of three members, be established, as per the Terms of Reference attached to and forming part of this by-law as Attachment 1.
2. The Clarington Municipal Election Compliance Audit Committee shall carry out its mandate and duties in accordance with the Rules of Procedure as established by the Municipal Clerk.
3. By-law 2014-049 is hereby repealed.
4. This By-law shall come into effect on April 1, 2018.

By-Law passed in open session this 19<sup>th</sup> day of March, 2018

  
\_\_\_\_\_  
Adrian Foster, Mayor

  
\_\_\_\_\_  
C. Anne Greentree, Municipal Clerk

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**Municipality of Clarington  
Municipal Election  
Compliance Audit Committee  
Terms of Reference**

## **1 Legislative Requirement**

Section 88.37 of the *Municipal Elections Act, 1996*, (the Act) as amended requires Council to establish a compliance audit committee before October 1 of an election year, for the purposes of the Act.

## **2 Mandate**

The powers and functions of the Committee are set out in the MEA, as follows:

1. Review any applications of a compliance audit of any candidate who ran for election to the Municipality of Clarington Council, if the application was received in accordance with the legislative requirement, even if the candidate has not filed a financial statement under section 88.25 of the MEA.
2. Review any applications of a compliance audit of a Registered Third party for an election in the Municipality of Clarington.
3. Within 30 days of receipt of an application requesting a compliance audit, the Committee shall consider the compliance audit application and decide whether it should be granted or rejected.
4. If the application is granted, the Committee shall appoint an auditor licensed under the *Public Accounting Act, 2004*, or other prescribed person, to conduct a compliance audit of the candidate's/Registered Third Party's election campaign finances.
5. The Committee will review the auditor's report within 30 days and may, if the report concludes that the candidate/registered third party appears to have contravened a provision of the Act relating to election campaign finances, commence a legal proceeding against the candidate for the apparent contravention.
6. Review any Clerk's Report of Over Contribution under Sections 88.34 or 88.36 to decide whether to commence a legal proceeding against a contributor for an apparent contravention.

### **3 Term**

The Committee shall be established before October 1 of an election year. The Term of Office for the Committee is the same as the Term of Office of Council (December 1 of a regular election year to November 30, of the next regular election year), and shall therefore service in the instance of any by-election that may take place during that time.

### **4 Composition**

The Committee shall consist of three (3) members appointed by Council.

The following persons are not eligible for appointment to the Committee:

- Employees or officers of the Municipality of Clarington
- Members of Council
- Any candidates in the election for which the Committee is established
- Any persons who are registered third parties in the Municipality of Clarington in the election for which the Committee is established.

Should an appointed Member accept employment with the Municipality or register as a candidate/third party with the Municipality, their appointment will be terminated.

All Committee Members must agree in writing that they will not work/volunteer for any candidate/registered third party, provide advice to, prepare or audit the election financial statements of any candidate for office/registered third party on the Municipality of Clarington's Council or become a candidate/registered third party in the 2018 Municipal Elections and any by-elections during Council's term.

### **5 Chair**

At the first meeting of the Committee, the Municipal Clerk shall call the meeting to order and the first order of business shall be the selection of the Chair. The Committee shall select a Chair from among its membership.

### **6 Proposed Meeting Schedule**

The Committee shall meet as needed with meetings to be scheduled by the Municipal Clerk, in consultation with the Chair, when a compliance audit application is received.

### **7 Staffing and Functional Relationship**

Where the Committee needs to provide advice or information to Council, it shall do so through the General Government Committee.

The Municipal Clerk, or designate, will be the main point of contact for members of the Committee, will act as the main contact between the Committee and Council, and will report on Committee activity as required to the appropriate individuals, Council and the public.

Notwithstanding these relationships, the Committee has full authority to render decisions properly within its mandate independently and without requirement for Council approval.

Staff from the Municipal Clerk's Department shall provide administrative support to the Committee.

## **8 Meetings**

Meetings of the Committee shall be open to the public, but the committee may deliberate in private. The Clarington website will be used to communicate the meeting notices, agendas, and minutes. Reasonable notice for meetings, as determined by the Municipal Clerk, will be given.

Committee meetings shall generally be held in the Clarington Municipal Administrative Centre, although meetings may occasionally be held elsewhere in the Municipality of Clarington if deemed necessary or appropriate by the Chair, and at the agreement of the Committee members.

Meetings shall generally be held during the regular business hours of the Municipality of Clarington.

## **9 Costs and Remuneration**

The Municipality of Clarington is responsible for all costs in relation to the Committee's operation and activities.

Remuneration to appointed members will be as follows:

- \$400/member – Retainer fee (includes compensation for review of any background materials)
- \$350– for each committee meeting, plus mileage
- \$200 – for attendance at training

## **10 Membership Selection**

The recruitment process shall include an advertisement in the local paper, and on the municipal website detailing the selection criteria. Additionally, staff will contact the Institution of Chartered Accountants of Ontario, the Law Society of Upper Canada, Durham Regional Police Services, and UOIT.

All applicants will be required to complete an application form outlining their qualifications and experience.

All applications will be forwarded to Council for consideration and appointment.

### **10.1 Selection Criteria**

The following criteria will be considered when appointing members:

- Demonstrated knowledge and understanding of municipal election campaign financing rules;
- Proven analytical and decision-making skills;
- Experience working on committees, task forces or similar settings;
- Experience in accounting and audit, law, law enforcement and academics from related fields;
- Demonstrated knowledge of quasi-judicial proceedings;
- Availability and willingness to attend meetings; and
- Excellent oral and written communication skills.

## **11 Conflict Of Interest**

Members of the Committee must abide by the *Municipal Conflict of Interest Act*. Members shall not use their status on the Committee for personal or political gain. Committee members shall have regard for the Corporate Policy addressing the use of corporate resources during an election year.

## **12 Completion Criteria**

The mandate of the Clarington Municipal Election Compliance Audit Committee will be considered complete at the end of each four-year term of Council, at which time, a successor committee shall be appointed.