

2022-2026 Bay of Quinte Joint Compliance Audit Committee

Terms of Reference

Authority

Section 88.37(1) of the *Municipal Elections Act, 1996* ("Act") requires a council, before October 1st of an election year, to establish a compliance audit committee for the purposes of Section 88.33 to 88.36 of the *Act* relative to a possible contravention of the election campaign finance rules.

Mandate

The 2022-2026 Bay of Quinte 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 "Act"), 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 or the following councils and boards:

- County of Prince Edward
- City of Quinte West
- City of Belleville
- Algonquin and Lakeshore Catholic District School Board, and
- Hastings and Prince Edward District School Board

Responsibilities of the Joint Compliance Audit Committees

The powers and functions of the Committee are set out in Sections 88.33 to 88.37(7) of the *Act*, this authority includes but is not limited to the following:

Upon receiving a Compliance Audit application, the Committee shall:

- within 30 days receipt of a compliance audit application by an elector from the Clerk, consider the application and decide whether it should be granted or rejected;
- provide the candidate or registered third party, the Clerk and the applicant the decision of the Committee to grant or reject the application, and brief written reasons for the decision;
- if the application is granted, appoint a licensed auditor to conduct a compliance audit of the candidate's or registered third party's election campaign finances;
- consider the auditor's report and if the report concludes that the candidate or third-party advertiser has contravened a provision of the *MEA* relating to election campaign finances, decide whether to commence a legal proceeding against a contributor for an apparent contravention.

- If the report concludes that the candidate or registered third party advertiser does not appear to have contravened a provision of the MEA relating to election campaign finances, make a decision as to whether there was a reasonable ground for the application; and
- after reviewing the report, give to the candidate or the registered third party, the Clerk and the applicant the decision of the Committee, and brief written reasons for the decision.
- Submit its finding to Council if the report indicates there was no apparent contravention and no reasonable grounds for the application and Council may recover the Auditor's costs from the applicant.

Upon receiving the Clerk's Report, the Committee shall:

- within 30 days receipt of a report from the Clerk identifying any contributors to a candidate for office on a council or registered third party who appear to have contravened any of the contribution limits, consider the report and decide whether to commence a legal proceeding; and
- after reviewing the report, give to the contributor and the Clerk the decision of the Committee, and a brief written for the decision.

Composition

The Committee shall be composed of six members. All applicants will be required to apply outlining their qualifications and experience.

In the event that the current sitting members have expressed an interest to remain as members, no application or selection process shall be necessary and the member municipalities/boards may pass a by-law re-appointing the members for a subsequent term. 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.

The Committee shall not include:

- employees or officers of the municipality or local board;
- members of the council or local board;
- any persons who are candidates in the election for which the committee is established or family members or employees of same, or any person connected to a candidate through an employment, contractual, business or partnership relationship;
- any persons who are registered third parties in the municipality in the election for which the committee is established or family members or employees of same, or any person connected to a third-party advertiser through an employment, contractual, business or partnership relationship; or
- any person who is or intends to volunteer or seek employment to assist any candidate or third-party advertiser in the election for which the committee is established.

Term

The term of the Committee shall be concurrent with the term of office, 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.

Meetings

Meetings of the Committee shall be conducted in accordance with the open meeting requirements of the provisions in the *Municipal Act, 2001*. The meeting, agenda, and minutes will be available to the public, on the municipal and school board websites.

When a municipality/school board is in receipt of an appeal, the Clerk of the applicable municipality/school board shall contact the Committee members and arrange for a minimum of three members to hear the audit request. The Clerk of the responding municipality shall determine the selection of the three sitting members of the Committee from the pool of members. The date and time of the meeting will be determined by the Clerk and communicated directly to the Committee members, candidate or registered third party, and applicant.

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 a majority.

Staff Support

Staff from the applicable member municipality/school board shall provide administrative support to the Committee. The member municipality/school board requiring the services of the Committee shall be responsible for all associated expenses such as 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.

Remuneration

\$200.00 - Retainer fee (includes compensation for orientation and review of any background materials).

\$100.00 - Per Diem rate plus mileage, based on the rate paid by the applicable municipality/school board.

Costs

Staff from the applicable member municipality and school boards shall provide administrative support to the Committee. The member municipality/school board

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.

Conflict of Interest

Members of Council, staff, registered third parties, contributors or candidates running for office in the municipal election are not eligible to be appointed to the Committee. Should an appointed Member accept employment with any of the member municipalities/school boards or register as a candidate or third party with any of the member municipalities, their appointment shall be terminated.

All 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.

In the event a member discloses a pecuniary interest in the application, the Clerk of the responding municipality shall select another member to replace them on the Committee.

Administrative Practices and Procedures

In accordance with the section 88.37(6) of the *Act*, the Clerk shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the *Act* to implement the Committee's decisions. The Clerk may make changes to the administrative practices and procedures that may be required from time to time, as required.

The Committee shall conduct its meetings in accordance with the administrative practices and procedures established for the Committee. In the event a matter is not covered by said procedures, the Committee will consider the responding municipality's procedural by-law.

Legislation

All members must adhere to all relevant legislation such as the Municipal Conflict of Interest Act, and any related by-laws and policies.