

Schedule A to By-Law 79 -2018

**Terms of Reference  
Municipality of South Huron  
Election Compliance Audit Committee**

**1. Name**

The name of the Committee is the Municipality of South Huron Election Compliance Audit Committee”.

**2. Mission**

The Municipality of South Huron Election Compliance Audit Committee shall carry out all of the responsibilities and exercise all of the authority of a compliance audit committee as set out in the *Municipal Elections Act, 1996* (MEA).

**3. Mandate**

The mandate of the Committee is to carry out the functions of a Compliance Audit Committee as set out in the MEA. The responsibilities and functions of the Committee are set out in the MEA and include the following:

- Consider any application from an elector for compliance audit of a candidate’s or registered third party’s election campaign finances and decide whether it should be granted or rejected;
- If the application is granted, appoint an auditor;
- Receive the auditor’s report; and
- Consider the auditor’s report and if the report concludes that there are any apparent contraventions of the MEA relating to election campaign finances, may decide to commence legal proceedings (and if so, take all steps necessary).

For Reports from the Clerk about apparent contribution limit contraventions:

- Receive such reports and may decide to commence legal proceedings against the contributor (and if so, take all steps necessary).

**4. Membership Composition**

The Committee will be composed of three (3) members and one (1) alternate member, with membership drawn from the following stakeholder groups:

- a) accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;

- b) academic – college or university professors with expertise in political science or local government administration;
- c) legal;
- d) 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
- e) other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act*, 1996.

In accordance with section 88.37 of the MEA, the Committee members cannot be municipal employees or officers, members of council, candidates in the 2018 municipal election or registered third parties in the 2018 municipal election.

## **5. Membership Selection**

All applicants will be required to submit a letter outlining their qualifications and experience. The selection committee consisting of a sub-committee from the Huron County Municipal Clerks and Treasurers Association will select a short list of candidates for Council appointment. If a vacancy of more than two (2) occurs during the term of appointment the Huron County Election Compliance Audit Ad Hoc Committee will proceed with the process to fill these vacancies.

The selection process will be based upon clearly understood and equitable criteria. Members will be selected on the basis of the following:

- a) demonstrated knowledge and understanding of municipal election campaign 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;
- e) excellent oral and written communication skills;
- f) other skills as deemed necessary.

## **6. Term of Membership**

The Committee must be established by October 1, 2018 and Committee members will be appointed to serve the same term of office of the Council or local board that takes office following the Municipal Election on October 22, 2018.

## **7. Chair**

The Committee members will select a Chair from amongst its members at its first meeting and the Chair may rotate on an annual basis or as deemed necessary by the Committee members.

If the Chair is not present within the first ten minutes of a Committee meeting or is absent through illness or otherwise, the Committee shall select another member as Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair.

## **8. Procedures**

Meetings of the Committee shall be governed by Robert's Rules of Order. Posting of the Committee meeting agenda on the South Huron website shall constitute notice of a Committee meeting. Meeting dates, start times and locations shall be set by the Clerk.

## **9. Quorum**

A quorum shall be no fewer than (3) three members. If a quorum is not present within fifteen (15) minutes of the times fixed for the commencement of the meeting, the Committee meeting will be rescheduled to a future date.

## **10. Administration**

The Clerk of the Municipality shall follow the administrative practices and procedures as established for the committee and shall carry out any other duties required under this MEA to implement the committee's decisions (88.37(6) of the MEA).

## **11. Meetings**

An initial training session will be organized for the Committee, with this expense to be shared jointly by all lower tier Huron County Municipalities.

The Committee will meet as needed with meetings to be scheduled when a compliance audit application, or a clerk's report about apparent campaign contribution contraventions is received in accordance with the MEA. The Committee may also schedule meetings as necessary to organize and plan its work, as it deems necessary.

The Secretary will ensure that agendas, minutes and decisions are properly communicated using South Huron's website or other means necessary.

The records emanating from meetings of the Municipality of South Huron Election Compliance Audit Committee shall be retained and preserved by the municipality requesting the services of the Committee in accordance with South Huron's Record Retention By-Law.

## **12. Open and Closed Meetings**

In accordance with the MEA, meetings of the Committee shall be open to the public but the Committee may deliberate in private.

Should the Committee determine it needs to hold any discussion that is about an identifiable individual, is about pending or ongoing litigation or that is subject to solicitor-client privilege the Committee may pass a resolution to hold a portion of a meeting that is closed to the public for such purposes.

The administrative procedures established by the Clerk will set out in greater detail the process and requirements for closing a meeting to the public and the notice that is required to be given of such a meeting.

### **13. Staffing and Remuneration**

Where South Huron has received application for audit, staff from the Municipal Clerk's Office will provide administrative support to the Committee and the Clerk, or designate, shall act as Secretary. Where the Clerk of South Huron has submitted the application, an alternate Clerk from another municipality in the County shall act as Secretary. The appointment of the auditor will be the responsibility of the Municipality that has received the application for audit.

Committee members will receive remuneration on a per diem basis in the amount of \$200 for attendance at a meeting plus mileage expenses (at the County of Huron rate). Administration costs for such items as printing and mailing will be absorbed within the Municipal Clerks' operating budget and common costs of the Committee

### **14. Meeting Attendance**

Meetings will be convened with the attendance of three (3) committee members. In the event of the absence of a member, the appointed alternate member will assume the duties of the committee member.

### **15. Conflict of Interest**

To avoid a conflict of interest, any member appointed to the Committee must agree in writing to not undertake the provision of legal advice to any candidate or registered third party or to any contributor to any candidate or registered third party in the 2018 municipal election. Failure to adhere to this requirement will result in the individual being removed from the committee

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.

### **16. 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.

### **17. Practices and Procedures**

The Clerk shall establish administrative practices and procedures for the Committee in accordance with Section 88.37(6) of the MEA and shall carry out any other duties required under the MEA to implement the Committee's decision.

The Clerk has delegated authority to make administrative changes to these Terms of Reference that may be required from time to time due to legislative changes, or if, in the opinion of the Clerk, the amendments do not change the intent of the Terms of Reference.