

# **The Corporation of the Municipality of South Huron**

## **By-Law #57-2022**

### **Being a By-Law to Establish a Joint Municipal Election Compliance Audit Committee and to appoint Members to that Committee.**

Whereas section 88.37 of the Municipal Elections Act, 1996 requires municipalities to appoint a Compliance Audit Committee to deal with matters regarding election campaign finances before October 1 in an election year;

Now therefore be it resolved that the Council of the Municipality of South Huron enacts as follows:

1. That the Municipality of South Huron Election Compliance Audit Committee is hereby established to deal with the matters provided for in Section 88 of the Municipal Elections Act, 1996; and
2. That the following members are hereby appointed to the Compliance Audit Committee;
  - a. Jacquie Bishop
  - b. Nancy Michie
  - c. Tom Prout
3. Should any of the members of the Election Compliance Audit Committee referred to in Section 2 resign or otherwise be unable to perform their duties, the following individual shall be called upon as alternate without the necessity of taking any further steps to constitute them as members of the Election Compliance Audit Committee;
  - a. Rhonda Fischer
4. That the business of the Municipality of South Huron Election Compliance Audit Committee be conducted in accordance with the Terms of Reference set out in Schedule "A" attached hereto and forming a part of this by-law; and
5. That by-law #79-2018, and all previous enacted by-laws dealing with the joint municipal election compliance audit committee are hereby repealed; and
6. This by-law shall come into effect upon final passage thereof.

Read a first and second time this 6<sup>th</sup> day of September, 2022.

Read a third time and passed this 6<sup>th</sup> day of September, 2022.

George Finch, Mayor

Rebekah Msuya-Collison, Clerk

Schedule “A” to By-Law 57-2022 – establish a joint Municipal Election Compliance Audit Committee

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

Refer to Section 88.37 of the *Municipal Elections Act*, 1996

1. Name

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

2. Mission

The Municipality of South Huron Compliance Audit Committee has full delegation of the authority in the *Municipal Elections Act*, 1996 (MEA) to address applications requesting an audit of a candidate’s election campaign finances.

3. Mandate

The responsibilities and functions of the Committee are set out in Section 88 of the MEA and are required and not limited to perform the following:

- (a) consider a compliance audit application received by an elector or clerk and decide whether it should be granted or rejected;
- (b) if the application is granted, appoint an auditor;
- (c) receive the auditor’s report;
- (d) consider the auditor’s report and decide whether legal proceedings should be commenced within 30 days of receiving the auditors report; and
- (e) recover the costs of conducting the compliance audit from the applicant if there were no apparent contraventions and if there appears to be no reasonable grounds for having made the application.

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.

Note: Candidates, Members of Council and Municipal staff are not eligible to be appointed to the Committee as stipulated in Section 88.37(2) of the MEA.

## 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 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) would be willing to provide a Letter of Independence to confirm there would be no conflict with the undertaking;
- (f) excellent oral and written communication skills;
- (g) other skills as deemed necessary.

## 6. Term of Membership

The Committee must be established by October 1, 2022 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 24, 2022.

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.

## 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.

## 8. Procedures

Meetings of the Committee shall be governed by Robert's Rules of Order Procedural By-Law and Legislation.

9. Administration

Any responsibilities not clearly identified within the Terms of Reference shall be in accordance with Section 88 of the MEA.

10. 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 is received in accordance with Section 88.33(3) of 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 the Municipality's website or other means necessary.

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

11. Closed Meetings

The Committee, may, upon affirmative vote of the majority of its members present at a meeting, determine to hold any meeting or part of a meeting as a closed session in order to discuss sensitive issues in accordance with Section 239 of the *Municipal Act, 2001*.

12. Staffing and Remuneration

Where a Municipality 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 a Municipality 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 Municipality's 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

13. Meeting Attendance

Meetings will be convened with the attendance of three (3) committee members and may be held virtually as per the individual Municipality's Procedural By-Law. In the

event of the absence of a member, the appointed alternate member will assume the duties of the committee member.

14. Conflict of Interest

To avoid a conflict of interest, any auditor or accountant appointed to the Committee must agree in writing to not undertake the audits or preparation of the financial statements of any candidates seeking election to Council. Failure to adhere to this requirement will result in the individual being removed from the committee. Persons who have participated as candidates in municipal elections, or who have held roles on the campaigns for any such candidates which involved the giving of financial advice, will not be eligible for participation on 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.

15. 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.

16. Administrative Practices and Procedures

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 Municipal Elections Act, 1996.

The Clerk has the right to develop additional administrative practices and procedures at any time.