

THE CORPORATION OF THE TOWNSHIP OF NORTH HURON

BY-LAW NO. XXX-2018

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 an Election Compliance Audit Committee to deal with matters regarding election campaign finances before October 1 in an election year;

NOW THEREFORE the Council of the Township of North Huron enacts as follows:

1. That the Township of North Huron Election Compliance Audit Committee is hereby established to deal with the matters provided for in the Municipal Elections Act, 1996;
2. That the following members are hereby appointed to the Election Compliance Audit Committee;
 - a. Jacquie Bishop
 - b. Jack McLachlan
 - c. Tom Prout
 - d. Luanne Phair - Alternate Member
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. Luanne Phair
4. That the business of the Township of North 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;
5. This by-law shall come into effect upon final passage thereof.

READ A FIRST AND SECOND TIME this XX day of XX, 2018.

READ A THIRD TIME AND FINALLY PASSED this XX day of XX, 2018.

Schedule A to By-Law XXX-2018

Terms of Reference

Township of North Huron

Election Compliance Audit Committee

1. Name

The name of the Committee is the "Township of North Huron Election Compliance Audit Committee".

2. Mission

The Township of North 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 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.

8. Procedures

Meetings of the Committee shall be governed by Robert's Rules of Order.

9. 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 Act to implement the committee's decisions (88.37(6) 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, 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 the Municipality's website or other means necessary.

The records emanating from meetings of the Township of North Huron Election 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. 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.

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 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

13. 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.

14. 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.

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.