

Terms of Reference

Name: City of Kawartha Lakes Municipal Election Compliance Audit Committee

Date Established by Council:

Regular Review Timeframe: July, 2022

Date Committee Ends: November 15, 2026

Mission:

The City of Kawartha Lakes Compliance Audit Committee has full authority under the Municipal Elections Act, 1996, as amended to address applications requesting an audit of a municipal and school board trustee candidate's and third party advertiser's election campaign finances. This authority includes, but is not limited to, the following:

- Review applications and grant or reject audit requests
- Where an audit is granted, to appoint an auditor and review the audit report
- Where indicated, decide whether legal proceedings shall be commenced.

Roles and Responsibilities:

It is the responsibility of all appointed members to comply with:

- the City Code of Conduct,
- the City Accountability and Transparency Policy
- the City Procedural By-law
- Other applicable City by-laws and policies
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

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.

The Committee will abide by any terms and conditions which may be set out by the City's Council, CAO, City Clerk, City Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

Role of Clerk, Secretary:

The Clerk will act as the main contact between the Committee, compliance audit applicant, candidate and registered third party. In accordance with section 88.37 (6) of the Act, the Clerk shall carry out any duties required under the Act to implement the Committee's decisions.

Activities:

The following represent the general activities of the Committee:

The Municipal Elections Act, 1996, as amended, states that Council shall establish a Compliance Audit Committee who will be responsible for conducting a compliance audit on a municipal election candidate and third party advertisers' campaign finances.

Until otherwise informed, the committee will be responsible for Trillium Lakelands District School Board applications for trustee campaign compliance audits.

To ensure that the provisions of the Municipal Elections Act, 1996, as amended Section 81 are not contravened and to follow the necessary steps to ensure compliance as noted in Section 81.

The Committee will abide by any terms and conditions which may be set out by the City's Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

Composition:

The Committee shall be comprised of minimum of three and a maximum of 5 members of the public. Once appointed the number of members of the committee will be established to determine quorum.

Members having a financial, legal or election background are preferred. Committee members will be appointed by Council in accordance with established policy. The Committee shall appoint such executive positions as it deems necessary to ensure its operations but shall include as a minimum, a Chair and Vice-Chair. The City Clerk shall act as Secretary to this Committee.

Under the Municipal Elections Act, 1996, as amended, members of Council or City Staff are prohibited from being appointed to the Committee.

At the first meeting of a Compliance Audit Committee, the members shall appoint one member to act as Chair for the duration of the Committee's term.

Term of Appointment:

Members will be appointed for the time frame to deal with applications received for compliance audits from October 1, 2022, until the term of Council ends November 15, 2022.

Resources:

The Clerk's Department will provide support in the form of advice, day-to-day liaison with the City and to attend meetings of the Committee upon request.

Timing of Meetings:

The first meeting will be called by the City Clerk upon receipt of an application to conduct a compliance audit. The date and time of the meeting will be determined by the City Clerk and communicated directly to the committee members. Subsequent meetings will be held at the call of the Chair. All time frames established in the Municipal Elections Act, 1996, as amended, and regulations shall be adhered to.

Within 10 days after receiving the application, the clerk of the municipality or the secretary of the local board, as the case may be, shall forward the application to the compliance audit committee.

Within 30 days after the committee has received the application, the committee shall consider the application and decide whether it should be granted or rejected.

Meetings:

Committee activity shall be determined primarily by the number and complexity of applications for compliance audits that may be received. The frequency and duration of Committee meetings will be determined by the Committee in consultation with the City Clerk.

The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Committee. No meeting shall proceed without quorum.

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.

Procedures:

Procedures for the formal business meetings of the Committee shall be governed by Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

Electronic Participation:

The following procedural rules are established for electronic participation meetings:

1. City Council, Local Board or Committee members may participate in an open or closed session by electronic participation and be counted for the purpose of establishing quorum.
2. In the case of an interruption in the communication link to the member(s) participating electronically, the meeting will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant(s).
3. A Member participating by Electronic Means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.
4. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
5. If a member loses electronic connection temporarily to the meeting, that member shall be treated as if they left the physical room of a traditional meeting and the time noted by the City Clerk or Recording Secretary.
6. All votes shall be by show of hands or by verbal consent (yes or no).
7. That subject to direction from the Head of Council or Chair to the City Clerk or Recording Secretary, the meeting will proceed without deputations. Written correspondence received from the public may be circulated to Council members prior to the start of the meeting electronically;
8. For public notice purposes, the location of the meeting published on the agenda shall be the physical location of the City Clerk or Recording Secretary during the meeting; If the location of the City Clerk cannot be open to the public, the City Clerk shall provide notice to the electronic location of where the meeting can be viewed;
9. Members shall be provided instruction by the City Clerk, Recording Secretary, Chief Administrative Officer, or their delegate how to access the meeting by means of electronic participation.
10. A recording of the open session of the meeting shall be preserved for a period of time determined by the Records Retention by-law for the public record.
11. All electronic meetings will be available on Livestreaming or other video technology.

Open Meetings:

The meetings of the committee under the Election Act shall be open to the public, but the committee may deliberate in private.

Agendas and Minutes:

The City Clerk's office will distribute the agenda to committee members and posted on the website. At the first meeting, an Orientation Session shall be held for new members.

Minutes of all formal business meetings of the Committee shall be forwarded to the City Clerk's Office not later than two weeks after the meeting. Action items requested of staff and/or Council will be brought to the attention of the City Clerk at that time. The City Clerk's Office will electronically circulate the formal business meeting minutes to all members of Council for their information. The City Clerk's Office will maintain a set of printed minutes on file for public review.

Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.

Reports:

The Committee will conduct the compliance audit in accordance with the Municipal Elections Act, 1996, as amended. The City Clerk will act as the main contact between the Committee and Council and will report on Committee activity as required to the appropriate individuals and Council.

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.

Meeting Attendance:

Any member of the Committee, who misses three consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of any member.

Location of Meetings:

The location of the meetings will be located at City owned facilities set by the Committee.

Budget:

The expenses of this Committee shall be the responsibility of the City Clerk under the Election Budget.

Positions:

Members of the Committee shall be paid \$100.00 per meeting. The City Clerk shall ensure and verify the validity of the meeting.

Purchasing Policy:

This Committee has no purchasing or procurement responsibilities.

Expulsion of Member:

The Committee and/or City Clerk may recommend to Council the expulsion of a member for reasons as listed, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act and the Municipal Elections Act; Council Code Conduct, disrupting the work of the Committee or other legal issues.

Administration:

Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with the Municipal Elections Act, 1996, as amended.

Council may, at its discretion change the Terms of Reference for this Committee in accordance with the Municipal Elections Act. Any changes proposed to these Terms of Reference by the Committee shall be recommended to Council via the City Clerk through a report to Council.