



MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE

Terms of Reference

Committee Mandate:

The mandate of the Municipal Election Compliance Audit Committee is to hear and determine all applications filed in accordance with section 88.33 and 88.35 of the *Municipal Elections Act* (MEA). The *MEA* provides that an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a registered third party advertiser has contravened a provision of the *MEA* relating to election campaign finances may apply for a compliance audit of the candidate's or registered third party advertiser's campaign finances, even if a financial statement has not been filed.

Section 88.34(1) of the *MEA* requires the clerk to review the contributions reported on the financial statements submitted by a candidate or registered third party advertiser and report any contraventions of any of the contribution limits to the Compliance Audit Committee.

The powers and functions of the 2022-2026 Municipal Election Compliance Audit Committee are established in subsection 88.33 of the *MEA* which requires the Committee to:

- a) Review and consider a compliance audit application submitted by an elector and decide whether it should be granted or rejected;
- b) Appoint an auditor to conduct the audit, if the application is granted;
- c) Receive the auditor's report;
- d) Consider the auditor's report and if the report concludes that the candidate appears to have contravened a provision of the *MEA* relating to election campaign finances, decide whether to commence legal proceedings against the candidate or registered third party advertiser for the apparent contravention within 30 days of receiving the auditor's report;
- e) Make a finding whether there were reasonable grounds for the application, if the auditor's report concludes that the candidate does not appear to have contravened a provision of the *MEA* relating to election campaign finances in order to recover the costs of conducting the audit from the applicant;
- f) Consider reports prepared by the City Clerk identifying each contributor who appears to have contravened any of the contribution limits that are reported on the financial statements for all candidates for City Council, school board trustees, and



MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE

Terms of Reference

registered third party advertisers. The Committee must consider the report and decide whether to commence a legal proceeding against a contributor within 30 days of receiving the report(s) from the Clerk.

Composition:

The Municipal Election Compliance Audit Committee shall be comprised of Three (3) citizen members of the community, drawn from the following stakeholder groups:

- Accounting and audit – accountants and auditors with experience in preparing or auditing the financial statements of municipal election candidates;
- Academic – college or university professors with expertise in political science or local government administration;
- Legal profession with experience in municipal law, municipal election law or administrative law;
- Professions who in the course of their duties are required to adhere to codes or standards of their professions which may be enforced by disciplinary tribunals;
- Other individuals with knowledge of campaign financing rules of the *Municipal Elections Act, 1996*.

Members of Council, employees or officers of the municipality or any persons who are candidates in the election for which the Committee is established are not eligible to be appointed to the Committee.

An individual shall be deemed ineligible to be a member of the Committee if they prepare the financial statements of any candidate running for office on City Council during the term for which the Committee has been established. Each individual shall acknowledge in writing that he/she will not work for or provide advice to any candidate running for municipal office in the election.

All members shall be selected by the Compliance Audit Selection Committee. If a Committee member is unable to complete the term as set out, a new Committee member will be selected by the Selection Committee.



MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE

Terms of Reference

Term of Appointment:

Committee members shall be appointed October 1, 2022 to November 14, 2026. A member may resign from the Committee at any time by advising of this intention in writing to the Chair of the Committee. A Committee member may be re-appointed by the Selection Committee for an additional term(s).

Selection of Committee Chair:

The Chairperson shall be selected by the Committee at its first meeting.

Role of Chairperson:

The Chairperson shall preside over the meetings of the Committee and assist the Committee in reaching consensus on fundamental policy issues of concern to the Committee.

Rules Governing the Proceedings of Committees

The committee shall conduct its meetings in accordance with the City of Barrie's Procedural By-law and the Statutory Powers and Procedures Act.

All meetings must be open to the public, but the Committee is permitted under the *MEA* to deliberate in private.

Quorum

In accordance with the City of Barrie's Procedural By-law a quorum shall be a majority of the Committee Members.

If the quorum is not present within thirty (30) minutes of the time appointed for the meeting, the Committee Secretary shall record the names present and the meeting shall be adjourned until the next scheduled meeting.

Staff Support:

The City Clerk or his/her designate will act as Committee Secretary and provide administrative support to the Committee. The Committee Secretary works with the



MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE

Terms of Reference

Committee to co-ordinate the proceedings of the Committee, including the taking of minutes and agendas and the general administrative coordination of meetings.

The City Clerk shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the *Municipal Elections Act, 1996* to implement the Committee's decisions.

Meetings:

The 2022-2026 Municipal Election Compliance Audit Committee will meet as needed with meetings to be scheduled by the City Clerk or his/her designate in accordance with the provisions of the *MEA*.

Minutes of Committee proceedings are to be recorded and kept in accordance with the City's records management practices.

Decisions of the Committee are to be distributed in accordance with the *MEA*.

Application of the Code of Conduct

The Committee shall, at all times, follow the policies and procedures set out in the City of Barrie's Code of Conduct.

Compensation:

Members shall receive a per diem of \$150 per meeting, to be funded from the Election Reserve.