

**TOWNSHIP OF SOUTH FRONTENAC
BY-LAW 2022-85**

**BEING A BY-LAW TO ESTABLISH THE 2022 ELECTION JOINT COMPLIANCE
AUDIT COMMITTEE FOR THE TOWNSHIPS OF SOUTH FRONTENAC, CENTRAL
FRONTENAC, NORTH FRONTENAC AND FRONTENAC ISLANDS AND
LIMESTONE DISTRICT SCHOOL BOARD**

Whereas the Municipal Elections Act, 1996, S.O. 1996, c. 32, Section 88.37(1) as amended, requires municipalities to establish a Compliance Audit Committee;

And Whereas the Townships of South Frontenac, Central Frontenac, North Frontenac and Frontenac Islands and the Limestone District School Board deem it expedient to establish a Joint Compliance Audit Committee;

Therefore Be It Resolved That the Council of the Corporation of the Township of South Frontenac deems it expedient to enact as follows:

1. **That** the Township of South Frontenac, Township of Central Frontenac, Township of North Frontenac and Township of Frontenac Island, Limestone District School Board - 2022 Election Joint Compliance Audit Committee be established for the period November 15, 2022 to November 14, 2026;
2. **That** the Terms of Reference for the Committee, attached hereto as Schedule "A" shall form part of this By-law;
3. **That** the following persons be appointed to the Committee;
 - (i) Stephen Duggan
 - (ii) Pat Player
 - (iii) Wayne Robinson
 - (iv) Sam Arraj
4. **That** should the appointment of an alternate member(s) be required (in the absence of two or more of the aforementioned appointees) such an appointment(s) may be made by Resolution by all participating municipalities;
5. **That** all resolutions, by-laws or parts of by-laws, which are contrary to or inconsistent with this by-law, are hereby repealed;
6. **That** the provisions of this by-law shall come into force and take effect upon the passing thereof.


Read a first and second time this 6th day of September, 2022

Read a third time, signed and sealed this 6th day of September, 2022

**CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**



Ron Vandewal, Mayor



Angela Maddocks, Clerk

**Schedule 'A' to
By-law 2022-85**

**Township of South Frontenac, Township of Central Frontenac, Township of North
Frontenac and Frontenac Islands and Limestone District School Board
2022 Joint Compliance Audit Committee**

Terms of Reference

1. Name

The Name of the Committee is the "Township of Frontenac Islands, South Frontenac, Central Frontenac and North Frontenac and Limestone District School Board - Joint 2022 Election Compliance Audit Committee (Committee)".

2. Background

The *Municipal Elections Act, 1996, as amended* requires Council to establish a Compliance Audit Committee to consider Applications and reports with respect to Candidate campaign finances or Registered Third Party campaign finances for the Municipal Election.

3. Mandate

The powers and functions of the Committee are set out in Sections 88.33 to 88.37 of the *Municipal Elections Act, 1996, as amended*. The Committee will perform the functions relating to the Compliance Audit Application process as outlined in the Act. These functions include:

Candidate Contravention

- a) Within 30 days of receiving a Compliance Audit Application, consider the Application and decide whether it should be granted or rejected.
- b) A copy of the decision including the reasons for the decision shall be provided to the Candidate, the Clerk, the Secretary of the Board (if applicable) and the Applicant.
 - a. If the Application is granted, appoint a licensed Auditor.
 - b. Receive the Auditor's report.
 - c. Within 30 days receipt of the Auditor's report, consider the report.
 - d. If the report concludes that the Candidate appears to have contravened a provision of the Act relating to election campaign finances, the Committee shall determine whether to commence legal proceedings against the Candidate for the apparent contravention.
 - e. A copy of the decision, including the reasons for the decision, shall be provided to the Candidate, the Clerk, and the Applicant.

Candidate Contributor Contravention

- a. Within 30 days of receiving a report identifying each contributor to a Candidate(s) for office on a Council who appears to have contravened any of the contribution limits, consider the report and

decide whether to commence a legal proceeding against the contributor for an apparent contravention.

- b. A copy of the decision, including the reasons for the decision, shall be provided to the contributor and the Clerk.

Registered Third Party Contravention

- a. Within 30 days of receiving a Compliance Audit Application, consider the Application and decide whether it should be granted or rejected.
- b. A copy of the decision including the reasons for the decision shall be provided to the Registered Third Party, the Clerk, the Secretary of the Board (if applicable) and the Applicant.
- c. If the Application is granted, appoint a licensed Auditor to conduct a Compliance Audit of the Registered Third Party's campaign finances.
- d. Receive the Auditor's report from the Clerk.
- e. Within 30 days receipt of the Auditor's report, consider the report.
- f. If the report concludes that the Registered Third Party appears to have contravened a provision of the Act relating to election campaign finances, the Committee shall determine whether to commence legal proceedings against the Registered Third Party for the apparent contravention.
- g. After reviewing the Auditor's report, give to the Registered Third Party, the Clerk, and the Applicant the decision of the Committee and brief written reasons for the decision.

Registered Third Party Contributor Contravention

- a. Within 30 days of receiving a report identifying each contributor to a registered third party who appears to have contravened any of the contribution limits, consider the report and decide whether to commence a legal proceeding against the contributor for an apparent contravention.
- b. A copy of the decision, including the reasons for the decision shall be provided to the contributor and the Clerk.

4. Auditor Selection

If the Committee decides to grant the Application, it shall appoint an Auditor licensed under the Public Accounting Act, 2004 to conduct a Compliance Audit of the Candidate's or Registered Third Party's election campaign finances.

The selection process will be coordinated through the Clerk of the respective Municipality.

5. Membership

The Committee will be composed of three (3) voting members, with one (1) alternate member that would assume all rights and privileges of a voting member if called upon. Alternate members will be called upon to replace a voting member that has resigned from the Committee or if a voting member is unavailable to consider the Application.

The composition of the Committee will be based on the Municipality with the Compliance Audit request. Membership will be drawn from the following groups:

- a. Accounting and audit – Accountants or Auditors with experience in preparing or auditing the financial statements of municipal Candidates.
- b. Legal.
- c. 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/or
- d. Other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act, 1996*

Municipal employees or officers of the Municipality, members of Council or the local board; any Candidates or any persons who are Registered Third Parties in the 2022 Municipal Election or in any by-election during the term of Council for any member Municipality, are ineligible to be appointed as a member of the Committee pursuant to subsection 88.37 (2) of the *Municipal Elections Act, 1996*.

If an application is received, Members will be required to participate in an orientation session with the applicable Township Clerk prior to reviewing the Application.

6. Conflict of Interest

The principles of the *Municipal Conflict of Interest Act*, apply to this Committee. Failure to adhere to this requirement will result in the individual being removed from the Committee.

To avoid a conflict, any person appointed to the Committee must agree in writing not to prepare or audit the election financial statements of any Candidate or Registered Third Party for office for any of the member municipalities in the 2022 Municipal Election. Failure to adhere to this requirement will result in the individual being removed from the Committee.

7. Chair

The Committee will select a Chair from amongst its members at its first meeting when a Compliance Audit Application is received.

The Chair is the liaison between the members and the Secretary of the Committee on matters of policy and process.

The Chair shall enforce the observance of order and decorum among the Committee members and the public at all meetings.

When the Chair is absent, the Committee may appoint another member as an Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair.

8. Staffing and Funding

The Clerk and/or designate from the applicable member Municipality shall function as Secretary to the Committee.

The member Municipality requiring the services of the Committee shall be responsible for all associated expenses.

Remuneration for the Committee Member(s) will be in line with the respective Municipality's Council Resolution regarding per diem and mileage for Committees.

9. Meetings

Per Section 88.33(5.1) The meetings of the Committee under this section shall be open to the public, but the Committee may deliberate in private through a Closed Session at a Committee meeting.

Timing of Meeting

Meetings shall be called by the Clerk of the member Municipality when required. The date and time of the meeting will be determined by the Clerk and communicated directly to the Committee members. Subsequent meetings will be held at the call of the Chair in consultation with the Clerk. All time frames established in the *Municipal Elections Act, 1996* and Regulations shall be adhered to.

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 meetings will be determined by the Committee in consultation with the Clerk.

Meeting Location

The Committee shall meet at the location determined by the Clerk of the member Municipality.

Meeting Notices, Agendas and Minutes

The agenda shall constitute notice. The Clerk of the member Municipality requiring the services of the Committee shall cause notice of the meeting(s) to be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting, not including weekends or holidays.

Notice of the meeting shall be provided to:

- For Application by Elector for Candidate Contravention - Members of the Committee, Candidate, and the Public.
- For Candidate Contribution Contravention Report - Members of the Committee, Contributor, Candidate, and the Public.
- For Application by Elector for Registered Third Party Contravention – Members of the Committee, Registered Third Party, and the Public.
- For Registered Third Party Contravention Report - Members of the Committee, Contributor, Registered Third Party, and the Public.

The agendas of meetings shall be posted on the member Municipality's website a minimum of two (2) business days prior to each meeting.

Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result. The Minutes of meetings shall be posted on the member Municipality's website within two (2) business days of being approved at a Meeting by the Committee. At the final meeting of the Committee, a Motion will be introduced to adopt the Minutes of that meeting as read aloud by the Clerk. At this time, the Clerk will read the Motions passed during this meeting aloud.

Agenda Format

1. Call to Order
2. Disclosure of Pecuniary Interest and General Nature Thereof
3. Consideration of Compliance Audit Application *or* Auditor's Report
4. Adjournment

Quorum

Quorum for meetings shall consist of a majority of the members of the Committee.

If no quorum is present after thirty (30) minutes after the time appointed for the meeting, the Clerk shall record the names of the member present and the meeting shall stand adjourned until the date of the next meeting.

Meeting Attendance

Any member of the Committee, who misses three (3) 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.

Motions & Voting

A Motion shall only need to be formally moved before the Chair can put the question or a Motion can be recorded in the minutes.

A Motion shall be written by the Secretary and shall be signed by the Chair.

Every Member present shall be deemed to vote against the Motion if they decline or abstain from voting, unless disqualified from voting by reason of a declared pecuniary interest.

In the case of a tie vote, the Motion shall be considered to have been lost.

The manner of determining the vote on a Motion shall be by a show of hands.

The Chair shall announce the result of every vote.

10. Administrative Practices

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