



# 2022 Municipal & School Board Election Joint Compliance Audit Committee Terms of Reference

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<b>Number:</b>	ToR-QC-03
<b>Reference:</b>	Council Resolution #36-22
<b>Date Approved:</b>	January 31, 2022
<b>Date Revised:</b>	N/A
<b>Approval:</b>	Council
<b>Point of Contact:</b>	Office of the Town Clerk

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## 1.0 Name

- 1.1 The name of the Committee is the “2022 Municipal & School Board Election Joint Compliance Audit Committee” (“the Committee”).

## 2.0 Definitions

- 2.1 **Clerk** means the Clerk or secretary of the Participating Body, or their designate.
- 2.2 **Participating Bodies** means the Town of Ajax, Regional Municipality of Durham, City of Oshawa, City of Pickering, and Town of Whitby.

## 3.0 Mandate

The Committee is established pursuant to the requirements of section 88.37 of the Municipal Elections Act, 1996, S.O., 1996, c. 32, as amended (“the Act”) for the Participating Bodies.

The powers and functions of the Committee are set out in Section 88.33 to 88.37 of the Act.

## 4.0 Term of Committee

- 4.1 The term of appointment for the Committee shall be concurrent with the term of office of the council or local board elected in 2022, and shall therefore serve for four (4) years commencing on November 15, 2022 and concluding on November 14, 2026 or until such time the applicable

Committee has disposed of any remaining matters in accordance with the Act, whichever is later.

## 5.0 Composition

5.1 When a compliance audit application from an elector or a report from the Clerk indicating a candidate or registered third party has contravened any of the contribution limits under section 88.9 of the Act is received, the Committee comprised of three (3) members shall meet and consider the application and/or report in accordance with the Act.

5.2 Members forming the Committee shall be selected by the Clerk from a roster of qualified individuals, who have been jointly recruited by the Clerks of the Participating Bodies.

5.3 The following persons are ineligible for appointment

- Employees or officers of any of the Participating Bodies;
- A member of council or of a local board of any of the Participating Bodies;
- Any persons who are candidates in an election of any of the Participating Bodies for which the Committee is established; or,
- Any persons who are registered third parties in an election of any of the Participating Bodies for which the Committee is established

5.4 Should an appointed Committee Member accept employment with any of the Participating Bodies or register as a candidate or a third party with any of the Participating Bodies, they will have been deemed to have resigned.

5.5 All Committee Members shall agree in writing that they will not work or volunteer for, or contribute to, any candidate or registered third party in any capacity in an election of any of the Participating Bodies.

5.6 If a person on the roster to serve on the Committee is identified as having participated or contributed to a candidate's campaign or registered third party, that person shall not be eligible to be selected as a Member with respect to a Compliance Audit Committee application within the applicable Participating Body where the participation or contribution to a campaign or registered third party occurred.

## 6.0 Conduct of Members

6.1 Members of the Committee shall comply and conduct themselves in accordance with the Compliance Audit Committee Administrative Practices and Procedures established by the Clerk.

6.2 Members shall not use their position on the Committee for any personal or political gain.

## 7.0 Remuneration

Remuneration will be as follows:

7.1 \$400.00 retainer fee (costs will be shared equally by the Participating Bodies) for those individuals on the roster. The retainer shall cover attendance at a mandatory training session and review of periodic updates or information supplied by the Clerk of a Participating Body. Payment of the retainer does not denote membership on a Compliance Audit Committee and covers the four (4) year term; and,

7.2 \$350.00 per meeting, plus mileage in accordance with the rate normally paid to employees of the Town of Whitby. The per meeting rate shall cover review of background or agenda materials as required in preparation for a meeting.

## 8.0 Membership Selection

8.1 At a minimum, the recruitment of persons to be included on the roster of individuals shall be advertised in a local newspaper having general circulation and on the websites of the Participating Bodies. Other recruitment measures may be initiated by the Clerks of the Participating Bodies.

8.2 All applicants will be required to complete an application and may be subject to further screening and an interview. The selection process will be determined by the Clerks of the Participating Bodies.

8.3 Applicants must have the ability to understand and apply the election campaign finance provisions of the Act and must remain impartial in order to fulfill their responsibilities.

8.4 Preference will be given to candidates that have experience related to compliance audit activities or investigative or adjudicative processes.

8.5 The following criteria will be considered when appointing members:

- Demonstrated knowledge and understanding of municipal election campaign financing rules;
- Proven analytical and decision-making skills;
- Experience working on committees, boards, adjudicative bodies, task forces or similar settings;

- Experience in accounting and audit, law, law enforcement, academics, or municipal administration from related fields;
- Demonstrated knowledge of quasi-judicial proceedings;
- Availability and willingness to attend meetings; and,
- Excellent oral and written communication skills.

## 9.0 Meetings

9.1 Meetings will occur as needed and shall be conducted in accordance with the Compliance Audit Committee Rules of Procedure established by the Clerk.

## 10.0 Chair

10.1 At the first meeting of a Compliance Audit Committee on a particular report or application, the members shall appoint one member to act as Chair for the duration of the Committee's deliberations on those matters on the agenda. The Chair shall retain the role for all matters on the agenda at a meeting.

## 11.0 Role of Clerk:

11.1 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.

**This Terms of Reference is hereby approved by Council Resolution # 36-22 on this 31<sup>st</sup> day of January, 2022.**