

2022 Municipal Election

Compliance Audit Committee Terms of Reference

Name:

The name of the Committee is the “2022 Municipal Election Compliance Audit Committee” (“the Committee”).

Definitions:

Clerk means the Clerk of the municipality or Secretary of the school board, or their designate.

Participating Bodies means the Town of Ajax, Township of Brock, Municipality of Clarington, Regional Municipality of Durham, City of Oshawa, City of Pickering, Town of Whitby, and the Durham District School Board.

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.

Term of Committee:

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.

Composition:

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.

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.

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.

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.

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.

If a person on the roster to serve on the Compliance Audit 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.

Conduct of Members:

Members of the Committee shall comply and conduct themselves in accordance with the Compliance Audit Committee Rules of Procedure for the Participating Bodies.

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

Remuneration:

Remuneration will be as follows:

- \$400.00 retainer fee (costs will be shared equally by the Participating Bodies) for those individuals on the roster. The retainer fee shall cover attendance at a mandatory training session and review of periodic updates or information supplied by the Clerk of any of the Participating Bodies. Payment of the retainer fee does not denote membership on a Compliance Audit Committee and covers the four (4) year term; and,
- \$350.00 per meeting attended, plus mileage in accordance with the rate normally paid to employees of the applicable Participating Body. The per meeting rate shall cover review of background or agenda materials as required in preparation for a meeting.

Membership Selection:

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.

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.

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.

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

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.

Meetings:

Meetings will occur as needed and shall be conducted in accordance with the Compliance Audit Committee Rules of Procedure for the Participating Bodies.

Chair:

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.

Role of Clerk:

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.