

MUNICIPALITY OF HASTINGS HIGHLANDS

Joint Hasting County 2018 Election Compliance Audit Committee

TERMS OF REFERENCE

Name:

The name of the Committee shall be the “Joint Hastings County 2018 Election Compliance Audit Committee” consisting of the following member municipalities:

Town of Bancroft
Township of Carlow/Mayo
Municipality of Centre Hastings
Town of Deseronto
Township of Faraday
Municipality of Hastings Highlands
Township of Limerick
Township of Madoc
Township of Marmora & Lake
Township of Stirling-Rawdon
Township of Tudor & Cashel
Municipality of Tweed
Township of Tyendinaga
Township of Wollaston

Term:

The term of office for the committee shall be from December 1, 2018 to November 14, 2022 to deal with applications from the 2018 election and any by-elections during Council’s term.

Mandate:

The powers and functions of the Committee set out in Sections 88.33 and 88.34 of the *Municipal Elections Act*, 1996. The Committee will perform the functions relating to the compliance audit application process as outlined in the Act. These functions include:

1. Within 30 days of receipt of an application requesting a compliance audit, the Committee shall consider the compliance audit application and decide whether it should be granted or rejected.

2. If the application is granted the Committee shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances.
3. The Committee will review within 30 days of receipt and decide whether legal proceedings should be commenced.
4. If the report concludes that the candidate/third party advertiser appears to have contravened a provision of the Act relating to election campaign finances, the Committee shall commence legal proceedings against the candidate for the apparent contravention.
5. If the auditor's report indicates that the candidate/third party advertiser does not appear to have contravened a provision of the Act relating to campaign finances and the Committee finds that there were no reasonable grounds for the application the Committee shall advise Council accordingly.

Composition:

The Committee shall be composed of not less than three (3) and no more than five (5) members.

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, members of Council and any candidate in the 2018 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*.

Membership Selection:

Members will be selected on the basis of the following:

- a. Demonstrated knowledge and understanding of municipal election campaign financing rules;
- b. Proven analytical and decision making skills;
- c. Experience working on a committee , task force or similar setting;
- d. Availability and willing ness to attend meetings; and
- e. Excellent oral and written communication skills.

Members of Council/School Boards, staff or candidates running for the office in the 2018 municipal election are not eligible to be appointed to the Committee. Should an appointed member subsequently accept employment with any of the member municipalities/school boards or register as a candidate with any of the member municipalities/school boards, their appointment will be terminated.

All Committee members must agree in writing that they will not work for or provide advice to any candidate running for municipal office within the member municipalities, or to any school candidates, including undertaking audits or preparing financial statements for the 2018 electoral candidates.

Committee members will be selected by the Hastings County joint compliance audit sub-committee and a recommendation submitted for approval by each of the Councils of the Hastings County municipalities.

Chair:

The Committee members will select a Chair from amongst the members at the first meeting when a compliance audit application is received. When the Chair is absent at any meeting the Committee may appoint another as Acting Chair and while presiding, the Acting Chair shall have all the powers of the Chair.

The Chair will act as the liaison between the members and the Clerks of the municipalities on matters of policy and process.

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

Meetings:

Meetings of the Committee will be conducted in accordance with the open meeting provisions of Section 239 of the *Municipal Act, 2001*.

Timing of the Meetings:

The first meeting will be called by the Clerk of the member municipality upon receipt of an application. 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 of the applicable municipality.

Meeting Location:

The Committee shall meet at the location determined by the applicable member municipality.

Staff Resource:

The Clerk from the applicable member municipality shall act as Secretary to the Committee.

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 meetings to be provided to members of the Committee a minimum of two (2) business days prior to the date of each meeting. The agendas and minutes of each meeting shall be posted on the member municipality's website.

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

Quorums:

Quorums for meetings shall consist of a majority of the members of the Committee. If no quorum is present thirty (30) minutes after the time appointed for a meeting, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next meeting.

Expenses of Meetings:

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

Reports to Council:

An information report will be provided to Council when a function of the compliance audit committee is undertaken.

Remuneration:

Remuneration for committee members will be at the rate of \$150.00 per meeting per member plus mileage (to and from meeting location) at the rate established by the County of Hastings in any year of the four year term of the Committee.