

APPENDIX 1

TERMS OF REFERENCE

Township of McNab Braeside, Township of Greater Madawaska, Township of Admaston/Bromley, Township of Horton and Town of Arnprior Joint Compliance Audit Committee

MISSION:

The Joint Compliance Audit Committee has full delegation of the authority as set out in Section 81 of the Municipal Elections Act, 1996, to address applications requesting an audit of a candidate's election campaign finances. This authority includes, but is not limited to, the following:

- Review applications and grant or reject audit requests
- Where an audit is granted, to appoint an auditor and review the audit report
- Where indicated, decide whether legal proceedings shall be commenced.

BACKGROUND:

The Municipal Elections Act, 1996 authorizes Council to delegate its responsibilities for conducting a compliance audit on a municipal election candidates campaign finances.

OBJECTIVES:

To ensure that the provisions of the Municipal Elections Act, 1996, Section 81 are not contravened and to follow the necessary steps to ensure compliance as noted in Section 81. The Committee will abide by any terms and conditions, which may be set out by the member municipality's Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

COMPOSITION:

The Committee shall be comprised of three members of the public. Each individual municipality's Council shall appoint the committee members by By-Law. Ideally, Committee members will have a financial/accounting background and be familiar with the Municipal Elections Act. The Committee shall appoint such executive positions, as it deems necessary

and shall, as a minimum, appoint a Chair and Vice-Chair. The Acting Clerk and/or his/her designate shall act as Secretary to this Committee.

In accordance with the Municipal Elections Act, 1996, members of Council, Township employees, officers of the Township or candidates running for office in the 2018 municipal election are prohibited from being appointed to the Committee. Members of the public affiliated with any candidate are also prohibited from being appointed to the Committee. Should an appointed Member accept employment with any of the member municipalities or register as a candidate with any of the member municipalities, 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. Anyone who has participated as candidates in the member municipality elections, or who have conducted audits or provided financial advice in respect of such campaigns, would be disqualified from participation on the Committee.

TERM OF APPOINTMENT:

Members will be appointed for the time frame to deal with applications received for a compliance audit for the 2018 Municipal Election. This Committee shall be dissolved at the conclusion of the requirements noted in Section 81 of the Municipal Elections Act, 1996. The Term of the Committee is co-terminus with Council.

RESOURCES AND COSTS:

Staff from the applicable member municipality shall provide administrative support to the Committee. The Clerk of the member municipality will act as a resource to the Committee. The member municipality requiring the services of the Committee shall be responsible for all associated expenses.

TIMING OF MEETINGS:

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. If the application is granted, the Committee shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances. The Committee will review the auditor's report within 30 days of receipt and decide whether legal proceedings should

be commended. If the auditor's report indicates that there were no apparent contraventions and if there appears there were no reasonable grounds for the application, the Committee shall advise Council accordingly.

The first meeting will be called by the Acting Clerk upon receipt of an application to conduct a compliance audit. The date and time of the meeting will be determined by the Acting Clerk and communicated directly to the committee members. The three-member committee called to hear a request for compliance audit shall select one of its Members to act as a Chair at the first meeting. A Vice Chair will also be selected at the first meeting. Subsequent meetings will be held at the call of the Chair. All time frames established in the Municipal Elections Act, 1996 and regulations shall be adhered to.

MEETINGS PROCEDURES:

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

The Chair shall cause notice of the meetings, including the agenda for the meetings. The agenda will be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Committee.

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

Meetings of the Committee shall be governed by the member municipality's Procedural By-Law. If this By-Law does not cover any proceedings, then the most current edition of Robert's Rules of Order and Legislation will govern.

The Committee may, upon affirmative vote of the majority of its members present at a meeting, determine to hold any meeting or part of a meeting as a closed session in order to discuss sensitive personal issues or legal matters. If the Committee elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison, if any, and all

persons excepted by the members) shall vacate the premises where the meeting is taking place. Closed meeting can only be held in accordance with Section 239 of the Municipal Act.

REPORTS:

The Committee will conduct the compliance audit in accordance with the Municipal Elections Act, 1996. The Acting Clerk will act as the main conduct between the Committee and Council and will report on Committee activity as required to the appropriate individuals and Council.

RECORDS:

The records emanating from the Joint Compliance Audit Committee shall be retained and preserved by the municipality requesting the services of the Committee in accordance with that member municipality's Record Retention By-Law.

ADMINISTRATION:

Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with Section 81 of the Municipal Elections Act, 1996.

CONFLICTS OF INTEREST:

Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter. To avoid any potential conflict of interest, applicants with accounting or auditing backgrounds must agree in writing that they will not offer their services to any municipal election candidates.

ERRORS AND OMISSIONS:

The accidental omission to give notice of any meeting of the Committee to its members, or the non-receipt of any notice by any members, or any error in any notice that does not affect its substance, does not invalidate any Resolution passed or any proceedings taken at the meeting. Any member of the Committee may at any time waive notice of any meeting.

MEETING ATTENDANCE:

Any member of the Committee, who misses three 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.

LOCATION OF MEETINGS:

The location of the meetings will be established by the Committee.

PURCHASING POLICY:

All Committees that have purchasing responsibilities shall follow the Procurement Policy of the member municipality, unless, another purchasing policy has been endorsed by Council.

BUDGET:

The expenses of this Committee shall be the responsibility of the Acting Clerk of the member municipality under the Election Budget.

REMUNERATION:

Members of the Committee shall be paid \$150.00 per meeting.

EXPULSION OF MEMBER:

The Committee and/or Acting Clerk may recommend to Council the expulsion of a member for reasons as listed, but not limited to, the member being in contravention of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act, the Provincial Offences Act, the Municipal Conflict of Interest Act and the Municipal Elections Act; disrupting the work of the Committee of other legal issues.