

Terms of Reference

Name:

City of Kawartha Lakes Municipal Election Compliance Audit Committee

Mission:

The City of Kawartha Lakes Compliance Audit Committee has full delegation of the authority in 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. Council delegated this authority to a Compliance Audit Committee at its meeting held April 11, 2006 by Resolution Number CR2006-320/CHR2006-63.

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 City's Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

Composition:

The Committee shall be comprised of three members consisting of three members of the public. Committee members will be appointed by Council in accordance with established policy. The Committee shall appoint such executive positions as it deems necessary to ensure its operations but shall include as a minimum, a Chair and Vice-Chair. The City Clerk shall act as Secretary to this Committee.

Under the *Municipal Elections Act, 1996*, members of Council or City Staff are prohibited from being appointed to the Committee.

Term of Appointment:

Members will be appointed for the time frame to deal with applications received for a compliance audit for the 2006 Municipal Election.

Resources:

The Clerk's Department will provide support in the form of advice, day-to-day liaison with the City.

Staff Assigned:

Staff from the Clerk's Department will be available to assist the Committee as outlined under "Resources" and to attend meetings of the Committee upon request.

Timing of Meetings:

The first meeting will be called by the City Clerk upon receipt of an application to conduct a compliance audit. The date and time of the meeting will be determined by the City Clerk and communicated directly to the committee members. 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.

Reports:

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

Administration:

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

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 City Clerk.

The Chair shall cause notice of the meetings, including the agenda for the meetings, to 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.

Procedures:

Meetings of the Committee shall be governed by Robert's Rules of Order, Procedural By-law and Legislation.

Closed Meetings:

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 meetings can only be held in accordance with Section 239 of the Municipal Act.

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.

Errors/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 member, 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 set by the Committee.

Purchasing Policy:

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

Budget:

The expenses of this Committee shall be the responsibility of the City Clerk under the Election Budget.

Volunteer Positions:

Members of the Committee shall be paid \$100.00 per meeting. The City Clerk shall ensure and verify the validity of the meeting.

Dissolution:

This Committee shall be dissolved at the conclusion of the requirements noted in Section 81 of the *Municipal Election Act, 1996* for the 2006 City of Kawartha Lakes Municipal Election.

Expulsion of Member:

The Committee and/or City 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 or other legal issues.