

**THE CORPORATION OF THE TOWNSHIP OF SEGUIN**

**BY-LAW NO. 2010-076**

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**Being a By-law to authorize the establishment of the West Parry Sound Joint Election Compliance Audit Committee.**

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**WHEREAS** Section 81.1(1) of the *Municipal Elections Act, 1996*, as amended, states that a council or local board shall, before October 1 of an election year, establish a committee for the purposes of Section 81 of the *Act*; and

**WHEREAS** Section 81.1(4) of the *Municipal Elections Act, 1996*, as amended, states that the clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this *Act* to implement the committee's decisions; and

**WHEREAS** the Councils of the Township of The Archipelago, the Township of Carling, the Municipality of McDougall, the Township of McKellar, the Town of Parry Sound and the Township of Seguin deem it advisable to establish the West Parry Sound Joint Election Compliance Audit Committee and to set out the terms of reference of the committee;

**NOW THEREFORE THE COUNCIL OF THE TOWN OF PARRY SOUND ENACTS AS FOLLOWS:**

1. **THAT** the Council of The Corporation of the Township of Seguin adopts the Terms of Reference for the West Parry Sound Joint Election Compliance Audit Committee, attached hereto as Schedule "A", to meet the requirements of Section 81.1(1) of the *Municipal Elections Act, 1996*, as amended.
2. **THAT** this by-law shall come into force and take effect upon the date of the final passing thereof.

**READ a FIRST, SECOND and THIRD TIME, PASSED and ENACTED this 19<sup>th</sup> day of July, 2010.**

  
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**David Conn,**  
**Mayor**

  
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**Craig Jeffery,**  
**Clerk**



Schedule "A"

Terms of Reference  
West Parry Sound Joint Election Compliance Audit Committee

1. Name and Representation

The name of the committee is the West Parry Sound Joint Election Compliance Audit Committee (WPSJECAC). The West Parry Sound Joint Election Compliance Audit Committee will represent the Township of Carling, the Municipality of McDougall, the Township of McKellar, the Town of Parry Sound, the Township of Seguin and The Township of the Archipelago as required under Section 81 of the *Municipal Elections Act, 1996*, as amended.

2. Term

The Committee must be established before October 1, 2010 and the term of office shall be consistent with the term of Council. The Committee will meet as needed with meetings to be scheduled when a compliance audit application is received and requires disposition.

3. Mandate

The powers and function of the committee are set out in subsections 81 (5), (7), (10), (14), and (15) of the *Municipal Elections Act, 1996*, as amended. The Committee will be required to:

- (a) Consider the compliance audit application received from an elector and decide whether it should be granted or rejected;
- (b) If the application is granted the Committee shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances;
- (c) Receive the auditor's report;
- (d) Consider the auditor's report and decide whether legal proceedings should be commenced;
- (e) If the report indicates that there was no apparent contravention and the committee finds that there were no reasonable grounds for the application, the host council is entitled to recover the auditor's costs from the applicant.

4. Membership Composition & Selection

The Committee will be composed of three (3) members and one (1) alternate member, with membership drawn from the following stakeholder groups:

- (a) accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
- (b) academic – college or university professors with expertise in political science or local government administration;
- (c) legal;
- (d) 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

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- (e) other individuals with knowledge of the campaign financial rules of the *Municipal Elections Act, 1996*, as amended

Members of Council, municipal staff, and candidates running in the election are not eligible to be appointed to the Committee as stipulated in Section 81.1(2) of the *Municipal Elections Act, 1996*, as amended.

All applicants will be required to submit a letter outlining their qualifications and experience. The municipal clerks (or designates) from the participating municipalities will make recommendations to the Municipal Councils for the appointment, by Council resolution, of members to the Committee.

The selection process will be based upon clearly understood and equitable criteria. 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 willingness to attend meetings;
- (e) excellent oral and written communication skills;
- (f) other skills as deemed necessary.

To avoid possible conflicts of interest, care must be taken that any auditors, accountants or legal counsel appointed to the West Parry Sound Joint Election Compliance Audit Committee do not audit or prepare the financial statements of any candidate running for office in the municipal election, or provide counsel to any candidate running for office. Accordingly, any auditor, accountant or legal counsel appointed to the committee will have to agree, in writing, to not undertake the audits or preparation of the financial statements of any candidates, or provide any counsel to any candidates, seeking election. Failure to adhere to this requirement will result in the individual being removed from the Committee.

Appointment to the committee shall be confirmed when the Councils of a majority of the participating municipalities have passed resolutions appointing members to the committee.

### 5. Chair

The Committee members will select a Chair from amongst its members at its first meeting.

### 6. Staffing and Funding

Staff from the host municipality where an application for an audit has been filed will provide administrative support to the Committee. The Clerk or designate from the host municipality shall act as Recording Secretary for the Committee. Any responsibility not clearly identified within the Terms of Reference shall be in accordance with Section 81 of the *Municipal Elections Act, 1996*, as amended.

Each member, including the alternate, will receive an annual retainer of \$300.00. The retainer fees shall be shared equally amongst the participating municipalities. Members will receive remuneration of \$75.00 per diem for attendance at meetings, plus mileage at the rate of the host municipality upon receipt of the request for reimbursement from

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the committee member. Per diem and mileage are to be paid by the host municipality where the request for a Compliance Audit was filed.

Administration costs for such items as printing and mailing will be absorbed by the host municipality where the request for a Compliance Audit was filed.

### 7. Meetings

The Committee will conduct its meetings in public, subject to the need to meet in closed session for a purpose authorized by Section 239 of the *Municipal Act, 2001* as amended. Meetings shall be conducted using guidelines established in the Municipal Procedural By-law for the municipality from which an application originated. Meetings will only take place if a compliance audit request is received and subsequent meetings may be held to deal with the request.

### 8. Conflicts of Interest

Committee members shall be bound by the *Municipal Conflict of Interest Act, 1990*, as amended with respect to financial interest, and shall disclose any possible pecuniary interest to the Recording Secretary. That member shall then remove himself or herself from that portion of the meeting at which the matter for which the possible pecuniary interest was declared is discussed.

### 9. Role of the West Parry Sound Clerks, or Designates

The Clerks, or designates, of the participating West Parry Sound municipalities will work together to promote, interview and make recommendations to council for appointment to the West Parry Sound Joint Election Compliance Audit Committee.

### 10. Acceptance of Terms of Reference

Appointed Committee members shall be asked to sign an acknowledgement accepting terms and conditions outline in the above Terms of Reference, and the *Municipal Elections Act, 1996*, as amended.