

Joint Compliance Audit Committee Terms of Reference (2022-2026)

Establishment

The Joint Compliance Audit Committee is established by the Cities of Markham and Vaughan; the Towns of Aurora, East Gwillimbury, Georgina, Newmarket, Richmond Hill, and Whitchurch-Stouffville; and the Township of King (collectively the “participating municipalities”), pursuant to the requirements of section 88.37 of the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended, (“the “Municipal Elections Act”)

Mandate

The powers and functions of the Committee are set out in Section 88.33 to 88.36 of the Municipal Elections Act. The powers and functions are generally described as:

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 the auditor’s report within 30 days of receipt and decide whether legal proceedings should be commenced;
4. 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; and
5. Within 30 days after receipt of a report from any participating municipality’s Clerk of any apparent over-contributions to candidates or third-parties (“report of the Clerk”), the Committee shall consider the report of the Clerk and decide whether legal proceedings should be commenced.

Composition

Collectively a total roster of ten committee members shall be appointed by the participating municipalities.

When a participating municipality receives either a compliance audit request or a report of the Clerk, the Clerk of the applicable municipality shall, within 10 days, contact the roster of committee members and arrange for a minimum of three, and not more than seven, committee members to sit as the Compliance Audit Committee for the purpose of considering the compliance audit request or report of the Clerk. The selected Members sitting as a Compliance Audit Committee shall be required to participate in all meetings and any other proceedings pertaining to the request(s) or report of the Clerk.

Term

The term of the Committee is the same as the terms of office of Council.

Chair

The committee members sitting as the Committee for a particular compliance audit request or report of the Clerk shall select one of its Members to act as a Chair at the first meeting.

Proposed Meeting Schedule

The Committee shall meet, as needed, with meetings to be scheduled by the relevant Clerk, in consultation with the selected members, when a compliance audit application or report of the Clerk is received.

Staffing and Funding

Staff from the applicable participating municipality shall provide administrative support to the Committee. The participating municipality requiring the services of the Committee shall be responsible for all associated expenses.

Records

The records of Committee meetings shall be retained and preserved by the participating municipality requesting the service of the Committee in accordance with that municipality's Records Retention rules.

Meetings

Meetings of the Committee shall be conducted in accordance with the rules of procedures that are established jointly by the Clerks of the participating municipalities. Meetings may be held in person, electronically, or by a combination of in person and electronic participation.

Remuneration

\$400 - Retainer fee (includes compensation for review of any background materials).

\$350 - Per Diem rate, plus mileage at \$0.55 per kilometer (when in-person attendance is required).

\$350 (includes mileage) - attendance at a mandatory training session

Membership Selection

All Committee applicants will be required to complete an application form outlining their qualifications and experience.

The Clerk, or his/her designate, from each participating municipality will serve on the Selection Committee. The Selection Committee shall meet to review all applications based upon the approved selection criteria. The Selection Committee shall prepare a roster for appointment according to the process approved by the Councils of the participating municipalities.

Membership Selection Criteria

The following skills and experience will be used Selection Committee to determine suitability for appointment to the Committee:

1. Demonstrated knowledge and understanding of municipal election campaign financing rules;
2. Proven analytical and decision-making skills;
3. Experience working on committees, task forces or similar settings;
4. Demonstrated knowledge of quasi-judicial proceedings;
5. Availability and willingness to attend meetings; and
6. Excellent oral and written communication skills.

The following persons are not eligible for appointment or to serve on the Committee:

1. Employees of any of the participating municipalities;
2. Members of Council or Members of Local Boards of any of the participating municipalities;
3. Council candidates for the 2022 Municipal Election and any by-election(s) held during the 2022-2026 Council term of office; or
4. Any persons who are Registered Third Parties in any of the participating municipalities.