

THE CORPORATION OF THE TOWNSHIP OF KILLALOE, HAGARTY AND
RICHARDS

BY-LAW NUMBER 46 - 2022

Being a by-law to appoint a Compliance Audit Committee
and to adopt the Terms of Reference of the Joint
Compliance Audit Committee

WHEREAS section 88.37 of the *Municipal Elections Act, 1996, S.O. 1996, c.32*, as amended requires Council to establish a Compliance Audit Committee before October 1 of an election year, for the purposes of this Act;

AND WHEREAS section 88.37(2) states that the committee shall be composed of not fewer than three (3) and not more than seven (7) members and shall not include employees or officers of the municipality or local board, members of the council or local board or any persons who are candidates in the election for which the committee is established, and any persons who are registered third parties in the municipality in the election for which the committee is established;

AND WHEREAS the term of office of the committee is the same as the term of office of the council or local board that takes office following the next regular election, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed;

AND WHEREAS it is expedient to establish a Compliance Audit Committee regarding campaign finances for the purposes of this Act;

AND WHEREAS it is prudent to adopt the Terms of Reference of this Committee outlining the powers and functions of the Committee as set out in Section 88.33 to 88.36 of the *Municipal Elections Act*.

NOW THEREFORE the Council for the Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

THAT the Municipality of Killaloe, Hagarty and Richards establishes a Compliance Audit Committee for the period December 1, 2022 to November 15, 2026 composed of five (5) members, and these members shall be appointed by the participating municipalities.

1. **THAT** the following individuals are appointed to the Compliance Audit Committee and can be replaced or changed throughout the term by the participating municipalities by resolution as required: Gwen Coulas, Beverly Lapenskie, Leah Kinghorn, Diane Prince, Roseanne Hudder, Dorothy Corbeil.
2. **THAT** the Joint Compliance Audit Committee is established by the Township of Killaloe, Hagarty and Richards; the Township of Brudenell, Lyndoch and Raglan; the Township of Madawaska Valley; and the Township of North Algona Wilberforce (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*")
3. **THAT** the Compliance Audit Committee shall operate in accordance with the Terms of Reference as set out in **Schedule "A"** attached hereto and forming part of this By-law, and in compliance with the *Municipal Elections Act, 1996*.
4. **THAT** this By-Law shall come into force and take effect upon final reading thereof

READ A FIRST AND SECOND TIME THIS 18th, DAY OF October, 2022.

READ A THIRD TIME AND FINALLY PASSED THIS 18th, DAY OF October, 2022.

Mayor - Janice Tiedje

CAO/Clerk Treasurer – Tammy Gorgerat

Schedule “A”

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

Establishment

The Joint Compliance Audit Committee is established by the Township of Killaloe, Hagarty and Richards; the Township of Brudenell, Lyndoch and Raglan; the Township of Madawaska Valley and the Township of North Algona Wilberforce (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:

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 S.88.33(7);

If the application is granted, the Committee shall appoint an auditor to conduct a compliance audit of the candidate’s election campaign finances S.88.33(10);

The Committee will review the auditor’s report within 30 days of receipt and decide whether legal proceedings should be commenced S.88.33(17);

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 Clerk’s report and decide whether legal proceedings should be commenced S.88.34(8).

Composition

The Compliance Audit Committee shall be composed of five(5) members, and these 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 committee members and arrange for Compliance Audit Committee meeting. The Compliance Audit Committee Members 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. (Will use the procedures established by Lanark).

Remuneration

\$125 - Per Meeting rate, plus mileage at \$0.61 per kilometer.

\$150 (includes mileage) for attendance at a mandatory training session, split between participating municipalities.

Membership Selection

All Committee members will be selected by the Selection Committee, consisting of the Clerk or his/her designate, from each participating municipality. The Selection Committee may advertise the positions through their individual websites and/or local newspapers, or may contact previous/potential committee members to ask if they are interested in a position on the committee.

The Selection Committee shall prepare a roster for approval by the Councils of the participating municipalities.

Membership Selection Criteria

Although not limited to the list below, the following skills and experience will be used by the Selection Committee to determine suitability for appointment to the Committee:

Knowledge and understanding of municipal election campaign financing rules;

Analytical and decision-making skills;

Experience working on committees, task forces or similar settings;

Availability and willingness to attend meetings; and

Excellent oral and written communication skills.

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

Employees of any of the participating municipalities;

Members of Council or Members of Local Boards of any of the participating municipalities;

Council candidates for the 2022 Municipal Election and any by-election(s) held during the 2022-2026 Council term of office; or

Any persons who are Registered Third Parties in the participating municipalities.