



## Arnprior, McNab/Braeside and Greater Madawaska Joint 2010 Joint Election Compliance Audit Committee

### **TERMS OF REFERENCE**

#### **1.0 Legal Authority**

- 1.1 The 2010 Joint Election Compliance Audit Committee is established pursuant to Sections 81(1) and 81.1 (1) of the *Municipal Elections Act, 1996*.

#### **2.0 Purpose of Committee**

- 2.1 The Joint Arnprior, McNab/Braeside and Greater Madawaska Compliance Audit Committee receives applications under the compliance audit application process for the 2010 Election and makes a decision on whether same should be granted or rejected.

#### **3.0 Mandate of Committee**

- 3.1 The Committee shall perform the following functions relating to the compliance audit application process as outlined in the Act:
- a. Considering a compliance audit application received by an elector and deciding whether it should be granted or rejected;
  - b. Appointing an auditor if the application is granted;
  - c. Receiving the auditor's report;
  - d. Considering the auditor's report and deciding whether legal proceedings should be commenced; and
  - e. Determining whether to recover the costs of conducting the compliance audit from the applicant if the auditor's report indicates there were no apparent contraventions and if there were no reasonable grounds for the application.

#### **4.0 Committee Composition**

##### **4.1 Membership:**

- a. The Committee shall be composed of three(3) members, with consideration of representation from each of the three municipal units.
- b. An alternative may be appointed to either allow for a quorum to be met or to complete the term of a member who withdraws or is removed from the Committee.
- c. The alternate member appointed who will attend meetings (including closed sessions) as a non-voting member and will have voting rights when one of the designated voting members is not able to attend a meeting.

##### **4.2 Qualifications:**

Members shall:

- a. Possess an in-depth knowledge of the campaign financing rules of the *Municipal Elections Act, 1996*
- b. Be able to assess financial information and recognize adherence or non compliance with legal requirements.

- c. Not be a municipal employee, municipal Councillor nor a candidate in the 2010 municipal election or in any by-election during the term of Council for any of the three municipal units.
- d. Not be a volunteer or assistant to a candidate in the 2010 municipal election or in any by-election during the term of Council for any of the three municipal units.

**4.3 Employment Limitation:**

To avoid the perception of a conflict, any person appointed to the Committee must agree in writing not to prepare or audit the election financial statements of any candidate for office of municipal Council in any of the three municipal units in the 2010 municipal election and any by-elections during the term of Council.

**4.4 Remuneration:**

Members shall receive an honourarium of \$75 per meeting.

**4.5 Term of Office:**

The term of office of the Committee takes effect on December 1, 2010, and runs concurrent with the term of office of the Council elected in the 2010 election.

**4.6 Resignation or Expulsion:**

- a. Members wishing to resign must submit their resignation in writing to the Town Clerk of Arnprior.
- b. Members who miss three(3) consecutive meetings without the consent of Committee are automatically considered as having resigned from the Committee.
- c. The Committee and/or respective Clerk may recommend to Council the expulsion of a member for reasons as listed, but not limited to: 1. the member being in contravention of the *Municipal Act*, the *Municipal Freedom of Information and Protection of Privacy Act* and/or the *Municipal Elections Act*; or 2. Disrupting the work of the Committee or other legal issues.

## 5.0 Meetings

- 5.1 Meetings shall be held pursuant to the compliance audit process specified in the *Municipal Elections Act*.
- 5.2 The first meeting shall be called by the Town Clerk of Arnprior to review requirements of the compliance audit process as outlined in the *Municipal Elections Act* and administrative practices and procedures for Committee.
- 5.3 At the first meeting, members shall appoint a Chair.
- 5.4 The quorum for any meeting of Committee is three(3) members.
- 5.5 Meetings shall be conducted pursuant to legislation, procedures set out in the Terms of Reference and the parliamentary procedures of Roberts Rules of Order.

## 6.0 Roles and Responsibilities

- 6.1 The Clerks for the respective municipal units shall provide administrative support when a compliance audit process is required from a candidate from their respective municipality.

- 6.2 The administrative practices and procedures have been incorporated in the Terms of Reference
- 6.3 All costs pertaining to the Committee's operation and activities shall be paid by the respective municipal unit on a 1/3 basis for general meetings and administration; and 100% individually for meetings and costs relating to a compliance audit process of a candidate in their respective municipality.
- 6.4 The Chair shall consult with the respective Clerk when an application is received requesting a compliance audit review.

## 7.0 Meeting Procedures

### 7.1 **Number of Meetings:**

- a. Committee activity shall be determined primarily by the number and complexity of applications for compliance audits that may be received.
- b. The frequency and duration of Committee meetings will be determined by the Committee in consultation with the respective Clerk.

### 7.2 **Administrative Support:**

- a. If there is to be consideration of more than one application at a meeting, the Clerk of the municipal unit representing the greater population will provide administrative support with the costs being shared by the respective municipal units.
- b. The Committee in consultation with the Clerk(s) may deviate from the process if deemed desirable for an effective process.
- c. If the respective Clerk is not available to attend, administrative support shall be provided by a staff person designated by such Clerk or a Clerk from one of the other municipal units.

### 7.3 **Notices and Agendas:**

- a. The Chair in consultation with the respective Clerk shall cause notice of the meetings, including the agenda.
- b. The agenda will be provided to members of the Committee a minimum of three(3) business days prior to the date of each meeting.

### 7.4 **Minutes:**

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

### 7.5 **Closed Sessions:**

- a. Upon an affirmative vote by Committee, any meeting or part of a meeting can be held 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 Clerk and/or designate and any person(s) so requested by the Committee) shall vacate the premises where the meeting is taking place.
- b. Closed meetings can only be held in accordance with Section 239 of the *Municipal Act*.

## **8.0 Reporting Procedures**

- 8.1 The Committee will conduct the compliance audit in accordance with the *Municipal Elections Act, 1996*.
- 8.2 The respective Clerk will act as the main contact between the Committee and Council and will report on Committee activity as required to the appropriate individual and municipal Council.

## **9.0 Conflicts of Interest**

### **9.1 Declaration:**

Members shall abide by the rules outlined within the *Municipal Conflict of Interest Act* and shall disclose the pecuniary interest to the respective Clerk and absent him/her self from meetings for the duration of the discussion and voting (if any) with respect to that matter.

## **10.0 Other Administration**

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

## **11.0 Errors or Omissions**

- 11.0 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.
- 11.1 Any member of the Committee may at any time waive the time requirement for a notice of any meeting.