

Dufferin County Joint Compliance Audit Committee

Terms of Reference 2022-2026

1. Establishment

The Joint Compliance Audit Committee is established by the Towns of Grand Valley, Mono, Orangeville and Shelburne and Townships of Amaranth, East Garafraxa, Melancthon, and Mulmur (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*").

2. 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;
- If the application is granted, the Committee shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances;
- The Committee will review the auditor's report within 30 days of receipt and decide whether legal proceedings should be commenced;
- 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
- 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.

3. Composition

Collectively a total roster of no fewer than three (3) and up to five (5) members shall be appointed by the participating municipalities and the members shall not include:

- (a) employees or officers of the participating municipalities or local boards;
- (b) members of council or local boards;

- (c) any persons who are candidates in the election for which the committee is established; or
- (d) any persons who are registered third party advertisers in the participating municipality in the election for which the committee is established.

All Committee members must agree in writing that they will not work for or provide advice to any candidate running for municipal office within the participating municipalities.

To avoid any potential conflict of interest, applicants with accounting or auditing backgrounds must agree in writing that they will not offer their services to any municipal election candidates.

4. Term

The term of the Committee is the same as the terms of office of the council that takes office following the next regular election.

5. Chair

The Committee at its first meeting shall select one of its members to act as Chair.

6. Meetings

When a compliance audit request or a report of the Clerk is received, the Dufferin County Clerk shall, within 10 days, contact the Clerk of the applicable municipalities and the Committee members to arrange for a meeting for the purpose of considering the compliance audit request or report of the Clerk. The attendance of a majority of members is necessary to form quorum.

Meetings of the Committee shall be conducted in accordance with the open meeting requirements of the *Municipal Act, 2001*. Meetings of the Committee shall be open to the public, but the Committee may deliberate in private.

7. Remuneration

\$150 per meeting per member.

8. Staff Support and Funding

Dufferin County staff, along with the 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.

9. Records

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

10. Membership Selection

All applicants will be required to submit an application outlining their qualifications and experience. Committee membership will be drawn from the following groups:

- accounting and audit – accountants or auditors, preferably with experience in preparing or auditing the financial statements of municipal candidates;
- academic – college or university professors with expertise in political science or local government administration;
- legal; and
- other individuals with knowledge of the campaign financing provisions of the Act.

The Clerk, or designate, from each participating municipality will serve on the Selection Committee. The Selection Committee shall meet to review all applications.

The Selection Committee will recommend members to each participating municipality for its approval, based on the following criteria:

- a) demonstrated knowledge and understanding of municipal election campaign finance rules.
- b) proven analytical and decision-making skills.
- c) experience working on committees, boards, task forces or similar working groups.
- d) availability and willingness to attend meetings in any of the member municipalities.
- e) excellent oral and written communication skills.

11. Selection of an Auditor

The Clerks from each participating municipality will compile a joint list of municipal auditors that are willing and able to provide auditor services to the Committee. The Committee will appoint an auditor from the joint list, excluding the municipal auditor for the responding municipality. The Auditor will be appointed by resolution of the Committee. The engagement letter will indicate that the Auditor has been engaged by the Committee and will be prepared and executed by the Clerk, or other officer of the municipality as may be designated, on behalf of the participating municipality.