

Board - Committee

Chapter 0045 - Compliance Audit Committee

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WHEREAS subsection 88.37 (1) of the *Municipal Elections Act*, as amended, states that a council or local board shall establish a Compliance Audit Committee before October 1st of an election year for the purposes the *Act*.

Article 1 - Interpretation

45.1.1 Application - defined

"application" means an application by an elector, who is entitled to vote in an election and believes, on reasonable grounds, that a candidate or a registered third party has contravened a provision of the *Municipal Elections Act*, relating to election campaign finances and may apply for a compliance audit of the candidate's or registered third party's election campaign finances.

45.1.2 Chairperson - defined

"Chairperson" means a member of the Committee appointed by the Committee responsible for chairing a hearing.

45.1.3 Clerk - defined

"Clerk" means the Municipal Clerk for the City of Woodstock, or designate, who is responsible for the providing of administrative support to the Committee.

45.1.4 Committee - defined

"Committee" means the Compliance Audit Committee appointed by Woodstock City Council.

45.1.5 Hearing - defined

"hearing" means the public meeting of the Committee held for the purpose of considering an application.

45.1.6 Member - defined

"member" means an individual appointed by the Council of the City of Woodstock to the Committee.

Article 2 - General Provisions

45.2.1 Calling of hearings - by Clerk

All hearings of the Committee shall be called by the Clerk. Notice of the hearing shall be provided to the candidate or registered third party, the applicant, and the contributor (if applicable). By-law 9207-18 – June 7, 2018.

45.2.2 Agenda - posted - delivered to members - in advance

The Clerk shall prepare and cause to be delivered an agenda to each member at least forty-eight hours (two days) prior to the hearing. The agenda shall be placed on the City of Woodstock's website prior to the hearing.

45.2.3 Hearing - cancel - reschedule - authority

The Clerk may cancel or reschedule a hearing if necessary.

45.2.4 Location - time of hearings

All hearings of the Committee shall be held at a location deemed appropriate by the Clerk. Meetings will be called on an as needed basis. By-law 9207-18 – June 7, 2018.

45.2.5 Compliance Audit - application - deadline

The application must be made within ninety (90) days after the latest of:

- a. the filing date under section 88.30 of the *Municipal Elections Act*.
- b. the supplementary filing date, if any, under section 88.30 of the *Municipal Elections Act*.
- c. The filing date of the financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30 of the *Municipal Elections Act* ; or
- d. the date which the extension, if any, under the *Municipal Elections Act*, expires.

45.2.6 Application to be forwarded to committee

Within ten (10) days after receiving the application, the Clerk of the municipality shall forward the application to the compliance audit committee established under section 88.37 (1) of the *Municipal Elections Act*. By-law 9207-18 – June 7, 2018.

45.2.7 Review of contributions to candidates and to registered third parties

As soon as possible following the day that is 30 days after the filing date or supplementary filing date the Clerk shall review the contributions reported on the financial statements submitted by candidates and by registered third parties to determine whether any contributor appears to have exceeded any contribution limit as set out in the *Municipal Elections Act*. In the event that a contributor appears to have exceeded the contribution limits the Clerk shall satisfy the provisions of the *Municipal Elections Act* including forwarding the report to the compliance audit committee. By-law 9207-18 – June 7, 2018

45.2.8 Decision

Within thirty (30) days after receiving the application, the Committee shall consider the application and decide whether it should be granted or rejected. The decision of the committee to grant or reject the application, and brief written reasons for the decision, shall be given to the candidate or registered third party, the clerk and the applicant (if applicable).

45.2.9 Appeal

The decision of the Committee may be appealed to the Superior Court of Justice within fifteen (15) days after the decision is made and the court may make any decision the Committee could have made.

45.2.10 Appointment of auditor

If the Committee decides under Section 45.2.8 of this by-law, to grant the application, it shall appoint an auditor to conduct a compliance audit of the candidate's or registered third party's election campaign finances. Only auditors licensed under the *Public Accounting Act, 2004*, or prescribed persons are eligible to be appointed.

45.2.11 Duty of the auditor

The auditor shall promptly conduct an audit of the candidate's or registered third party's election campaign finances to determine whether he or she had complied with the provisions of the *Municipal Elections Act*, relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate or registered third party.

45.2.12 Who receives report

The auditor shall submit the report to:

- a. the candidate or registered third party.
- b. the Clerk with whom the candidate or registered third party filed his/her nomination.
- c. the Secretary of the local board, if applicable; and
- d. the applicant.

By-law 9207-18 – June 7, 2018.

45.2.13 Report to be forwarded to committee

Within ten (10) days after receiving the report, the Clerk shall forward the report to the Committee.

45.2.14 Powers of auditor

For the purpose of the audit, the auditor:

- a. is entitled to have access, at all reasonable hours, to all relevant books, papers, documents or things of the candidate or registered third party and of the municipality; and
- b. has the powers set out in section 33 of the *Public Inquiries Act, 2009* and section 33 applies to the audit.

45.2.15 Costs

The municipality or local board shall pay the auditor's costs of performing the audit. By-law 9207-18 – June 7, 2018.

45.2.16 Power of the committee

The committee shall consider the report within thirty (30) days after receiving it and, if the report concludes that the candidate or registered third party appears to have contravened a provision of the *Municipal Elections Act*, relating to election campaign finances, decide whether to commence a legal proceeding against the candidate or registered third party for the apparent contravention. The decision of the committee, and brief written reasons for the decision, shall be given to the candidate or registered third party, the clerk, the secretary of the local board and the applicant (if applicable). By-law 9207-18 – June 7, 2018.

Article 3 - Compliance Audit Committee

45.3.1 Committee - composition - term

The Committee shall be composed of not fewer than three (3) and not more than seven (7) members of the public who are eligible to be members and shall not include:

- a. employees or officers of the municipality.
- b. members of Council or local board.
- c. any persons who are candidates in the election for which the committee is established.
- d. any persons who are registered third parties in the municipality in the election for which the committee is established.

By-law 9207-18 – June 7, 2018.

45.3.2 Term of office

The term of office for members shall be the same term as the Council that takes office following the next regular election.

45.3.3 Quorum

The majority of members shall constitute a quorum at a hearing. By-law 9207-18 – June 7, 2018.

45.3.4 Chairperson

The Committee shall elect one member as Chairperson. When the Chairperson is absent through illness or otherwise, the Committee may appoint another member to act as Acting Chairperson.

45.3.5 Role of the Clerk

The Clerk of the City of Woodstock shall establish administrative practices and procedures for the Committee and shall carry out any other duties required to implement the Committee's decisions.

45.3.6 Costs

The Council or local board shall pay all costs in relation to the Committee's operation and activities. By-law 9207-18 – June 7, 2018.

45.3.7 Declaration of pecuniary interest

As required by statutes of the province, members shall disclose any direct or indirect pecuniary interest and state the general nature of such interest and it shall be recorded by the Clerk in the minutes. The member with a pecuniary interest shall not participate in or influence the vote of other members when the item is to be resolved by the Committee.

Article 4 - Rules of Conduct - Hearings

45.4.1 Roberts Rules of Order

The conduct of hearings and members with respect to matters not specifically addressed in this Chapter shall be dealt in accordance with *Roberts Rules of Order*.

45.4.2 Rules of natural justice - prior discussion prohibited

Following the rules of natural justice, members shall refrain from discussing an application and an appeal prior to the hearing. Members are further expected to refrain from speaking to individuals either in favour or opposed to an application and an appeal prior to the hearing, in order to ensure the Committee reaches a decision untainted by bias.

45.4.3 Meetings open to the public

The meetings of the Committee shall be open to the public, but the committee may deliberate in private. By-law 9185-18, February 1, 2018.

45.4.4 Hearing procedures - public - set out

The Committee shall hold a public hearing on every application before a decision is rendered on an application. The Chairperson shall conduct the hearing in accordance with the following procedure, unless authorized by the majority following the agenda as set out:

- a. Prior to dealing with an application, announce what the application is for.
- b. Correspondence, if any, shall be dealt with under each application to which it applies.
- c. Ask the applicant or his/her representative if they wish to comment on the application. If the person is not the applicant, their relationship to the applicant shall be stated. When the applicant or his/her representative is finished with their presentation, allow members to ask questions of the applicant and/or his/her representative.
- d. Ask the candidate, registered third party or their representative if they wish to comment on the application. If the person is not the candidate or registered third party, their relationship to the candidate or

registered third party shall be stated. When the candidate or registered third party or their representative is finished with their presentation, allow members to ask questions.

- e. Call for a resolution to grant/not grant the application, then vote on the resolution. The resolution shall include the reason(s) for the decision.
- f. Proceed to the next application in order on the agenda using the same process as above; and,
- g. Following completion of the applications, obtain a resolution to adjourn the hearing.

Article 5 - Enactment

45.5.1 By-Law – Previous

That all previous by-laws are hereby repealed.

45.5.2 Effective date

This Chapter shall come into force and take effect from and after the final passing of the enabling by-law. By-law 9077-16, September 1, 2016.