

Town of South Bruce Peninsula
Compliance Audit Committee
Terms of Reference

1. Purpose

The powers and functions of the Committee are set out in the *Municipal Elections Act, 1996 as amended*.

In summary, the obligations of the Committee are separated into three categories.

1.1 Candidate Contravention

- 1.1.1 Consider a compliance audit application received by the Clerk from an elector and decide whether it should be granted or rejected.
- 1.1.2 Give written notice of the decision to grant or reject the application.
- 1.1.3 If the application is granted, appoint an auditor to conduct a compliance audit of the candidate's election campaign finances.
- 1.1.4 Receive and consider the auditor's report.
- 1.1.5 If report concludes that the candidate appears to have contravened a provision of the *Municipal Elections Act, 1996 as amended* relating to election campaign finances, decide whether legal proceedings should be commenced.

1.2 Contribution Contravention

- 1.2.1 Consider a report from the Clerk regarding contributions to candidate campaigns or registered third party advertisers and decide whether or not to commence a legal proceeding against a contributor for an apparent contravention of the *Municipal Elections Act, 1996 as amended*.
- 1.2.2 Give written notice of the decision.

1.3 Third Party Advertiser Contravention

- 1.3.1 Consider a compliance audit application received by the Clerk from an elector and decide whether it should be granted or rejected.

- 1.3.2 Give written notice of the decision to grant or reject the application.
- 1.3.3 If the application is granted, appoint an auditor to conduct a compliance audit of the third party advertiser's election campaign finances.
- 1.3.4 Receive and consider the auditor's report.
- 1.3.5 If report concludes that the third party advertiser appears to have contravened a provision of the *Municipal Elections Act, 1996 as amended* relating to election campaign finances, decide whether legal proceedings should be commenced.

2. Composition and Membership Selection

- 2.1 The Committee will be composed of three (3) members, with membership drawn from the following stakeholder groups:
 - 2.1.1 accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
 - 2.1.2 academic – college or university professors with expertise in political science or local government administration;
 - 2.1.3 legal; and
 - 2.1.4 other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act, 1996 as amended*.
- 2.2 Members of Council, municipal staff, and candidates in the year of the election or in any by-election during the term of Council are not eligible to be appointed to the Committee.
- 2.3 All applicants will be required to submit a letter of interest, in accordance with current Committee recruitment processes included in the Town Procedural By-Law.
- 2.4 The selection process will be based upon clearly understood and equitable criteria. As a guide, council will select members using the following items – additional criteria may be used, at the sole discretion of Council:
 - 2.4.1 knowledge and understanding of municipal election campaign financing rules;
 - 2.4.2 analytical and decision-making skills;

- 2.4.3 experience working on a committee, task force or similar setting;
 - 2.4.4 excellent oral and written communication skills;
 - 2.4.5 relevant working and volunteer experiences; and
 - 2.4.6 availability and willingness to attend meetings.
- 2.5 To avoid possible conflicts of interest, any auditor or accountant appointed to the Committee must agree in writing to not undertake the audits or preparation of the financial statements of any candidates seeking election to the Town of South Bruce Peninsula Council. Failure to adhere to this requirement will result in the individual being removed from the Committee.

3. Meeting Procedures

- 3.1 In accordance with the *Municipal Elections Act, 1996 as amended*, meetings of the Committee will be open to the public but the Committee may deliberate in private.
- 3.2 The Clerk will establish administrative practices and procedures which may or may not include the Town of South Bruce Peninsula Procedural By-Law.

4. Committee Terms

- 4.1 The term of the Committee and its members will be the same as the term of office of the Council that takes office following the regular election.

5. Committee Compensation

- 5.1.1 Per diem remuneration is \$300 per day.
- 5.1.2 The daily per diem rate will be prorated for meetings which are of a duration of less than one day.
- 5.1.3 A one day meeting is considered to be seven hours in length.
- 5.2.1 Mileage will be paid to the members at the prevailing rate paid by the Town at the time.
- 5.2.2 Mileage will be based upon the shortest distance between the Committee member's usual place of residence and the meeting location.

- 5.2.3 Distance will be measured based upon the shortest normal traveled routes unless weather or safety condition dictate otherwise.
- 5.3.1 Meal costs will be reimbursed to Committee members at the rate of up to \$10.00 for breakfast, up to \$15.00 for lunch and up to \$40.00 for dinner.
- 5.3.2 There will be no reimbursement for alcoholic beverages.
- 5.3.3 Reimbursement for meals will be subject to the submission of a meal receipt by the Committee member, and a determination by the Clerk of whether or not a meal was required, considering the length of the meeting.