

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER 2018-57

Being a by-law to authorize the establishment of the
Tecumseh Election Compliance Audit Committee

WHEREAS Section 88.37(1) of the *Municipal Elections Act*, 1996 as amended (*Act*), states that a council or local board shall, before October 1 of an election year, establish a committee for the purposes of Section 88.37 of the *Act*;

AND WHEREAS Section 88.37(2) of the *Act* states that the committee shall be composed of not fewer than three and not more than seven 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 Section 88.37(6) of the *Act*, states that the Clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this *Act* to implement the committee's decisions;

AND WHEREAS the Council of The Corporation of the Town of Tecumseh deems it advisable to establish an Election Compliance Audit Committee and to set out the Terms of Reference of the Committee.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:

1. That the following persons be appointed to the Tecumseh Election Compliance Audit Committee for the term of Council commencing December 1, 2018 to November 14, 2022:

Jerry Marion
Walter Copeland
Mary Masse
Mary Birch

2. That the members of the Tecumseh Election Compliance Audit Committee shall carry out the mandate and duties set out in the Rules of Procedure as established by the Clerk.
3. That the Terms of Reference for the Tecumseh Election Compliance Audit Committee as set out in Schedule A of this by-law be adopted
4. That this by-law shall come into force and take effect upon the date of the final passing thereof.

READ a first, second, third time and finally passed this 25th day of September, 2018.

Gary McNamara, Mayor

"Seal"

Laura Moy, Clerk



Town of Tecumseh
Election Compliance Audit Committee
Terms of Reference

Name

1. The name of the Committee is the "Tecumseh Election Compliance Audit Committee".

Term

2. 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 [Sec.88.37(5)].
3. The Committee is to be established before October 1st in each year of an election.
4. The current term of office is from December 1, 2018 to November 14, 2022 to deal with applications from the 2018 election and any by-elections during the Council term.

Meetings

5. The Committee will meet as required and scheduled when:
 - a) a compliance audit application is received, or
 - b) a report is prepared by the Clerk identifying each contributor to a candidate for office, or a local board, or a registered third party who appears to have contravened any of the contribution limits.

Powers and Functions

6. The powers and functions of the Committee are set out in sections 88.33 to 88.37 of the *Municipal Elections Act, 1996 (Act)*. The Committee will perform the duties relating to the compliance audit application process as outlined in the Act, including:
 - a) consider compliance audit application(s) received from an eligible elector and decide whether the application should be granted or rejected;
 - b) appoint an Auditor, if the application is granted;
 - c) review the Auditor's report and determine whether legal action should be taken; and

- d) make a finding as to whether to recover the costs of conducting the compliance audit from the applicant, if the Auditor's report indicates there was no apparent contravention of the Act by the candidate relating to election campaign expenses and if there was no reasonable grounds for the application;
- e) consider the report prepared by the Clerk identifying each contributor to a candidate for office or on a local board who appears to have contravened any of the contribution limits under section 88.13 of the Act;
- f) consider the report prepared by the Clerk identifying each contributor to the registered third party who appears to have contravened any of the contribution limits under Section 88.13 of the Act;
- g) consider and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

Composition

- 7. The Committee will be composed of not less than three [3] members but not more than seven [7] members, preferably drawn from the following:
 - a) accounting and audit - accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
 - b) academic - college or university professors with expertise in political science or local government administration;
 - c) legal; and/or
 - d) other individuals with knowledge of the campaign financing rules of the Act.

Ineligibility

- 8. Employees or officers of the Town of Tecumseh, Members of its Council and any candidates in the 2018 election for which the Committee is established; or in any by-election during the term of Council; and any persons who are registered third parties in the municipality are ineligible to be appointed as a member of the Committee pursuant to Subsection 88.37(2) of the Act.

Selection of Members

- 9. Administration may contact the membership of the Institute of Chartered Accountants of Ontario, the Law Society of Upper Canada, the University of Windsor and St. Clair College to solicit interest from members or faculty to sit on the Committee. Information will also be placed on the Town's website and social media.
- 10. All applicants will be required to complete a Committee Application Form together with a letter of interest, curriculum vitae and/or resume outlining their qualifications and experience.

Recommended candidates will be submitted to Council through Administration for Council's consideration. Members will be appointed by Council.

11. Members will be selected on the basis of the following:

- a) demonstrated knowledge and understanding of municipal election campaign financing rules;
- b) proven analytical and decision-making skills;
- c) experience working on a committee, task force or similar setting;
- d) availability and willingness to attend meetings; and
- e) oral and written communication skills.

Conflict of Interest

12. Members shall abide by the rules outlined within the *Municipal Conflict of Interest Act* and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting, if any, with respect to that matter.

13. To avoid a conflict, any person appointed to the Committee shall agree in writing not to prepare or audit the election financial statements of any candidate in the 2018 Election. Failure to adhere to this requirement will result in removal from the Committee.

14. The Committee members will select a Chair from amongst themselves at the first meeting of the Committee.

15. Meetings of the Committee will be conducted in accordance with the Town's Procedural By-law No. 2017-62. Any administrative practices and procedures for the Committee may be established by the Director Corporate Services & Clerk or designate, who shall carry out any other duties to implement the Committee's decisions and as otherwise prescribed by law.