

**2014 JOINT COMPLIANCE AUDIT COMMITTEE
FOR THE CITY OF TIMMINS AND TOWN OF COCHRANE**

Administrative Practices and Procedures

1. Background

Section 81.1(1) of the *Municipal Elections Act, 1996* indicates that before October 1 of an election year, Council must establish a committee for the purposes of considering applications to request a compliance audit of a candidate's election campaign finances. The Clerk of the municipality is required to establish administrative practices and procedures for the Committee.

2. Definitions

As used within this procedure, the following terms shall have the following meanings:

- a. Applicant - an elector as defined under Section 81(1) of the MEA who applies for a compliance audit of a candidate's election campaign finances;
- b. Application - an application for a compliance audit accepted by the Clerk pursuant to Section 81(2) of the Municipal Elections Act, 1996;
- c. Auditor – a qualified individual licensed under the *Public Accounting Act, 2004* appointed by resolution of the Committee for the purpose of conducting a compliance audit of the Candidate's election campaign finances;
- d. Candidate - the Candidate whose election campaign finances are the subject of an application for a compliance audit;
- e. Chair - the Joint Compliance Audit Committee Chair selected pursuant to the provisions contained in this procedure;
- f. Clerk - the Clerk for the City of Timmins or the Town of Cochrane or the Clerk's designate or Committee Secretary
- g. Committee - the Joint Compliance Audit Committee of the City of Timmins and Town of Cochrane;
- h. Council - the Council of the City of Timmins and/or the Town of Cochrane;
- i. MEA - the *Municipal Elections Act, 1996*, as amended;
- j. Member - a member of the City of Timmins and Town of Cochrane Joint Compliance Audit Committee

3. Rules

The rules in this procedure shall be observed in all meetings of the committee.

4. Matters not contained within these Procedures

If these rules do not provide for a matter of procedure that arises during a meeting, the practice shall be determined by the Chair and the Chair may do whatever is necessary and is permitted by law to enable the Committee to effectively and completely adjudicate the matter before it.

5. Meetings

- a. The Committee shall meet at the request of the Chair;
- b. The Committee Secretary shall summon a meeting of the Committee when a quorum of the Committee members is available;
- c. Meetings of the Committee shall be held at the City Hall in Timmins or such other location as the Committee deems appropriate;
- d. Committee meetings shall commence at a time and date to be set by the Committee Secretary, and be adjourned on a majority vote of the Committee;
- e. The Committee Secretary shall record decisions of the Committee in the meeting minutes and the Chair will advise the Clerk who shall carry out any other duties required under the MEA to implement the decision;
- f. Three (3) Committee members constitutes a quorum at meetings of the Committee;
- g. Meetings of the Committee shall be conducted in public, subject to a resolution passed by the Committee to meet in closed session for a purpose authorized by Section 239 of the Municipal Act, 2001;
- h. The applicant, the Candidate, and where applicable, the auditor, shall be given the opportunity to address the Committee at a meeting. Addresses to the committee shall be no more than five (10?) minutes in length.

6. Committee Chair

- a. At its first meeting the Committee shall elect one of its members as Chair for the term of the Council that appointed the member or until a successor is appointed. When the Chair of the Committee is absent through illness or otherwise, the Committee may appoint another member as Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair;
- b. If the Chair of the Committee resigns as a member of the Committee or resigns as the Chair of the Committee, the Committee shall appoint another member as Chair for the balance of the term of Council and until a successor is appointed. The Clerk will determine whether an appointment to replace the outgoing member for the remainder of the term is necessary;
- c. The Chair is the liaison between the Committee and the Clerk on matters of procedure and process;
- d. The Chair shall enforce the observance of order, decorum and the rules of debate among the Committee members and those in attendance.

7. Agenda

- a. Before each meeting the Committee Secretary shall provide an agenda to each member of the Committee;
- b. The agenda shall include a copy of any written submissions made by the applicant or the Candidate;
- c. The Applicant and Candidate shall have the opportunity to submit any and all documentation to the Clerk at least 7 days prior to the meeting for distribution to all parties and inclusion in the agenda. The Candidate may respond to the Application in writing and same shall be submitted to the Committee Secretary at least 4 days prior to the meeting for circulation with the agenda.

8. Lack of Quorum

If no quorum is present thirty (30) minutes after the time fixed for a meeting of the Committee, or the resumption of a meeting after an adjournment, or should a quorum at a meeting be lost for a period of thirty (30) consecutive minutes, the Committee Secretary shall record the names of the Members present and the meeting shall stand adjourned until the next meeting scheduled by the Clerk.

9. Committee Procedure/Order of Business

The Committee may waive any rule of procedure contained herein, as it considers appropriate, to ensure that the real matters at issue are determined in a just manner. The Chair will lead the Committee through the agenda until the consideration of all matters has been completed.

- a. Opening Statement - Where the agenda includes consideration of an Application, the Chair will read an opening statement outlining the procedure and format of the Committee meeting.
- b. Conflict of Interest - A Member may declare a conflict of interest with respect to a matter contained in the meeting agenda.
- c. Committee Business - Prior to consideration of an item on the Committee agenda, the Chair will identify the agenda item(s) to be considered.
- d. Delegates - If delegates are in attendance, prior to consideration of an Application, the Chair shall request that the applicant and Candidate identify themselves, and provide their name and contact information to the Committee Secretary.
- e. Presentation of Application (if present)
 - i. The applicant or the applicant's agent may address the Committee.
 - ii. The Committee may, through the Committee Chair, ask questions of the applicant.
 - iii. The Candidate will be permitted to view any documents submitted by the applicant.
- f. Presentation by Candidate (if present)
 - i. The Candidate or the Candidate's agent may address the Committee;
 - ii. The Candidate may respond to the content of the applicant's address to the Committee.
 - iii. The Committee may, through the Committee Chair, ask questions of the Candidate.
 - iv. The applicant will be permitted to view any documents submitted by the Candidate.
- g. Discussion/Debate - The Committee will consider an application and render a decision pursuant to the authority provided by the relevant sections of the *MEA*.

10. Rules of Debate, Motions and Voting

- a. The Chair shall preserve order and decorum and decide questions of order;
- b. When two or more Members wish to speak, the Chair shall designate the Member who has the floor;
- c. A Member may ask a question only for the purpose of obtaining information relating to the matter then under discussion;

- d. Any Member may propose a motion on the matter then under consideration which the Committee Secretary shall record in writing;
- e. A seconder is not required for the moving of a motion;
- f. Every Committee member present at a meeting of the Committee when a question is put shall vote on the question, unless prohibited by statute, in which case the fact of the prohibition shall be recorded in the minutes of the meeting;
- g. In the event of a tie, the motion shall be deemed to have been lost.

11. Notice

- a. The Clerk shall publish notice of a Committee meeting on the Town's website. Committee meetings will be conducted in accordance with the open meeting requirements of the *Municipal Act, 2001*;
- b. Where an Application will be considered at a meeting, the Clerk shall give reasonable notice to the applicant and candidate of the time, place and purpose of a meeting and of the fact that if either party fails to attend the meeting the Committee may proceed in the party's absence and the party will not be entitled to further notice in relation to the meeting. The notice shall include the content of the Application and any written response submitted by the Candidate. A written response shall be submitted to the Clerk a minimum of 4 days prior to the Committee meeting at which the Application will be considered in order that it can be circulated with the agenda;
- c. The Clerk will forward notice of the Committee's decision to the applicant and the Candidate at the mailing address provided to the Clerk.

12. Committee Decisions

- a. In accordance with Section 81(3) of the *MEA*, within thirty (30) days of receipt of the Application, the Committee will decide whether to grant or reject the Application. The Committee shall provide reasons for the decision;
- b. If the Committee decides to grant the Application it shall, by resolution, appoint an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the Candidate's election campaign finances.

13. Auditor

- a. The auditor shall promptly conduct an audit of the Candidate's election campaign finances to determine whether he or she has complied with the provision of the *MEA* relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate;
- b. The auditor shall submit the report to the Clerk, who shall distribute the report to the Candidate, to Council, to the Compliance Audit Committee and to the Applicant;
- c. The auditor shall have all the powers as set out in section 81(12) of the *MEA*.

14. Auditor's Report & Committee's Consideration

- a. In accordance with Section 81(10) of the *MEA*, within thirty (30) days of receipt of an auditor's report, the Committee will consider the report;
- b. If the report concludes that the Candidate appears to have contravened the provisions of the *MEA* relating to campaign finances, the committee may commence a legal proceeding against the candidate;
- c. If the report concludes that the Candidate does not appear to have contravened the provisions of the *MEA* relating to campaign finances, the committee may make a finding as to whether there were reasonable grounds for the application;
- d. If the report concludes that there was no apparent contravention and the Committee finds that there were no reasonable grounds for the application, then the Committee shall submit its findings to Council, and Council is entitled to recover the auditor's costs from the applicant.

15. Minutes

The Committee Secretary shall prepare minutes of each meeting of the Committee and shall provide Members with a copy of the minutes, as soon as they are available. The Committee Members shall each review and sign the minutes, to confirm that the minutes reflect the Committee's actions.