



Municipality of Kincardine Compliance Audit Committee Terms of Reference

(Approved by Resolution #09/05/18-07)

Mandate

The powers and functions of the Committee are set out in Sections 88.33 to 88.37 of the Municipal Elections Act, 1996 (the Act). The Committee will perform the functions relating to the compliance audit application process as outlined in the Act.

Duration

Council shall establish a Compliance Audit Committee before October 1 of an election year and the term of office shall be the same as the term of office of the Council that takes office following the next regular election.

Committee Composition

The Committee will be composed of three (3) members, and the membership will be drawn from the following groups:

- a. accounting and audit - accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates and registered third parties;
- b. legal profession with experience in municipal or administrative law;
- c. professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and/or
- d. other individuals with knowledge of the campaign financing rules of the Act.

Pursuant to section 88.37 of the Act, the following are not eligible to be appointed to the Committee:

- a. members of the Council or local board;
- b. employees or officers of the municipality or local board;
- c. any Candidates or any persons who are Registered Third Parties the election for which the committee is established or in any by-election during the term of Council;

- d. any person who prepares the financial statements of any candidate running for office on Council during the term for which the Committee has been established would not be eligible for appointment to the Committee.

Membership Selection

The Terms of Reference and notice will be posted on the municipal website and advertisements may be placed in local newspapers. The Clerk will also contact and solicit qualified individuals as set out under the Committee Composition section.

All applicants will be required to submit a letter of interest and may be required to outline their qualifications and experience.

A selection committee made up of the Chief Administrative Officer, the Clerk and the Treasurer will receive and review all letters of interest, conduct interviews if necessary and make recommendations to Council.

Members selection will be based on the following:

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

The selection committee will present a report to the Striking Committee and recommended candidates will be submitted to Council for consideration.

Conflict of Interest

The principles of the Municipal Conflict of Interest Act apply to this Committee. Failure to adhere to this requirement will result in the individual being removed from the Committee.

No Committee member shall prepare or audit the election financial statements of any candidate or registered third party in the current municipal election. Failure to adhere to this requirement will result in the individual being removed from the Committee.

Chair

The Committee will select a Chair from amongst its members at its first meeting.

The Chair shall enforce the observance of order and decorum among the Committee members and the public at all meetings.

When the Chair is absent, the Committee may appoint another member as Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair.

Staffing

The Clerk, or their delegate, shall act as Secretary to the Committee.

The Clerk may establish administrative practices and procedures for the Committee and shall carry out any other duties required under the Act to implement the Committee's decision.

Committee Member Remuneration

- \$300 per day or \$150 per half day (3 ½ hours); and
- Mileage rate per the Municipality's mileage policy.

Meetings

Meeting of the Committee shall be open to the public, but the committee may deliberate in private. Decisions are to be discussed and rendered in open session.

Meetings will be conducted according to the appropriate sections of the Act and the Municipality of Kincardine Procedure By-law excluding closed session provisions.

Meeting shall be called by the Clerk when required. The date and time of the meeting will be determined by the Clerk and communicated directly to the Committee members. Subsequent meetings will be held at the call of the Chair in consultation with the Clerk.

Committee activity shall be determined primarily by the number and complexity of applications for compliance audits that may be received. The frequency and duration of meetings will be determined by the Committee in consultation with the Clerk.

The agenda shall constitute notice. The Clerk shall cause reasonable notice of the meeting to be provided per the requirements of the Act.

The agendas and minutes of meetings shall be posted on the Municipality's website a minimum of two (2) business days prior to the date of each meeting, not including weekends or holidays.

Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.

Meeting Attendance

Any member of the Committee, who misses three (3) consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of any member.

Administrative Practices and Procedures

These Terms of Reference constitute the Administrative Practices and Procedures of the Committee. Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with Section 88.33 to 88.37 of the Act.

The Clerk at any time has the right to develop additional administrative practices and procedures.

The records of the Committee meetings shall be retained and preserved by the Clerk in accordance with the Municipality's Records Retention Policy.