



Township of  
**North Dundas**

COUNCIL REPORT

<b>To:</b>	CAO, Mayor and Members of Council
<b>From:</b>	Jo-Anne McCaslin, Clerk
<b>Date of Meeting:</b>	September 16, 2014
<b>Subject:</b>	Monthly Report

***WORK IN PROGRESS/COMPLETION/MEETINGS:***

- Follow-up and correspondence from August meeting.
- On-going 2014 Municipal Election preparations/meetings
- Webinars with SCYTL and Datafix (Municipal Voter View)
- Attended Joint Training, Education and Preparedness Committee meetings
- Attended Wine & Cheese Networking event September 3
- Assisted Mayor & Council with action requests
- Preparation of Council Agenda
- Attended Department Head meeting
- Met with couples to discuss civil marriage services
- Officiated at 4 weddings

***Action Items:***

***Joint Compliance Audit Committee:***

In 2010 the Municipal Elections Act (MEA) was amended to require that all municipalities appoint a Compliance Audit Committee. A qualified elector who believes on reasonable grounds that a candidate has contravened a provision of the MEA relating to election campaign finances, may apply to the Compliance Audit Committee for a compliance audit of the candidate's finances. By-law 58-2014, enclosed herein, has been prepared to appoint Joint Compliance Audit Committee members and to adopt Committee Terms of Reference. The Committee will be comprised of three members, one from each County as follows:

- a) Roger Cole - Dundas
  - b) Gilles Paradis - Glengarry
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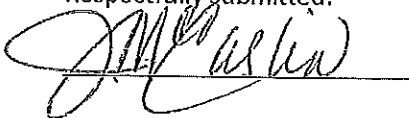
c) Denise Labelle-Gelinas, Stormont

If required, any costs associated with the Joint Compliance Audit Committee, or the auditor, as appointed by the Committee, will be the responsibility of the municipality requiring the services of the Committee or auditor. Accordingly, should members meet, they will be compensated \$75.00 per meeting, plus mileage.

***Online Voting Survey:***

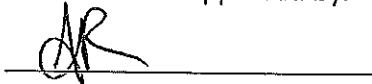
Dr. Nicole Goodman, is an Assistant Professor of Political Science at McMaster University and a Research Fellow at the Innovation Policy Lab in the Munk School of Global Affairs. Her present research addresses how digital technology is impacting political participation and the democratic channels that facilitate citizen engagement. To that end, Dr. Goodman has requested municipalities who are conducting their elections via internet contribute to her research. The research project is designed to study the effects of internet voting on local elections in the Ontario 2014 Municipal Elections. The University has received funding for the purpose of conducting the project under the leadership of Dr. Goodman; therefore, there are no additional costs to individual municipalities who participate. Once a voter from the Township of North Dundas has voted electronically and confirmed their vote, they will be directed to a new home page and presented with the option to participate in a short survey. It is completely optional. Results of the research will be available to all municipalities who agree to participate as well as individual data relating to the Township of North Dundas. Over 50 municipalities including all six municipalities in SD&G have agreed to participate in the online voting survey. I look forward to the results!

Respectfully submitted:



Jo-Anne McCaslin

Reviewed and approved by:



Angela Rutley, CAO

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**THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS**

**BY-LAW NO. 58-2014**

A By-law to establish a Compliance Audit Committee for the Municipal Election 2014

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**WHEREAS** the *Municipal Act, 2001*, as amended, provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS** the *Municipal Elections Act, 1996*, as amended, states that a council or local board shall, before October 1 of an election year, establish a committee for the purpose of reviewing applications for compliance audits of a candidate's campaign finances;

**AND WHEREAS** the Townships of North and South Glengarry, North and South Stormont, North Dundas and the Municipality of South Dundas wish to establish a joint Compliance Audit Committee for this purpose;

**NOW THEREFORE** the Council of the Corporation of the Township of North Dundas enacts as follows:

1. That the following persons are hereby appointed members of the joint Compliance Audit Committee for the municipalities in S.D.&G. for the term December 1, 2014 to November 30, 2018:

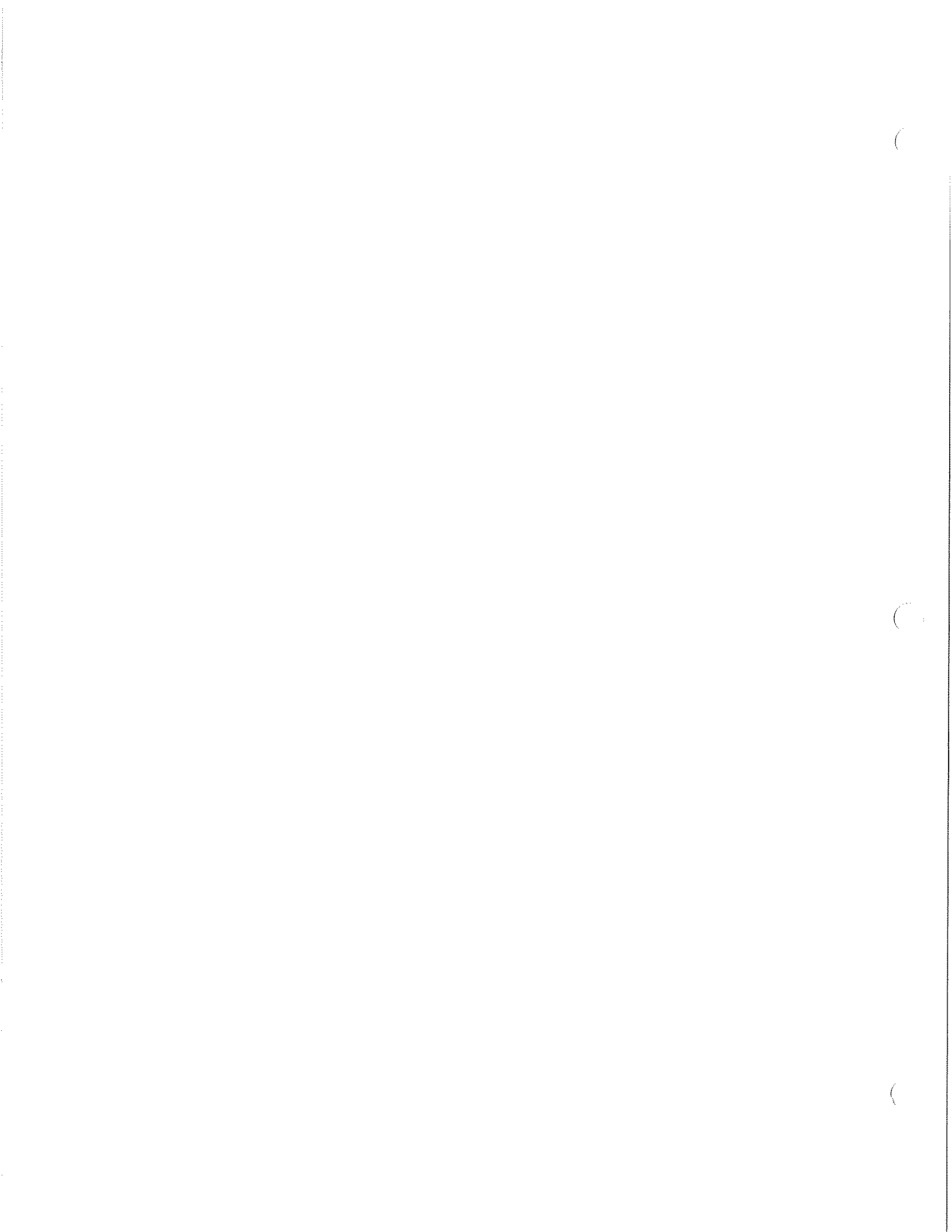
Denise Labelle-Gelinas	Stormont County
Roger Cole	Dundas County
Gilles Paradis	Glengarry County

2. And that the Terms of Reference shall be set in accordance with Schedule "A" attached to this By-law.

**READ** and passed in open Council, signed and sealed this 16<sup>th</sup> day of September, 2014.

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Eric Duncan, MAYOR

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Jo-Anne McCaslin, CLERK



## **Joint Compliance Audit Committee Terms of Reference**

The Townships of North & South Glengarry, North & South Stormont, North Dundas and the Municipality of South Dundas will recruit and select Committee members jointly. In the event a participating Municipality receives an application for a compliance audit, that municipality will be solely responsible for meeting administration and covering all costs associated with the Committee, including audits, if required.

### **1. Definitions**

"Act" means the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended from time to time.

"Applicant" means the individual who submitted the application requesting a Compliance Audit.

"Auditor" means a person appointed by the Committee, licensed under the *Public Accounting Act, 2004*, to conduct a Compliance Audit of a Candidate's election campaign finances pursuant to Section 81 (7) of the Act.

"Auditor's Report" means a report prepared by an auditor for the Committee pursuant to Section 81(9) of the Act.

"Candidate" means the candidate whose election campaign finances are the subject of an application for a Compliance Audit.

"Clerk" means, as the context provides, the Clerk of any of the participating Municipalities, or his or her designate.

"Committee" means the Joint Compliance Audit Committee established pursuant to Section 81.1(1) of the Act.

"Compliance Audit" means an audit of a Candidate's election campaign finances conducted by an Auditor appointed by the Committee.

"Council" means, as the context provides, the Council of any of the participating Municipalities.

"Family Member" means a parent, spouse, or child of a Committee member, as defined in the *Municipal Conflict of Interest Act*, and shall also include a grandparent, grandchild, brother, sister, uncle, aunt, nephew or niece, whether related by blood, marriage or adoption.

"Meeting" means a meeting of the Committee.

"Municipal Conflict of Interest Act" means the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended from time to time.

"Participating Municipalities" means those municipalities participating in the joint compliance audit committee process.

"Pecuniary Interest" means a direct or indirect interest within the meaning of the Municipal Conflict of Interest Act.

"Selection Committee" means the committee, composed of the Clerks of the participating Municipalities that will choose the members of the Committee.

## **2. Enabling Legislation**

Section 81.1 (1) of the Act requires that before October 1st in an election year, Council establish a compliance audit committee for the purposes of Section 81 of the Act relative to a possible contravention of the Act's election campaign finance provisions.

## **3. Mandate**

An elector who is entitled to vote in an election and believes on reasonable grounds that a Candidate has contravened a provision of the Act relating to election campaign finances may apply for a Compliance Audit of the Candidate's election campaign finances.

The mandate of the Committee is to fulfill the provisions of Sections 81 and 81.1 of the Act.

## **4. Roles and Responsibilities**

The Committee shall:

	<b>Timeline/Section of the Act</b>
Consider Compliance Audit applications and decide whether they should be granted or rejected.	Within 30 days after receipt of the application - s. 81(5)

	<b>Timeline/Section of the Act</b>
If an application is granted, appoint an Auditor to conduct a Compliance Audit of the Candidate's election campaign finances.	s. 81(7) and (8)
Receive the Auditor's Report.	s. 81(11)
Once the Auditor's Report is received, consider the Report and decide whether: (i) a legal proceeding should be commenced against the Candidate; (ii) there were reasonable grounds for the application.	Within 30 days of receipt of the Auditor's Report - s. 81(14)
In addition, the Committee shall: - Participate in the selection of an Auditor in response to the request for proposal prepared by staff from the Participating Municipalities; - Provide instructions to the selected Auditor about the scope of each Compliance Audit as needed; - Determine a timeline for the Auditor to complete each Compliance Audit.	

## 5. Term

The term of the appointment is concurrent with the term of Council. Upon the term's expiry, Committee members may reapply to the Selection Committee to serve additional terms.

## 6. Composition

The Committee shall be composed of three (3) members and shall not include:

- (a) employees or officers of the participating Municipalities;
- (b) members of Council of the participating Municipalities;

- (c) any persons who are candidates in the election for which the Committee is established, or Family Members of same, or any person connected to a candidate through an employment, contractual, business or partnership relationship;
- (d) any persons who have participated as a candidate for an office in the participating Municipalities in the past two regular elections, or who have conducted audits or provided financial advice in respect of such campaigns;
- (e) any persons who do or intend to assist any candidate, as a volunteer or for compensation, in the election for which the Committee is established.

## **7. Selection of Members**

The Clerks of the participating Municipalities will choose a member from each County.

Committee membership will be drawn from the following groups:

- accounting and audit – accountants or auditors, preferably with experience in preparing or auditing the financial statements of municipal candidates;
- academic – college or university professors with expertise in political science or local government administration;
- legal; and,
- other individuals with knowledge of the campaign financing provisions of the Act.

Committee members will be selected on the basis of the following criteria:

- demonstrated knowledge and understanding of the Act's municipal election campaign financing provisions;
- proven analytical and decision-making skills;
- experience working on a committee, task force or in a similar setting;
- availability and willingness to attend meetings; and,
- demonstrated oral and written communication skills.

To avoid possible conflicts of interest, any auditor or accountant appointed to the Committee must agree in writing not to undertake the audits or preparation of financial statements of any candidates seeking election to Councils in the participating Municipalities during the term of the Committee.



## **8. Notice**

Posting of the Committee meeting agenda on the website of the participating Municipality requiring the services of the Committee shall constitute notice of a Committee meeting.

The Clerk shall give notice of a Committee meeting to the Committee by email, telephone or by regular mail.

Where an application will be considered at the meeting, the Clerk shall give reasonable notice by email, telephone or by regular mail to the Applicant and Candidate of the time, place and purpose of the Committee 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 concerning the meeting.

## **9. Meetings**

The Clerk shall call a meeting of the Committee when he or she receives an application for a Compliance Audit. The Applicant and the Candidate will be provided with an opportunity to address the Committee and provide written submissions.

Meeting dates, start times and locations shall be set by the Clerk.

Committee meetings will be conducted in accordance with the open meeting provisions of the *Municipal Act, 2001* and the administrative practices and procedures developed by the Clerks.

## **10. Quorum**

A quorum shall be three (3) Committee members.

If a quorum is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Committee meeting will be rescheduled to a future date.

## **11. Duties of the Chair**

The Chair shall:

- (i) call Committee meetings to order when there is a Quorum, preside over Committee discussions, facilitate Committee business, follow meeting procedures, identify the order of proceedings and speakers and rule on points of order.
- (ii) participate as an active member, encouraging participation by all members.

The Chair is permitted to provide brief comments during discussion, make motions and vote on all matters.

If the Chair is not present within the first ten minutes of a Committee meeting or is absent through illness or otherwise, the Committee shall select another member as Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair. Selection of the Acting Chair will be made by resolution.

## **12. Duties of Committee Members**

The duties of Committee members are as follows:

- (i) appoint a chair
- (ii) attend all Committee meetings, sending regrets otherwise.
- (iii) understand their role, the Committee's mandate and meeting procedures.
- (iv) declare any Pecuniary Interest in any matter prior to consideration by the Committee and refrain from discussion and voting on the matter. If the declaration relates to a matter being discussed during a closed portion of the meeting, the member must leave the meeting during all discussion on the matter.
- (v) where the Pecuniary Interest of a member has not been disclosed by reason of the member's absence from the meeting, the member shall disclose the Pecuniary Interest and otherwise comply with subsection (iii) at the first meeting of the Committee attended by the member after the meeting referred to in subsection (iii).

- (vi) participate as an active and voting member, asking questions, and seeking clarification through the Chair.
- (vii) develop and maintain a climate of mutual support, trust, courtesy and respect.
- (viii) work together to utilize the knowledge, expertise and talents of all members.
- (ix) respect the decisions of the Committee and that such decisions reflect the majority view.

### **13. Rules**

The Committee shall act in accordance with the Municipalities' Procedural By-law.

### **14. Voting**

When an issue arises, the Committee will attempt to reach a consensus on how the Committee should resolve the issue.

If a consensus cannot be attained, a motion before the Committee will be put to a vote and each Committee member will be entitled to one vote.

A motion shall be deemed to be carried when a majority of the members present and voting have expressed agreement with the motion. Consequently, on a tie vote, the motion is lost.

Recorded votes are not permitted.

### **15. Selection of an Auditor**

Committee members will participate in the selection of an Auditor in response to a request for proposal prepared by staff.

### **16. Resources**

The Clerk will provide administrative support to the Committee, including the taking of minutes, the distribution of minutes and agendas, and the coordination of meetings.

17. **Committee Records**

The Clerk will co-ordinate and retain Committee records including agendas and minutes.

18. **Declaration of Interest**

Legislated requirements as set out in the Municipal Conflict of Interest Act shall apply to all Committee members. It is the responsibility of each member to disclose any pecuniary interest prior to discussion of a particular matter. Members are encouraged to seek independent legal advice if they are unsure of whether or not they have a Pecuniary Interest in a matter. Staff from the Participating Municipalities will not provide advice or interpretation related to declarations.

19. **Compensation**

Committee members shall receive \$75 per meeting to attend at each meeting, plus mileage at the current rate of the participating Municipality requiring the services of the Committee.

20. **Practices and Procedures**

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