

**JOINT COMPLIANCE AUDIT COMMITTEE FOR THE
TOWNS OF AURORA, EAST GWILLIMBURY, GEORGINA, NEWMARKET, AND
WHITCHURCH-STOUFFVILLE, THE TOWNSHIP OF KING AND CITIES OF
MARKHAM, RICHMOND HILL AND VAUGHAN**

RULES OF PROCEDURE

Background

In recognition of the provisions of section 88.37 of the *Municipal Elections Act*, 1996, Towns of Aurora, East Gwillimbury, Georgina, Newmarket, and Whitchurch-Stouffville, the Township of King and the Cities of Markham, Richmond Hill and Vaughan (the “participating municipalities”) established a Joint Compliance Audit Committee whose members were appointed by the Councils of the participating municipalities.

When an Application or Clerk’s Report is received, the Clerk shall appoint Members to the Compliance Audit Committee from the Members of the Joint Compliance Audit Committee to hear the Application or to consider the Clerk’s Report.

In accordance with subsection 88.37(6) of the Act the following Rules of Procedure have been established to enable the Compliance Audit Committee to fulfill its duties in a fair, open and responsible manner.

1. Definitions

In these Rules, unless the context requires otherwise,

“Act” means the Municipal Elections Act, 1996, S.O., 1996, c.32, as amended;

“Affected Candidate” means a person who was a candidate for office to whom a contribution was made by a Contributor, as identified in a Clerk’s Report;

“Affected Registered Third Party” means a Registered Third Party to whom a contribution was made by a Contributor, as identified in a Clerk’s Report;

“Agent” means that person appointed by the Applicant, Candidate, Contributor, Registered Third Party, Affected Candidate or Affected Registered Third Party to speak on its or their behalf at a Meeting of the Committee and includes legal counsel;

“Applicant” means the Applicant who made an Application requesting a Compliance Audit;

“Application” means an application made to the Clerk pursuant to subsection 88.33(1) or 88.35(1) of the Act;

“Auditor” means an auditor appointed by the Committee pursuant to subsections 88.33(10) and (11) of the Act;

“Audit Report” means a report prepared by an Auditor following a compliance Audit;

“Candidate” means the Candidate whose election campaign finances are the subject of an application for a Compliance Audit;

“Chair” means the Compliance Audit Committee Chair appointed or selected pursuant to section 5 of these Rules;

“Clerk” means, as the context provides, the Clerk of any of the participating municipalities;

“Clerk’s Report” means a report to the Committee by the Clerk of any of the participating municipalities pursuant to section 88.34 or section 88.36 of the Act, regarding apparent contraventions of the contribution limits set out in the Act;

“Committee” means the three to seven members of the Joint Compliance Audit Committee selected by the Secretary to serve as the Compliance Audit Committee established under section 88.37 of the Act;

“Compliance Audit” means an audit of a Candidate’s or Registered Third Party’s election campaign finances carried out in accordance with the Act, by an Auditor appointed by the Committee pursuant to the Act;

“Confidential Information” means information disclosed to or obtained by the Committee which has been identified as information which should be treated as confidential, but excludes any information which:

- (a) is or becomes publicly available;
- (b) is already or later comes rightfully into the Committee’s possession without any obligations of confidentiality;
- (c) the Committee independently developed; or
- (d) the Committee rightfully obtained from third parties or under statute;

“Contributor” means any person or entity who made a contribution to the election campaign of a candidate for office or to a Registered Third Party;

“Deliberate” means to discuss and consider the issues and includes receiving and discussing legal advice in relation to the issues;

“Meeting” means a meeting of the Committee held under the Act;

“Member” means an individual who is member of the Joint Compliance Audit Committee who has been selected under these Rules to serve on a Committee;

“Members” mean the individuals who are members of the Joint Compliance Audit Committee who have been selected under these Rules to serve on a Committee;

“Minutes” means the record, without note or comment, of the Committee’s resolutions and decisions;

“Quorum” means a majority of Members present at a Meeting;

“Registered Third Party” means an individual, corporation or trade union registered in any of the participating municipalities pursuant to section 88.6 of the Act to carry out third party advertising in the election;

“Secretary” means, as the context provides, the Clerk for any of the participating municipalities, or his or her designate.

2. Application

- a) These Rules shall be observed in all Meetings of the Committee.
The Committee is governed by the Act.

3. Matters Not Addressed in these Rules

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

4. Receipt of Application or Clerk’s Report:

- a) Forms for the making of an Application and related information shall be available in the Secretary’s office and on the municipality’s website.

- b) Within ten (10) days of receipt of an Application or forwarding of a Clerk's Report to the Committee, the Secretary shall:
 - i. Send the Application or Clerk's Report by email to all Members requesting their availability to meet within thirty (30) days along with their interest in serving as Chair and any conflicts of interest associated with the Application or Clerk's Report. Members shall respond within forty-eight (48) hours by email and/or telephone; and
- c) The Secretary shall appoint a minimum of three (3) and a maximum of seven (7) Members to serve on the Committee for that application.
- d) The Secretary shall inform the other participating municipalities who has been selected.

5. Selecting a Chair

- (1) If only one Member expresses an interest in being Chair, the Secretary shall appoint that person as Chair.
- (2) If more than one Member expresses an interest in being Chair or if no Member has expressed an interest in being Chair, the Committee shall select a Chair at their first meeting and if no consensus is reached among the Committee a vote shall be held with a simple majority carrying the vote.

6. Replacing the Chair

- (1) If the Chair resigns as the Chair or a Member of the Committee, the Committee shall appoint another Member as Chair. If the Committee cannot agree to the selection of a Chair, the Secretary shall select a Chair.

7. Chair's Duties

- (1) The Chair shall:
 - a) call the Meeting to order as soon as Quorum is achieved;
 - b) facilitate Meeting discussions and identify the order of proceedings and speakers;
 - c) summarize discussion points and ensure all Members have an opportunity to be heard and understood;

- d) put to vote all motions that are regularly moved and seconded and announce the result of the vote;
- e) ensure any public attendee of the Meeting is treated fairly and appropriately;
- f) ensure order and decorum are observed among the Members, attendees and audience;
- g) ensure adequate follow-up on action items in preparing for future Meetings, including review of Minutes;
- h) liaise with the Secretary, as required, including any communication and clarification about Minutes or correspondence submitted;
- i) liaise between the Members and the Secretary on matters of policy and process; and
- j) serve as the Committee's principal spokesperson concerning the Application.

8. Meetings

- (1) The Committee shall meet at the Secretary's request.
- (2) The Secretary shall summon a Meeting within 30 days of receipt of an Application, Clerk's Report, Auditor's Report, or when a majority of the selected Members request a Meeting in writing.
- (3) Meetings may be held in person at the municipal offices or such other location, as the Secretary deems appropriate. Meetings may also be held by electronic means as the Secretary deems appropriate.
- (4) Members may participate in an in-person Meeting by electronic communication and such members' participation shall count toward Quorum.
- (5) An Applicant, Candidate, Registered Third Party, Contributor, Affected Candidate, Affected Registered Third Party and, where applicable, their agents and witnesses, may participate in an in-person Meeting electronically at the discretion of the Secretary.
- (6) Meetings shall start at a time and date as set by the Secretary, and shall be adjourned on a vote of the Committee.

- (7) Meetings shall be open to the public except as provided in the Act. Public portions of Meetings may be recorded, televised, audio and/or video streamed, depending on the policy and/or practice of the respective municipality.
- (8) Notwithstanding Section (5)* of these Procedures, the Committee may Deliberate in private. A decision to Deliberate in private must be made by the majority of Members present at the meeting.
- (9) An Applicant, Candidate, Registered Third Party, Contributor, Affected Candidate, Affected Registered Third Party and, where applicable, their agents and witnesses, shall be given an opportunity to address the Committee.
- (10) Addresses to the Committee shall relate only to an Application or Clerk's Report or an Auditor's Report currently before the Committee.
- (11) Addresses to the Committee should not exceed fifteen minutes.
- (12) Any auditor or solicitor appointed by the Committee, as well as the municipal staff supporting the Committee, may appear before the Committee at the Committee's request or as may be required by the Act.

9. Notice of Meeting

(1) Applications and Audit Reports

Where an Application or Auditor's Report will be considered at a Meeting, the Secretary shall provide notice and a copy of the Application or Auditor's Report to the Applicant and the Candidate or Registered Third Party, as applicable, by email or mail indicating:

- i. The purpose, location and time of the Meeting;
- ii. The fact that if either party fails to attend the Meeting, the Committee may proceed in the party's absence without further notice;
- iii. The potential outcomes of the Meeting;
- iv. The ability for the Applicant and the Candidate or Registered Third Party,

as applicable, to provide written submissions to be included in the Meeting agenda within the timeframe established by the Secretary; and

- v. The ability for the Applicant and the Candidate or Registered Third Party, as applicable, to provide oral submissions to the Committee at the Meeting and to request to participate in the Meeting electronically if the Meeting is to be held in person.

(2) Clerk's Reports

Where a Clerk's Report will be considered at a Meeting, the Secretary shall provide notice and a copy of the Clerk's Report to the Contributor and to the Affected Candidate(s) or Affected Registered Third Party (Parties), as applicable, by email or mail indicating:

- i. The purpose, location and time of the Meeting;
- ii. The fact that if either party fails to attend the Meeting, the Committee may proceed in the party's absence without further notice;
- iii. The potential outcomes of the Meeting;
- iv. The ability for the Contributor and the Affected Candidate(s) or Affected Registered Third Party (Parties), as applicable, to provide written submissions to be included in the Meeting agenda within the timeframe established by the Secretary; and
- v. The ability for the Contributor and the Affected Candidate(s) or Affected Registered Third Party (Parties), as applicable, to provide oral submissions to the Committee at the Meeting and to request to participate in the Meeting electronically if the Meeting is to be held in person

10. Public Notice of Meeting

- (1) Public notice of a Meeting shall be provided on the municipality's website by posting the Meeting agenda, any Application and any relevant documentation, subject to the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O., 1990, c. M. 56*.
- (2) Despite subsection 10(1), abridged or redacted versions of written submissions included with an agenda may be published to the participating municipality's website at the Secretary's discretion, provided the Members,

the Applicant, Candidate, Contributor, Affected Candidate(s) and Affected Registered Third Party (Parties), as applicable, are each provided with the submission as originally submitted.

11. Confidentiality

- (1) Members shall ensure that Confidential Information disclosed to them and materials provided to them during a closed Meeting are kept confidential.

12. Delegation by Secretary

- (1) The Secretary may delegate administrative responsibilities to a Deputy Secretary.

13. Agenda

- (1) Before each Meeting, the Secretary shall provide an agenda to each Member of the Committee.
- (2) The agenda shall include a copy of any written submissions made in respect of any matter before the Committee.

14. Lack of Quorum

- (1) If no quorum is present 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 30 consecutive minutes, the Secretary shall record the names of the Members present and the Meeting shall stand adjourned until the next regular Meeting day scheduled by the Secretary.

15. Meeting Procedures

- (1) The Order of Business for the Agenda shall be as follows:
 - a) Call the Meeting to Order
 - b) Appoint a Chair (if required)
 - c) Land acknowledgement (if required)
 - d) Members Disclose any Conflict(s) of Interest

- e) Adopt Minutes of Previous Meeting(s)
- f) Matters of Business (varies as applicable)
- g) Committee's Opening Statement
- h) Auditor's Report (where an Auditor's Report is being presented, it shall be presented before statements or presentations by any other parties)
- i) Applicant or Agent (where applicable) and witness (where applicable) or Clerk (in the case of a Clerk's Report)
- j) Candidate or Agent or Registered Third Party or Agent (where applicable) and witness (where applicable)
- k) Contributor or Agent and witness (where applicable)
- l) Affected Candidate(s) or Agent or Affected Registered Third Party (Parties) or agent and witnesses (where applicable)
- m) Solicitor's Report (where applicable and may be in a closed session, if the Committee so determines)
- n) Committee Deliberation (may be in private if the Committee so determines)
- o) Adjournment

(2) Committee Business

- a) Before considering an agenda item, the Chair will identify for those present the agenda item to be considered.
- b) Where the agenda includes considering more than one Application, Auditor's Report or Clerk's Report, each Application, Auditor's Report or Clerk's Report will be dealt with by the Committee in its entirety before considering the next Application, Auditor's Report or Clerk's Report.
- c) Any submissions presented after the Meeting agenda is published may be considered by the Committee.

- d) The Committee is not bound by the law of evidence in court proceedings, but may refuse to hear irrelevant evidence.

(3) Conflict of Interest

- a) Members should be cognizant of potential conflicts of interest and Members shall not use their status on the Committee for personal, pecuniary or political gain.
- b) The Committee must perform its functions and be seen to perform its functions fairly and impartially.

(4) Identification of Relevant Parties

- a) Before considering an Application, Auditor's Report or Clerk's Report, the Chair shall request the Applicant, Candidate, Contributor, Affected Candidate(s), Registered Third Party or Affected Registered Third Party (Parties), as applicable, to identify themselves, and to provide their names to the Secretary for the record.

(5) Committee's Opening Statements

- a) Where the agenda includes considering an Application, Clerk's Report or Auditor's Report, the Chair will read an opening statement outlining the Meeting's procedure and format and then the Chair will permit each Member to make a statement. Where a Clerk's Report is being considered, the Chair will ask the Clerk to present the Report. Where an Auditor's Report is being considered, the Chair will ask the Auditor to present the Report.
- b) The Committee may ask questions of the Clerk or Auditor, as applicable.

(6) Addressing the Committee

A. Address by Applicant or Applicant's Agent and Witnesses (where Committee is Addressing an Application or an Auditor's Report)

- 1. The Applicant or Agent and any necessary witnesses may address the Committee;
- 2. The Committee may ask questions of the Applicant or Agent, and any witnesses; and

3. The Candidate or Agent or Registered Third Party or their Agent, as applicable, will be permitted to view any documents submitted by the Applicant.

B. Address by Candidate or Agent and Witnesses or by Third Party or Agent and Witnesses, as Applicable (Where Committee is Addressing an Application or An Auditor's Report)

1. The Candidate or Agent and any necessary witnesses or the Registered Third Party or Agent and any necessary witnesses, as applicable, may address the Committee. The Candidate or Agent or Registered Third Party or Agent, as applicable, may respond to the content of the Applicant's address to the Committee.
2. The Committee may ask questions of the Candidate or Agent and any witnesses, or of the Registered Third Party or Agent and any witnesses, as applicable; and
3. The Applicant or Agent will be permitted to view any documents submitted by the Candidate or Registered Third Party.

C. Address by Candidate or Agent and Witnesses or by Third Party or Agent and Witnesses, as Applicable (Where Committee is Addressing a Clerk's Report)

1. The Contributor or Agent and any necessary witnesses may address the Committee;
2. The Committee may ask questions of the Contributor or Agent, and any witnesses, as applicable; and
3. The Affected Candidate(s) or Agent or Affected Registered Third Party (Parties) or Agent, as applicable, will be permitted to view any documents submitted by the Contributor.

D. Address by Affected Candidate(s) or Agent and Witnesses or by Registered Third Party (Parties) or Agent and Witnesses, as Applicable (Where Committee is addressing a Clerk's Report)

1. The Affected Candidate(s) or Agent and any necessary witnesses or the Affected Registered Third Party (Parties) or Agent

and any necessary witnesses, as applicable, may address the Committee. The Affected Candidate(s) or Agent or Affected Registered Third Party (Parties) or Agent, as applicable, may respond to the content of the Contributor's address to the Committee.

2. The Committee may ask questions of the Affected Candidate(s) or Agent and any witnesses or of the Affected Registered Third Party (Parties) or Agent and any witnesses, as applicable; and
3. The Contributor or Agent will be permitted to view any documents submitted by the Affected Candidate(s) or Affected Registered Third Party (Parties).

(7) Rules of Debate

- a) When two or more Members wish to speak, the Chair shall designate the Member who first requested to speak as the Member who speaks first.

(8) Voting

- a) When a question is put, every Member present at a Meeting shall vote on the question, unless prohibited as a result of a declared conflict of interest, in which case the fact of the prohibition shall be recorded in the Minutes of the Meeting.
 - i. The matter put to vote shall be in the form of a motion addressing the matter then under consideration.
- b) In the case of a tie vote, the motion or question shall be deemed to have been lost.
- c) The Committee should try to render its decision at each Meeting but the Committee may reserve its decision if further deliberation is required.

(9) Motions

- a) All motions must be introduced by a mover and seconder before the Chair may put the question or motion on the floor for consideration. If no Member seconds the motion, the motion shall not be on the floor for consideration and therefore it shall not be recorded in the Minutes.
- b) Any Member may propose a motion on the matter then under consideration, which the Secretary shall record in writing.

- c) After a motion is properly moved and seconded, it shall be deemed to be in the Committee's possession, but may be withdrawn by the mover at any time before decision.
- d) If there is more than one motion about a matter, the Secretary shall record all motions in writing and read the various motions to the Members before the vote is taken.
- e) A motion to amend shall relate to the subject matter of the main motion, shall not pose a direct negative to the question, and shall be put to a vote in reverse order, in which the amendments were made. Any further amendments must be made to the original motion as amended.

16. Committee Decisions

- A. Before exercising statutory duties of decision, the Committee may deliberate in private, in accordance with the Act, and shall provide brief written reasons where required to do so by the Act and will distribute such brief written reasons as required by the Act.
- B. The Committee will make its decisions in accordance with the timelines set out in the Act.
- C. With respect to Applications, 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 or Registered Third Party's election campaign finances. At the Committee's request, the Secretary may assist the Committee in locating and contacting available auditors to conduct the audit.
- D. The Secretary shall forward notice of the Committee's decisions to the Applicant, Candidate, Contributor, Registered Third Party, Affected Candidate(s) and Affected Registered Third Party (Parties), all as applicable, at the mailing address provided to the Secretary by such party and will send such notices in addition, by electronic mail to such party to such electronic mail address as the party provides to the Secretary. Each party may also provide an address and mailing address for its Agent, if applicable and notice of the Committee's decisions will also be so provided.

17. Waiver

- A. The Committee may waive any of these Rules as it considers appropriate, to ensure that the questions in issue are fairly determined.

18. Minutes

- A. The Secretary shall prepare Minutes of each Meeting of the Committee and shall provide Members with a copy of the Minutes, as soon as the Minutes are available.
- B. Each Member shall each review and sign the Minutes or, if signature is not feasible, provide approval of the Minutes to the Secretary by email to confirm that they reflect the Committee's actions.
- C. The approved Minutes will be posted on the website of the municipality in which the Committee has sat.