



BY-LAW 2010-191

Being a By-law to appoint a
Municipal Election Compliance Audit Committee
for the Corporation of the Town of Markham

WHEREAS Section 81.1 of the *Municipal Elections Act, 1996* requires municipalities to appoint compliance audit committees with a minimum of three (3) members to deal with matters regarding election campaign finances before October 1 in an election year;

AND WHEREAS the Council of the Corporation of the Town of Markham approved a Terms of Reference for a Municipal Election Compliance Audit Committee at their May 25, 2010 meeting, to be composed of between five (5) and seven (7) members;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:

1. THAT a Municipal Election Compliance Audit Committee ("the Committee") is hereby established to deal with the matters provided for in Section 81 of the *Municipal Elections Act, 1996*.
2. THAT the Committee shall consist of the following individuals, at least three (3) of whom shall be selected to deal with each compliance audit request:
 - Mr. Edward (Ted) Borovoy
 - Ms. Jody Feldman
 - Ms. Kelly Gravelle
 - Ms. Olga Luftig
 - Mr. Jim Robinson
3. THAT the business of the Committee be conducted in accordance with the Terms of Reference set out in Schedule "A" attached hereto, which shall form part of this By-law.
5. AND THAT this By-law shall come into force and take effect on the date of passage.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
21ST DAY OF SEPTEMBER, 2010.


KIMBERLEY KITTINGHAM
TOWN CLERK


FRANK SCARPITTI
MAYOR

Schedule "A" to By-law 2010-191

**TERMS OF REFERENCE
Town of Markham
Municipal Election Compliance Audit Committee**

Mandate

The mandate of Committee is set out in Section 81 of the Municipal Elections Act, 1996, as amended.

1. Within 30 days of receipt of an application requesting a compliance audit, the Committee shall consider the compliance audit application and decide whether it should be granted or rejected;
2. If the application is granted, the Committee shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances;
3. The Committee will review the auditor's report within 10 days of receipt and decide whether legal proceedings should be commenced; and
4. If the auditor's report indicates that there were no apparent contraventions and if there appears there were no reasonable grounds for the application, the Committee shall advise Council accordingly.

Members of Council, staff or candidates running for office in the year of the election are not eligible to be appointed to the Committee. Should an appointed Member accept employment with any of the member municipalities or register as a candidate with any of the member municipalities, their appointment will be terminated.

All Committee Members must agree in writing that they will not work for or provide advice to any candidate running for municipal office. To avoid any potential conflict of interest, applicants with accounting or auditing backgrounds must agree in writing that they will not offer their services to any municipal election candidates.

Anyone who has participated as candidates or who have conducted audits or provided financial advice in respect of such campaigns, would be disqualified from participation on the Committee.

Composition

The Committee shall be composed of a minimum of 3 Members in accordance with the Act. Up to 5 Members shall be appointed to ensure availability of Members to hold a meeting.

Term

The term of the Committee is the same as the term of Council.

Chair

The three-Member Committee called to hear a request for compliance audit shall select one of its Members to act as a Chair at the first meeting.

Proposed Meeting Schedule

The Committee shall meet as needed with meetings to be scheduled by the Clerk, in consultation with the Chair, when a compliance audit application is received.

Staff Support

The Clerk's staff shall provide administrative support to the Committee.

Meetings

Meetings of the Committee shall be conducted in accordance with the open meeting requirements of the provisions in the Municipal Act, 2001 and Markham's notice policy provided for in the Procedure By-law. Notices and agendas will normally be published on Markham's website and made available in hard copy include alternate formats through the Clerk's Department.

Remuneration

\$400 – Annual retainer fee.

\$350 – Per Diem rate, plus mileage.

Membership Selection

All applicants will be required to complete an application form outlining their qualifications and experience for submission to the Clerk.

The Clerk, in addition to other senior staff shall meet to review all applications based upon the recruitment and selection criteria and prepare a short list for consideration by Council. Appointments are confirmed by Council by resolution or by-law.

Recruitment & Selection Criteria

1. Demonstrated knowledge and understanding of municipal election campaign financing rules;
2. Accounting and/or auditing experience represented on the Committee;
3. Proven analytical and decision-making skills;
4. Experience working on committees, task forces or similar settings;
5. Demonstrated knowledge of quasi-judicial proceedings;
6. Availability and willingness to attend meetings; and
7. Excellent oral and written communication skills.