



By-law 2018-28

Being a by-law to appoint a
Municipal Election Joint Compliance Audit Committee
for The Corporation of the City of Markham

Whereas Section 88.37 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 Regional Municipality of York and its constituent municipalities have collaborated on the recruitment of a roster of individuals, to be known as the Joint Compliance Audit Committee Roster, from which the local municipalities will appoint Compliance Audit Committees as necessary;

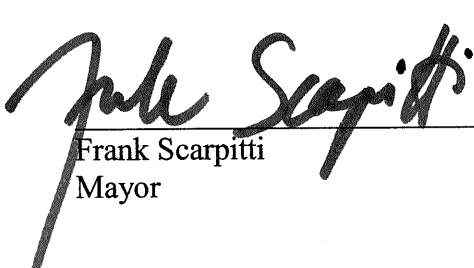
Now therefore the Council of The Corporation of the City of Markham enacts as follows:

1. That a Municipal Election Joint Compliance Audit Committee (“the Committee”) is hereby established to deal with the matters provided for in Section 88 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:
 - Terrence James Alderson
 - Ron Colucci
 - Jodi Feldman
 - Robert M. Freedman
 - Mark Gannage
 - Kelly Gravelle
 - Wm. J. Paul Jones
 - Reagan Ruslim
 - Vince Scaramuzza
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.
4. 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 on April 24, 2018.



Kimberley Katteringham
City Clerk



Frank Scarpitti
Mayor

Schedule “A” to By-law 2018-28

**York Region
Joint Compliance Audit Committee
Terms of Reference
(2018-2022)**

Establishment

The Joint Compliance Audit Committee is established by the Cities of Markham and Vaughan; the Regional Municipality of York; the Towns of Aurora, East Gwillimbury, Georgina, Newmarket, Richmond Hill, and Whitchurch-Stouffville; and the Township of King (collectively the “participating municipalities”), pursuant to the requirements of section 88.37 of the *Municipal Elections Act, 1996*, S.O. 1996, c.32, as amended, (“the “Municipal Elections Act”)

Mandate

The powers and functions of the Committee are set out in Section 88.33 to 88.36 of the Municipal Elections Act. The powers and functions are generally described as:

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 30 days of receipt and decide whether legal proceedings should be commenced;
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; and
5. Within 30 days after receipt of a report from any participating municipality’s Clerk of any apparent over-contributions to candidates or third-parties (“report of the Clerk”), the Committee shall consider the Clerk’s report and decide whether legal proceedings should be commenced.

Composition

Collectively a total roster of nine committee members shall be appointed by the participating municipalities.

When a participating municipality receives either a compliance audit request or a report of the Clerk, the Clerk of the applicable municipality shall, within 10 days, contact the roster of committee members and arrange for a minimum of three, and not more than seven, committee members to sit as the Compliance Audit Committee for the purpose of considering the compliance audit request or report of the Clerk. The selected Members sitting as a Compliance Audit Committee shall be required to participate in all meetings and any other proceedings pertaining to the request(s) or report of the Clerk.

Term

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

Chair

The committee members sitting as the Committee for a particular compliance audit request or report of the Clerk 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 relevant Clerk, in consultation with the selected members, when a compliance audit application or report of the Clerk is received.

Staffing and Funding

Staff from the applicable participating municipality shall provide administrative support to the Committee. The participating municipality requiring the services of the Committee shall be responsible for all associated expenses.

Records

The records of Committee meetings shall be retained and preserved by the participating municipality requesting the service of the Committee in accordance with that municipality's Records Retention rules.

Meetings

Meetings of the Committee shall be conducted in accordance with the rules of procedures that are established jointly by the Clerks of the participating municipalities.

Remuneration

\$400 - Retainer fee (includes compensation for review of any background materials).
\$350 - Per Diem rate, plus mileage at \$0.55 per kilometer.
\$350 (includes mileage) - attendance at a mandatory training session

Membership Selection

All Committee applicants will be required to complete an application form outlining their qualifications and experience.

The Clerk, or his/her designate, from each participating municipality will serve on the Selection Committee. The Selection Committee shall meet to review all applications based upon the approved selection criteria. The Selection Committee shall prepare a roster for appointment according to the process approved by the Councils of the participating municipalities.

Membership Selection Criteria

The following skills and experience will be used Selection Committee to determine suitability for appointment to the Committee:

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

The following persons are not eligible for appointment or to serve on the Committee:

1. Employees of any of the participating municipalities;
2. Members of Council or Members of Local Boards of any of the participating municipalities;
3. Council candidates for the 2018 Municipal Election and any by-election(s) held during the 2018-2022 Council term of office; or
4. Any persons who are Registered Third Parties in York Region.