

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

RULES OF PROCEDURE

Background

In recognition of the provisions of Section 81.1 of the *Municipal Elections Act, 1996*, the Towns of Aurora, East Gwillimbury, Georgina, Newmarket, Richmond Hill and Whitchurch-Stouffville, the Township of King and the City of Vaughan (the “participating municipalities”) established a Joint Compliance Audit Committee whose members were appointed by the Councils of the participating municipalities.

When an Application 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.

In accordance with Section 81.1(4) 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.

“Applicant” means the Applicant who made the Application requesting a compliance audit.

“Application” means an application made to the Clerk pursuant to Section 81(2) of the Act.

“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 by the Secretary under s. 4 or s. 5 of these Rules.

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

“Closed Meeting” means a meeting or part of a meeting that is closed to the public for reasons outlined in Section 239(2) of the *Municipal Act, 2001*.

“Committee” means the three members of the Joint Compliance Audit Committee selected by the Secretary to serve as the Compliance Audit Committee established under Section 81.1(1) of the Act.

“Confidential Information” means information disclosed to or obtained by the Committee in connection with an Application 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.

“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.

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“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.

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

2. Application

- (1) 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

- (1) 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:

- (1) Application forms and related information shall be available in the Secretary's office and on the municipality's website. Within ten (10) days of receipt of an Application, the Secretary shall:
 - (2) Send the Application 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 by email. Members shall respond within forty-eight (48) hours by email and/or telephone; and
 - (3) Send the Application to the participating municipality's Council.
 - (4) The Secretary shall appoint a minimum of three (3) and a maximum of seven (7) Members to serve on the Committee for that application
 - (5) The Secretary shall inform the other participating municipalities who has been selected.

5. Selecting 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.

6. Replacing 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 or when a majority of the selected Members request a Meeting in writing.
- (3) Meetings shall be held at the municipal offices or such other location, as the Secretary deems appropriate.

- (4) Meetings shall start at a time and date as set by the Secretary, and shall be adjourned on a vote of the Committee.
- (5) A majority of selected Members constitutes quorum at Meetings.
- (6) Meetings shall be open to the public except as provided in the *Municipal Act, 2001*. Public portions of Meetings may be recorded, televised, audio and/or video streamed, depending on the policy and/or practice of the respective municipality.
- (7) The Applicant, the Candidate and, where applicable, their agents and witnesses, shall be given an opportunity to address the Committee.
- (8) Addresses to the Committee shall relate only to an Application currently before the Committee.
- (9) Addresses to the Committee should not exceed fifteen minutes.
- (10) 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 to Applicant and Candidate of Meeting

- (1) Where an Application will be considered at a Meeting, the Secretary shall provide notice and a copy of the Application to the Applicant and Candidate by email or mail indicating:
 1. The purpose, location and time of the Meeting;
 2. The fact that if either party fails to attend the Meeting, the Committee may proceed in the party's absence without further notice; and,
 3. The ability for the Applicant and Candidate to provide written submissions to be included in the Meeting agenda within the timeframe established by the Secretary.

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 subject to the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O., 1990, c. M. 56* and *Municipal Act, S.O., 2001, c. 25*, any relevant documentation.
- (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 and the Candidate 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 hearing the Application.
- (2) The agenda shall include a copy of any written submissions made by the Applicant or the Candidate.

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:

1. Call the Meeting to Order
2. Appoint a Chair (if required)
3. Members Disclose any Conflict(s) of Interest
4. Adopt Minutes of Previous Meeting(s)
5. Matters of Business
 - Committee's Opening Statement
 - Applicant's or Agent's (where applicable) and Witness's (where applicable) Address(es),
 - Candidate's or Agent's (where applicable) and Witness's (where applicable) Address(es)
 - Auditor's Report (where applicable)
 - Solicitor's Report (where applicable)
 - Committee Deliberation
6. Adjournment

(2) Committee Business

1. Before considering an agenda item, the Chair will identify for those present the agenda item to be considered.
2. Where the agenda includes considering more than one Application, each Application will be dealt with by the Committee in its entirety before considering the next Application.
3. Any submissions presented after the Meeting agenda is published may be considered by the Committee.
4. The Committee is not bound by the law of evidence in court proceedings, but may refuse to hear irrelevant evidence.

(3) Conflict of Interest

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

(4) Identification of Applicant and Candidate

1. Before considering an Application, the Chair shall request the Applicant and Candidate to identify themselves, and to provide their names to the Secretary for the record.

(5) Committee's Opening Statements

1. Where the agenda includes considering an Application, the Chair will read an opening statement outlining the Meeting's procedure and format. Then the Chair will permit each Member to make a statement.

(6) Address by Applicant or Applicant's Agent and Witnesses

1. The Applicant or the Applicant's agent and any necessary witnesses may address the Committee;
2. The Committee may ask questions of the Applicant; agent, and any witnesses; and
3. The Candidate or the Candidate's agent will be permitted to view any documents submitted by the Applicant.

(7) Address by Candidate or Candidate's Agent and Witnesses

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

(8) Rules of Debate

1. 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.

(9) Voting

1. 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.

The matter put to vote shall be in the form of a motion addressing the matter then under consideration.

2. In the case of a tie vote, the motion or question shall be deemed to have been lost.
3. The Committee should try to render its decision at each Meeting but the Committee may reserve its decision if further deliberation is required.

(10) Motions

1. 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.
2. Any Member may propose a motion on the matter then under consideration, which the Secretary shall record in writing.
3. 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.
4. 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.

5. 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

- (1) In accordance with Section 81(5) of the Act, within 30 days of receiving the Application, the Committee will decide whether to grant or reject it.
- (2) 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 election campaign finances. At the Committee's request, the Secretary may assist the Committee in locating and contacting available auditors to conduct the audit.
- (3) In accordance with Section 81(14) of the Act, within 30 days of receiving an auditor's report, the Committee will consider the report and may commence a legal proceeding against the candidate for any apparent contravention of a provision of the Act relating to election campaign finances.
- (4) The Secretary shall forward notice of the Committee's decisions to the Applicant and the Candidate at the mailing address provided to the Secretary

17. Waiver

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

18. Minutes

- (1) 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.
- (2) Each Member shall each review and sign the Minutes to confirm that they reflect the Committee's actions.
- (3) The approved Minutes will be posted on the website of the municipality in which the Application has been made.

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