

## **Municipal Election Compliance Audit**

### **Committee Rules of Procedure**

#### **1. Background**

- 1.1 At its meeting of August 13, 2018 the Municipal Council of The Corporation of the Municipality of Chatham-Kent established the 2018 Municipal Election Compliance Audit Committee in accordance with section 88.37 of the Act for the 2018-2022 Term.

#### **2.0 Authority**

- 2.1 Subsection 88.37(6) of the Act provides that the clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee.
- 2.2 These Rules are thereby established pursuant to subsection 88.37(6) of the Act, by the Clerk to ensure that the 2018 Municipal Election Compliance Audit Committee may fulfill its duties and responsibilities in accordance with the Act.

#### **3.0 Definitions**

In these Rules,

“Act” means the *Municipal Elections Act, 1996* as amended;

“Applicant” means an elector as defined under subsection 17(2) of the Act who applies for a compliance audit of campaign finances;

“Application” means an application accepted by the Municipal Clerk pursuant to section 88.33 and 88.35 of the Act;

“Candidate” means a person who is nominated under section 33 of the Act and whose election campaign finances are the subject of an Application or Clerk’s Contribution Report;

“Chair” means the Compliance Audit Committee Chair selected under section 9 of these Rules;

“Clerk” means the Municipal Clerk of the Municipality or their designate;

“Clerk’s Contribution Report” means a report prepared by the Municipal Clerk pursuant to section 88.34 or 88.36 of the Act.

“Contributor” means a contributor identified in the Clerk’s Contribution Report

“Committee” means the Compliance Audit Committee of the Municipality of Chatham-Kent.

“Municipality” means The Corporation of the Municipality of Chatham-Kent

“Registered Third Party” means an individual, corporation or trade union that is registered with the Municipality of Chatham-Kent under s. 88.6 of the *Municipal Elections Act, 1996* whose campaign finances are the subject of an Application or Clerk’s Contribution Report.

“Rules” means these Rules of Procedure.

“Secretary” means the Clerk or their designate.

#### **4.0 Rules**

The Rules shall be observed in all meetings of the Committee.

#### **5.0 Matters not dealt with in the Rules**

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

#### **6.0 Delegation by Clerk or Secretary**

The Clerk or Secretary may delegate administrative responsibilities as deemed necessary.

#### **7.0 Receipt of Application**

Applications and related information shall be available in the Clerk’s Office and on the municipality’s website. Within ten (10) days of receipt of an Application, the Secretary shall send the Application by email to all members of the Committee requesting their availability to meet within the thirty (30) days following the Committee’s receipt of the Application.

#### **8.0 Meetings**

**8.1** The Committee shall meet at the request of the Secretary.

**8.2** The Secretary shall summon a meeting of the Committee when the Clerk considers it necessary, when required by the Act, or when requested to do so in writing by a majority of the Committee members.

**8.3** Meetings of the Committee shall be held at Civic Centre or other such location as the Secretary deems appropriate.

**8.4** Committee meetings shall commence at the time and date set by the Secretary and shall be adjourned on a vote of the Committee.

- 8.5** Meetings of the Committee shall be open to the public, however, deliberations of the Committee may be held in private in pursuant to subsections 88.33(5.1), 88.34(9.1) and 88.36(6.1) of the Act.
- 8.6** Where the Committee desires to deliberate in closed session, they shall do so only by resolution.
- 8.7** Minutes of a closed session of the Committee shall be recorded by the Secretary.
- 8.8** Upon rising from closed session, the Chair shall report on any procedural resolutions passed in closed session.
- 8.9** Quorum will consist of at least 2 of 3 members.
- 8.10** Committee members shall disclose a pecuniary interest in accordance with the *Municipal Conflict of Interest Act, 1990* to the Secretary and absent themselves from meetings for the duration of the consideration of the Application, discussion, and voting with respect to the matter.
- 8.11** The first matter of business on each agenda shall be the declaration of any pecuniary interest in accordance with section 8.10 of these Rules.
- 8.12** The Applicant, Candidate, Registered Third Party, Contributor, and where applicable, their Agents shall be given an opportunity to address the Committee. Any auditor appointed by the Committee shall be given the opportunity to address the Committee.
- 8.13** Any person other than those indicated in section 8.12 wishing to appear before the Committee as a delegation, shall submit a written request to the Clerk by 9:00 a.m. three (3) business days prior to the Committee meeting. The Clerk shall forward same request to the Committee as soon as is practicable.
- 8.14** Delegations to the Committee referred to in section 8.13 of these Rules shall be no more than five (5) minutes in length.
- 9.0 Committee Chair**
- 9.1** At the first meeting of the Committee, the Secretary shall call the meeting to order and the first order of business after any declarations under section 8.10 of these Rules shall be the selection of the Chair. The Committee shall select a Chair from among its membership.
- 9.2** If the Chair of the Committee resigns as Chair, the Committee shall appoint another member as Chair from among its membership for the balance of the term of committee.
- 9.3** The Chair is the liaison between the members and the Secretary on matters of policy and process.
- 9.4** The Chair shall enforce the observance of order and decorum among the

Committee members and the public at all meetings of the Committee.

## **10. Notice**

Notice of meeting to Applicant, Candidate, Registered Third Party

10.1 Where an Application will be considered at a meeting of the Committee, the Secretary shall provide notice and a copy of the Application to the Applicant and Candidate or Registered Third Party 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 the Candidate or Registered Third Party to provide written submissions to be included in the meeting agenda within the timeframe established by the Secretary.

Notice of meeting to Contributor

10.2 Where the Clerks Contribution Report will be considered at a meeting of the Committee, the Secretary shall provide notice and a copy of the Report to the Contributor and the applicable Candidate or Registered Third Party 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 Contributor and the applicable Candidate or Registered Third Party to provide written submissions to be included in the meeting agenda within the timeframe established by the Secretary.

Notice of meeting to the Public

10.3 Public notice of a Committee meeting shall be provided on the municipality's website at least seven (7) days prior to the meeting by posting the agenda, any Applications, Clerks Contribution Reports, and subject to the *Municipal Freedom of Information and Protection of Privacy Act, 1990* and *Municipal Act, 2001*, any relevant documentation.

10.4 Despite section 10.3 of the Rules, abridged or redacted versions of written submissions included with an agenda may be published to the Municipality's website at the Secretary's discretion and subject to the *Municipal Freedom of Information and Protection of Privacy Act, 1990*, provided the Committee, the Applicant, and the Candidate or Registered Third Party are provided with the submission as originally submitted.

Notice of meeting – Auditor's Report

10.5 Where the purpose of the meeting is to consider an auditor's report prepared in respect of an Application previously considered, notice of this meeting shall be provided to the Auditor, Applicant, and Candidate or Registered Third Party.

## **11. Agenda**

11.1 Before each meeting the Secretary shall provide an agenda to each member of the Committee.

11.2 The agenda shall include:

- i. a copy of the Application;
- ii. a copy of any written submissions made by the Applicant, Candidate, Registered Third Party, or Auditor, where applicable;
- iii. a copy of any reports by the Clerk regarding over contributions to a Candidate or Registered Third Party, where applicable; and
- iv. any written submissions made by the Contributor.

11.3 A copy of the agenda shall be published on the Municipality's website.

## **12. Lack of Quorum**

If no quorum is present thirty 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 thirty 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.

## **13. Committee Procedures**

Order of Business

13.1 The Order of Business for the agenda shall be as follows:

- Meeting Called to Order
- Disclosures of Pecuniary Interest
- Appoint a Chair (if required)
- Adoption of Minutes
- Consent Items
- Items for Discussion
  - Delegation – Auditor (where applicable)
  - Delegation – Applicant or Agent

Delegation – Candidate, Registered Third Party,  
Contributor, or Agent  
Delegation – any approved persons under section 8.13 of these Rules  
Committee Deliberation  
Adjournment

13.2 Where the agenda includes consideration of more than one Application or Clerks Contribution Report, each Application or Report shall be dealt with by the Committee in its entirety before consideration of the next Application or Report.

13.3 Following the Call to Order and before considering the substance of agenda items, the Committee members may make preliminary motions, including motions to change the order of business or to defer an agenda item, with respect to any business properly before the Committee.

Questions to Delegation

13.4 The Committee may, through the Chair, ask questions of the Applicant, Candidate, Registered Third Party, Contributor or, where applicable, their Agents and any other delegation addressing the Committee under these Rules.

## **14. Rules of Debate**

Order of Speaking

14.1 When two or more Committee members wish to speak, the Chair shall designate the member who first requested to speak as the member who speaks first.

Questions

14.2 A Committee member may ask a question only:

- a) of a member who has already spoken on the matter under discussion;
- b) of the Chair;
- c) of an official of the Municipality of Chatham-Kent; or
- d) of any person addressing the Committee pursuant to these Rules.

14.3 A Committee member may ask a question only for the purpose of obtaining information relating to the matter then under discussion.

Voting

14.4 Every Committee member present at a meeting of the Committee when a question is put shall vote on the question, unless prohibited by law, in which case the fact of the prohibition shall be recorded in the minutes of the meeting.

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

14.6 In the case of a tie-vote, the motion or question shall be deemed to have been lost.

#### Motions

14.7 All motions must be introduced by a mover and a seconder before the Chair may put the question or motion on the floor for consideration.

14.8 Any Committee member may propose a motion on the matter then under consideration and the Secretary shall record the motion in writing.

14.9 After a motion is properly moved and seconded it shall be deemed to be in the possession of the Committee, but may be withdrawn by the mover at any time before the decision.

### **15. Committee Decisions**

#### Applications

15.1 Within thirty (30) days of receipt of the Application by the Committee, the Committee will decide whether to grant or reject the Application.

15.2 The Committee's decision to grant or reject the Application will include brief written reasons for the decision and shall be forwarded by the Secretary to the Candidate or Registered Third Party, the Clerk, and the Applicant.

15.3 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 campaign finances.

15.4 At the request of the Committee, the Clerk may assist the Committee in locating and contacting available auditors to undertake the audit.

15.5 Within thirty (30) days of receipt of an auditor's report by the Committee, if the report concludes that the Candidate or Registered Third Party appears to have contravened a provision of the Act relating to campaign finances, the Committee shall decide whether to commence a legal proceeding against the Candidate or Registered Third Party for the apparent contravention.

15.6 The decision of the Committee following consideration of the Auditor's report, shall be made in writing, including brief written reasons for the decision, and shall be forwarded by the Secretary to the Clerk, the Candidate or Registered Third Party and the Applicant.

## Clerk's Reports

- 15.7 Within thirty (30) days of receipt of the Clerk's Contribution Report by the Committee, the Committee will decide whether to commence a legal proceeding against a Contributor for an apparent contravention.
- 15.8 The decision of the Committee to commence a legal proceeding against a Contributor shall include brief written reasons and shall be forwarded by the Secretary to the Contributor and the Clerk.

## **16. Grant Exceptions from Procedures**

Subject to the timelines and requirements set out in the Act, the Committee may waive any rule of procedure in these Rules, as it considers appropriate to ensure that the real questions at issue are determined in a just manner.

## **17. Minutes**

- 17.1 The Secretary shall prepare minutes of each meeting of the Committee and shall provide all members with a copy of the minutes, as soon as the minutes are available.
- 17.2 The Committee members shall review and sign the minutes, to confirm that the minutes reflect the Committee's actions.
- 17.3 The approved minutes will be posted on the municipality's website.