

## For Information Only

### Election Compliance Audit Committee

Presented To:	City Council
Presented:	Tuesday, May 27, 2014
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### Recommendation

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Executive Summary:

Every municipality is required to appoint an Election Compliance Audit Committee prior to October 1<sup>st</sup> of each municipal election year. The Terms of Reference for the Election Compliance Audit Committee were established by Council in 2010. This report updates Council on the process for recruiting and appointing three citizens to the Election Compliance Audit Committee for the period December 1, 2014 to November 30, 2018.

Background:

Bill 212, which received Royal Assent in December 2009, made it mandatory that all municipalities and local boards appoint an Election Compliance Audit Committee, prior to October 1<sup>st</sup> of each election year.

The Election Compliance Audit Committee is not a Committee of Council in the ordinary sense of Committees established by Council under the authority of the Municipal Act. The primary difference is that the Election Audit Compliance Committee is completely independent and is granted specific decision making powers under the Municipal Elections Act. Decisions of the committee are not subject to ratification by Council and may be appealed to the Ontario Court of Justice.

Any eligible elector who believes on reasonable grounds that a candidate has contravened a provision of the Municipal Election Act relating to election campaign finances may apply after the election for a compliance audit of the candidate's election campaign finances. Applications for a compliance audit may only be made in the 90 day periods after the filing and supplementary filing dates.

The powers and functions of the Election Compliance Audit Committee are detailed in Section 81 of the Municipal Election Act 1996 as amended and can be summarized as follows:

- Consider a compliance audit application received from an elector and decide if it should be

#### Signed By

**Report Prepared By**

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Executive Director, Administrative  
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*Digitally Signed May 13, 14*

**Recommended by the Department**

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**Recommended by the C.A.O.**

Doug Nadorozny  
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granted or rejected

- If the application is granted, appoint an auditor licensed under the Public Accounting Act, 2004
- Receive and consider the auditor's report
- Commence legal proceedings if the report concludes that the candidate appears to have contravened the Act related to election campaign finances
- Recover the costs of conducting the compliance audit from the applicant if there were no apparent contraventions and if the Committee has found that there appears to have been no reasonable grounds for making the application

At the Council meeting of May 26, 2010, Council passed Resolution 2010-197 which reads:

*That the report from the Executive Director, Administrative Services dated May 14, 2010 be accepted;*

*AND THAT an Election Compliance Audit Committee be established with all the powers and functions as described in the Municipal Elections Act 1996 as amended;*

*AND THAT the Terms of Reference for the City of Greater Sudbury's Election Compliance Audit Committee be adopted;*

*AND THAT the City of Greater Sudbury enters into agreements with the four area School Boards to share the Election Compliance Audit Committee for those School Board zones/areas for which the City of Greater Sudbury is conducting the School Board election, with the understanding that each partner will pay all costs associated with their use of the Committee;*

*AND THAT Staff be directed to return to City Council, prior to October 1, 2010 with a recommendation on the membership of the Election Compliance Audit Committee for the term December 1, 2010 to November 30, 2014;*

*AND THAT the necessary By-Laws are prepared.*

The Resolution was confirmed by By-Law 2010-101. In September of that same year, Council passed Resolution 2010-376 and By-Law 2010-209 to appoint three citizens and one alternate to the Committee.

The Rainbow District School Board signed an agreement to use the same citizens appointed to the City's Election Compliance Audit Committee as their committee and have expressed the same interest for the 2014-2018 term. The other School Boards will establish separate committees that better reflect their geographic diversity and communities of interest.

The Election Compliance Audit Committee that was appointed in 2010 met only once, in January 2011, to establish Procedural Rules for the Committee (Election Compliance Audit Committee By-Law Number 1) and to confirm the application process for an Election Compliance Audit. The Procedural Rules and the application process will remain in place for the forthcoming term.

The City of Greater Sudbury is now beginning to advertise for citizens to sit on the Election Compliance Audit Committee for the term 2014-2018. The opportunity will be advertised in the media, including both in newspapers and on radio, circulated to professional bodies representing regulated professions and posted on the CGS website.

To ensure no potential conflicts, each of the applicants will be required to sign a statement agreeing not to prepare or audit the election financial statements of any candidate for office in the Municipal or School Board elections in the Greater Sudbury area and stating that they were neither a candidate, nor a member of an election campaign team.

As the Election Compliance Audit Committee may be asked to review applications pertaining to members of Council the last Council wished to minimize potential conflicts and had a staff group, comprising of management staff from Clerks Services and Finance complete a review of applicants and recommend appointments to Council. The same process will be followed in 2014 unless Council directs otherwise.

The committee requires individuals with the ability to work independently with minimal guidance from CGS staff, as staff would be in a conflict situation if the application concerned a sitting member of Council. Because of these powers and because the Committee has the ability to retain auditors and commence legal proceedings without consultation with staff, the municipality is seeking very specific, professional skill sets from the Committee members.

The applicants will be interviewed over the summer and the interviews will be constructed to ascertain how each applicant demonstrates:

- Experience in receiving and understanding financial information, preferably with knowledge and understanding of municipal election financing rules;
- Experience working in a profession that imposes professional standards on its members, where breach of those standards may lead to discipline;
- Analytical and decision making skills;
- Experience working on a committee, task force, tribunal, disciplinary panel or similar body;
- Excellent written and oral communication skills.

A report will be presented to Council in September 2014 with regards to the recommended appointees to the Election Compliance Audit Committee for the term December 1, 2014 - November 30, 2018.