

For Information Only

Election Compliance Audit Committee

Presented To:	City Council
Presented:	Tuesday, Sep 25, 2018
Report Date	Tuesday, Sep 04, 2018
Type:	By-Laws
By-Law:	2018-182

Resolution

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Relationship to the Strategic Plan / Health Impact Assessment

This report refers to operational matters.

Report Summary

The City of Greater Sudbury is required to appoint an Election Compliance Audit Committee prior to October 1st of each municipal election year. City staff recommends the passing of a by-law appointing Peter McMullen, Melissa Sullivan and James Ilnitski as members of the Election Compliance Audit Committee for the term December 1, 2018 to November 15, 2022, and appointing Josh Lilley as the alternate member of the Election Compliance Audit Committee for the term December 1, 2018 to November 15, 2022.

Financial Implications

All costs associated with the functioning of the Election Compliance Audit Committee would be paid from the Election Reserve Fund. If an audit is granted, all costs for the audit and any legal proceedings which follow would be paid from the Election Reserve Fund.

Signed By

Report Prepared By

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City Clerk
Digitally Signed Sep 4, 18

Division Review

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Financial Implications

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Recommended by the Department

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Recommended by the C.A.O.

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Executive Summary

The City of Greater Sudbury is required to appoint an Election Compliance Audit Committee prior to October 1st of each municipal election year. City staff recommends the passing of a by-law appointing Peter McMullen, Melissa Sullivan and James Initski as members of the Election Compliance Audit Committee for the term December 1, 2018 to November 15, 2022, and appointing Josh Lilley as the alternate member of the Election Compliance Audit Committee for the term December 1, 2018 to November 15, 2022.

Background

In 2009, Bill 212, "An Act to Promote Good Government", was passed by the Ontario legislature, which amended the *Municipal Elections Act* and made it mandatory that all municipalities and local boards appoint an Election Compliance Audit Committee prior to October 1st 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 Superior Court of Justice within 15 days after the decision is made.

Composition of the Committee

For the 2010 municipal election, Council passed Resolution 2010-376 and By-Law 2010-209 to appoint three citizens and one alternate to the Committee. This process was followed again for the 2014 municipal election, and again a committee of three citizens and one alternate was chosen. For the upcoming 2018 election, we have continued with this composition, and will have a committee of three citizens and one alternate for the four-year term. The *Municipal Elections Act* requires that an Election Compliance Audit Committee have at least three members. As the quorum for the committee is three members and given the short legislative timelines that an Election Compliance Audit Committee must consider an application for a compliance audit, it is

necessary to appoint an alternate who will be able to fill in for regular members of the committee who may be unavailable. The committee members in the past have been paid \$200 per diem, and this amount will be used again for the upcoming term.

Selection of Committee Members

The City of Greater Sudbury advertised in both traditional and new media that the City was seeking individuals to sit on the Election Compliance Audit Committee for the term from 2018 to 2022. Specifically, the opportunity was advertised in the Northern Life newspaper, Le Voyageur newspaper, and Sudbury.com website. Internally, the positions were advertised on the City's Facebook and Twitter pages, and a banner was put on the City's website as well. There were also two public service announcements circulated which advertised the positions. Lastly, an email was sent out to members of the Sudbury and District Law Association advertising the positions.

The City was seeking individuals who had the following credentials:

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

The period for interested individuals to submit their applications was open from June 27, 2018, to August 10, 2018. As the Election Compliance Audit Committee may be asked to review applications pertaining to members of Council who may also be candidates in the Election and to minimize potential conflicts, a staff group, comprising of the City Solicitor and Clerk and the Manager of Regulated Services/Deputy City Clerk, reviewed all of the applications which

were received, and held interviews with prospective committee members between August 23, 2018, and August 27, 2018.

Based on the applications and the interviews conducted, it is recommended that Council appoint Peter McMullen, Melissa Sullivan and James Ilnitski as members of the Election Compliance Audit Committee for the term December 1, 2018 to November 15, 2022, and appoint Josh Lilley as the alternate member.

The individuals recommended for this committee bring a wealth of knowledge and experience to the committee. There are two practicing lawyers, including one who also is a chartered accountant. There is an engineer who also has an MBA. Two of the individuals have experience serving on a municipal council. All of the individuals have significant and varied board and committee experience, and have demonstrated a strong understanding of their role and of the requirements of the committee.

Resource Links

Municipal Elections Act

<https://www.ontario.ca/laws/statute/96m32>

Municipal Election - Creation of a Compliance Audit Committee, Report presented May 14, 2010:

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=254&itemid=2597&lang=en>

Election Compliance Audit Committee – Nominees, Report presented September 14, 2010:

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=260&itemid=3393&lang=en>

Election Compliance Audit Committee, Report presented May 27, 2014:

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=722&itemid=8691&lang=en>

Election Compliance Audit Committee, Report presented September 9, 2014:

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=786&itemid=8942&lang=en>

Election Compliance Audit Committee, Report presented April 17, 2018:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1271&itemid=14638&lang=en>