

The Corporation of the City of Kenora

By-law Number 165 - 2010

A By-law to establish an Elections Compliance Audit Committee for the City of Kenora

Whereas the *Municipal Elections Act, 1996* requires municipalities to appoint Compliance Audit Committee to deal with matters regarding election campaign finances before October 1 in an election year, and for the term of the Council; and

Whereas the Council of the City of Kenora deems it necessary and expedient to establish a an Elections Compliance Audit Committee for this purpose;

Now Therefore the Council of the Corporation of the City of Kenora hereby enacts as follows:

1. That a Committee to be known as the Elections Compliance Audit Committee for the City of Kenora is hereby established to deal with matters provided for in the *Municipal Elections Act, 1996*;
2. That the Elections Compliance Audit Committee shall consist of five individuals which shall be appointed by Council resolution, and any combination of at least three (3) shall be selected and shall constitute the Committee for purposes of reviewing compliance audit requests in accordance with the Terms of Reference attached to and forming part of this by-law as Appendix "A";
3. That the City Clerk shall establish administrative practices and procedures for the Elections Compliance Audit Committee;
3. That this By-law shall come into force and take effect upon third and final reading thereof.

By-Law Read a First and Second Time this 13 day of September, 2010
By-Law Read a Third and Final Time this 13 day of September, 2010

The Corporation of the City of Kenora:-

Leonard P. Compton, Mayor

Heather L. Kasprick, Deputy Clerk

Appendix 'A'
To By-law Number 165 - 2010
Terms of Reference
for the Elections Compliance Audit Committee

1	<p><u>Name</u> The name of the Committee is the "Elections Compliance Audit Committee for the City of Kenora".</p>
2	<p><u>Duration</u> The Committee shall be established before October 1st of an election year, with a term to expire in accordance with Council's term of office; November 30, 2014.</p>
3	<p><u>Mandate</u> The powers and functions of the Committee are set out in Section 81 of the <i>Municipal Elections Act, 1996</i>.</p> <ol style="list-style-type: none"> 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; and 4. If the auditor's report indicates that there were no apparent contraventions and if it appears that there were no reasonable grounds for the application, the Committee shall advise Council accordingly. <p>Members of Council, staff or candidates running for office in the 2010 municipal election are not eligible to be appointed to the Committee. Should an appointed Member accept employment with any of the member municipalities or register as a candidate with any of the member municipalities, his or her appointment will be terminated.</p> <p>All Committee Members must agree in writing that they will not work for or provide advice to any candidate running for municipal office within the member municipalities.</p> <p>To avoid any potential conflict of interest, applicants with accounting or auditing backgrounds must agree in writing that they will not offer their services to any municipal election candidates.</p> <p>Anyone who has participated as a candidate in a municipal election, conducted by any of the member municipalities, or who has conducted audits or provided financial advice in respect of such an election campaign, is disqualified from participation on the Committee.</p>
4	<p><u>Membership</u> The committee shall be comprised of not fewer than three and not more than seven members</p>

	<p>and shall not include:-</p> <ul style="list-style-type: none"> (a) employees or officers of the municipality or local board; (b) members of the council or local board; or (c) any persons who are candidates in the election for which the committee is established. <p>Should any of the members of the Elections Compliance Audit Committee appointed to the Committee resign or otherwise be unable to perform their duties; those Members requested to participate by the municipality shall make arrangements to have alternate Member(s) attend in their absence without the necessity of taking any further steps to constitute them as members of the Elections Compliance Audit Committee.</p>
5	<p><u>Membership Selection</u></p> <p>The City of Kenora Closed Meeting Investigator will solicit interest from former/retired district municipal employees to sit on the Committee and the contingent, as approved in principle by the Clerk and ultimately by Council shall be appointed by Council resolution; with any combination of three (3) of the five (5) appointed members actually participating as the municipal Committee.</p> <p>Applicants may be required to complete an application form outlining their qualifications and experience.</p> <p>To avoid possible conflicts of interest, any auditor or accountant appointed to the committee must agree in writing to not undertake the audits or preparation of the financial statements of any candidates seeking election to City Council. Failure to adhere to this requirement shall result in the individual being removed from the committee.</p>
6	<p><u>Remuneration</u></p> <ul style="list-style-type: none"> - A one-time \$500 retainer fee shall be paid to the Committee for the four year term, (\$100 to each of the 5 in the contingent); - A meeting per diem rate of \$350 shall be paid to the three participating members, (this would include any travel, mileage/out-of-pocket expenses, meals, etc. - The municipality shall pay the cost of an auditor should an audit be required.
7	<p><u>Chair</u></p> <p>The three (3) member Committee shall select a Chair from amongst its members at its first meeting.</p>
8	<p><u>City Clerk – Staffing and Records</u></p> <p>The City Clerk or his/her designate shall be resource and provide administrative support to the Committee. The necessary funding shall be paid from the 2010 Municipal Elections Budget.</p> <p>When the municipality is in receipt of an application for review, the Clerk shall contact the members and arrange for the three-member Committee to meet.</p>

	<p>When the City is in receipt of an appeal, the Clerk shall contact the members and arrange for the three-Member Committee to meet to hear the audit request.</p> <p>The records emanating from meetings of the Elections Compliance Audit Committee shall be retained and preserved by the City in accordance with the City's Record Retention By-law.</p>
9	<p>Meetings</p> <p>The Committee shall meet as needed with meetings to be scheduled by the Clerk, in consultation with the Chair when a compliance audit application is received. Meetings of the Committee shall be conducted in accordance with the open meeting provisions of the City's Procedural By-law and the City's website shall be used to communicate the meeting notices and agendas. Meetings shall be held in Kenora.</p>