



31 August 2010

City Council Committee Report

To: Mayor & Council

Fr: Joanne L. McMillin, City Clerk

Re: A By-law to Establish an Elections Compliance Audit Committee
for the City of Kenora

Recommendation:

That Council give three readings to a by-law to establish an Elections Compliance Audit Committee for the City of Kenora and to adopt a Terms of Reference in accordance with the Municipal Elections Act; and further

That the following contingent be retained as members to the Elections Compliance Audit Committee, with a term to expire November 30, 2014:-

- Doris Dyson, Chapple, ON
- Paul Heayn, Dryden, ON
- Sheila Hintz, Ignace, ON
- Bill Naturkach, Fort Frances, ON
- Warren Paulson, Atikokan, ON

Background:

Further to my July report, our Closed Meeting Investigator Paul Heayn has been successful in coordinating members for what we first were considering to be an area Compliance Audit Committee. However each of the participating municipalities, i.e. Dryden, Sioux Lookout and Kenora thus far, will essentially appoint its own Committee and draw from the pool of names Paul Heayn has provided for our group. Preferably the participating members shall be from outside their 'home' municipality in order to avoid any biases, and it should be noted the above-named individuals are retired municipal employees.

Legislative Criteria for the Committee (to be appointed prior to Oct. 1 of an election year):

The committee shall be comprised of not fewer than three and not more than seven members and shall not include:-

- (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.

Of the five members to be appointed in the pool, any combination of three, based on availability, will effectively constitute the Committee and will be called upon by the City Clerk to meet (in Kenora) should an application be received. As provided for in the Act, the Clerk of each municipality shall act as Liaison to the Committee for purposes described in the Municipal Elections Act and in accordance with the Terms of Reference (Appendix "A" to the by-law). The Act provides the Clerk of each municipality shall prepare administrative practices and procedures for the Committee.

It should be noted the Kenora Committee would only be for those *municipal* candidates while the various School Boards are required to establish their own Compliance Audit Committees for the school board candidates.

Mandate of Committee

a) Consider requests for a compliance audit and determine whether the request should be granted or rejected;

- b) If the request is granted, appoint an auditor;
- c) Review the auditor's report and determine whether legal action should be taken; and
- d) If the auditor's report indicates that there were no apparent contraventions and if there appears there were no reasonable grounds for the application, Council is so advised.

Remuneration:

The following fees were negotiated with the contingent:

- A one-time \$500 retainer fee per municipality to the Committee for the four year term;
- A meeting per diem rate of \$350 (to be paid only to the three participating members). This would include all travel, mileage/out-of-pocket expenses (members originally requested travel, mileage, and other expenses in addition to the per diem). While this is higher than what I projected in my July report, we feel it is a reasonable rate with not having to pay any other additional fees to the Committee (each municipality would however have to pay the cost of an auditor should an audit be required).

Budget:

A budget had not been provided for in this year's budget for the establishment of, and payment to a Compliance Audit Committee as this was a change to the Municipal Elections Act after our budget had been approved. For 2010 payment to Committee could be drawn from the Municipal Elections Budget, however for the ensuing three years a budget line will have to be established. In bringing this to Paul Derouard attention, he confirms he has diarized the 3 years of potential costs in his budget planning.

While the Committee may or may not have to meet we should likely expect, based on the Committee per diem of \$1,050, to plan for a total of five meeting days each year for a potential estimated annual budget of \$5,250.00, which would also hopefully cover any resulting audits as well.

Communication Plan/Notice By-law Requirements:

There is no provision for notice under the Act to establish the Committee, nevertheless, the Committee is considered a Local Board under Section 1.1 of the Municipal Act and therefore falls within our Rules of Order and Procedure for notice, the holding of open/closed meetings, etc.