

**CORPORATION OF THE TOWN OF PETAWAWA**

**BY-LAW 1136/17**

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**BEING A BY-LAW TO ADOPT THE TERMS OF REFERENCE FOR THE COMPLIANCE AUDIT COMMITTEE FOR THE 2018 MUNICIPAL ELECTION**

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**WHEREAS** Section 88.37 (1) of the *Municipal Elections Act, 1996, S.O. 1996, c. 32*, as amended, states that a council or local board shall establish a compliance audit committee before October 1 of an election year for the purposes of this *Act*;

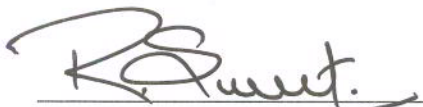
**AND WHEREAS** Section 88.37 (6) of the *Municipal Elections Act, 1996, S.O. 1996, c. 32*, as amended, states that the clerk of the municipality or the secretary of the local board, as the case may be, shall establish administrative practices and procedures for the committee and shall carry out any other duties required under this *Act* to implement the committee's decisions;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PETAWAWA ENACTS AS FOLLOWS:**

1. That the Council of the Corporation of the Town of Petawawa adopts the Terms of Reference for the Compliance Audit Committee, attached hereto as Schedule "A" and forming part of this by-law, to meet the requirements of Section 88.37 (6) of the *Municipal Elections Act, 1996, S.O. 1996, c. 32*, as amended.
2. That this by-law shall come into force and take effect following third reading.

By-law read a first and second time this 17<sup>th</sup> day of July, 2017.

By-law read a third time and passed this 17<sup>th</sup> day of July, 2017.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

**CORPORATION OF THE TOWN OF PETAWAWA**

**BY-LAW 1186/18**

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**BEING A BY-LAW TO AMEND BY-LAW 1136/17  
BEING A BY-LAW TO ADOPT THE TERMS OF REFERENCE FOR THE  
COMPLIANCE AUDIT COMMITTEE FOR THE 2018 MUNICIPAL ELECTION**

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**WHEREAS** Bill 154 *Cutting Unnecessary Red Tape Act, 2017*, amended the *Municipal Elections Act, 1996* with respect to Compliance Audit Committees and received Royal Assent on November 14, 2017;


**AND WHEREAS** the Council of the Corporation of the Town of Petawawa wishes to amend the terms of reference for the Compliance Audit Committee as adopted by By-law 1136/17 to comply with the changes imposed by Bill 154 *Cutting Unnecessary Red Tape Act, 2017*;

**NOW THEREFORE BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE TOWN OF PETAWAWA AS FOLLOWS:**

1. That the "Compliance Audit Committee Terms of Reference" attached hereto as Schedule "A" be and is hereby adopted.
2. That Schedule "A" is deemed to form part of this by-law and replaces the Schedule "A" adopted by By-law 1136/17.
3. This by-law shall come into force and take effect following third reading.

By-law read a first and second time this 20<sup>th</sup> day of February, 2018.

By-law read a third time and passed this 20<sup>th</sup> day of February, 2018.

  
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Mayor

  
\_\_\_\_\_  
Acting Clerk

**SCHEDULE "A" TO BY-LAW 1136/17**

**AS AMENDED BY BY-LAW 1186/18**

**COMPLIANCE AUDIT COMMITTEE  
TERMS OF REFERENCE**



**2018 MUNICIPAL ELECTION**

This terms of reference is for use in the 2018 Municipal Election, and any associated by-elections, and provides direction to Members of the Compliance Audit Committee, Candidates, Third Party Advertisers and staff of the Clerk's Department on the administration of Sections 88.33 to 88.37 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended.

## **2018 MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE TERMS OF REFERENCE**

### **MANDATE**

The powers and functions of the committee are set out in Sections 88.33 to 88.37 of the *Municipal Elections Act, 1996, S.O. 1996, c. 32*, as amended. The committee is required to:

- Within 30 days of an application requesting a compliance audit for a candidate and/or third party advertiser, consider the compliance audit application and decide if it should be granted or rejected;
- The decision of the committee to grant or reject the application shall include written reasons for the decision;
- If the application is granted:
  - Appoint an auditor;
  - Receive the auditor's report and within 30 days of receipt, consider the auditor's report and decide whether legal proceedings should be commenced;
  - The decision of the committee to commence a legal proceeding or not shall include written reasons for the decision; and
  - If the auditor's report indicates that there were no apparent contraventions and if there appears to be no reasonable grounds for having made the application, the committee shall advise Council accordingly.
- Within 30 days of receiving a report from the Clerk outlining a contravention of the contribution limits for a candidate and/or third party advertiser, consider the report and decide whether to commence a legal proceeding against a contributor for an apparent contravention;
- The decision of the committee to commence a legal proceeding or not shall include written reasons for the decision.

### **DURATION**

The term of the committee is co-terminus with Council. The committee will be established before October 1, 2018 and deal with all compliance audit applications received from the 2018 municipal election and any by-elections during the term of Council.

### **COMPOSITION**

The committee will be comprised of three (3) members who will be drawn from the following stakeholder groups:

- Accountants;

- Engineers;
- Lawyers;
- Professionals who in the course of their duties are required to adhere to codes of standards for their profession; and
- Other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended.*

## **SELECTION**

The Clerk will be responsible for selecting members of the committee. The Clerk will submit a list of candidates to Council, following which the committee members will be formally appointed in an open session of Council.

The Clerk will solicit candidates based on the following criteria:

- Knowledge and understanding of municipal election campaign financing rules;
- Analytical and decision-making skills;
- Experience working on a committee, task force, or similar setting;
- Availability and willingness to attend meetings; and
- Excellent oral and written communication skills.

Members of Council, staff, candidates running for office, and any persons who are registered as third party advertisers in the 2018 municipal election are not eligible to be appointed to the committee. Should an appointed member accept employment with the Town of Petawawa or register as a candidate or third party advertiser in the 2018 municipal election, their appointment will be terminated.

All committee members must agree in writing that they will not work for or provide advice to any candidate running for municipal office. To avoid any potential conflict of interest, applicants with accounting backgrounds must agree in writing that they will not offer their services to any municipal election candidates. Anyone who has participated as candidates in municipal elections, or who have conducted audits or provided financial advice in respect of such campaigns, will be disqualified from participation on the committee.

## **CHAIR**

The committee members will select a chair from amongst its members at its first meeting.

## **STAFFING AND FUNDING**

Staff from the Clerk's Department will provide administrative support to the committee. Administration costs for such items as printing and mailing will be absorbed within the Administration Operating Budget.

## **MEETINGS**

The committee will meet as needed with meetings to be scheduled by the Clerk, in consultation with the members, when a compliance audit application is received or the Clerk has prepared a report outlining a contravention of the contribution limits. Meetings of the committee shall be open to the public, but the committee may deliberate in private, and reasonable notice of the meeting shall be given.

Meeting notices, agendas, and minutes will be posted on the Town of Petawawa website.