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1. Background

- 1.1 At its meeting of March 19, 2018, the Municipality of Clarington passed By-law 2018-024, to come into effect on April 1, 2018, thereby establishing the Municipality of Clarington Municipal Election Compliance Audit Committee for the 2018-2022 Term, consisting of three members in accordance with Sec. 88.37(2) of the *Municipal Elections Act, 1996*, as amended.
- 1.2 In accordance with Sec. 88.37(6), these Rules of Procedure have been established by the Municipal Clerk of the Municipality of Clarington to ensure that the Clarington Municipal Election Compliance Audit Committee may be able to fulfill its duties and responsibilities in a fair, open and responsible manner.

2. Definitions

- 2.1 As used in this procedure, the following terms shall have the meanings indicated:
 - a. Application – An application accepted by the Municipal Clerk pursuant to S. 88.33, 88.35 of the *Municipal Elections Act, 1996*.
 - b. Candidate – The Candidate whose election campaign finances are the subject of an application for a compliance audit.
 - c. Chair – The Clarington Municipal Election Compliance Audit Committee Chair selected under s. 6 of these Rules of Procedure.
 - d. Clerk’s Report of Apparent Over Contribution – A report, prepared by the Municipal Clerk, under Section 88.34 or 88.36 of the *Municipal Elections Act, 1996*.
 - e. Committee – Clarington Municipal Election Compliance Audit Committee.
 - f. Council – The Council of the Municipality of Clarington.
 - g. MEA – The *Municipal Elections Act, 1996*, as amended.

- h. Registered Third Party - means an individual, corporation or trade union that is registered with a local municipality under s. 88.6 of the *Municipal Elections Act, 1996* whose election campaign finances are the subject of an application for a compliance audit.
- i. Secretary – The Municipal Clerk, or designate for the Municipality of Clarington.

3. Rules

- 3.1 The rules in this procedure shall be observed in all meetings of the Committee.

4. Matters not dealt with in the rules of procedures

- 4.1 If these rules do not provide for a matter of procedure that arises during a meeting, the practice shall be determined by the Chair and the Chair may do whatever is necessary and permitted by law to enable the Committee to effectively and completely adjudicate on the matter before it.

5. Meetings

- 5.1 The Committee shall meet at the request of the Secretary, having given reasonable notice.
- 5.2 The Secretary shall summon a meeting of the Committee when requested to do so in writing by a majority of the Committee members.
- 5.3 Meetings of the Committee shall be held at Municipal Offices or such other location, as the Secretary deems appropriate.
- 5.4 Committee meetings shall commence at a time and date to be set by the Secretary, and shall be adjourned on a vote of the Committee.
- 5.5 Attendance of all Committee members constitutes a quorum at meetings of the Committee.
- 5.6 Meetings of the Committee shall, subject to the exceptions found in the *Municipal Act, 2001, as amended*, be open to the public, but Committee deliberations may be in private.
- 5.7 The applicant or applicant's agent, the Candidate(s) or Registered Third Party Advertiser(s) or their respective agent, and, where applicable, the auditor, who have registered with the Secretary shall be given an opportunity to address the Committee.

- 5.8 Addresses to the Committee shall be no more than five minutes in length.
- 5.9 Where the Committee desires to deliberate in closed session, they shall do so only by resolution.
- 5.10 Minutes of a closed session of the Committee shall be recorded by the Secretary.
- 5.11 Upon rising from closed session, the Chair shall report on any resolutions passed in closed session, without disclosing the specific details of the closed session deliberations.

6. Committee Chair

- 6.1 At the first meeting of the Committee, the Municipal Clerk shall call the meeting to order and the first order of business shall be the selection of the Chair. The Committee shall select a Chair from among its membership.
- 6.2 If the Chair of the Committee resigns as a member of the Committee or resigns as the Chair of the Committee, the Committee shall appoint another member as Chair for the balance of the term of Council.
- 6.3 The Chair is the liaison between the members and the Secretary of the Committee on matters of policy and process.
- 6.4 The Chair shall enforce the observance of order and decorum among the Committee members and the public at all meetings.

7. Delegation by Committee Secretary

- 7.1 The Secretary of the Committee may delegate administrative responsibilities to a Deputy Secretary.

8. Agenda

- 8.1 Before each meeting the Secretary shall provide an agenda to each member of the Committee.
- 8.2 The agenda shall include a copy of the application (where applicable), any reports by the Clerk regarding apparent over contributions to a Candidate/Registered Third Party, and any written submissions made by the applicant or the Candidate/Registered Third Party/Contribution.

- 8.3 The first matter of business on each agenda shall be the declaration of any conflict of interest.
- 8.4 A copy of the agenda shall also be published on the Municipality of Clarington website.

9. Lack of Quorum

- 9.1 If no quorum is present thirty minutes after the time fixed for a meeting of the Committee, or the resumption of a meeting after an adjournment, or should a quorum at a meeting be lost for a period of thirty consecutive minutes, the Secretary shall record the names of the members present and the meeting shall stand adjourned until the next regular meeting day scheduled by the Secretary.

10. Committee Procedures

Order of Business

- 10.1 The Order of Business for the Agenda shall be as follows:

- Meeting Called to Order
- Disclosure of Pecuniary Interest
- Adoption of Minutes
- Matters of Business
 - Opening Statement
 - Delegation – Applicant (In the case of a review of an apparent over contribution, under Section 88.34 or 88.36 of the MEA, this would list read “Report from Clerk of an Apparent Over Contribution to Candidate X” or “Report from Clerk of an Apparent Over Contribution to Registered Third Party”)
 - Delegation – Candidate/Registered Third Party, Agent, Witness, or Auditor
- Committee Deliberation
- Adjournment

- 10.2 Where the agenda includes consideration of more than one Application, each application will be dealt with by the Committee in its entirety before consideration of the next Application.

Questions to Delegations

10.3 The Committee may, through the Committee Chair, ask questions of the applicant, Candidate/Registered Third Party/Contributor or any other delegation speaking to an Application.

10.4 Rules of Debate

- (1) Order of Speaking - When two or more Committee members wish to speak, the Chair shall designate the member who first requested to speak as the member who speaks first.
- (2) Questions - A Committee member may ask a question only:
 - (a) of a member who has already spoken on the matter under discussion;
 - (b) of the Chair;
 - (c) of an official of the Municipality of Clarington; and
 - (d) of any other person addressing the Committee pursuant to these Rules of Procedure, or
 - (e) for the purpose of obtaining information relating to the matter then under discussion.
- (3) Voting:
 - (a) Every Committee member present at a meeting of the Committee when a question is put shall vote on the question, unless prohibited by statute, in which case the fact of the prohibition shall be recorded in the minutes of the meeting.
 - (b) The matter put to a vote shall be in the form of a motion addressing the matter then under consideration.
 - (c) In the case of a tie vote, the motion or question shall be deemed to have been lost.

(4) Motions:

- (a) All motions must be introduced by a mover and seconder before the Chair may put the question or motion on the floor for consideration. If no member seconds the motion, the motion shall not be on the floor for consideration and therefore it shall not be recorded in the minutes.
- (b) Any Committee member may propose a motion on the matter then under consideration which the Clerk shall record in writing.
- (c) After a motion is properly moved and seconded, it shall be deemed to be in the possession of the Committee, but may be withdrawn by the mover at any time before decision.
- (d) A motion to amend shall relate to the subject matter of the main motion, shall not be received posing a direct negative to the question, and shall be put to vote in reverse order in which the amendments are made. Only a motion to amend an amendment to the original motion shall be allowed and any further amendments must be made to the original motion.

Recess

- 10.5 A motion to recess shall provide for the Committee to take an intermission, for an expressly stated period of time, within a Meeting which shall neither end the meeting nor destroy its continuity and after which, proceedings shall immediately resume at the point where they were interrupted.

11. Notice

- 11.1 Public notice shall constitute posting the Agenda on the Municipal Website.
- 11.2 The Secretary shall give reasonable notice of a Committee meeting to the Committee by way of email, telephone or in writing by mail, as deemed appropriate.

- 11.3 Where an Application will be considered at a meeting, the Secretary shall give reasonable notice in writing, by mail, and by telephone to the applicant, contributor, and Candidate/Registered Third Party of the time, place and purpose of a meeting and of the fact that if either party fails to attend the meeting the Committee may proceed in the party's absence and the party will not be entitled to further notice in relation to the meeting. The written notice shall include the content of the Application. The Candidate/ Registered Third Party/Contributor may respond to the Application in writing. A written response shall be submitted to the Secretary a minimum of two days prior to the Committee meeting at which the Application will be considered.
- 11.4 The Secretary will forward notice of the Committee's decision, including brief written reasons, to the applicant, and the Candidate/Registered Third party/Contributor at the mailing address provided to the Secretary as required by this procedure.

12. Committee decisions under *MEA*

Applications

- 12.1 In accordance with s. 88.33(7) and s. 88.35(4) of the *MEA*, within 30 days of receipt of the Application, the Committee will decide whether to grant or reject the Application or, in the case of a Report, to commence a legal proceeding.
- 12.2 In accordance with s. 88.33(8) and s. 88.36(7), the Secretary will forward reasons for the Committee's decision to the relevant parties to the mailing addresses provided as required by these Rules of Procedure.
- 12.3 If the Committee decides to grant the Application it shall, by resolution, appoint an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the Candidate's/Registered Third Party's election campaign finances.
- 12.4 At the request of the Committee, the Secretary may assist the Committee in locating and contacting available auditors to undertake the audit.
- 12.5 In accordance with s. 88.33(17) of the *MEA*, within 30 days of receipt of an auditor's report, if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, the committee shall decide whether to commence a legal proceeding against the candidate / Registered Third Party the apparent contravention of a provision of the *MEA* relating to election campaign finances.

- 12.6 In accordance with s. 88.33(18) of the MEA, the decision of the Committee following consideration of the auditor's report, shall be made in writing, including brief written reasons for the decision, and forwarded, by the Secretary (i.e. the Clerk), to the Candidate, and the Applicant.

Clerk's Reports

- 12.7 In accordance with s. 88.34(8) of the MEA, within 30 days of receipt of the Clerk's Report of an Apparent Over Contribution to a Candidate, the Committee will decide whether to commence a legal proceeding against a contributor for an apparent contravention.
- 12.8 In accordance with s. 88.36(5) of the MEA, within 30 days of receipt of the Clerk's Report of an Apparent Over Contribution to a Registered Third Party, the Committee will decide whether to commence a legal proceeding against a contributor for an apparent contravention.

13. Grant Exceptions from Procedures

- 13.1 The Committee may waive any rule of procedure in this procedure, as it considers appropriate, to ensure that the real questions in issue are determined in a just manner.

14. Minutes

- 14.1 The Secretary shall prepare minutes of each meeting of the Committee and shall provide members with a copy of the minutes, as soon as the minutes are available.
- 14.2 The Committee members shall each review and sign the minutes, to confirm that the minutes reflect the Committee's actions.
- 14.3 The Secretary shall post a copy of the signed minutes of each meeting of the Committee on the Municipality of Clarington's website.