

# Clarington

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## The Corporation of the Municipality of Clarington By-law 2026-004

Being a By-law to establish a Clarington Municipal Election Compliance Audit Committee for the 2026-2030 term of Council.

Whereas Section 88.37(1) of the Municipal Elections Act, 1996, S.O., 1996, c. 32, as amended, (the Act) requires the Council to establish a Compliance Audit Committee, before October 1 of an election year for the purposes of Section 88.33 to Section 88.37 of the Act; and

Whereas, the Municipal Council has adopted the recommendations contained in Staff Report LGS-002-26; and

Whereas the Municipality of Clarington is committed to ensuring a consistent, open and transparent process for receiving and processing compliance audit applications;

Now therefore the Corporation of the Municipality of Clarington enacts as follows:

1. The Clarington Municipal Election Compliance Audit Committee, consisting of four members, be established, in accordance with the Terms of Reference attached to and forming part of this By-law as Attachment 1.
2. The Clarington Municipal Election Compliance Audit Committee shall carry out its mandate and duties in accordance with the Municipal Elections Act and the Administrative Practices and Procedures established by the Municipal Clerk.
3. By-law 2022-003 is hereby repealed.

# Clarington

4. This by-law shall come into force and effect on November 15, 2026.

Passed in Open Council this 26<sup>th</sup> day of January, 2026.

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Adrian Foster, Mayor

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June Gallagher, Municipal Clerk

By signing this by-law on January 26, 2026, Mayor Adrian Foster will not exercise the power to veto this by-law and this by-law is deemed passed as of this date.

## 2026 Municipal Election Compliance Audit Committee Terms of Reference

### **1. Purpose and Mandate**

- 1.1. The CAC is established pursuant to the requirements of Section 88.37 of the Act for the Municipality.

### **2. Scope of Activities**

- 2.1. The powers and functions of the CAC are set out in Sections 88.33 to 88.37 of the Act.

### **3. Definitions**

- 3.1. **CAC** means the Clarington 2026 Municipal Election Compliance Audit Committee.
- 3.2. **Clerk** means the Municipal Clerk of the Municipality, or their designate.
- 3.3. **Municipality** means the Corporation of the Municipality of Clarington.

### **4. CAC Members**

#### **Composition**

- 4.1. Council shall appoint three members and one alternate member.
- 4.2. When a compliance audit application from an elector, or a report from the Clerk regarding election campaign finances is received, the CAC comprised of three members shall meet and consider the application and/or report in accordance with the Act. The alternate member shall also attend all meetings but shall not be a voting member unless another member is unable to fulfill their duties.

#### **Qualifications / Selection**

- 4.3. The recruitment of CAC Members shall be conducted by the Clerk.
- 4.4. All applicants will be required to complete an application.

# Clarington

- 4.5. Applicants must have the ability to understand, and apply, the election campaign finance provisions of the Act and must remain impartial to fulfill their responsibilities.
- 4.6. Preference will be given to candidates that have experience related to compliance audit activities or investigative or adjudicative processes.
- 4.7. The following criteria will be considered when appointing members:
  - 4.7.1. Demonstrated knowledge and understanding of municipal election campaign financing rules;
  - 4.7.2. Proven analytical and decision-making skills;
  - 4.7.3. Experience working on committees, boards, adjudicative bodies, task forces or similar settings;
  - 4.7.4. Experience in accounting and audit, law, law enforcement, academics, or municipal administration from related fields;
  - 4.7.5. Demonstrated knowledge of quasi-judicial proceedings;
  - 4.7.6. Availability and willingness to attend meetings; and,
  - 4.7.7. Excellent oral and written communication skills.
- 4.8. The following persons are ineligible for appointment:
  - 4.8.1. Employees or officers of the Municipality;
  - 4.8.2. A member of council or of a local board of the Municipality;
  - 4.8.3. Any persons who are candidates in an election of the Municipality or local board for which the CAC is established; or,
  - 4.8.4. Any persons who are registered third parties in an election of the Municipality or local board for which the CAC is established.
- 4.9. Should an appointed CAC Member accept employment with the Municipality or register as a candidate or a third party advertiser with the Municipality, they will have been deemed to have resigned.
- 4.10. All CAC Members shall agree, in writing, that they will not work or volunteer for, or contribute to, any candidate or registered third party advertiser in any capacity in an election of a lower-tier municipality in the Region of Durham, the Regional Municipality of Durham, or a School Board having jurisdiction in the Region of Durham.

# Clarington

- 4.11. If a Member of the CAC is identified as having participated in or contributed to a candidate's or registered third party advertiser's campaign, they will have been deemed to have resigned.

## Length of Term

- 4.12. The term of appointment for the CAC shall be concurrent with the term of office of the council or local board elected in 2026 and shall therefore serve for four years commencing on November 15, 2026, and concluding on November 14, 2030, or until such time the applicable CAC has disposed of any remaining matters in accordance with the Act, whichever is later.

## Conduct

- 4.13. Members of the CAC shall comply and conduct themselves in accordance with Clarington's Compliance Audit Committee Administrative Practices and Procedures.
- 4.14. Members shall not use their position on the CAC for any personal or political gain.

## Remuneration

- 4.15. \$400 retainer fee. The retainer fee shall cover attendance at a mandatory training session and review of periodic updates or information supplied by the Clerk. The retainer fee will also cover any conversations which occur outside of a formal meeting of the CAC, for example virtual meetings with the Clerk. Payment of the retainer fee covers the four-year term.
- 4.16. \$400 per meeting attended, plus an additional \$100 for any additional application or report being considered after the first one, during the same meeting, plus mileage in accordance with the rate normally paid to employees of the Municipality. The per meeting rate shall cover review of background or agenda materials as required, in preparation for a meeting.

## 5. Role of the Clerk

- 5.1. The Clerk shall act as the main contact between the CAC, compliance audit applicant, candidate and registered third party advertiser, as the case may be.

## 6. Meetings

- 6.1. Meetings will occur, as needed, and shall be conducted in accordance with Clarington's Compliance Audit Committee Administrative Practices and Procedures.