Stormont, Dundas and Glengarry
Joint Compliance Audit Committee
Terms of Reference
(2026-2030)

1. Authority

1.1. Sections 88.33 and 88.35 of the Municipal Elections Act, 1996 (Act) provide that an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a registered third party has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the candidate's or registered third party's campaign finances, even if the candidate has not filed a financial statement.

1.2. Sections 88.34 and 88.36 of the Act requires the Clerk to review the contributions reported on the financial statements submitted by a candidate or registered third party and report any contraventions of any of the contribution limits to the compliance audit committee.

1.3. Section 88.37 of the Act requires the council or local board, to establish a compliance audit committee before October 1st in an election year for the purposes of Sections 88.33 to 88.36 of the Act relative to a possible contravention of the election campaign finance rules.

2. Establishment of Committee

2.1. The Joint Compliance Audit Committee is established by the participants as set out below, and shall be named the "Stormont, Dundas and Glengarry Joint Compliance Audit Committee" ("Committee") consisting of the following municipalities:

- Township of North Stormont,
- Township of South Stormont,
- Township of North Dundas,
- Municipality of South Dundas,
- Township of North Glengarry; and,
- Township of South Glengarry.

2.2. The participants as set out in Section 2.1 above shall form the "Joint Participants."

2.3. The Committee is a statutory committee.

3. Term

3.1. The term of the Committee shall be concurrent with the term of Council. The term of appointment of the Committee members shall be November 15, 2026 to November 14, 2030 or until such time as the applicable Committee has disposed of any remaining matters in accordance with the Act.

4. Mandate

4.1. The mandate of the Committee is to hear and determine all applications filed in accordance with Sections 88.33 to 88.36 of the Act pursuant to the procedures established by the Clerks under the Act.

4.2. The powers and functions of the Committee are set out in Sections 88.33 to 88.36 of the Act. The Committee will perform the functions relating to the compliance audit application process as outlined in the Act. The powers and functions are generally described as:

(a) within 30 days of receipt of a compliance audit application from an elector, review and decide whether it should be granted or rejected;
(b) if the application is granted, appoint an auditor licensed under the Public Accounting Act, 2004 to conduct a compliance audit of the election campaign finances;
(c) receive the auditor's report;
(d) within 30 days of receipt of the auditor's report, consider the report and if the report concludes the candidate or registered third party appears to have contravened a provision of the Act relating to election campaign finances, decide whether legal proceedings against the candidate or registered third party for the apparent contravention shall be commenced; and
(e) within 30 days after receipt of a report from any participating municipality's Clerk of any apparent over-contributions to candidates or registered third parties, the Committee shall consider the Clerk's report and decide whether legal proceedings against the contributor should be commenced.

5. Composition

5.1. The Committee shall be composed of three (3) voting members with two (2) alternate members that would assume all the rights and privileges of a voting member if called upon. Alternate members shall be ranked and will be called upon to replace a voting member that has resigned from the Committee or declared a conflict of interest under the Municipal Conflict of Interest Act.

5.2. The Committee shall not include,

(a) employees or officers of the municipality or local board;
(b) members of the council or local board;
(c) any persons who are Candidates in the election for which the committee is established; or
(d) any persons who are registered third parties in the municipality in the election for which the committee is established.

In addition to the legislated restrictions established for the composition of this committee, in order to avoid a conflict of interest, an individual shall be deemed ineligible to be a member of the committee if the individual:

a) gives financial advice or prepares the financial statements of a candidate in an election for which the committee is established;
b) is a family member or employee of a candidate in an election for which the committee is established, or any person connected to a candidate through an employment, contractual, business or partnership relationship; or,
c) is a volunteer or seeks employment to assist any candidate in the election for which the committee is established.

6. Member Selection and Appointment

The Clerks (or designates) from the municipalities of the Townships of North and South Stormont, North and South Glengarry and the Municipality of South Dundas will meet to review the applications. Appointments selection will be approved by the majority vote of

the Clerks. The approved names will be put forward to each Council for appointment to the committee.

Recommended skill sets for members of the CAC include:

- Accounting and/or auditing experience
- Academic experience with expertise in political science or local government administration
- Legal experience and/or education
- Others with knowledge of the campaign finance rules contained in the Act

Criteria used to determine membership may include:

- Demonstrated knowledge and understanding of the municipal election finance rules;
- Analytical and decision making skills;
- Availability for meetings;
- Previous committee experience.

6.1. All persons interested in serving on the Committee will submit a summary of their qualifications and experience.

6.2. A Nomination Committee consisting of a majority of the Clerks or designates, shall review the applications and submit a joint short list of candidates to the Councils/Boards, or Clerk as the delegated authority, for appointment approval.

6.3. In the event a vacancy occurs during the term or a conflict of interest is declared by a member, the municipality may rely on an alternate member(s) to compose a Committee of three (3) members.

6.4. Members will be required to participate in an orientation session as a condition of appointment.

7. Selection Criteria

7.1. Without limiting the foregoing, the following skills and experience will be used to determine suitability for appointment to the Committee:

(a) demonstrated knowledge and understanding of municipal election campaign financing rules;
(b) proven analytical and decision-making skills;
(c) experience working on committees, task forces or similar settings;
(d) demonstrated knowledge of quasi-judicial proceedings;
(e) availability and willingness to attend meetings; and
(f) excellent oral and written communication skills.

8. Chair of Committee

8.1. The Committee members shall select a Chair from amongst its three (3) sitting members at its first meeting.

8.2. The Chair is the spokesperson for the Committee and speaks on behalf of the Committee to the media, as necessary.

8.3. The Chair is the liaison between the members and the Secretary of the Committee on matters of policy and process.

8.4. The Chair shall enforce the observance of order and decorum among the Committee members and the public at all meetings.

8.5. The Chair shall preside over the meetings of the Committee and assist the Committee in reaching consensus on fundamental policy issues of concern to the Committee.

8.6. When the Chair is absent, the Committee may appoint another member as Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair.

9. Secretary to Committee

9.1. The Clerk of the responding municipality may act as Secretary to the Committee or if deemed appropriate, a Clerk of one of the member municipalities may act as Secretary.

9.2. The Secretary may establish administrative practices and procedures for the Committee and shall carry out any other duties required under this Act to implement the Committee's decision.

9.3. When a member municipality receives a compliance audit request or a report of the Clerk, the Clerk of the member municipality shall, within 10 days, contact the committee members and arrange for the members to sit as the Compliance Audit Committee for the purpose of considering the compliance audit request or report of the Clerk. The Members sitting as a Compliance Audit Committee shall be required to participate in all meetings and any other proceedings pertaining to the request(s) or report of the Clerk.

10. Remuneration

10.1. Members of the Committee shall receive a retention honorarium of $75 including mileage, for attendance at a training session the costs of which shall be shared equally amongst the Joint Participants.

10.2. Members shall receive an honorarium of $75 per meeting, plus mileage, at the rate of the responding municipality.

11. Costs and Funding

11.1. The responding municipality shall fund and pay all costs associated with the Committee, including the retention of an auditor and any costs incurred as a result of a decision of the Committee being challenged to the Ontario Superior Court of Justice.

11.2. The Joint Participants shall equally share in the costs associated with advertising and training.

12. Auditor

12.1. The Clerks of the member municipalities shall issue a joint Request for Proposal (RFP) for auditor services and the Committee shall appoint an auditor.

13. Meetings

13.1. The Committee shall conduct its meetings in public but may deliberate in private.

13.2. The responding municipality's website shall be used to communicate meeting notices, agendas, minutes and decisions.

13.3. The Committee shall conduct its meetings in accordance with the responding municipality's Council Rules of Procedure By-law and the Statutory Powers Procedures Act, with modifications as deemed necessary.

14. Conflicts

14.1. Committee members shall comply with the Municipal Conflict of Interest Act and shall disclose a pecuniary interest to the Secretary in advance of any meeting, where possible or absent him/herself from meetings for the duration of the consideration of the application, discussion and voting with respect to the matter. Failure to adhere to this requirement will result in the individual being removed from the Committee.

14.2. In the event a member discloses a pecuniary interest to the application in advance of the meeting, the Clerk of the responding municipality shall select another member to replace him/her on the Committee.

14.3. To avoid possible conflict of interest, an auditor or accountant appointed to the Committee must agree, in writing, not to undertake the audits or preparation of the financial statements of any candidate or registered third party seeking election to the Councils/Boards. Failure to adhere to this requirement shall result in the individual being removed from the Committee.

14.4. All Committee members shall agree, in writing, they will not work or volunteer for, or contribute to, any candidate or registered third party in any capacity in an election to the Councils/Boards. If upon being made aware that a member has participated or contributed to a campaign or registered third party, the Clerks or designates, by majority vote, shall remove the member from the roster or recommend to the Councils/Boards, or the delegated authority, to rescind the appointment to the Committee.

15. Practices and Procedures

15.1. The Clerk shall establish any and all administrative practices and procedures for the Committee and shall carry out any other duties required under the Act to implement the Committee's decisions.