

Topic:	Election Audit Compliance Committee
Effective:	January 2014
Cross Reference:	Education Act; Municipal Elections Act, 1996; Municipal Conflict of Interest Act; Municipal Freedom of Information and Protection of Privacy Act; Provincial Offences Act; Municipal Conflict of Interest Act; Public Enquiries Act; Public Accounting Act, 2004
Revision Date:	September 2014, October 2018
Review Date:	October 2022
Responsibility:	Director of Education

INTENDED PURPOSE:

In compliance with the *Municipal Elections Act, 1996*, S.O. 1996, the Halton District School Board must establish a Compliance Audit Committee to sit for the comparable length of term of office as trustees/councillors.

Subsection 81.1(1) of the *Municipal Elections Act, 1996* requires the Halton District School Board establish a Compliance Audit Committee on or before October 1 in the year of an election. Subsection 81.1(4) requires the secretary of the Halton District School Board to establish administrative practices and procedures for the Compliance Audit Committee.

ADMINISTRATIVE PRACTICES AND PROCEDURES

Mandate:

The Halton District School Board's Compliance Audit Committee has full delegation of the authority as outlined in the *Municipal Elections Act, 1996*, to address applications requesting an audit of a candidate's election campaign finances. This authority includes, but is not limited to:

- review any written application(s) received by the secretary of the local board for which the candidate was nominated for office;
- grant or reject audit requests based on the application(s) review;
- where an audit is granted, appoint an auditor and review the resulting audit report.

Any other responsibilities not clearly identified shall be in accordance with Section 81 of the *Municipal Elections Act, 1996*.

Membership:

The Halton District School Board's Compliance Audit 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 local board;
- b. members of the local board; or,
- c. any persons who are candidates in the election and/or by-election for which the committee is established.

The Compliance Audit Committee shall be comprised of members with a knowledge and understanding of municipal election campaign financing rules.

Term of Office:

Subsection 81.1(3) of the *Municipal Elections Act, 1996*, provides that the term of office of the committee is the same as the term of office of the council or local board that takes office following the next regular election, and the term of office of the members of the committee is the same as the term of the committee to which they have been appointed.

The Committee will be convened only to deal with applications (if any) from the regular election and any by-elections during this term.

Meetings:

Upon receipt of an application to conduct a compliance audit, the Secretary of the Board will call the first meeting of the Audit Compliance Committee. The date and time will be determined in consultation with the members, and communicated directly to all members at least 96 hours prior to the meeting date. Subsequent meetings will be at the call of the Chair.

At its first meeting, the Committee shall appoint a Chair and Vice-Chair.

The Committee shall adhere to all timeframes established in the *Municipal Elections Act, 1996* and related regulations.

Committee activity, including frequency and duration of meetings, shall be determined primarily by the number and complexity of applications for compliance audits received.

Any member of the Committee who misses three consecutive meetings, without being excused by the Committee, may be removed from the Committee.

Notice of Meetings:

The Committee Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Committee.

The accidental omission to give notice of any meeting of the Committee to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the Committee may at any time waive notice of any meeting.

Governance:

Meetings of the Committee shall be governed by Robert's Rules of Order, Procedural By-law and Legislation.

Minutes of each meeting shall outline the general deliberations, specific actions and resulting recommendations.

Members shall abide by the rules outlined within the *Municipal Conflict of Interest Act* and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.

Procedures:

Receipt of Application

Subsection 81(1) of the *Municipal Elections Act, 1996* provides that an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of the *Municipal Elections Act, 1996* relating to election campaign finances, may apply for a compliance audit of the candidate's election campaign finances.

Within the timelines set out at subsection 81(3) of the *Municipal Elections Act, 1996*, the applicant must submit a written application for a compliance audit to the Secretary of the Board for which the candidate was nominated for office, setting out the reasons for the elector's belief.

Within ten (10) days after receiving the application, the Secretary of the Board will forward the application to the Compliance Audit Committee, and provide a copy of the application to the Halton District School Board.

The Secretary of the Board shall also forward a copy of the application to the candidate. The Compliance Audit Committee shall direct the Secretary of the Board to give notice to the applicant and the candidate of the date, time and location where the Compliance Audit Committee shall consider the application. The candidate is entitled to deliver responding materials to the Compliance Audit Committee. The Compliance Audit Committee shall provide the applicant with the candidate's responding materials, if any.

The applicant and candidate are entitled to be present when the Compliance Audit Committee meets to consider the application. The applicant and the candidate may make submissions to the Compliance Audit Committee. The Compliance Audit Committee is entitled to make such inquiries of the applicant and candidate as it sees fit.

Closed Meetings:

The Committee may, upon affirmative vote of the majority of its members present at a meeting, determine to hold any consideration of the application or part thereof, in camera in exceptional circumstances where sensitive personal or financial information will be disclosed.

If the Committee elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison, if any, and all persons excepted by the members) shall vacate the premises where the meeting is taking place.

The members of the Audit Compliance Committee are entitled to meet privately to discuss and consider the evidence and arguments in coming to their decision.

Consideration of the Application

Within 30 days after receiving the application, the committee shall consider the application, and decide if it should be granted or rejected. The Compliance Audit Committee shall give written reasons for its decision.

Written notification from the Compliance Audit Committee about its decision will be sent to the Secretary of the Board. The Secretary of the Board will then provide written notice of the Committee's decision to:

- a. the candidate;
- b. the applicant; and
- c. the Board.

Appointment of an Auditor

If the committee decides to grant the application, it shall appoint an auditor, licensed under the *Public Accounting Act, 2004*, to conduct a compliance audit of the candidate's election campaign finances.

Auditor's Report

As set out in the *Municipal Elections Act, 1996*, and in accordance with the powers granted under Part II of the *Public Inquiries Act*, the auditor shall promptly conduct an audit of the candidate's election campaign finances. The auditor shall promptly conduct an audit of the candidate's election campaign finances to determine whether he or she has complied with the provisions of this *Municipal Elections Act, 1996* relating to election campaign finances and shall prepare a report outlining any apparent contravention by the candidate.

The auditor shall submit the report to:

- a. the candidate;
- b. the board;
- c. the secretary of the local board, if applicable; and
- d. the applicant.

Within ten (10) days of receiving the report, the Secretary of the Board shall forward the report to the Compliance Audit Committee.

Powers of the Committee

Within thirty (30) days of receiving the report, the Compliance Audit Committee shall consider the Auditor's report, and may,

- a. if the report concludes the candidate appears to have contravened a provision of the *Municipal Elections Act, 1996*, relating to election campaign finances, commence a legal proceeding against the candidate for the apparent contravention;
- b. if the report concludes the candidate does not appear to have contravened a provision of the *Municipal Elections Act, 1996* relating to election campaign finances, make a finding as to whether there were reasonable grounds for the application.

Recovery of Costs

If the report indicates there was no apparent contravention and the Compliance Audit Committee finds there were no reasonable grounds for the application, the local board is entitled to recover the auditor's costs from the applicant.

Administrative Support:

The Secretary of the Board shall, as outlined in the *Municipal Elections Act*, "carry out any other duties required under this *Act* to implement the committee's decisions." This will include, but not be limited to advice, liaison with the Committee, assignment of staff for resource and administrative support.

The Secretary of the Board shall also act as liaison between the Compliance Audit Committee and the Halton District School Board for the purposes of compliance in accordance with the *Municipal Elections Act, 1996*, specifically with respect to reports on Committee activity as required to the appropriate individuals and Board.

Expulsion of a Member:

The Committee may recommend to the Secretary of the Board the expulsion of a member for reasons as listed, but not limited to, the member being in contravention of the *Municipal Freedom of Information and Protection of Privacy Act*, the *Provincial Offences Act*, the *Municipal Conflict of Interest Act* and the *Municipal Elections Act*; and/ or disrupting the work of the Committee or other legal issues.

Remuneration:

Members of the Committee may be reimbursed for any committee-related expenses in accordance with Board Policy. The Secretary of the Board shall process any expense claims resulting from the Compliance Audit Committee business.