

**JOINT COMPLIANCE AUDIT COMMITTEE FOR THE
TOWNS OF AURORA, EAST GWILLIMBURY, GEORGINA, RICHMOND HILL
AND WHITCHURCH-STOUFFVILLE AND THE TOWNSHIP OF KING**

RULES OF PROCEDURE

Background:

Pursuant to Section 81.1(1) of the *Municipal Elections Act, 1996*, the Towns of Aurora, East Gwillimbury, Georgina, Richmond Hill and Whitchurch-Stouffville and the Township of King established a Joint Compliance Audit Committee by way of appointment from the Councils of the Towns of Aurora, East Gwillimbury, Georgina, Richmond Hill and Whitchurch-Stouffville and the Township of King.

In accordance with Section 81.1(4) of the *Municipal Elections Act, 1996*, the following Rules of Procedure have been established to enable the Joint Compliance Audit Committee to fulfill its duties in a fair, open and responsible manner.

1. Definitions:

In these rules,

“Act” means the *Municipal Elections Act, 1996*, S.O., 1996, c.32.

“Applicant” means the Applicant who submitted the Application requesting a compliance audit.

“Application” means an application accepted by the Clerk pursuant to Section 81 (2) of the Act.

“Candidate” means the Candidate whose election campaign finances are the subject of an application for a compliance audit.

“Chair” means the Joint Compliance Audit Committee Chair appointed by the Secretary under s. 4 or selected under s. 5 of these rules.

“Clerk” means, as the context provides, the Clerk of any of the Towns of Aurora, East Gwillimbury, Georgina, Richmond Hill and Whitchurch-Stouffville and the Township of King.

“Closed Meeting” means a meeting or part of a meeting that is closed to the public for reasons outlined in Section 239.(2) of the *Municipal Act, 2001*.

“Committee” means the Joint Compliance Audit Committee established pursuant to Section 81.1(1) of the Act.

“Confidential Information” means information disclosed to or obtained by the Committee in connection with an Application which has been identified as information which should be treated as confidential, but excludes any information which:

- is or becomes publicly available;
- is already or later comes rightfully into the Committee’s possession without any obligations of confidentiality;
- the Committee independently developed; or
- the Committee rightfully obtained from third parties or under statute.

“Council” means the Council of the Towns of Aurora, East Gwillimbury, Georgina, Richmond Hill and Whitchurch-Stouffville and the Township of King.

“Meeting” means a meeting of the Committee held under the Act.

“Member” means an individual appointed to the Joint Compliance Audit Committee by the Councils of the Town of Aurora, East Gwillimbury, Georgina, Richmond Hill and Whitchurch-Stouffville and the Township of King.

“Members” mean the individuals appointed to the Joint Compliance Audit Committee by the Councils of the Towns of Aurora, East Gwillimbury, Georgina, Richmond Hill and Whitchurch-Stouffville and the Township of King.

“Minutes” means the record, without note or comment, of the Committee’s resolutions and decisions.

“Secretary” means, as the context provides, the Clerk for any of the Towns of Aurora, East Gwillimbury, Georgina, Richmond Hill and Whitchurch-Stouffville and the Township of King, or a member of the Clerk’s staff designated by the Clerk.

2. Application:

These rules shall be observed in all Meetings of the Committee. The Committee is governed by the Act.

3. Matters not addressed in these Rules:

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

4. Selecting Members and Chair:

When the Secretary receives an Application, the Secretary will advise all six Members of the Joint Compliance Audit Committee and request confirmation within 48 hours of their availability to sit on the Committee as well as their interest in being Chair.

If only one Member expresses an interest in being Chair, the Secretary shall appoint that person as Chair and shall randomly select two other Members from those who are available to sit.

If more than one Member expresses an interest in being Chair, the Secretary shall randomly select three Members to sit on the Committee from those who are available, ensuring that at least one of those selected has expressed an interest in being Chair. The Committee shall select a Chair at their first Meeting.

If no Member has expressed an interest in being Chair, the Secretary shall randomly select three Members from those who are available and the Committee shall select a Chair at their first Meeting.

5. Selecting Chair at First Meeting:

If the Secretary has not selected a Chair under rule 4, selecting a Chair shall be the first order of business at the first Meeting to hear an Application. The Secretary shall inform the other Member municipalities of the Joint Compliance Audit Committee who has been selected.

If the Chair of the Committee resigns as a Member or Chair of the Committee, the Committee shall appoint another Member as Chair. If the Committee cannot agree to the selection of a Chair, the Secretary shall select a Chair.

6. Chair's Duties:

The Chair shall:

- a) call the Meeting to order as soon as quorum is achieved;
- b) facilitate Meeting discussions and identify the order of proceedings and speakers;
- c) summarize discussion points and ensure all Members have an opportunity to be heard and understood;
- d) put to vote all motions that are regularly moved and seconded and announce the result of the vote;
- e) ensure any public attendee is fairly and appropriately engaged at Meetings;
- f) ensure order and decorum are observed among the Members, attendees and audience;
- g) ensure adequate follow-up on action items in preparing for future Meetings, including review of Minutes;

- h) liaise with the Secretary, as required, including any communication and clarification about Minutes or correspondence submitted;
- i) liaise between the Members and the Secretary on matters of policy and process; and
- j) serve as the Committee's principal spokesperson.

7. Meetings:

The Committee shall meet at the Secretary's request.

The Secretary shall summon a Meeting when an Application is received or when a majority of the selected Members request a Meeting in writing.

Meetings shall be held at the municipal offices or such other location, as the Secretary deems appropriate.

Meetings shall start at a time and date as set by the Secretary, and shall be adjourned on a vote of the Committee.

A majority of selected Members constitutes quorum at Meetings.

Meetings shall be open to the public except as provided in the *Municipal Act, 2001*.

The Applicant, the Candidate and, where applicable, the auditor shall be given an opportunity to address the Committee.

Addresses to the Committee shall relate only to an Application currently before the Committee.

Addresses to the Committee shall not exceed five minutes.

8. Confidentiality:

Members shall ensure that Confidential Information disclosed to them and materials provided to them during a closed Meeting are kept confidential.

9. Delegation by Secretary:

The Secretary may delegate administrative responsibilities to a Deputy Secretary.

10. Agenda:

Before each Meeting, the Secretary shall provide an agenda to each Member of the Committee hearing the Application.

The agenda shall include a copy of any written submissions made by the Applicant or the Candidate.

A copy of the agenda shall also be published on the Towns of Aurora, East Gwillimbury, Georgina, Richmond Hill, Whitchurch-Stouffville and/or the Township of King website.

11. Lack of Quorum:

If no quorum is present 30 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 30 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.

12. Meeting Procedures:

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

1. Call the Meeting to Order
2. Appoint a Chair (if required)
3. Disclose any Conflict(s) of Interest
4. Adopt Minutes of Previous Meeting(s)

5. Matters of Business:

- Opening Statement
- Delegation – Applicant, Agent
- Delegation – Candidate, Agent, Witness
- Report – Auditor (where applicable)
- Committee Deliberation

6. Adjournment

Committee Business:

Before considering an agenda item, the Chair will identify for those present the agenda item to be considered.

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

The Committee is not bound by the law of evidence in court proceedings, but must not refuse to hear relevant evidence.

Conflict of Interest:

Members should be cognizant of potential conflicts of interest. Members shall not use their status on the Committee for personal, pecuniary or political gain.

The Committee must perform its functions and be seen to perform its functions fairly and impartially.

Introduction and Recording of Applicant and Candidate:

Before considering an Application, the Chair shall request the Applicant and Candidate to identify themselves, and to provide their names and mailing addresses to the Secretary for the record.

Opening Statements:

Where the agenda includes considering an Application, the Chair will read an opening statement outlining the procedure and format of the Meeting. Then the Chair will permit each Member to make a statement.

Presentation by Applicant or Applicant's Agent:

- 1) The Applicant or the Applicant's agent may address the Committee;
- 2) The Committee may ask questions of the Applicant; and
- 3) The Candidate will be permitted to view any documents submitted by the Applicant.

Presentation by Candidate or Candidate's Agent:

- 1) The Candidate or the Candidate's agent may address the Committee. The Candidate may respond to the content of the Applicant's address to the Committee.
- 2) The Committee may ask questions of the Candidate; and
- 3) The Applicant will be permitted to view any documents submitted by the Candidate.

Rules of Debate:

- 1) When two or more Members wish to speak, the Chair shall designate the Member who first requested to speak as the Member who speaks first.

Voting:

- 1) When a question is put, every Member present at a Meeting shall vote on the question, unless prohibited as a result of a declared conflict of interest, in which case the fact of the prohibition shall be recorded in the Minutes of the Meeting.
- 2) The matter put to vote shall be in the form of a motion addressing the matter then under consideration.
- 3) In the case of a tie vote, the motion or question shall be deemed to have been lost.
- 4) The Committee should try to render its decision at each Meeting but the Committee may reserve its decision if further deliberation is required.

Motions:

- 1) 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.
- 2) Any Member may propose a motion on the matter then under consideration which the Secretary shall record in writing.
- 3) 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.
- 4) If there is more than one motion concerning a matter, the Secretary shall record all motions in writing and read the various motions to the Members before the vote is taken.
- 5) A motion to amend shall relate to the subject matter of the main motion, shall not pose a direct negative to the question, and shall be put to a vote in reverse order in which the amendments were made. Any further amendments must be made to the original motion as amended.

13. Notice:

Public notice shall constitute posting the agenda on the Towns of Aurora, East Gwillimbury, Georgina, Richmond Hill and Whitchurch-Stouffville and/or the Township of King websites.

The Secretary shall give notice of a Meeting to the Committee by email, telephone or by ordinary mail, as deemed appropriate.

Where an Application will be considered at a Meeting, the Secretary shall give reasonable notice by mail and telephone to the Applicant and Candidate 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 concerning the Meeting.

The written notice shall include a copy of the Application. The Candidate may respond to the Application in writing. A written response shall be submitted to the Secretary at least two days before the Meeting at which the Application will be considered.

The Secretary shall forward notice of the Committee's decision to the Applicant and the Candidate at the mailing address provided to the Secretary as required by this procedure.

14. Committee Decisions:

In accordance with Section 81(5) of the Act, within 30 days of receiving the Application, the Committee will decide whether to grant or reject it.

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 election campaign finances. At the Committee's request, the Secretary may assist the Committee in locating and contacting available auditors to conduct the audit.

In accordance with Section 81(14) of the Act, within 30 days of receiving an auditor's report, the Committee will consider the report and may commence a legal proceeding against the candidate for any apparent contravention of a provision of the Act relating to election campaign finances.

15. Waiver:

The Committee may waive any of these rules as it considers appropriate, to ensure that the questions in issue are fairly determined.

16. Minutes:

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.

Each Member shall each review and sign the Minutes to confirm that they reflect the Committee's actions.

The signed Minutes will be posted on the website of the Town or Township of the Candidate.