

Joint Bruce County 2026 Election Compliance Audit Committee Terms of Reference

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Joint Bruce County 2026 Election Compliance Audit Committee Terms of Reference

1. Definitions

“Act” means the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended from time to time.

“Applicant” means the individual who submitted the application requesting a Compliance Audit.

“Auditor” means a person appointed by the Committee, licensed under the *Public Accounting Act, 2004*, to conduct a Compliance Audit of a Candidate's election campaign finances pursuant to Section 88.33(10) and (11) of the Act.

“Auditor's Report” means a report prepared by an auditor for the Committee pursuant to Section 88.33(12) of the Act.

“Candidate” means the candidate whose election campaign finances are the subject of an application for a Compliance Audit.

“Clerk” means, as the context provides, the Clerk from the applicable member municipality of the “Joint Bruce County 2026 Compliance Audit Committee”, or his or her designate.

“Committee” means the Joint Compliance Audit Committee established pursuant to Section 88.37(1) of the Act.

“Compliance Audit” means an audit of a Candidate's election campaign finances conducted by an Auditor appointed by the Committee.

“Council” means, as the context provides, the Council of any of the Participating Municipalities.

“Family Member” means a child, parent and spouse of a Committee member, as defined in the *Municipal Conflict of Interest Act*, and shall also include mother, father, sister, brother, daughter-in-law, son-in-law, step-child, sibling, grand-child.

“Municipal Conflict of Interest Act” means the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended from time to time.

“Member Municipalities” means all or some of the following municipalities participating in the Joint Compliance Audit Committee process: Municipality of Arran-Elderslie, Municipality of Brockton, Municipality of Kincardine, Municipality of Northern Bruce Peninsula, Municipality of South Bruce, Town of Saugeen Shores, Township of Huron-Kinloss.

“Pecuniary Interest” means a direct or indirect interest within the meaning of the Municipal Conflict of Interest Act.

“Private Session” means any portion of the meeting that is closed to the public for confidential deliberation in accordance with the Act.

“Reasonable Notice” means the posting of the meeting agenda on the website of the

Member Municipality who received the request at least two (2) business days in advance of the meeting and advising the Applicant, Candidate, Contributor or Registered Third Party Advertiser, as applicable, by email or telephone.

“Registered Third Party Advertiser” means an individual resident in Ontario, a corporation carrying on business in Ontario or trade union who has filed with the clerk of the municipality responsible for conducting an election a notice of registration to be a registered third party advertiser for the election pursuant to Section 88.6 of the Act.

“Selection Committee” means the subcommittee, composed of the selected Clerks of the Member Municipalities that will choose the members of the Committee.

“Trade Union” means a trade union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario.

2. Enabling Legislation

Section 88.37(1) of the Act requires that before October 1st in an election year, Council establish a compliance audit committee for the purposes of Section 88.33 of the Act relative to a possible contravention of the Act’s election campaign finance provisions.

3. Name

The name of the Committee is the “Joint Bruce County 2026 Election Compliance Audit Committee” consisting of the following municipalities:

- Municipality of Arran-Elderslie
- Municipality of Brockton
- Municipality of Kincardine
- Municipality of Northern Bruce Peninsula
- Municipality of South Bruce
- Town of Saugeen Shores
- Township of Huron-Kinloss

4. Purpose

The powers and functions of the Committee are set out in Sections 88.33 to 88.37 of the *Municipal Elections Act, 1996* (“the Act”). The Committee will perform the functions relating to the compliance audit application process as outlined in the Act.

5. Term

The term of office is from November 15, 2026 to November 14, 2030 to deal with applications from the 2026 Election and any by-elections during Council’s term.

6. Composition

The Committee shall be composed of a pool of no more than seven (7) members. When an application has been filed under the applicable section of the Act, the Clerk of the

Member Municipality who received the application shall select three (3) of the seven (7) members to sit as the audit committee to review the application. If a member cannot fulfill their duties on the audit committee, the Clerk may appoint a replacement member from the four (4) remaining members in the pool.

Replacement members may be called upon to replace a voting member that is unavailable, declares a conflict of interest under the *Municipal Conflict of Interest Act*, or has resigned from the Committee.

7. Membership Eligibility & Selection

Eligibility: Membership will be drawn from the following groups:

- a. accounting and audit - accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates and registered third parties;
- legal profession with experience in municipal or administrative law;
- professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals; and/or
- other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act*.

Pursuant to section 88.37 of the Act, the following are **not eligible** to be appointed to the Committee:

- a) members of Council or local board;
- b) employees or officers of the municipality;
- c) any Candidates or any persons who are Registered Third Parties in the 2026 election or in any by-election during the term of Council for any member municipality;
- d) any persons who are registered third parties in the municipality in the election for which the Committee is established;
- e) any person who prepares the financial statements of any candidate running for office on Council during the term for which the Committee has been established would not be eligible for appointment to the Committee.

Selection: A selection committee, chosen from Clerks of Member Municipalities will promote, advertise and make recommendations for appointment to the Joint Bruce County 2026 Election Compliance Audit Committee. One individual shall be chosen from the selection committee to be the contact for submission.

The terms of reference and application requirements will be posted, as a minimum, on the municipal websites of the Member Municipalities. In addition, advertisements may be placed in local newspapers in Member Municipalities, where applicable. The selection committee may also contact and solicit individuals who may fit within an eligible group noted above.

All applicants will be required to submit a letter of interest outlining their qualifications and experience.

The selection committee will receive and review all letters of interest and select up to

seven (7) members.

Members will be selected based on the following:

- b. demonstrated knowledge and understanding of municipal election financing rules;
- c. proven analytical and decision-making skills;
- d. experience working on a committee, task force or similar setting;
- e. availability and willingness to attend meetings; and
- f. demonstrated oral and written communication skills.

Preference may be given to qualified electors in the County of Bruce.

Recommended candidates will be submitted to the Council of each member municipality for consideration.

If a member cannot fulfill their duties, the selection committee may appoint a replacement member.

8. Conflict of Interest

Legislated requirements as set out in the Municipal Conflict of Interest Act shall apply to all Committee members. It is the responsibility of each member to disclose any pecuniary interest prior to discussion of a particular matter. Members are encouraged to seek independent legal advice if they are unsure of whether or not they have a pecuniary interest in a matter. Staff from the Member Municipalities will not provide advice or interpretation related to declarations. Failure to adhere to this requirement will result in the individual being removed from the Committee.

No committee member shall prepare or audit the election financial statements of any candidate or registered third party for any of the Member Municipalities in the current municipal election. Failure to adhere to this requirement will result in the individual being removed from the Committee.

9. Quorum

A quorum shall be a majority of Committee members.

If a quorum is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Committee meeting will be rescheduled to a future date.

10. Selection of the Chair

The Chair shall be selected from among the Committee members at the first meeting of the Committee for the term of office. If there is no consensus on a Chair, selection will be carried out by way of nomination and vote of the Committee members present.

If the Chair of the Committee resigns as the Chair or as a member of the Committee, the Committee shall appoint another member as Chair for the balance of the term of Council.

If the Chair is not present within the first ten minutes of a Committee meeting or is absent through illness or otherwise, the Committee shall select another member as

Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair. Selection of the Acting Chair will be made by resolution.

11. Duties of the Chair

The Chair shall:

- a) call Committee meetings to order when there is a Quorum, preside over Committee discussions, facilitate Committee business, follow meeting procedures, identify the order of proceedings and speakers and rule on points of order;
- b) participate as an active and voting member; and,
- c) encourage participation by all members.

12. Duties of Committee Members

The duties of Committee members are as follows:

- a) Carry out all statutory obligations of the Committee in accordance with the Act.
- b) Attend all Committee meetings, sending regrets otherwise.
- c) Understand their role, the Committee's mandate and meeting procedures.
- d) Declare any pecuniary interest in any matter prior to consideration by the Committee the member shall leave the meeting during all discussion on the matter including a private session.
 - a. Where the pecuniary interest of a member has not been disclosed by reason of the member's absence from the meeting, the member shall disclose the pecuniary interest and otherwise comply with subsection (d) at the first meeting of the Committee attended by the member after the meeting referred to in subsection (d).
- e) Participate as an active and voting member, asking questions, and seeking clarification through the Chair.
- f) Provide the reasons for a decision in writing, as applicable.
- g) Develop and maintain a climate of mutual support, trust, courtesy and respect.
- h) Work together to utilize the knowledge, expertise and talents of all members.
- i) Respect the decisions of the Committee and that such decisions reflect the majority view.

13. Staffing / Secretary

The Clerk from the applicable Member Municipality, or his or her delegate, shall act as Secretary to the Committee.

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

14. Selection 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.

15. Expenses

The member municipality requiring the services of the Committee shall be responsible for all associated expenses, including the auditor's costs.

16. Committee Member Remuneration

- \$300 per day or \$150 per half day (3 ½ hours); and

Mileage rate per applicable member Municipality's mileage policy.

17. Committee Records

The Clerk will retain original agendas and minutes.

18. Meetings

Meetings will be conducted according to the appropriate sections of the *Municipal Elections Act* and the procedure by-law of the applicable member municipality excluding closed session provisions.

The Clerk of the applicable Member Municipality when required shall call a meeting of the Committee when he or she receives an application for a Compliance Audit or if one is required because of a report under Section 88.34. The Applicant, Candidate, Registered Third Party Advertiser or their representative will be provided with an opportunity to address the Committee and provide written submissions.

Committee meetings will be open to the public, but the Committee may deliberate in private, as noted in Section 88.33(5.1). No votes may be taken in private session.

Meeting dates, start times, locations and agendas shall be set by the Clerk and communicated directly to the Committee members. The agenda shall provide an opportunity for any member to declare a conflict of interest. Subsequent meetings will be held at the call of the Chair in consultation with the Clerk.

Committee activity shall be determined primarily by the number and complexity of applications for compliance audits that may be received. The frequency and duration of meetings will be determined by the Committee in consultation with the Clerk.

Meeting Location:

The Committee shall meet at the location determined by the applicable member municipality and may be held in-person or virtually.

Meeting Notices, Agendas and Minutes:

The agenda shall constitute notice. The Clerk of the member municipality requiring the services of the Committee shall cause reasonable notice of the meetings to be provided per the requirements of the *Municipal Election Act*.

The agendas and minutes of meetings shall be posted on the member municipality's website a minimum of two (2) business days prior to the date of each meeting, not including weekends or holidays.

Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.

Meeting Attendance

Any member of the Committee, who misses three (3) consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of any member.

19. Administrative Practices and Procedures

Procedures for Contraventions are listed in Appendix A attached to these Terms of Reference.

These Terms of Reference constitute the Administrative Practices and Procedures of the Committee. Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with Section 88.33 to 88.37 of the *Municipal Elections Act, 1996*.

The Clerk at any time has the right to develop additional administrative practices and procedures.

The records of the Committee meetings shall be retained and preserved by the Clerk of the Member Municipality requesting the service of the Committee in accordance with that municipality's Records Retention Policy.

Appendix A – Procedures for Contraventions:

Candidate Contravention:

- a. within thirty (30) days receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;
- b. give to the Candidate, the Clerk and the Applicant the decision of the Committee to grant or reject the application, and brief written reasons for the decision;
- c. if the application is granted, appoint a licensed auditor to conduct a compliance audit of the Candidate's election campaign finances;
- d. receive the auditor's report from the Clerk;
- e. within thirty (30) days receipt of the auditor's report, consider the report;
- f. if the report concludes that the candidate appears to have contravened a provision of the Act relating to election campaign finances, decide whether to commence legal proceedings against the candidate for the apparent contravention;
- g. after reviewing the report, give to the Candidate, the Clerk and the Applicant the decision of the Committee, and brief written reasons for the decision.

Candidate Contributor Contravention

- a. within thirty (30) days receipt of a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits, consider the report and decide whether to commence a legal proceeding against the contributor for an apparent contravention.
- b. after reviewing the report, give to the Contributor and the Clerk the decision of the Committee, and brief written reasons for the decision.

Registered Third Party Contravention

- a. within thirty (30) days receipt of a compliance audit application by an elector, consider the application and decide whether it should be granted or rejected;
- b. give to the Candidate, the Clerk and the Applicant the decision of the Committee to grant or reject the application, and brief written reasons for the decision;
- c. if the application is granted, appoint a licensed auditor to conduct a compliance audit of the Registered Third Party's campaign finances;
- d. receive the auditor's report from the Clerk;
- e. within thirty (30) days receipt of the auditor's report, consider the report;
- f. if the report concludes that the Registered Third Party appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Registered Third Party for the apparent contravention;
- g. after reviewing the report, give to the Registered Third Party, the Clerk and the Applicant the decision of the Committee, and brief written reasons for the decision.

Registered Third Party Contributor Contravention

- a. within thirty (30) days receipt of the report, consider the report;

- b. if the report concludes that the Contributor appears to have contravened a provision of the Act relating to campaign finances, decide whether to commence legal proceedings against the Contributor for the apparent contravention;
- c. after reviewing the report, give to the Contributor and the Clerk the decision of the Committee, and brief written reasons for the decision.