

**THE CORPORATION OF THE  
MUNICIPALITY OF WAWA**

**BY-LAW NO. 3148-18**

**BEING A BY-LAW** to appoint a Joint Compliance Audit Committee.

**WHEREAS** pursuant to the Section 88.37 of the Municipal Elections Act, 1996 a council or local board shall, before October 1<sup>st</sup>, 2018 establish a committee for the purpose of Section 88.33;

**AND WHEREAS** Council of The Corporation of the Municipality of Wawa deems it expedient to pass a by-law to adopt the terms of reference for a joint audit compliance committee;

**NOWHEREFORE** the Council of The Corporation of the Municipality of Wawa enacts as follows:

1. **THAT** a Committee, to be known as the Joint Compliance Audit Committee, is hereby established to deal with the matters provided for in Section 88.33 - 88.37 of the Municipal Elections Act, 1996.
2. **THAT** the Joint Compliance Audit Committee shall consist in accordance with the Terms of Reference attached hereto as Schedule "A-1".
3. **THAT** should any of the members of the Joint Compliance Audit Committee resign or otherwise be unable to perform their duties, the alternate will be called upon, without the necessity of taking any further steps to constitute them as members of the Joint Compliance Audit Committee.
4. **THAT** the business of the Joint Compliance Audit Committee be conducted in accordance with the Terms of Reference set out in Schedule "A" attached hereto, which shall form part of this By-Law.
5. **THAT** this may be referred to as the "Joint Compliance Audit Committee By-Law".
6. **THAT** this By-Law shall come into full force and effect on the 25<sup>th</sup> day of September, 2018.

**READ** a first, second and third time and be finally passed this 25<sup>th</sup> day of September, 2018.



  
PAT TAIT, DEPUTY MAYOR

  
CATHY CYR, DEPUTY CLERK

## TERMS OF REFERENCE

### FOR JOINT COMPLIANCE AUDIT COMMITTEE MANDATE

**1. Authority:**

The powers and functions of the Compliance Audit Committee (hereinafter referred to as the "Committee") are set out in Section 88.33 - 88.37 of the *Municipal Elections Act, 1996*.

**2. Purpose of Committee:**

- (a) Within 30 days of receipt of an application requesting a compliance audit, the Committee shall consider the compliance audit application and decide whether it should be granted or rejected;
- (b) If the application is granted, the Committee shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances;
- (c) The Committee will review the auditor's report within 30 days of receipt and decide whether legal proceedings should be commenced; and
- (d) If the auditor's report indicates that there were no apparent contraventions and if there appears there were no reasonable grounds for the application, the Committee shall advise Council accordingly.

**3. Eligibility to Serve on Committee:**

- (a) The Clerk or designate of each participating municipality shall be appointed as a Committee member for those participating municipalities as set out on Schedule "A-1" attached hereto.
- (b) If a designate is appointed in place of the Clerk, the designate must have the necessary qualifications and experience in municipal elections and accounting to perform the duties as a Committee member.
- (c) Any person who has:
  - (i) participated as a candidate in the elections of the participating municipalities on whose Committee he or she is appointed as a member; or
  - (ii) conducted audits or provided financial advice in respect of such campaigns,
- (d) Members of Council and candidates who are running for office in the 2018 municipal election are not eligible to be appointed to the Committee.
- (e) Municipal Staff can be appointed to the Committee but are not eligible to participate in audits occurring in their own municipality.

**4. Rules Governing Committee Members:**

- (a) In the event that a Committee member at any time during the term of his or her appointment, either accepts employment with or registers as a candidate for any of the participating municipalities on whose Committee he or she serves as a Member, his or her appointment to the Committee shall be terminated effective upon commencement of such employment or registration of candidacy.
- (b) Each Committee Member shall agree in writing that he or she will not at any time during the term of his or her appointment work for, or provide advice to, any candidate running for municipal office within the participating municipalities on whose Committee he or she serves as a Member.
- (c) To avoid any potential conflict of interest, any Committee member who has an accounting or auditing background shall agree in writing that he or she will not offer his or her services to any municipal election candidate.

**5. Committee Composition:**

The Committee of each participating municipality shall be comprised of three members. When a municipality is in receipt of a compliance audit application, the Clerk of the municipality receiving the application shall contact that municipality's Committee members, as shown on Schedule "A-1" hereto, and shall arrange for the three Members to hear the audit request. In the event that one of the three appointed Committee members is unable to participate when the Committee is required to process a compliance audit application, the alternate cited in Schedule "A-1" shall be deemed to be appointed to the Committee in place of the member who is unable to participate.

**6. Term of Appointment:**

The term of appointment to the Committee shall be equivalent to the term of Council during which the appointment was made.

**7. Committee Chair:**

The three member Committee called to hear a request for a compliance audit shall, at its first meeting, select one of its Members to act as a Chair for the balance of its term of appointment.

**8. Proposed Meeting Schedule:**

The Committee shall meet as required when a compliance audit application is received. Committee meetings shall be scheduled by the Clerk of the municipality in which an application is received, in consultation with the Committee Chair, if one has been appointed.

**9. Staffing and Funding:**

Staff from the municipality requiring the services of the Committee shall provide administrative support to the Committee.

A municipality requiring the services of the Committee shall be responsible for all expenses associated with the Committee's processing of an application for a compliance audit on its behalf. The municipality requiring the compliance audit shall reimburse Committee members for mileage at the rate established by his or her municipality and for expenses incurred for which supporting documentation is provided.

**10. Meetings:**

Meetings of the Committee shall be conducted in accordance with the open meeting requirements of the provisions in the *Municipal Act, 2001*. Fax or email will be utilized to communicate the meeting notices and agendas.

Meetings may be held by teleconference or videoconference, if this will not negatively affect the process.

**11. Remuneration**

Municipalities shall pay no retainer fee for participating in this agreement.

**SCHEDULE "A-1"**

to

**Terms of Reference for Joint Compliance Audit Committee Mandate**

Joint Compliance Audit Committee membership for each Participating Municipality

NAME OF MUNICIPALITY	FIRST COMMITTEE MEMBER	SECOND COMMITTEE MEMBER	THIRD COMMITTEE MEMBER	ALTERNATE COMMITTEE MEMBER
Chapleau	Dubreuilville	Wawa	White River	Hornepayne
Dubreuilville	Chapleau	Hornepayne	Wawa	White River
Hornepayne	Dubreuilville	Wawa	White River	Chapleau
Wawa	Chapleau	Dubreuilville	White River	Hornepayne
White River	Chapleau	Dubreuilville	Hornepayne	Wawa