
HALDIMAND COUNTY

Report CLE-02-2022 Joint Municipal Election Compliance Audit Committee For Consideration by Council in Committee on March 1, 2022



OBJECTIVE:

To recommend a coordinated approach for the establishment of a Municipal Election Compliance Audit Committee to act for the City of Brantford, County of Brant, Haldimand County and Norfolk County, as occurred in 2018.

RECOMMENDATIONS:

1. THAT Report CLE-02-2022 Joint Municipal Election Compliance Audit Committee be received;
2. AND THAT the establishment of a Joint Municipal Election Compliance Audit Committee amongst the City of Brantford, County of Brant, Haldimand County and Norfolk County, or any combination from amongst the four municipalities for the 2022 – 2026 term, be supported.

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Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

In order to meet legislative requirements, a Municipal Election Compliance Audit Committee (MECAC) will need to be established by October 1, 2022. Based on the successful appointment of a joint MECAC amongst the City of Brantford, County of Brant, Haldimand County and Norfolk County for the 2018 – 2022 term, it is recommended that the same approach be utilized for the upcoming term, providing an efficient and effective framework for all four municipalities.

BACKGROUND:

Section 88.37 of the *Municipal Elections Act, 1996*, as amended (Act), requires that a council or local board shall establish a MECAC before October 1 of an election year for the purposes of the Act. The purpose of the MECAC, is to review and consider an application for a compliance audit of candidates' election campaign finances or of registered third party election campaign finances. If an application is granted, an auditor will be appointed to conduct a compliance audit and produce a report. The MECAC will consider the auditor's report, and in the case where there is an apparent contravention of the Act, will decide whether to commence legal action.

The Act also requires that the Clerk review the contributions reported on the financial statements submitted by candidates and registered third parties to determine whether any contributor appears to have exceeded any of the contribution limits under the Act. In the case where a contributor appears to have contravened a contribution limit, the Clerk shall prepare a separate report concerning each apparent contravention and shall forward the report(s) to the MECAC for consideration and decision on whether to commence legal proceedings against the contributor.

ANALYSIS:

Haldimand County appointed a MECAC for both the 2010-2014 and 2014-2018 terms of Council and as the recruitment of interested and qualified candidates to serve on MECAC proved to be challenging in the past, staff worked with the Clerks of the City of Brantford, County of Brant, and Norfolk County subsequently to develop a coordinated approach to serve all four municipalities. In 2018, all four Councils of the proposed participating municipalities opted to support a joint MECAC to serve all four municipalities. After a coordinated recruitment, five members were appointed, one from each municipality with two members from the City of Brantford.

In 2019, there was only one meeting of the MECAC, following a Clerk's report outlining one contribution to a Haldimand County election candidate that apparently exceeded the legislated limit. The committee met once to consider the report and resolved that the overcontribution was negligible and required no further action. No other applications or Clerk's reports were received by MECAC in any of the four municipalities following the 2018 election or subsequent by-elections.

In following a similar approach in 2022, a coordinated advertisement will be prepared for use in all participating municipalities, likely towards mid to end of June, so as not to conflict with activities related to the June 2, 2022 provincial election. After the deadline for applications has passed, Clerks from the participating municipalities will collectively review the applications and follow up as necessary to determine a short list of applicants. Recommended appointments will be approved by a majority vote of the Clerks, and a list of recommended appointees will be presented to each Council for approval at an August or September meeting, in order to meet the October 1st deadline.

The intent is to ensure that, where possible amongst the five members to be appointed, a minimum of one member shall be a qualified elector from each participating municipality. A Terms of Reference was developed and approved in 2018 to outline the framework that the MECAC will function within (included as Attachment 1 to this report). Procedures were also established, providing some standardized processes while deferring to each host municipality's Procedure By-law etc.

After the October 24, 2022 municipal election, an inaugural meeting of MECAC will be held to provide an educational orientation session and for the members to select a Chair and Vice-Chair to preside over meetings. Thereafter, each Clerk will arrange for meetings as required in each municipality for MECAC to consider a Clerk's report, or an application for a compliance audit of a candidate or registered third party.

FINANCIAL/LEGAL IMPLICATIONS:

The payment for members of the joint MECAC, in the approved Terms of Reference is a per diem of \$150, plus the applicable mileage rate as set by the host municipality for travel to and from the member's home to the meeting location. Costs related to each meeting will be assumed by the host municipality, except the inaugural meeting which will be shared equally amongst all participating municipalities.

All expenses related to MECAC will be funded from the Election Reserve.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Terms of Reference for the Municipal Election Compliance Audit Committee