

MUNICIPAL ELECTION COMPLIANCE AUDIT COMMITTEE TERMS OF REFERENCE

NAME

The name of the Committee is the “Municipal Election Compliance Audit Committee” (MECAC). Members appointed to the Committee will serve the municipalities of the City of Brantford, the County of Brant, Haldimand County and Norfolk County. Members will also serve as the members of the Grand Erie District School Board and the Brant Haldimand Norfolk Catholic District School Board Election Compliance Audit Committees in a similar capacity.

MANDATE

The powers and functions of MECAC are set out in subsections 88.33 through 88.36 of the *Municipal Elections Act, 1996*, as amended (Act). MECAC is a quasi-judicial body and does not report to Council. MECAC will be required to:

- (a) review and consider a compliance audit application submitted by an elector and decide whether it should be granted or rejected;
- (b) if the application is granted, appoint an auditor to conduct a compliance audit;
- (c) receive the auditor’s report;
- (d) consider the auditor’s report and if the report concludes that the candidate appears to have contravened a provision of the *Municipal Elections Act, 1996*, as amended, relating to election campaign finances, the committee may commence legal proceedings against the candidate for the apparent contravention
- (e) review and consider any reports prepared by the Clerk pursuant to subsection 88.34 or 88.36 of the Act
- (f) in the case where the Clerk’s report identifies that a contributor has contravened the Act as described in subsection 88.34 or 88.36, the committee may commence legal proceedings against the contributor for the apparent contravention

TERM OF THE COMMITTEE

The term of MECAC shall be equivalent to the term of Council.

MEETINGS

MECAC will meet as needed, with meetings scheduled by the Clerk of the host municipality or his/her designate when a municipal election compliance audit application is received, or Clerk’s report is submitted.

COMPOSITION

MECAC will consist of 5 (five) members. Where possible, a minimum of one member shall be a qualified elector within each of the municipalities.

In accordance with the Act, Subsection 88.37(2), membership shall not include:

- a. employees or officers of the municipality or local board;
- b. members of the council or local board;
- c. any persons who are Candidates in the election for which the committee is established; or

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- d. any persons who are registered third parties in the municipality in the election for which the committee is established.

In addition to the legislated restrictions established for the composition of this committee, in order to avoid a conflict of interest, an individual shall be deemed ineligible to be a member of the committee if the individual:

- a) gives financial advice or prepares the financial statements of a candidate in an election for which the committee is established;
- b) is a family member or employee of a candidate in an election for which the committee is established, or any person connected to a candidate through an employment, contractual, business or partnership relationship; or
- c) is a volunteer or seeks employment to assist any candidate in the election for which the committee is established.

SELECTION OF MEMBERS

The Clerks (or designates) from the municipalities of the City of Brantford, County of Brant, Haldimand County and Norfolk County will meet to review the applications. Appointments selection will be approved by the majority vote of the Clerks. The approved names will be put forward to each Council for appointment to the committee.

Recommended skill sets for members of the MECAC include:

- Accounting and/or auditing experience
- Academic experience with expertise in political science or local government administration
- Legal experience and/or education
- Others with knowledge of the campaign finance rules contained in the Act

Criteria used to determine membership may include:

- Demonstrated knowledge and understanding of the municipal election finance rules;
- Analytical and decision making skills;
- Availability for meetings;
- Previous committee experience.

REMUNERATION

Members of the MECAC shall be paid a per diem rate of \$150 plus the applicable mileage rate as set by the host municipality. The mileage rate shall be applied from the member's home to the host municipality designated meeting location and return trip.

Expenses related to each meeting will be paid by the host municipality. Expenses for the inaugural meeting will be shared equally by all participating municipalities.