

Municipal Election Compliance Audit Committee

Rules of Procedure

Background

- a) Subsection 88.37 (1) of the *Municipal Elections Act, 1996* (the "MEA") requires municipal councils to establish a compliance audit committee before October 1 of an election year.
- b) Subsection 88.37 (6) of the *MEA* requires the Municipal Clerk to establish administrative practices and procedures for the Committee.

The following are the procedures of the MECAC (the "Procedures")

1. Definitions

As used in these procedures, the following terms shall have the meanings indicated:

- a) Affected Municipality – Any of the following: Regional Municipality of Waterloo, City of Cambridge, City of Guelph, City of Kitchener, City of Waterloo, Township of North Dumfries, Township of Wellesley, Township of Wilmot or Township of Woolwich.
- b) Applicant – An elector who makes an application under s. 88.33 of the *MEA*.
- c) Application – An application accepted by the Municipal Clerk pursuant to s. 88.33 (1) of the *MEA*.
- d) Candidate – The Candidate whose election campaign finances are the subject of an application.
- e) Chair – The MECAC Chair selected under s. 5 of these Procedures.
- f) Committee — The Municipal Election Compliance Audit Committee of the.
- g) Council — The Council of any of the following: Regional Municipality of Waterloo, City of Cambridge, City of Guelph, City of Kitchener, City of Waterloo, Township of North Dumfries, Township of Wellesley, Township of Wilmot or Township of Woolwich.
- h) *MEA* – The *Municipal Elections Act, 1996*, as amended.
- i) Municipal Clerk – The Municipal Clerk of any of the following: Regional Municipality of Waterloo, City of Cambridge, City of Guelph, City of

Kitchener, City of Waterloo, Township of North Dumfries, Township of Wellesley, Township of Wilmot or Township of Woolwich or the Clerk's designate.

- j) Secretary – The Municipal Clerk for any of the following: Regional Municipality of Waterloo, City of Cambridge, City of Guelph, City of Kitchener, City of Waterloo, Township of North Dumfries, Township of Wellesley, Township of Wilmot or Township of Woolwich or the Clerk's designate.

2. Rules

The rules in these Procedures shall be observed in all meetings of the Committee.

3. Matters not dealt with in the Procedures

If these Procedures do not provide for a matter of procedure that arises during a meeting, the practice shall be determined by the Committee, and the Committee may do whatever is necessary and permitted by law to enable it to effectively and completely deal with the matter before it.

4. Meetings

- a) The Committee shall meet at the request of the Municipal Clerk.
- b) The Municipal Clerk shall summon a meeting of the Committee when the Municipal Clerk considers it necessary, when required by the *MEA* or when requested to do so in writing by a majority of the Committee members.
- c) Meetings of the Committee shall be held at the Council Chambers of the affected municipality or such other location, as the Municipal Clerk deems appropriate.
- d) Committee meetings shall commence at a time and date to be set by the Municipal Clerk, and shall be adjourned on a vote of the Committee.
- e) A majority of the Committee members constitutes a quorum at meetings of the Committee.
- f) Meetings of the Committee shall be open to the public, but the Committee may deliberate in closed session as needed and will follow the procedures for closed meetings of the affected municipality.

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- g) The applicant, the Candidate and, where applicable, the auditor shall be given an opportunity to address the Committee.
- h) Addresses to the Committee shall be no more than five minutes in length, unless otherwise determined by the Committee

5. Committee Chair

- a) At the meeting, the Committee shall elect one of its members as Chair for the meeting. When the Chair of the Committee is absent or is otherwise unable to act, the Committee may appoint another member as Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair.
- b) The Chair is the liaison between the members and the Municipal Clerk on matters of policy and process.
- c) The Chair shall enforce the observance of order and decorum among the Committee members and the public at all meetings.

6. Delegation by Clerk

- a) The Municipal Clerk of the Committee may delegate administrative responsibilities to another individual including the Deputy Clerk or the Municipal Clerk of another Municipality.

7. Agenda

- a) Before each meeting the Municipal Clerk shall provide an agenda to each member of the Committee.
- b) The agenda shall include a copy of the Application.
- c) The Municipal Clerk shall distribute to Committee members before or during a meeting any written submissions, including those of a Candidate, in relation to an Application or other item on an agenda.
- d) The first matter of business on each agenda shall be the declaration of any conflict of interest.
- e) A copy of the agenda shall also be published on the affected municipality's website.

8. Lack of Quorum

If no quorum is present thirty 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 thirty consecutive minutes, the Municipal Clerk shall record the names of the members present and the meeting shall stand adjourned until the next meeting day scheduled by the Municipal Clerk.

If a meeting is adjourned due to a lack of quorum a new meeting will be called by the Municipal Clerk to ensure that the requirement of 88.33 (7) of the *MEA* is met.

9. Committee procedures

a) Opening statement

Where the agenda includes consideration of an Application, the Chair will read an opening statement outlining the procedure and format of the Committee meeting.

b) Motions

Following the opening statement and before considering the substance of agenda items, the Committee members may make preliminary motions, including motions to change the order of business or to defer an agenda item, with respect to any business properly before the Committee.

c) Committee Business

Prior to consideration of an item on the Committee agenda, the Chair will identify, for those present, the agenda item to be considered.

d) Introduction and recording of Applicant and Candidate

Prior to consideration of an Application, the Chair shall request that the Applicant and Candidate, if present, identify themselves.

e) Consideration of an Agenda Item

(1) Any persons present for the item, including the Applicant and the Candidate, who have registered with the Municipal Clerk, may speak to the item for up to five minutes.

(2) The Committee members may ask questions of anyone who speaks and of staff.

(3) Once all of those who have registered have been given an opportunity to speak as permitted by clause 9 e) (1), the Committee members will each have an opportunity to speak to the item.

(4) Committee members may request staff to acquire outside assistance such as legal counsel advice.

f) Voting on an Item

Once the process set out in 9 e) has concluded, Committee members may speak to the matter for a maximum of five minutes each, make motions and vote on the item.

g) Rules of Debate

(1) When two or more Committee members wish to speak, the Chair shall designate the member who first requested to speak as the member who speaks first.

(2) A Committee member may ask a question only:

a) Of a member who has already spoken on the matter under discussion.

b) Of the Chair;

c) Of an official of the affected municipality; and

d) Of any other person addressing the Committee pursuant to these Procedures.

(3) A Committee member may ask a question only for the purpose of obtaining information relating to the matter then under discussion.

(4) Every Committee member present at a meeting of the Committee when a question is put shall vote on the question, unless prohibited by law in which case the fact of the prohibition shall be recorded in the minutes of the meeting.

(5) The matter put to a vote shall be in the form of a motion addressing the matter then under consideration.

(6) Any Committee member may propose a motion on the matter then under consideration, and the Municipal Clerk shall record the motion in writing.

- (7) If there is more than one motion with respect to a matter, the Municipal Clerk shall record all motions in writing and read the various motions to the Committee members prior to the vote being taken.
- (8) The following are deemed to be procedural motions and shall be subject to consideration in the following order:
 - a) To change the order of business (not debatable).
 - b) To adjourn and amendments thereto (not debatable).
 - c) That the vote be now taken (not debatable).
 - d) To defer.

10. Notice

- a) The Clerk shall give notice of a Committee meeting generally in accordance with the procedural by-law of the affected municipality.
- b) Where an Application will be considered at a meeting, the Municipal Clerk shall give reasonable notice 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 in relation to the meeting or subsequent meetings at which the application is considered. The notice shall include the reasons given in the Application. The Candidate shall be requested to respond to the Application in writing. The written response shall be submitted to the Municipal Clerk a minimum of two days prior to the Committee meeting at which the Application will be considered.
- c) The Municipal Clerk will forward notice of the Committee's decision to the Applicant and the Candidate at the mailing address provided to the Municipal Clerk as required by these Procedures.

11. Committee decisions under MEA

- a) In accordance with s. 88.33 (7) of the *MEA*, within 30 days of receipt of the Application, the Committee shall consider the application and decide whether to grant or reject the Application.

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- b) 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.
- c) In accordance with s. 88.33 (17) of the *MEA*, within thirty days after receiving a report of an auditor submitted under s. 88.33 (13) of the *MEA*, the Committee shall consider the report and decide whether to commence a legal proceeding against the candidate for the apparent contravention.
- d) Brief written reasons for the decision are to be provided with the decision of the Committee.

12. Grant exceptions from Procedures

The Committee may waive any rule of procedure in this document, as it considers appropriate to ensure that the real questions in issue are determined in a just manner.

13. Voting

In the case of a tie vote, the motion or question shall be deemed to have been lost.

14. Minutes

- a) The Municipal Clerk 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.
- b) The Committee members shall each review and sign the minutes to confirm that the minutes reflect the Committee's actions.

