



**The Corporation of the City of Guelph  
Municipal Election Compliance Audit Committee  
Wednesday May 15, 2019 at 6:30 p.m.**

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**Attendance**

Members: Rosita Tse  
Robert Williams  
Karen Wilson  
Carl Zehr

Absent: Tom Jutzi

Staff: Mr. S. O'Brien, City Clerk/Returning Officer  
Ms. D. Tremblay, Council and Committee Coordinator

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**Call to Order (6:41 p.m.)**

Stephen O'Brien, City Clerk called the meeting to order.

Mr. O'Brien provided introductions of the committee members and staff in attendance.

**Disclosure of Pecuniary Interest and General Nature Thereof**

There were no disclosures.

**Election of Chair and Vice-Chair**

Stephen O'Brien, City Clerk, called for nominations for the position of Chair of the Municipal Election Compliance Audit Committee.

Member Robert Williams nominated member Carl Zehr for the position of Chair.  
Member Carl Zehr accepted the nomination.

1. Moved by Robert Williams  
Seconded by Rosita Tse

That Carl Zehr be appointed Chair of the 2018-2022 City of Guelph Municipal Election Compliance Audit Committee.

CARRIED

Stephen O'Brien, City Clerk, called for nominations for the position of Vice-Chair of the Municipal Election Compliance Audit Committee.

Member Rosita Tse nominated member Robert Williams for the position of Vice-Chair.  
Member Robert Williams accepted the nomination.

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2. Moved by Rosita Tse  
Seconded by Karen Wilson

That Robert Williams be appointed Vice-Chair of the 2018-2022 City of Guelph Municipal Election Compliance Audit Committee.

CARRIED

### **Staff Report**

#### **CS-2019-63**

#### **City Clerk/Returning Officer's Report/Review of Contributions**

3. Moved by Rosita Tse  
Seconded by Karen Wilson

That the City Clerk/Returning Officer's Report and review of contributions dated May 15, 2019 be received.

CARRIED

### **Application**

The Chair advised that the purpose of the meeting was to hear an application requesting a compliance audit submitted by David Gibson as per Section 88.33(1) of the *Municipal Elections Act*, with respect to the financial statement filed by Stacy Cooper for the 2018 municipal election.

The Chair requested that the parties identify themselves.

Mr. David Gibson, the Applicant, was present and advised that he would be representing himself.

Mr. Abi Kantamneni, Agent for the Candidate, identified himself and advised that he would be representing the Candidate, Stacy Cooper.

### **Applicant Submission**

Mr. Gibson, provided a summary of the submitted application, expressing his concern with the financial statement filed by Stacy Cooper and a community publication that was published in the summer of 2018.

The Chair provided the committee an opportunity answer questions of Mr. Gibson. The committee did not ask any questions.

### **Candidate Submissions**

Mr. Kantamneni spoke on behalf of Stacy Cooper, with respect to the application to request a compliance audit of her financial statements and provided a summary of the materials submitted by the Candidate in response to the Application.

### **Committee Questions**

The Committee requested clarification from Mr. Kantamneni as to when the interview in the community publication took place and when she became aware of the publication date of the article.

Committee recessed at 7:10 p.m. to permit Mr. Kantamneni an opportunity to speak with Ms. Cooper and reconvened at 7:12 p.m.

Mr. Kantamneni provided the committee with a response to their questions.

### **Additional Responses**

The Chair provided the parties an opportunity to provide responses to the other party's submissions.

Mr. Gibson provided additional clarification regarding his request.

Mr. Kantamneni provided further clarification regarding intent, nature and timing of the publication.

### **Questions from the Committee**

The Committee requested clarification from the City Clerk as to whether the Application filed by Mr. Gibson is a valid application.

The City Clerk advised that the Application received by Mr. Gibson did meet the requirements under the Municipal Elections Act.

### **Parties Final Submissions**

Mr. Gibson provided comments with respect to role of the auditor should a compliance audit be permitted.

Mr. Kantamneni clarified comments with respect to the reference of an invalid application in Stacy Cooper's responding materials.

### **Committee Deliberations**

The Committee members deliberated and provided comments with respect to the application.

### **Authority to Resolve into a Closed Meeting**

4. Moved by Rosita Tse  
Seconded by Robert Williams

That the Municipal Election Compliance Audit Committee now hold a meeting that is closed to the public pursuant to section 239(2) (g) of the Municipal Act for a matter in respect of which a council, board, committee or other body may

hold a closed meeting under another Act being Section 88.33(5.1) of the Municipal Elections Act.

CARRIED

**Closed Meeting** (8:06 p.m.)

**Rise from closed meeting** (8:38 p.m.)

**Closed Meeting Summary**

The Chair advised that the Compliance Audit Committee deliberated in relation to its responsibilities under section 88.33(7) and (8) of the Municipal Elections Act and the Committee renders its decision as follows:

The City of Guelph Municipal Election Compliance Audit Committee renders its decision in relation to the application by David Gibson for an audit of the candidate, Stacy Cooper's financial filings for the 2018 Municipal Election as follows:

1. That the request for a Compliance Audit review of Stacy Cooper's 2018 Election Financial Statement, be rejected.

Reasons:

1. The magazine article was not an advertisement as advertisements are understood for commercial or election purposes where a dollar value has normally been attributed.
2. To the best of the committee's knowledge the candidate did not request or solicit the article.
3. There was no mention of Stacy Cooper's candidacy within the article. The article did not support or promote Ms. Cooper as a candidate nor oppose another candidate.
4. The ordering of an audit may not add to the level of clarity required and sought by the committee under the Act.

A copy of the original City of Guelph's Municipal Election Compliance Audit Committee's Decision is available for viewing in the City Clerk's Office upon request.

5. Moved by Karen Wilson  
Seconded by Rosita Tse

That the request for a Compliance Audit review of Stacy Cooper's 2018 Election Finance Statement, be rejected.

CARRIED

**Adjournment** (8:41 p.m.)

6. Moved by Rosita Tse  
Seconded by Robert Williams

That the meeting be adjourned.

CARRIED

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Carl Zehr, Chair

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Robert Williams, Vice-Chair