

Municipal Election Compliance Audit Committee Meeting Agenda

Wednesday, May 15, 2019 – 6:30 p.m.
Council Chambers, Guelph City Hall, 1 Carden Street

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Call to Order – City Clerk

Disclosure of Pecuniary Interest and General Nature Thereof

Election of Chair and Vice Chair

CS-2019-63 City Clerk/Returning Officer's Report/Review of Contributions

Recommendation:

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

Application requesting a compliance audit under Section 88.33 of the Municipal Elections Act

1. Notice of Meeting dated April 18, 2019.
2. Application submitted by David Gibson with respect to the financial statement filed by Stacy Cooper.
3. Responding materials and Letter of Direction for Agent submitted by Stacy Cooper.

Adjournment

Staff Report



To	Municipal Election Compliance Audit Committee
Service Area	Corporate Services
Date	Wednesday, May 15, 2019
Subject	City Clerk/Returning Officer's Report/Review of Contributions
Report Number	CS-2019-63

Recommendation

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

Executive Summary

Purpose of Report

To provide the Municipal Election Compliance Audit Committee (MECAC) with the Clerk's report regarding the review of contributions to municipal election candidates during the 2018 Municipal Election in accordance with Section 88.34 of the Municipal Elections Act (MEA).

Key Findings

In accordance with Section 88.34 (1) and (2) of the MEA, as soon as possible following the day that is 30 days after the candidate financial filing date, the Clerk is required to review the contributions reported on the financial statements submitted under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9.

The Clerk is to provide a report to the MECAC which identifies each contributor to a candidate for office on Council who appears to have contravened any of the contribution limits under Section 88.9.

The City Clerk's Office conducted an examination of all contributors listed on Schedule 1 of the submitted candidate financial statements to determine whether any contributors exceeded the maximum contribution limits. None were identified as exceeding contribution limits. These results were confirmed by a specified auditing procedure conducted by KPMG Chartered Professional Accountants.

Financial Implications

Costs of the review of candidate financial filings by KPMG Chartered Professional Accountants will be paid from the election reserve.

Report

The 2018 municipal and school board election was held on October 22, 2018.

Candidates Financial Filing Requirements

In accordance with Sections 88.22 to 88.25 of the MEA, municipal election candidates are required to file financial statements for their campaigns by the financial filing deadline of March 29, 2019 at 2:00 p.m. in order not to incur penalties under Section 88.23(2) of the MEA.

In addition, Section 88.23 (9) and (10) of the MEA, permits candidates to file their financial statements and waive penalties by paying a late filing fee, by April 29, 2019 at 2:00 p.m.

Clerk/Returning Officer's Responsibilities

In accordance with Section 88.34 (1) and (2) of the MEA, as soon as possible following the day that is 30 days after the filing date, the Clerk is required to review the contributions reported on the financial statements submitted by candidates under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9, and provide a report to the MECAC which identifies each contributor to a candidate for office on Council who appears to have contravened any of the contribution limits under Section 88.9.

The City Clerk's Office conducted an examination of all contributors listed on Schedule 1 of the submitted candidate financial statements to determine whether any contributors exceeded the maximum contribution limits. None were identified as exceeding contribution limits.

The City Clerk's Office retained the specified auditing services of KPMG Chartered Professional Accountants to conduct an evaluation of the City Clerk's Office review of contributions. KPMG concurred with the findings of the City Clerk's Office that no contributors have exceeded contribution limits. See Attachment 1 KPMG Report on Specified Auditing Procedures.

Summary:

No contributors exceed contributions limits as set out in section 88.9 of the MEA.

Financial Implications

Costs of the review of candidate financial filings by KPMG Chartered Professional Accountants will be paid from the election reserve.

Consultations

KPMG Chartered Professional Accountants

Corporate Administrative Plan

Overarching Goals

Service Excellence

Service Area Operational Work Plans

Our Services - Municipal services that make lives better

Attachments

Attachment-1 KPMG Report on Specified Auditing Procedures

Report Author

Donna Tremblay, Council and Committee Coordinator



Approved By

Stephen O'Brien
City Clerk/Returning Officer
Corporate Services
519-822-1260 Ext. 5644
stephen.obrien@guelph.ca



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Chartered Professional Accountants
115 King Street South
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Waterloo, Ontario N2J 5A3

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Internet www.kpmg.ca

REPORT ON SPECIFIED AUDITING PROCEDURES

To the Clerk of the City of Guelph

As specifically agreed, we have performed the specified auditing procedures enumerated below in connection with the 2018 Municipal Election as to the amounts of contributions and related financial information provided by municipal election candidates for the City of Guelph during the 2018 Municipal Election. The specified auditing procedures are summarized, along with the findings, as follows:

Specified Auditing Procedures Performed	Findings
Obtain from the clerk copies of each of the candidates financial statements, in the prescribed form.	a) A listing of municipal candidates for the 2018 City of Guelph election campaign for which we obtained Financial Statement – Auditor's Report Candidate – Form 4 ("Form 4") is included in Appendix A.
Obtain from the clerk the calculation of the maximum campaign finance expenditures calculated under MEA 88.20(13).	b) The maximum campaign expenditures received from the municipal clerk for the 2018 City of Guelph election campaign is contained in Appendix B.
Compare the total reported expenditures on each of the candidates' financial statements to the maximum calculated under MEA 88.20(13) and calculate and report the difference.	c) We compared the total reported expenditures in each of the candidate's Form 4 to the maximum campaign expenditures noted in item b) above. In each comparison, the reported expenditures in the Form 4 were less than the maximum campaign expenditures.
Obtain the listings of campaign contributors for each candidate from the candidates' financial statements.	d) We obtained the listings of campaign contributors as per Schedule 1 – Contributions contained in the Form 4.
Aggregate the listings of campaign contributors into one Master List.	
Examine the master list for any contributions in excess of \$1,200 (MEA 88.9(1)) and report any amounts identified in excess of \$1,200.	e) We examined each candidate's Schedule 1 of Form 4 to identify any contributors whose contributions appeared to exceed \$1,200. None were identified.



Perform tests to identify multiple contributions by a single donor. Identify any aggregations of contributions in excess of \$5,000 (MEA 88.9(4)) and report any amounts identified in excess of \$5,000.	f)	We examined all of the Schedule 1s of Form 4 in aggregate for all candidates to identify any contributors whose contributions appeared to exceed \$5,000. None were identified.
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Our engagement was performed in accordance with Canadian generally accepted standards for specified auditing procedures engagements.

We make no representation regarding the appropriateness and sufficiency of the specified auditing procedures. These specified auditing procedures do not constitute an audit or review of municipal election candidates' financial information, and therefore we are unable to and do not provide any assurance on such information.

Our report is intended solely for the Clerk of the City of Guelph and should not be distributed or used by parties other than the City of Guelph.

A handwritten signature in black ink that reads 'KPMG LLP' with a horizontal line underneath.

Waterloo, Canada
April 30, 2019



Appendix A

Candidate	Position
Cam Guthrie	Mayor
Aggie Mlynarz	Mayor
Dan Gibson	Ward 1
Bob Bell	Ward 1
Charlene Downey	Ward 1
Jamie Killingsworth	Ward 1
Mark Gernon	Ward 1
Jax Thornton	Ward 1
Dave Heffernan	Ward 1
James Gordon	Ward 2
Rodrigo Goller	Ward 2
Jonathan Knowles	Ward 2
Dorothe Fair	Ward 2
Mary Thring	Ward 2
Sudha Sharma	Ward 2
Phil Allt	Ward 3
June Hofland	Ward 3
Patrick Sheridan	Ward 3
Steven Petric	Ward 3
Christine Billings	Ward 4
Mike Salisbury	Ward 4
Indu Arora	Ward 4
Peter Hamtak	Ward 4
Matt Saunders	Ward 4
Brendan Clark	Ward 4
Leanne Piper	Ward 5
Cathy Downer	Ward 5
Alex Green	Ward 5
Dominique O'Rourke	Ward 6
Mark MacKinnon	Ward 6
Stacy Cooper	Ward 6
Anshu Khurana	Ward 6
Usha Arora	Ward 6
Lise Burcher	Ward 6



Appendix B

Office	Maximum Campaign Expense	Maximum Contribution to Candidate's Own Campaign
Mayor	\$83,631.10	\$25,000.00
Councillor Ward 1	\$19,294.45	\$8,363.40
Councillor Ward 2	\$16,866.00	\$7,792.00
Councillor Ward 3	\$15,560.50	\$7,506.00
Councillor Ward 4	\$16,804.80	\$7,777.60
Councillor Ward 5	\$17,596.15	\$7,963.80
Councillor Ward 6	\$20,040.75	\$8,539.00

Meeting Notice
Municipal Election Compliance Audit Committee

With regards to an application by David Gibson, under the Municipal Election Act, for a compliance audit of the financial statements filed by Stacy Cooper, please be advised that a meeting to consider the application will be held at Guelph City Hall, 1 Carden Street, Guelph, Ontario in the Council Chambers, on Wednesday, May 15, 2019 at 6:30 p.m. before the City of Guelph Municipal Election Compliance Audit Committee.

Attached to this notice of meeting is the following:

1. Correspondence from David Gibson to the City Clerk /Returning Officer dated April 9, 2019, requesting a meeting before the Municipal Election Compliance Audit Committee with respect to a compliance audit of the financial statement filed by Stacy Cooper.

The purpose of the hearing is to consider the application and decide whether it should be granted or rejected.

The meeting will be held under the authority of the Municipal Elections Act, 1996 and the City's Procedural By-law (2018)-20352.

If you do not attend the hearing before the Municipal Election Compliance Audit Committee at the date, place and time indicated in this notice of meeting, either in person or by lawyer or agent, the Committee may proceed in your absence to render its decision, and you will not be entitled to further notice of the Committee.

Issued at the City of Guelph this 18th day of April, 2019.

Yours truly,



Stephen O'Brien
City Clerk/Returning Officer

TO: David Gibson, Applicant
Stacy Cooper, Candidate

COPIES TO: Municipal Election Compliance Audit Committee Members

April 9, 2019

Stephen O'Brien, City Clerk / Returning Officer

City Clerk's Office, Corporate Services

City of Guelph

519-822-1260 x 5644

stephen.obrien@guelph.ca

Dear Mr. O'Brien:

Attn: Compliance Audit Committee, City Clerk/Returning Officer

I am writing to request an audit of the financial disclosure of the **2018 campaign to Elect Stacy Cooper**, Ward Six, City of Guelph Council (Campaign) for compliance with the *Municipal Elections Act (MEA)* 1996, in reference to the MEA's rules for 3rd Party Advertising, under Sections:

88.3 (1) "election campaign advertisement" means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate. 2016, c. 15, s. 47.

(2) An election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate. 2016, c. 15, s. 47.

88.21 (1) An expense shall not be incurred by or under the direction of an individual, corporation or trade union in relation to third party advertisements that appear during an election in a municipality unless he, she or it is a registered third party in the municipality.

My concerns relate to the September 2018 issue of the publication '*Neighbours of Clair and Gordon*' that featured a cover story profiling Ms. Cooper.

'Neighbours of Clair and Gordon' is monthly magazine advertisement (or 'advertorial') for Ward Six businesses, delivering sponsored content in the style of editorial or objective articles, including a cover feature profiling a Ward Six resident.

The issue profiling Ms. Cooper was published well after the City's registration deadline for all candidates and six weeks prior to election day. However, the article makes no reference to Ms. Cooper's candidacy for City Council.

In a traditional journalistic article - this omission would be inconceivable. In this context, it lends an impression the publication is, at very least, aware that publishing a favorable personal profile of a declared candidate shortly before the election, in a free advertising publication that is distributed across the Ward, could be considered problematic.

Regardless, it remains unclear how the Campaign would demonstrate that this article and the publication is not fundamentally “an advertisement in any broadcast, print, electronic or other medium...” and that the optimal timing of its publication at the height of campaign season had no “...purpose of promoting or supporting the election of a candidate.”

In this regard, I note that no other Ward Six candidates were profiled by this publication and that Ms. Cooper promoted the article on her Campaign’s Facebook page (see attachment).

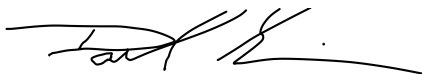
At best, all of this gives the appearance of a significant lapse of professional judgment on the part of the publication and the campaign. At worst, it signals a coordinated or directed effort to exploit an existing business relationship or membership to circumvent the MEA’s rules by using a less traditional and subtler form of advertising. One that clearly raises Ms. Cooper’s profile at the height of campaign season albeit without the financial or volunteer resources required for more traditional (and expensive) tools such as signs, brochures, or door to door canvassing.

In any case, I believe that if any candidate is allowed undue latitude in this area, this will have a chilling effect on the trust in the integrity and transparency of the City of Guelph’s election process. As you know, this is essential to all democratic elections regardless of their outcomes.

For these reasons, I respectfully request the Committee to exercise its authority to request an audit of the Campaign’s financial disclosure for consistency with and the principles of the MEA.

Thank you for considering my request. Please do not hesitate to contact me if I can provide further assistance or clarity on any of the above.

Sincerely,



David Gibson
Ward Six Resident and Eligible Voter





Cooper Ward
Candidate
stacy

Community
ads
Page

Like Follow Share ...

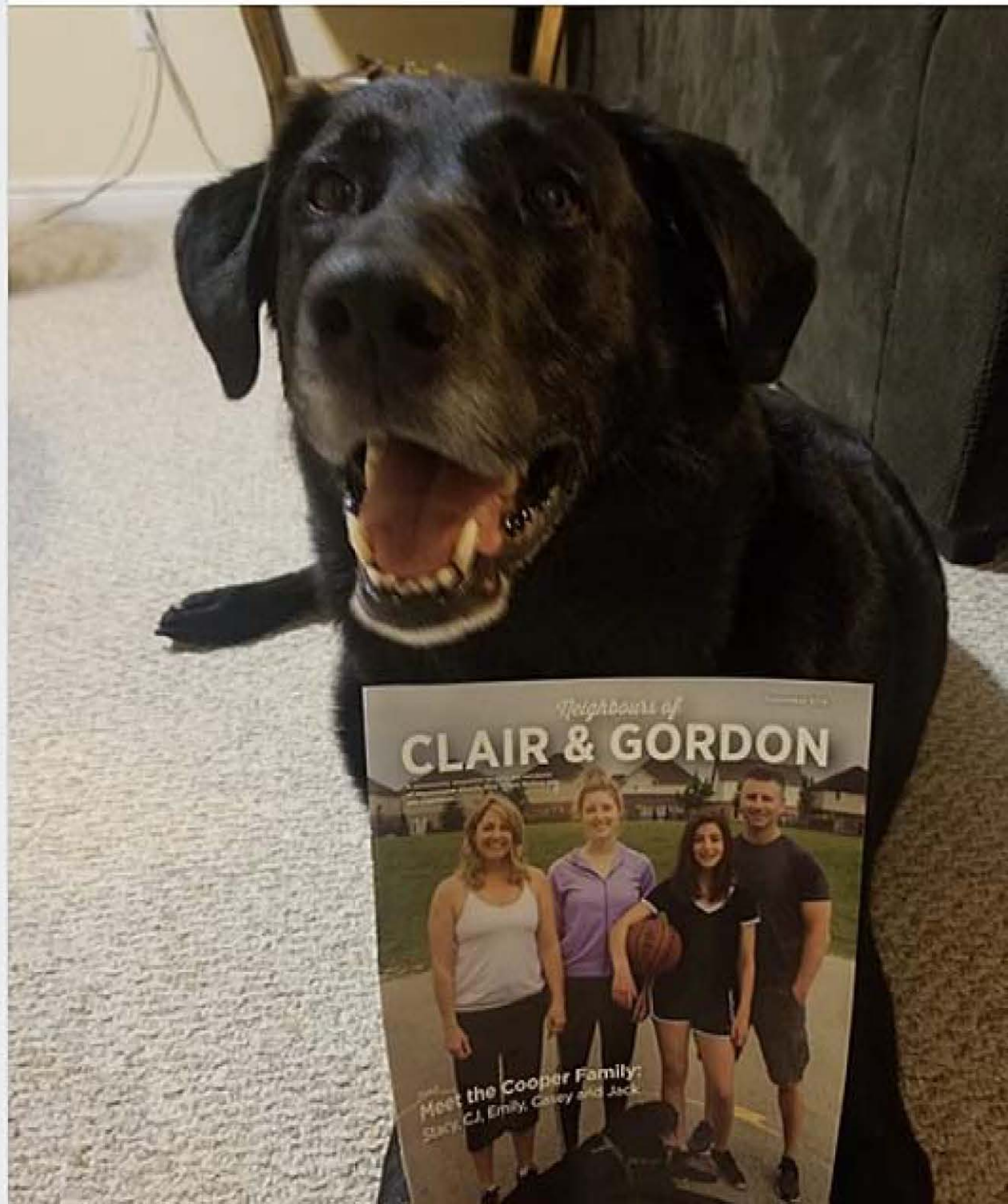
Posts



Stacy Cooper Ward 6 Candidate

14 September at 20:50 · 🌐

Many thanks to Neighbours of Clair & Gordon magazine for their interview. Meet the Cooper Family (@kimdmandar, Leah deSpiegelaere and Emily Charbonneau). Jack can't wait to read the article! #LoveMyWard6 #PositiveChange



STACY COOPER – DEFENDANT

APRIL 29, 2019

Stacy Cooper

RE: APPLICANT REQUEST FOR A COMPLIANCE AUDIT OF STACY COOPER'S CAMPAIGN
FINANCIAL RECORDS 2018

In the matter of the request for an audit of the financial disclosure of my 2018 campaign financials, specifically regarding my compliance to the Municipal Elections Act (MEA) 1996, in reference to the MEA's rules for Third Party Advertising, Sections 88.3 (1) and 88.3 (2) and 88.21 (1), I request that the Audit Committee REJECT this request based on the following evidence.

These documents are submitted as factual and checked for accuracy to the best of my ability.

Humbly Submitted,

Stacy Cooper

A handwritten signature in black ink, appearing to read "Stacy Cooper", with a stylized, cursive script.

Candidate, Ward 6 Resident, Eligible Voter

APRIL 29, 2019

Stacy Cooper

RE: APPLICANT REQUEST FOR A COMPLIANCE AUDIT OF STACY COOPER'S CAMPAIGN
FINANCIAL RECORDS 2018

For the purpose of the hearing set for May 15, 2019 at 6:30pm at City Hall, please be notified that Abhilash (Abhi) Kantamneni will be acting as my agent.

Please include him in all future correspondence and direct questions at this hearing to him in my defense.

Humbly Submitted,

Stacy Cooper

A handwritten signature in black ink, appearing to read 'Stacy Cooper' with a large, stylized flourish at the end.

Candidate, Ward 6 Resident, Eligible Voter

1. CANDIDATE'S REPLY TO PARAGRAPH ONE OF LETTER SUBMITTED APRIL 9, 2019

"I am writing to request an audit of the financial disclosure of the 2018 campaign to Elect Stacy Cooper, Ward Six, city of Guelph Council (Campaign) for compliance with the Municipal Elections Act (MEA) 1996, in reference to the MEA's rules for 3rd Party Advertising..."

- a. According to the City of Guelph's own website, there are procedures to follow in filing an official complaint against a candidate. It is unclear to me if David Gibson actually followed the rules and protocol as recommended by the City of Guelph. Yet his submission was still allowed. See **Exhibit 1. A and B.**
- b. This should have been enough for the Clerk's office to not accept this complaint.

2. CANDIDATE'S REPLY TO PARAGRAPH 2

"88.3 (1) "...print, electronic or other medium that has the purpose of promoting or supporting the election of a candidate."

- a. Let's emphasize those words, "that has the purpose of promoting or supporting the election of a candidate." Leah deSpiegelaere from Best Version Media (BVM) has graciously submitted a letter to reject this statement wholeheartedly. Ms. deSpiegelaere and I had never met before and she had no idea that I was running for a Council spot. You can read her letter as **Exhibit 2. A.**
- b. When citizens like David Gibson are allowed to file an unwarranted complaint, they should do their due diligence as to what actually is political advertising and what isn't. See **Exhibit 2. B.**

3. CANDIDATE'S REPLY TO PARAGRAPH 3

"An election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate..."

- a. For anyone who has read the article, you can clearly tell this is not a campaign advertisement and it definitely was not directed by a Candidate. As stated in **Exhibit 2. A**, BVM did not ask for financial compensation nor did the campaign for Stacy Cooper hide in its financial statements some sort of contribution from anyone from BVM. There would be no need to register as a Third Party Advertiser as no mention of the candidacy is ever mentioned in their publications.

4. CANDIDATE'S REPLY TO PARAGRAPH 4

"An expense shall not be incurred by or under the direction of an individual...in relation to third party advertisements that appear during an election..."

- a. An expense was not incurred as stated in 3. a. and by **Exhibit 2. A.** As I have completed my financial records with a certified bookkeeper and organized my finances through QuickBooks and have accounted for every financial activity related to the campaign, an audit will not prove or identify any of the issues that Mr. Gibson is complaining about here. According to the 2018 Candidates' guide for Ontario municipal council and school board trustees/Campaign finance/Record keeping, I completed the following:

- i. Kept receipts issued for every contribution including when I accepted the contribution and the date I issued the receipt, including those under \$100,
- ii. Kept the value of every contribution, whether it was in the form of money or goods or services, and the contributor's name and address,
- iii. Inputted all expenses, including receipts obtained for each expense,
- iv. Kept records of funds raised and expenses incurred from fundraising event or activity,
- v. Inputted all relevant activities related to the campaign in QB and had a qualified bookkeeper transfer that data into the Financial Statement-Auditor's Report Candidate Form 4. What would be gained from causing taxpayers to pay for extra staff time and an auditor to examine my books? I have better records than most candidates who aren't under this scrutiny.

5. CANDIDATE'S REPLY TO PARAGRAPH 5

"My concerns related to the September 2018 issue of the publication 'Neighbours of Clair and Gordon' that featured a cover story profiling Ms. Cooper."

- a. Mr. Gibson's comment is intentionally misleading. In **Exhibit 5. A**, you can read for yourself that the article does in no way, "feature" me. It is about MY FAMILY and their accomplishments. If Mr. Gibson is upset that his family was not featured, he should take that up with Ms. deSpiegelaere and not air out his grievances in this forum.

6. CANDIDATE'S REPLY TO PARAGRAPH 6

"'Neighbours of Clair and Gordon' is [a] monthly magazine advertisement (or 'advertorial') for Ward Six businesses, delivering sponsored content in the style of editorial or objective articles, including a cover feature profiling a Ward Six resident."

- a. Mr. Gibson's comments are not only insulting to BVM and the integrity of their publication, but are made intentionally to be erroneous once again to imply any wrongdoing on behalf of myself or BVM. The fact that each member of my family is profiled speaks as to how amazing my family is and how we contribute to our community and abroad.

7. CANDIDATE'S REPLY TO PARAGRAPH 7

"...However, the article makes no reference to Ms. Cooper's candidacy for City Council."

- a. Why is this even a hearing when Mr. Gibson states it in his own complaint letter that there is no connection to the election?
- b. The article of my family is not a sponsored content, is not an advertisement, and is not directed by the Candidate. In **Exhibit 7. A**, handed out to each candidate at the Information Session for Candidates, it states clearly what is considered

third party advertising and the article clearly does not promote, support or ask for a “yes” or “no” answer to a question on a ballot.

8. CANDIDATE’S REPLY TO PARAGRAPH 8

“In a traditional journalistic article – this omission would be inconceivable...”

- a. Refer to **Exhibit 2. A.**
- b. If this is true, then every article, positive or negative that ever gets written about an incumbent or potential candidate would have to be declared, even if they don’t know about it. I could cite multiple social media posts and publications, but where does this end? If we are going to put my campaign under the microscope, then it’s imperative that we do it for every candidate. In **Exhibit 8. A**, where 7 candidates paid to be in the October spread of Snapd, four (4) of them did not, yet received the “perceived media advantage” of being included in that publication.

9. CANDIDATE’S REPLY TO PARAGRAPH 10

“In this regard, I note that no other Ward Six candidates were profiled by this publication and that Ms. Cooper promoted the article on her Campaign’s Facebook page (see attachment).”

- a. Refer again to **Exhibit 7. A.**
- b. Several sources have confirmed that Ms. O’Rourke complained on three separate occasions about this article and one other publication that was written about myself and/or my family and its “perceived media advantage”. I sought advice from the Clerk’s office and my own legal because Ms. O’Rourke complained to me about the advantage the article gave me. Phrases in this complaint from Mr. Gibson mirror what she said to me on September 27th. The fact that I had posted a picture of my dog posing with the magazine on my closed campaign Facebook page for family and friends does not violate any campaign rules. The connection between Ms. O’Rourke can be traced through Mr. Gibson’s wife, Jennifer Gibson, volunteer and campaign contributor for Ms. O’Rourke. See **Exhibit 9. A and B.**

10. CANDIDATE’S REPLY TO PARAGRAPH 11, SENTENCE ONE

“...appearance of a significant lapse of professional judgment on the part of the publication and the campaign...”

- a. Again, refer to **Exhibit 7. A.**

11. CANDIDATE’S REPLY TO PARAGRAPH 11, SENTENCE THREE

“...clearly raises Ms. Cooper’s profile at the height of campaign season albeit without the financial or volunteer resources required for more traditional (and expensive) tools...”

- a. Again, this article is a profile of my entire family and not of my candidacy. There is no evidence that this heightened my profile in the elections, considering that I lost by 2000 votes to the leader. I see no clear advantage that this article supposedly implied.

12. CANDIDATE'S REPLY TO PARAGRAPH 12

"chilling effect on the trust in the integrity and transparency of the City of Guelph's election process. As you know, this is essential to all democratic elections regardless of their outcomes."

- a. What an ironic statement from Mr. Gibson, considering he did not follow due process in filling out the proper form to file this complaint against me.
- b. If we want to truly protect the integrity of the election process, we will have invalid complaints like this one not be allowed to get to this point. From the 2014 Elections, we are poised to repeat the same mistakes and cost taxpayers yet again. In **Exhibit 12. A**, you see that another Ward 6 Candidate was dragged through the "process" without just cause as well. Mr. David Shaw states it eloquently when he says, "...has the appearance of intimidation of candidates having different opinions than the complainant. This is something the city should not be enabling....and that [an] audit and its costs should never have been undertaken."

13. CANDIDATE'S REPLY TO PARAGRAPH 13

"...respectfully request the Committee to exercise its authority to request an audit of the Campaign's financial disclosure for consistency with and the principles of the MEA."

- a. What consistency is Mr. Gibson referring to? To cause undue stress to citizens like myself who put themselves out there to run for Council to then get punished for that aspiration.
- b. If we want to follow the principles of the MEA, we won't allow this to go any further whereby taxpayers are going to flip the bill for this frivolous complaint yet again. See **Exhibit 13. A and B**. Forcing an audit will prove nothing and will cost the City unnecessarily in its reputation and its funds.

In closing, I have this to say.

The article in question is not a feature of me or my candidacy and was not directed by me. On that basis, you need to REJECT this request. As an Audit Committee, you have the obligation to preserve the integrity of the MEA and to follow certain criteria in allowing a complaint to even come forward. In **Exhibit 14. A**, you are to *determine if an investigation should be started...and if an elector has reasonable grounds to believe that the candidate contravened the Act*. These accusations presented by David Gibson are void of any evidence and to let this go further than this hearing is an injustice to our electoral process.

I ran a clean campaign and I am proud of the race I ran. I did not need to sign the Better Ballot Campaign, a pledge telling me how to behave. I am deeply saddened by the actions of some candidates and members of this community during this Campaign and to Mr. Gibson in particular who brought forward this frivolous complaint.

I've stayed quiet over what I've endured to run for this election. But enough is enough. I let it go when a candidate complained over unfair media advantages, when another female candidate wrote lies online about me, when my signs got riddled with bullet holes, when I was heckled at a Water for Life event by a supporter of a candidate, while incumbents and Wellington Water Watchers stood by quietly, these same people who signed the Better Ballot Campaign. But this new attempt at intimidation and outright pettiness, I will not endure. If this goes any further than this hearing, then I will have no choice but to seek a counterclaim and seek damages for mental anguish and distress, and legal costs citing all those involved.

These are people's lives you're meddling with and inflicting undue stress upon. I have always been a contributing member of this community, not just when the cameras are on or during campaign time. I would like to be focussed on that.

The fact that the Clerk's office would not move this hearing by one day speaks volumes as to how I've been treated in this campaign. I stated that May 15th was the only date that could not work for me but was told it could not be moved. My husband is being inducted into the Guelph Sports Hall of Fame this same night, a program organized by the City. Would they rather have it look like I don't care enough to show up to defend myself, I can't say. My place is with my husband and his special night. It should be a night of joy and celebration. Instead, this night will be marred, much like the article written about our family has been darkened, by this ridiculous complaint.

See **Exhibit 14. B and C**.

In evidence of what has been presented and how I have been treated and targeted unfairly, I am hoping that it ends here. I put my trust and faith in the Audit Committee that I will receive a fair and due process.

Municipal Election Compliance Audit

An eligible voter who believes that a candidate or registered third party advertiser has contravened the election campaign finance rules under the **Municipal Elections Act, 1996** may apply for a compliance audit of their campaign finances. To apply for a compliance audit for a mayoral candidate, councillor candidate or registered third party advertiser:

1. Complete the **Compliance Audit Request Form**
2. Submit the form and any supporting documents by the deadline indicated below:
 - in person or by mail to: Attention: City Clerk,
Guelph City Hall
1 Carden Street
Guelph ON, N1H 3A1
 - or email to guelphvotes@guelph.ca

The City Clerk must receive the compliance audit application by the following dates:


- For the initial financial filing deadline of March 29, 2019, the City Clerk must receive the compliance audit application form by June 27, 2019.
- For financial statements filed during the 30-day grace period or a court-ordered extension, the City Clerk must receive the compliance audit application within 90 days of the extension filing date.

2018 election results and financial statements

Financial statements – information for candidates

Compliance Audit Committee

Tweets

 City of Guelph

We're lit up yellow with our flags at half-mast this weekend for the National Day of Mourning, observed every year on April 28. Today, we remember and honour those who have lost their lives or who have been injured while at work. #DayOfMourning





APPLICATION FOR COMPLIANCE AUDIT

APPLICANT INFORMATION

Name of applicant _____

Mailing address _____

City _____

Province _____

Postal code _____

Phone _____

State the address or description of property that qualifies the applicant as an elector in the City of Guelph (if different from mailing address)

COMPLIANCE AUDIT OF ELECTION CAMPAIGN FINANCES REQUESTED OF

Name of candidate _____

Candidate for the office of _____

Date for election of the office _____

GROUND'S FOR AUDIT REQUEST

I, the undersigned applicant, an elector who is entitled to vote in the municipal election, have reasonable grounds for believing that the candidate has contravened a provision of the *Municipal Elections Act, 1996 (MEA)* relating to election campaign finances.

The reasonable grounds are (specify sections of the *MEA*) (attach additional sheets if necessary)

I believe the facts and information submitted above to be true, and I hereby request a compliance audit of the candidate's election campaign finances.

Date

Signature of applicant

In accordance with Section 88 (5) of the *MEA*, this form contains information collected and maintained specifically for the purpose of creating a record available to the general public and may be inspected by any person at the Clerk's Office at any time when the office is open.

To Whom It May Concern:

I realize the letter is not addressed specifically to me but, as the Publisher and business owner of the publication in question, I would like to offer a response.

In response to the *Municipal Elections Act* Sections referenced by Mr. Gibson, I do not feel that any violation took place as: 1) It was not an election campaign advertisement, and; 2) No expense was incurred for this story.

Below is an excerpt from our content handbook. The article was thoroughly vetted by our quality review protocol (various layers of editorial process at Best Version Media):

Best Version Media is driven by family values. Company policy is that all content must be family-friendly. We do not allow advertisers or content that could be considered inappropriate. This includes written material and images. Content that is political in nature or could be considered controversial cannot be published. ... Best Version Media's Quality Control Department reviews each magazine before it's printed each month to ensure the magazine's content is in line with Best Version Media's values, policies and procedures.

As is mentioned in the request for audit, "the article makes no reference to Ms. Cooper's candidacy for City Council" which is in line with Best Version Media protocol. The goal of our publication is to "bring neighbours together by providing a professional publication that reflects the integrity, pride and prestige of the local communities". I do my best every day to make sure our pages live up to this standard.

I will admit that I am not knowledgeable on what the details are about third party advertising as it relates to municipal elections, and perhaps this demonstrates that I need to learn more about this. It did not even cross my mind that this would be an issue. I have families lined up almost a year in advance so I slotted you into the next available month. As I have said to everyone that has asked how they can get on the cover, "the only qualification to be on my cover is that you live in the neighbourhood and are open to sharing your story: how you came to Guelph, why you love it here, and how you are involved in the community". First come, first served. The fact that your story was featured on the September cover was an honest and unfortunate coincidence.

If anyone at the Clerk's Office, or David Gibson himself, would like to call me to discuss the intentions behind my publication I invite them to do so. The goal of my work is to "bring neighbours together". I am viewing this communication as a great learning opportunity for me and it has definitely made me more conscious of who we are featuring on the covers and more importantly, when. Our publications are gaining traction in other neighbourhoods beyond Clair & Gordon and I am determined to keep our pages surrounded by a positive light.

Thanks again for letting me know about this, Stacy. Please note that the response that I am sharing here is being sent from me personally, not from my corporate support. If the City Clerk requires any further response from me or them, please let me know and I will reach out to my home office.

--

Leah De Spiegelaere
Publisher & Market Manager, BVM Guelph
519-993-6156

Political Advertising

What is political advertising

Political advertising is defined as advertising in any broadcast, print, electronic, or other medium with the purpose of promoting or opposing any registered political party or its leader or the election of a registered candidate. [Act reference 1(1)]

Political advertising includes advertisements in newspapers, journals, and magazines; promotion on TV and radio; and advertisements placed on billboards, bus shelters, and the Internet (including websites, blogs, and social networking sites), etc.

Political advertising also includes advertising with respect to an issue of public policy during an election for which one or more registered political parties or candidates may also have taken a position.

The Chief Electoral Officer considers the following criteria to determine if an advertising is political advertising:

- whether it is reasonable to conclude that the advertising was specifically planned to coincide with the period referred to in Spending Limits section (election period);
- whether the formatting or branding of the advertisement is similar to a registered political party's or registered candidate's formatting or branding or election material;
- whether the advertising makes reference to the election, election day, voting day, or similar terms;
- whether the advertisement makes reference to a registered political party or registered candidate either directly or indirectly;
- whether there is a material increase in the normal volume of advertising conducted by the person, organization, or entity;
- whether the advertising has historically occurred during the relevant time of the year;
- whether the advertising is consistent with previous advertising conducted by the person, organization, or entity;
- whether the advertising is within the normal parameters of promotion of a specific program or activity; and
- whether the content of the advertisement is similar to the political advertising of a party, constituency association, nomination contestant, candidate or leadership contestant registered under the Act.

What is not Political Advertising

Political Advertising does not include:

- the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news
- the distribution of a book, or the promotion of the sale of a book, for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election
- communication in any form directly by a person, group, corporation or trade union to their members, employees or shareholders, as the case may be
- the transmission by an individual, on a non-commercial basis on the Internet, of his or her personal political views, or
- the making of telephone calls to electors only to encourage them to vote

Personal emails and similar personal communications on the Internet, mass or individual mailing, automated or individual telephone calls, and social media communications are generally not considered political advertising.

Authorization on political advertising

All candidate political advertising must name the registered candidate authorizing the advertising.

No specific language is required for the authorization but it must be apparent what person or entity has caused the advertisement to appear and any other person or entity that has sponsored or paid for it.

An example of appropriate authorization wording is "Authorized by the XYZ entity".

Sign placement

The *Election Finances Act* does not address where signs can or cannot be placed. When placing signs on public property, consult the local municipality to see what local by-laws allow or, when placing signs near a highway, consult the Ministry of Transportation.

Advertising restrictions

Blackout period

A blackout period is defined as, in any election, the polling day and the day before polling day. No registered candidate may conduct paid commercial political advertising during a blackout period. [Act reference 37(2)]

Neighbours of

CLAIR & GORDON

A community magazine serving the residents of Westminster Woods, Pine Ridge, Rolling Hills and Clairfields.

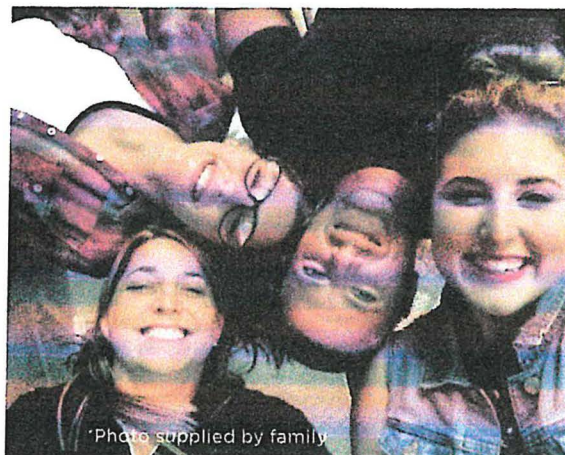
Page 8

Meet the Cooper Family: Stacy, CJ, Emily, Casey and Jack



Best Version Media

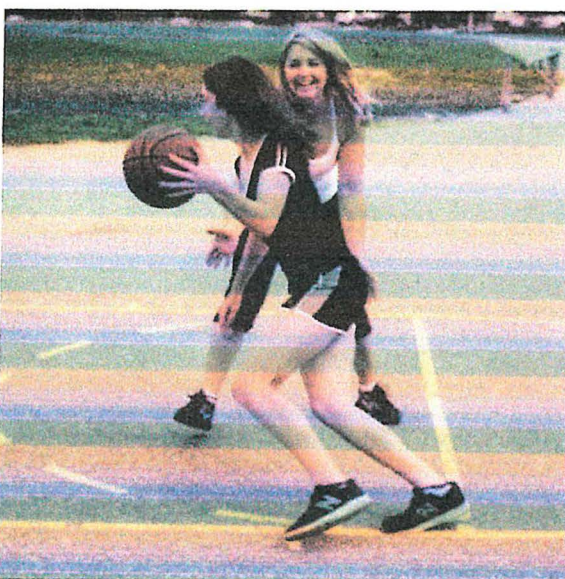
Photo by Erin Charbonneau



*Photo supplied by family



*Photo supplied by family



Meet the Cooper Family: Stacy, CJ, Emily, Casey and Jack

Written by Kim Davids Mandar @kimdmandar

A baseball player meets a parks and recreation staff member at Exhibition Park in North Guelph, both young and in Guelph for the summer, and over twenty years later, we have an engaged South End family, ready to roll up their sleeves and dive into community.

Casey, a firefighter and an award-winning pitcher for the Guelph Royals, and Stacy have been living on Goodwin Drive for the past thirteen years. Stacy is a University of Guelph graduate in psychology and family and child studies, with a range of additional academic certifications in fields as diverse as biology, IT, construction and editing, all of which have served her well running her business, Cooper Admin and Consulting. Stacy is a volunteer with Habitat for Humanity, Trees for Tots and Rotary Ribfest. Both Stacy and Casey have also coached their daughters' baseball and basketball teams.

CJ (18) and Emily (13) are reflections of their parents' dynamic community involvement. CJ is a singer/songwriter who recently graduated with honours from John F. Ross C.V.I. with a certificate in French. CJ has sung at the Guelph & District Multicultural Festival, Art on the Street, and other events sponsored by The Rotary Club and The City of Guelph. Emily is a little track star, very smart in math and sciences, a whiz in the kitchen after two summers of chef's camp, and musically talented. She also got her black belt in karate last year. Emily attends John F. Ross C.V.I.

And then, there's Jack. You may have seen Jack on the trails around Westminster Woods. A Labradoodle who can learn any trick but can't walk calmly if his life depended on it. "I'm sure people get an interesting show when they see us walking him!" Stacy laughed.

The trails in Westminster Woods are a declared favourite, not simply for taking Jack on his bouncy jaunts, but also to bike, explore and serve. Stacy is a long time WCEC board member and participates in Earth Day and Community Clean-up events. The Coopers also love being close to the local library. Most of all, it's the community and its strengths that seem most endearing to Stacy. "My neighbours are a good mixture from every country in the world!" Stacy said. "Everyone gets along no matter their background."

While Casey can juggle and Stacy is a renowned cherry-pit-spitting champion, their talents go far beyond these fun and quirky tricks. Casey is a six-foot tall former left-handed pitcher for the Guelph Royals, who was recently voted in the top 100 of the Intercounty Baseball League. Stacy is writing a book that details the journey of Tylor Clifford, whose family has given Stacy permission to craft his story. Tylor was someone Stacy met when she worked in the mental health field, and when he passed away (from undiagnosed pneumonia), Stacy felt compelled to share his story. "He was a fascinating and creative soul," Stacy said. From her personal journey through the death of her father (by suicide), Stacy has deep empathy for the suffering that accompanies families touched by the stigma around mental health and loss. Stacy is also focused on promoting youth into the skilled trades, among the various endeavours she is pursuing these days.

The Cooper family tries to plan something meaningful every year, such as the Dominican Republic community centre build they did in 2015. Last year was a big one too, when they travelled to Europe and took a cruise around France, Italy, Malta and Spain. This year, CJ built upon her travel experience with a cross-country trip as a professional musician on Via Rail. You can hear some of CJ's music on her website www.cjcoopermusic.com. "We love to have fun together. Once, through a spontaneous opportunity through my brother's connection in the film industry, we all flew down to Louisiana to be extras on the set of Pitch Perfect 2. It was amazing! There's a little escalator scene, and we know just where to pause it in the movie," laughed Stacy, "where you can see us as The Bellas prepare to scout out Das Sound Machine at the auto show." When I asked if they would do something like that again, Stacy's unhesitating response: "For sure!"

The Coopers wanted me to thank our advertisers for providing this magazine for the neighbourhood. It's one example of collaboration. "I'd love to encourage my neighbours to be the change you want to see in the world and get involved," Stacy said. "I grew up with a firm conviction that I must try to leave the world a little bit better than I found it." And with all the laughter, it seems that having fun while doing it is another piece of that energizing family creed.



*Photo supplied by family

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Do you know a neighbour who has a story to share? Nominate your neighbour to be featured in one of our upcoming issues! Contact us at kmandar@bestversionmedia.com.

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recently have to say:



"We've had Oosterveld's look after our furnaces, air conditioners and gas hook-ups for a zillion years and have always been more than happy with the service and staff that have come to the house. We've recommended Oosterveld's to tons of people over the years and they've all been happy with the service too." – Nancy and Ron August 9th, 2018

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2018

CANDIDATES THIRD PARTY ADVERTISING INFORMATION

What is third party advertising?

Third party advertising refers to advertisements or other materials that support, promote or oppose a candidate, or support, promote or oppose a “yes” or “no” answer to a question on the ballot. Third party in this context is a person or entity who is not a candidate.

Third party advertising is separate from any candidate’s campaign, and must be done independently from a candidate. Any advertisements or materials that are made and distributed by a candidate, or under a candidate’s direction, are part of the candidate’s campaign.

Third party advertising is a way for those outside of the candidate’s campaign to express support of or opposition to candidates (or a “yes” or “no” answer to a question on the ballot) and to try to persuade voters to vote a certain way.

A third party advertisement is an advertisement in any broadcast, print, electronic or other medium that promotes, supports or opposes a candidate, or a “yes” or “no” answer to a question on the ballot. Advertisement includes traditional ads as well as materials such as brochures or signs.

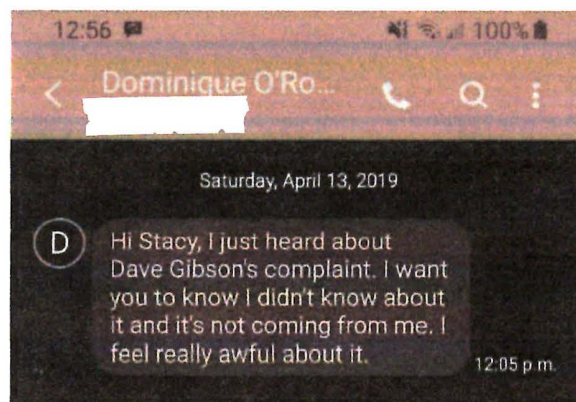
What is not a third party advertisement?

Activities that do not involve spending money, such as discussions or expressing an opinion about a candidate (or an answer to a question on the ballot) are not considered to be third party advertising. Examples include:

- speaking to friends and neighbours
- posting on social media, such as Twitter, Facebook or Instagram
- sending an email to a group or mailing list

Internal communications from an employer to their employees, a corporation to its shareholders, directors, members or employees or by a trade union to its members or employees are not considered to be third party advertising.

Advertising about an issue, rather than a candidate or a “yes” or “no” answer to a question on the ballot is not considered third party advertising. For example, signs saying “Support local businesses” or “Keep the waterfront green” would not be third party advertising, even if a candidate has made those issues part of their campaign.



Top Latest People Photos Videos



Dominique O'Rourke @o... · 26 Jul. 18
As a co-author of [@guelphcf](#) [#VitalSigns](#), I'm v glad it's referenced here. A good community report is more than a marketing document, it's also an unflinching look at where we need to improve and what's in place to tackle those challenges.



Patricia Halajski @P... · 24 Jul. 18
Have you heard? Life is good here in [#Guelph](#). So lucky to work and live here. [#livingthegoodlife](#) tinyurl.com/y9y44bmx



Dominique O'Rourke @o... · 24 Jul. 18
Guelph's [#VitalSigns](#) report shows self-rated mental health is much lower

Top Latest People Photos Videos



Dominique O'Rourke @o... · 05 Jul. 18
Great to meet this very engaged group at [#BreezyCorners](#) this morning. THX [@PhilAlltWard3](#) [@thatjamesgordon](#) for the invitation to talk about important community issues. I'm very proud to have written [#VitalSigns](#) for [@GuelphCF](#) w/ [@TowardCG](#) and [@CESIGuelph](#)



Dominique O'Rourke @o... · 03 Jul. 18
Great work tying these exciting projects to [@GuelphCF](#) [#VitalSigns](#). We have amazing vision and talent in this community, all focussed on meeting important needs.

Table 1 Support					
Receipt #	Name	Full Address	Date Received	Amount Received	Amount Returned to Contributor
5	Melanie Paquette	101 Pheasant Run Rd, Guelph, ON	6/7/2018	\$ 100.00	
	Jocelyne DuBois	1304-415 Greenveiw Ave., Ottawa, ON	6/8/2018	\$ 500.00	
	Yan Jiao Joanna Yang	5135 Montclair drive, Mississauga, L5M 5A6	6/11/2018	\$ 1,000.00	
	Natalie O'Rourke	4968 Old Brock Rd., Claremont, ON	6/14/2018	\$ 300.00	
	Carinta Mannareli	91 Woodborough Road, Guelph, ON N1G3L7	6/15/2018	\$ 100.00	
	Karen Farbridge	83 Grove St., Guelph ON N1E 2W6	6/16/2018	\$ 100.00	
	Lora Gatto	8 Landsdown Dr., Guelph, ON	6/16/2018	\$ 200.00	
	Sandra McCormick	4 Kilkenny Pl, Guelph ON N1L 1H1	6/16/2018	\$ 200.00	
	Wendy Carruthers	93 Woodland Glen Dr, Guelph ON N1G 3S3	6/16/2018	\$ 100.00	
	Kevin McKittrick	33 Edgehill Drive Guelph N1H 5E3	6/18/2018	\$ 150.00	
	Jennifer Gibson	2 Porter Drive Guelph, ON N1L 1M3	6/21/2018	\$ 100.00	
	Pradeep Mehta	45 Darling Cres, Guelph ON N1L1P8	6/22/2018	\$ 100.00	
	Doreen McRitche	42 Arbordale Walk, Guelph ON N1G 4X7	6/22/2018	\$ 200.00	
	Patricia Lametti	165 Terraview Cres., Unit 15 Guelph, ON N1G 5G8	7/26/2018	\$ 100.00	
	Cyndy Moffatt-Forsyth	19-165 Terraview Cres, Guelph, ON N1G 5G8	7/26/2018	\$ 100.00	
	Christine Labelle	582 Kortwright, Guelph, ON	7/30/2018	\$ 100.00	
	Christine Labelle	582 Kortwright, Guelph, ON	9/13/2018	\$ 50.00	
	Dennis Deters	1804-160 MacDonell St, Guelph, ON N1H 0A9	7/31/2018	\$ 250.00	
	Linda McKessock	34 Delhi Street, Guelph, ON N1E 4J6	8/2/2018	\$ 100.00	
	Peter Kastner	#31-1550 Gordon Street, Guelph, Ontario, N1L 1C7	8/6/2018	\$ 100.00	
	Eric Lemay	2 Clissold Rd., Toronto ON M8Z 4T5	8/11/2018	\$ 100.00	
	Danielle O'Rourke	141 Suffolk, Oakville, ON	8/16/2018	\$ 150.00	
	Loretta Dunn	126 Scott's Hill Road, RR #1 Hanover ON N4N 3B8	8/20/2018	\$ 100.00	
	Ian Brown	38 Lorna Dr, Guelph ON N1G 0A4	8/31/2018	\$ 1,000.00	
	Stephen Best	122 Kortright Road West Guelph, ON N1G 4V7	9/21/2018	\$ 100.00	
	Roxana Di Caro	15 PAULSTOWN CRES GUELPH ON N1G5H7	9/25/2018	\$ 100.00	
	David Starr	41 McNulty Lane Guelph, ON N1L 1L3	10/1/2018	\$ 250.00	
	Ben Cole	1281 Hawk Ridge Cres., RR4, Orilla, ON	10/1/2018	\$ 100.00	
	Mary-Catherine Barbier	199 Summerfield Dr, Guelph, ON	10/1/2018	\$ 100.00	
	Carol Dilworth	62 Boulder Cres, Guelph ON N1G5A2	10/17/2018	\$ 100.00	
	Jennifer Harrison	14 Harrow Court, Guelph ON N1G 2Z1	10/29/2018	\$ 100.00	
				\$ 6,150.00	

COMMITTEE AGENDA



Consolidated as of September 4, 2015

TO **Municipal Election Compliance Audit Committee**

DATE **Thursday September 10, 2015**

LOCATION **City Hall, Council Chambers**

TIME **5:30 p.m.**

1. Disclosure of Pecuniary Interest

2. Confirmation of Minutes – May 20, 2015 open meeting minutes

That the open meeting minutes of the Municipal Election Compliance Audit Committee held on May 20, 2015 be confirmed as recorded.

3. Presentation of Auditor's Report

- William Molson CPA, CA
(Auditor's report attached)

4. Delegations:

- Ian Flett, solicitor on behalf of Susan Watson
- Susan Watson
- David Starr, solicitor on behalf of Glen Tolhurst
- Glen Tolhurst
- Jason Dodge
- Pat Fung
- Duncan Mackenzie
- Dennis Galon
- Steve Dyck

Correspondence:

- David Shaw
- Gerry Barker, GrassRoots Guelph Voters Association, Inc.
- Marg Harbin
- Susan Watson

Mr. Stephan O'Brien
City Clerk
City of Guelph
1 Carden Street
Guelph, ON N1H 3A1

Submission for Municipal Election Compliance Audit Committee for 10 Sep 2015 meeting re compliance audit of Glen Tolhurst

As a concerned citizen and taxpayer in the city of Guelph I would like to provide input on the recent Compliance Audit of the election expenses of Glen Tolhurst candidate for councillor in Ward 6.

This audit probably should not have taken place for a number of reasons:

1. The complainant, Susan Watson stated publicly before the audit was called by the Compliance Audit Committee that an audit would not likely achieve the changes she wanted but changes to the Municipal Election Act were required.
2. A pre meeting was held in late April between the complainant and her lawyer with you as city clerk and an expert without Mr. Tolhurst being advised.
3. In Ms Watson's complaint only Mr Tolhurst is singled out as getting a benefit from the GRG advertisements when the names of 11 other council candidates and the current mayor were also included in the advertisements by GRG. Additionally the complainant made no mention of and the city and CAC made no effort to determine if other organizations made similar advertisements or publications. In fact such other publications did occur from as a minimum, Guelph District Labour Council, We Are Guelph and Guelph Civic League. This creates the appearance of only being concerned about violations by people of different political persuasion.
4. The chair of the CAC was not available for the 6 May meeting but reportedly told the other two members to vote for the audit. This was without seeing the evidence and in particular that of Mr. Tolhurst.
5. The two remaining members of the CAC reportedly took less than 10 minutes to make up their minds to call this audit hardly enough time to make proper assessment of the information provided. This gives the appearance of a decision made behind closed doors before the meeting occurred.
6. Because of the forgoing reasons the audit has the appearance of intimidation of candidates having different opinions than the complainant. This is something the city should not be enabling.

Now that the audit has taken place and the auditor, William Molson, has reported, it is abundantly clear that the audit should never have taken place in the first place and in excess of \$10,000 of Guelph taxpayer's money has been wasted. Mr. Molson has stated clearly and categorically that Mr Tolhurst did not contravene the MEA in any of the 5 issues raised by the complainant. Mr Molson is very clear that these could never be considered violations. Mr Molson did find that Mr. Tolhurst did make errors in his reporting such as having donations of \$99 singly when they should have been reported as a group,

not having a \$5.60 receipt, misstating one expense by \$1, and not reporting his campaign deficit as a personal contribution. Mr Molson makes it very clear that none of these extremely minor violations made any material difference in Mr Tolhurst's report and in fact just misplaced where items should be reported.

It is clear from Mr Molson's report that Mr Tolhurst is innocent of any wrong doing and that the audit and its costs should never have been undertaken. The Complainant should be liable for all costs incurred by the city of Guelph for this audit as she reasonably should have known and in fact from her comments did know that Mr Tolhurst's actions were not illegal and the only way to effect the changes the Complainant wants is through the Provincial Government and the MEA. Guelph taxpayers should not have to be liable to pay for an individual's personal crusade.

Respectfully submitted

David Shaw

Compliance Audit Committee

- Committee must be established
- Not fewer than 3 and not more than 7 members
 - Not employees/officers
 - Not members of council
 - Not candidate
- Municipal clerk establishes administrative practices & procedures, carries out duties under Act to implement CAC decisions
- Council pays all costs

COMMITTEE AGENDA



TO **Municipal Election Compliance Audit Committee**

DATE Wednesday May 20, 2015

LOCATION City Hall, Council Chambers

TIME 5 p.m.

1. DISCLOSURE OF PECUNIARY INTEREST

2. CONFIRMATION OF MINUTES – May 6, 2015 open meeting minutes

That the open meeting minutes of the Municipal Election Compliance Audit Committee held on May 6, 2015 be confirmed as recorded.

3. SELECTION OF AN AUDITOR TO CONDUCT COMPLIANCE AUDIT UNDER THE MUNICIPAL ELECTION ACT (MEA)

1. That William Molson CPA, CA be selected to conduct a compliance audit under the *Municipal Elections Act* with an upset limit of \$7,500 in addition to costs associated with additional meetings; and ,
2. That the Auditor be present at a subsequent meeting of the Compliance Audit Committee to report the findings.

1. Application

The Test (s. 81(1)) :

- Elector who is entitled to vote in an election
- Believes on reasonable grounds
- May apply for a compliance audit

*"It is important to remember that this stage of the proceedings is merely to **determine if an investigation should be started**. It is a pre-investigatory stage. It is not a determination that the candidate has in any way actually violated the statute. Rather, what council must decide is, **does the elector have reasonable grounds to believe that the candidate contravened the Act**. It would be a function of an auditor to investigate the matter."*

- *Defrancesca v. Vaughan (City)* 2008, 59 M.P.L.R. (4th) 305 (Ont. Ct. J.).

MECAC Rules of Procedure

- (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.

MECAC Rules of Procedure

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.

MECAC Rules of Procedure

- 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