

**2018 Municipal Election  
Region of Durham Compliance Audit Committee  
Terms of Reference**

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**1. Name:**

- a) The name of the Committee is the “2018 Municipal Election Compliance Audit Committee” (“the Committee”).

**2. Definitions:**

- a) Clerk means the Clerk of the Region of Durham appointed in accordance with Section 228 of the Municipal Act, 2001.
- b) Participating Bodies means the City of Oshawa, City of Pickering, Durham District School Board, Regional Municipality of Durham and the Town of Whitby.

**3. Mandate:**

- a) The Committee is established pursuant to the requirements of section 88.37 of the Municipal Elections Act, 1996, S.O., 1996, c. 32, as amended (“the Act”) for the Region of Durham.
- b) The powers and functions of the Committee are set out in Section 88.33 to 88.37 of the Act.

**4. Term of Committee:**

- a) The term of appointment for the Committee shall be for four (4) years, commencing on December 1, 2018 and concluding on November 14, 2022, or until such time the applicable Committee has disposed of any remaining matters in accordance with the Act.

**5. Composition:**

- a) When a compliance audit application from an elector or a report from the Clerk where a candidate has contravened any of the contribution limits under section 88.9 of the Act is received, the Committee comprised of three (3) members shall meet and consider the application and/or report in accordance with the Act.
- b) Members forming the Committee shall be selected by the Clerk from a roster of qualified individuals, who have been jointly recruited by the clerks and secretaries of the Participating Bodies.
- c) The following persons are ineligible for appointment:

- Employees or officers of any lower-tier municipality in the Region of Durham, of the Regional Municipality of Durham, or of a School Board having jurisdiction in the Region of Durham;
  - A member of council or of a local board of any lower-tier municipality in the Region of Durham, the Regional Municipality of Durham, or a School Board having jurisdiction in the Region of Durham
  - Any persons who are candidates in an election of any lower-tier municipality in the Region of Durham, the Regional Municipality of Durham, or a School Board having jurisdiction in the Region of Durham; or
  - Any persons who are registered third parties in the election of any lower-tier municipality in the Region of Durham, the Regional Municipality of Durham, or a School Board having jurisdiction in the Region of Durham.
- d) All Committee Members must agree in writing that they will not work or volunteer for, or contribute to, any candidate or registered third party in any capacity in an election of a lower-tier municipality in the Region of Durham, the Regional Municipality of Durham, or a School Board having jurisdiction in the Region of Durham.
- e) If upon being made aware that a Member or individual on the roster has participated or contributed to a campaign or registered third party, the Clerk shall remove the individual from the roster or rescind the Member's appointment to the Committee.

#### **6. Conduct of Members:**

- a) Members of the Committee shall conduct themselves in accordance with the Region's by-laws, policies and any other applicable legislation.
- b) Members shall not use their position on the Committee for any personal or political gain.

#### **7. Remuneration:**

- a) Remuneration will be as follows:
- \$400.00 retainer fee (costs will be shared equally by the Participating Bodies) for those individuals on the roster. The retainer shall cover attendance at a mandatory training session and review of periodic updates or information supplied by the clerk or secretary of a Participating Body. Payment of the retainer does not denote membership on a Compliance Audit Committee and covers the four (4) year term; and,
  - \$350.00 per meeting, plus mileage in accordance with the rate normally paid to employees of the Region of Durham. The per meeting rate shall cover review of background or agenda materials as required in preparation for a meeting.

#### **8. Membership Selection:**

- a) At a minimum, the recruitment of persons to be included on the roster of individuals shall be advertised in a local newspaper having general circulation and on the websites of the Participating Bodies. Other recruitment measures may be initiated by the clerks and secretary of the Participating Bodies.
- b) All applicants will be required to complete an application and may be subject to further screening and an interview. The selection process will be determined by the clerks and secretary of the Participating Bodies.
- c) Applicants must have the ability to understand and apply the election campaign finance provisions of the Act and must remain impartial in order to fulfill their responsibilities.
- d) Preference will be given to candidates that have applicable experience related to compliance audit activities, accounting, law, investigative or adjudicative processes, municipal administration and/or academics. In addition, experience serving on a corporate board, committee or adjudicative body; and demonstrated communication, analytical and decision-making skills is desirable.

**9. Meetings:**

- a) Meetings will occur as needed and shall be conducted in accordance with the Compliance Audit Committee Rules of Procedure established by the Clerk.

**10. Chair:**

- a) At the first meeting of a Compliance Audit Committee, the members shall appoint one member to act as Chair for the duration of the Committee's term.

**11. Role of Clerk, Secretary:**

- a) The Clerk will act as the main contact between the Committee, compliance audit applicant, candidate and registered third party. In accordance with section 88.37 (6) of the Act, the Clerk shall carry out any duties required under the Act to implement the Committee's decisions.

Approved by,

Original signed by:

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Ralph Walton  
Regional Clerk/Director of  
Legislative Services  
June 7, 2018