

Municipal Election Compliance Audit Committee

Terms of Reference

City of Brantford
County of Brant
Haldimand County
Norfolk County

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

MECAC is mandated to provide an independent and impartial review process related to municipal elections campaign finances. The powers and functions of MECAC are set out in subsections 88.33 through 88.36 of the *Municipal Elections Act, 1996*, as amended (the Act). MECAC is a quasi-judicial body and does not report to Council.

Goals/Purpose

The goals and purpose of MECAC are to:

1. Review Compliance Audit Applications
 - Receive and consider applications from eligible electors who believe a candidate or registered third party advertiser have contravened campaign finance rules
 - Determine whether each application should be granted or rejected based on the merits of the request
2. Appoint an Independent Auditor
 - When an application is granted, appoint an auditor to conduct a compliance audit;
3. Review the Auditor’s Report
 - Receive, review and consider the findings of the independent audit
4. Determine the Necessity of Legal Proceedings
 - Decide whether the findings of the audit warrant commencement of legal proceedings under the Act
 - Direct the Clerk to initiate any required action(s)

5. Review and Consider Clerk's Reports
 - 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 direct the Clerk to 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 their designate when a municipal election compliance audit application is received, or when a Clerk's report is submitted.

The agenda for any regularly scheduled meeting, will be made available to members of the public a minimum of two business days prior to the meeting. Meeting minutes will be made available to the public once they have been approved by the Committee.

Meetings may be held electronically according to the host municipality procedural by-law. A member may participate electronically in open or closed meetings. Any such member shall be counted toward quorum of members present at any point in time and shall be able to vote, as permitted by the *Municipal Act*. Virtual access to meetings may be provided to members of the public at the discretion of the Chair.

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
- 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.

Roles

1. Members will actively participate and provide support and expertise.
2. The Chair will facilitate meetings, ensure participation by members, maintain decorum, and be the primary contact of the Committee.
3. The Clerks or designates from each respective municipality will provide procedural and legislative guidance to the Committee.

Responsibilities

It is the responsibility of all appointed members to comply and work within the procedure and by-laws for each respective municipality and Provincial legislation, with guidance from staff:

- a) [Municipal Act](#)
- b) [Municipal Elections Act](#)

- c) [Municipal Freedom of Information and Protection of Privacy Act](#)
- d) [Municipal Conflict of Interest Act](#)
- e) MECAC Committee Terms of Reference
- f) Applicable municipal by-laws and policies

Remuneration

Members of the MECAC shall be paid a one-time retainer fee of \$500 when appointed and a per diem rate of \$150 for days in which they attend a scheduled meeting of MECAC. When attending in person, members will be paid the applicable mileage rate as set by the host municipality. The mileage rate shall be applied for a return trip from the member's home to the designated meeting location of the host municipality.

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.