

Joint Municipal Election Compliance Audit Committee

Mandate

As prescribed by Section 88.37 of the Municipal Elections Act, 1996 (the “Act”), Town of Oakville Council has approved the establishment of the Joint Municipal Election Compliance Audit Committee (the “Committee”). Participating Municipalities include the Town of Oakville, City of Burlington, Town of Halton Hills, and Town of Milton.

The Committee serves as an independent and impartial body and is responsible for reviewing and making decisions on applications for municipal election campaign finance compliance audits and on reports from the Clerk respecting apparent contraventions of contribution limits.

Roles and Responsibilities

The Committee is responsible for the following:

- Participating in the selection of an Auditor through a request for proposal process led by staff from the Participating Municipalities.
- Determining timelines for the completion of each compliance audit.
- Requesting or arranging for external legal counsel, coordinated by the Clerk, to provide independent legal advice and support to the Committee.
- Reviewing compliance audit applications for candidates and/or registered third parties and deciding whether to grant or reject the application within 30 days of receipt (s. 88.33(7); 88.35(1) and (4)).
- Providing written reasons for decision (s. 88.33(8); 88.35(4)).
- Where an application is granted, appointing an Auditor to conduct a compliance audit of the candidate’s campaign finances (s. 88.33(10–11); 88.35(4)).
- Providing instructions to the selected Auditor regarding the scope of each compliance audit, as required.
- Receiving and considering the Auditor’s report (s. 88.33(14); 88.35(4)).
- Where the Auditor’s report identifies an apparent contravention of the Act, determining whether to commence legal proceedings against the candidate within 30 days of receipt of the report (s. 88.33(17) ; 88.35(4)).
- Receiving a Clerk’s report identifying contributors who appear to have exceeded contribution limits (ss. 88.34(4), 88.36(4)).
- Determining whether to commence legal proceedings against a contributor identified in the Clerk’s report within 30 days of receipt of the report (ss. 88.34(8), 88.36(5)).

Membership

The Committee will be comprised of not fewer than three (3) and not more than seven (7) members, jointly selected by the Participating Municipalities.

Committee membership will be drawn from accounting and audit professionals, academics (e.g., professors with expertise in political science or local government administration), legal professionals, and other individuals knowledgeable in the Act's campaign financing provisions. Members may be selected based on demonstrated understanding of these provisions, experience in administrative law, strong analytical and decision-making abilities, prior committee or task force experience, availability to attend meetings, effective communication skills, and any additional criteria prescribed under the Act.

The following are not eligible to sit on the Committee:

- Employees or officers of a Participating Municipality;
- Members of Council;
- Candidates of the municipal election for which the Committee is established; or
- Registered Third Parties in the municipality in the election for which the Committee is established.

An individual is ineligible to be a member of the Committee if they prepare the financial statements of, or have any other form professional, advice-providing relationship with, any candidate running for office on Council, or any third-party advertiser during the term for which the Committee has been established.

If appointed, members must agree in writing that:

- they will not provide legal or financial advice to, or prepare or audit the election financial statements of any candidate or third party advertiser in the Participating Municipalities; or
- become a candidate in the municipal election and any by-elections of the participating municipalities during the term of Council that corresponds to the term of the committee.

Costs

The costs associated with advertising, selection, and the retainer and training fees for the Committee are divided by the participating municipalities.

When a Participating Municipality receives an application for a compliance audit, that municipality will be solely responsible for administering the Committee's meetings and covering all associated costs, including any audit expenses, as well as external legal counsel coordinated by the Clerk.

Each member appointed to the Committee will receive a retainer of \$500 for the term. This cost will be shared by each Participating Municipality. Should a meeting of the Committee be requested, each member will be paid a per meeting fee of \$300 by the Participating Municipality requiring the Committee's services, plus mileage at the current rate of the Participating Municipality, where applicable.

Meetings

The Clerk will provide administrative support to the Committee, including coordinating meetings and preparing and distributing agendas and minutes. The Committee operates independently and conducts its meetings separately from the municipality's regular committee structure. Committee proceedings are governed by the Act and general principles of administrative law, including the principles of procedural fairness.

The Committee will meet as necessary for the purposes of reviewing an application for a compliance audit, appointing an auditor, reviewing a report from an auditor, or reviewing a report from the Clerk regarding apparent contraventions of contribution limits set out in the Act. The Committee may also meet as necessary to organize and plan its work.

Meeting dates, start times, and locations shall be set by the Clerk. Meeting notices and agendas will be communicated through the municipality's website. Where applicable, electronic participation may be conducted by way of telephone or other electronic means, following instructions provided by the Clerk, in order to ensure that the meeting may proceed in the most transparent and successful manner under the circumstances.

The Chair and Vice-Chair shall be elected at the Committee's first meeting. As the rules of procedural fairness require that both parties (applicant and candidate) have the opportunity to fully present evidence, Members of the Committee must be present throughout a hearing. A member of the Committee who arrives after a hearing has commenced will not be permitted to join the proceedings in progress and will not be able to render a decision on the matter.

Term

Members of the Committee shall serve the same term of office as the Council that takes office following a regular municipal election. Each new Committee shall be appointed by October 1 of a regular municipal election year. The 2026-2030 term will commence on November 15, 2026, and end of November 14, 2030.

Practices and Procedures

The Clerks of the Participating Municipalities shall establish administrative practices and procedures and any other documents required for the Committee in accordance with Section 88.37(6) of the Act and shall carry out any other duties required under the Act to implement the Committee's decisions.

The Clerks of the Participating Municipalities may make administrative changes to these Terms of Reference that may be required from time to time due to legislative changes, or if, in the opinion of the Clerks, the amendments do not change the intent of the Terms of Reference.