

# Joint Compliance Audit Committee

## Administrative Practices and Procedures

These Administrative Practices and Procedures are for the Joint Compliance Audit Committee for the City of Burlington, the Town of Halton Hills, the Town of Milton, the Town of Oakville and The Regional Municipality of Halton.

The Local Municipalities and Halton Region have recruited and selected Members jointly. In the event a Local Municipality or Halton Region receives an Application or a Clerk's Report, the Local Municipality or Halton Region, as the case may be, will be solely responsible for meeting administration and covering all costs associated with the Committee, including the costs resulting from the conduct of a compliance audit or legal proceedings, if required.

### 1. Definitions

"Act" means the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended from time to time.

"Applicant" means the individual who submitted the Application requesting a Compliance Audit.

"Application" means an application by an Applicant for a Compliance Audit in respect of a Candidate's or Registered Third Party's election campaign finances.

"Auditor" means a person appointed by the Committee, licensed under the *Public Accounting Act, 2004*, to conduct a Compliance Audit of a Candidate's or Registered Third Party's election campaign finances pursuant to subsection 88.33(1) or subsection 88.35(1) of the Act.

"Auditor's Report" means a report prepared by an Auditor for the Committee pursuant to subsection 88.33(12) of the Act.

"Candidate" means a person who was a registered candidate in the 2022 municipal election or any subsequent by-election during the 2022-2026 term and whose election campaign finances are the subject of an Application.

"Clerk" means, as the context provides, the Clerk of any of the Local Municipalities or Halton Region.

“Clerk’s Report” means a report prepared by a Clerk pursuant to subsection 88.34(2) or subsection 88.36(2) of the Act.

“Committee” means the Joint Compliance Audit Committee established pursuant to subsection 88.37(1) of the Act.

“Compliance Audit” means an audit of a Candidate's or Registered Third Party’s election campaign finances conducted by an Auditor appointed by the Committee.

“Contributor” means an individual, corporation or trade union who made a contribution to a Candidate or Registered Third Party in the 2022 municipal election or any by-election conducted during the 2022-2026 term.

“Council” means, as the context provides, the Council of any of the Local Municipalities or Halton Region.

“Eligible Elector” means an elector who is entitled to vote in a municipal election held in accordance with the Act, in any of the Local Municipalities or in Halton Region.

“Halton Region” means The Regional Municipality of Halton.

“Local Municipality” means, as the context provides, any of The City of Burlington, The Town of Halton Hills, The Town of Milton and The Town of Oakville.

“Member” means a member of the Joint Compliance Audit Committee.

“Registered Third Party” means an individual, corporation or trade union registered as a third party advertiser in the 2022 municipal election or any by-election conducted during the 2022-2026 term whose election campaign finances are the subject of an Application.

## 2. Authority

- 2.1. Subsection 88.37(16) of the Act provides that the Clerk of the municipality shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the Act to implement the Committee’s decisions.

### 3. Orientation Session

- 3.1. Once the Committee has been struck, the Clerk of Halton Region will schedule a mandatory orientation session for the Members.

### 4. Appointment of Chair

- 4.1. At its initial meeting, the Committee shall appoint one of its Members to act as Chair of the Committee. If a subsequent meeting is called and the Chair is not available, the remaining Members shall choose an alternate Chair from among themselves to preside with the same duties as the regular Chair.

- 4.2. The Chair shall preside over meetings of the Committee and shall have the following duties and responsibilities:

- a) calling the meeting to order when there is a quorum;
- b) presiding over the proceedings of the Committee, including facilitating Committee business, identifying the order of proceedings, conducting votes, and ruling on points of order or points of privilege;
- c) ensuring that the Committee's Administrative Practices and Procedures are observed; and
- d) participating as an active member of the Committee, including making motions and voting on all matters.

### 5. Notice of Committee Meetings

- 5.1. The Clerk shall give notice of all Committee meetings. Notice shall be given, as the context requires, to the Applicant for Compliance Audit, the affected Candidate, Registered Third Party or Contributor, as applicable, the Auditor, where an Audit Report is being considered, and the public.
- 5.2. The Clerk shall give notice of a scheduled Committee meeting a minimum of 10 business days in advance of the meeting. Such notice shall identify the time, place, and purpose of the meeting, and the fact that if any party fails to attend the meeting, the Committee may proceed and render a decision in the absence of the party.
- 5.3. The method of giving notice of a Committee meeting shall be in accordance with the procedural by-law of the Council of the Local Municipality or Halton Region,

as applicable. The Clerk may also publish such supplementary notice as the Clerk deems appropriate.

## 6. General Meeting Procedure

- 6.1. The Clerk, upon receipt of an Application, will contact the Members of the Committee to determine which Members of the Committee are available to consider the Application. At least three Members of the Committee must respond to the Clerk to confirm their availability to consider the Application. No fewer than three Members shall be selected to consider the Application. A majority of Members selected to consider the Application shall constitute a quorum. The Members selected to consider an Application shall be seized of the Application until a final decision on the Application has been made by the Committee.
- 6.2. Decisions of the Committee shall be by resolution, and a majority vote of the Members present is required to pass a resolution.
- 6.3. Members wishing to speak may do so when recognized by the Chair.
- 6.4. If the Chair is absent from any meeting of the Committee, the Members present shall choose an Acting Chair to carry out the duties of the Chair at such meeting.
- 6.5. No member of the public shall take photographic, audio or video recordings of any meeting of the Committee unless permission has been granted by the Chair.
- 6.6. The Chair may expel any person from a meeting of the Committee if the person engages in any unreasonable, offensive or improper conduct, including but not limited to engaging in behaviour that can be considered to be disruptive, aggressive, threatening, intimidating, violent, harassing, defamatory, frivolous or vexatious.
- 6.7. The Clerk will prepare minutes of each meeting, ensuring that the minutes constitute a complete record of what was before the Committee. Meeting minutes will be provided to the Members as soon as they are available, and posted on the website of the Local Municipality or Halton Region, as applicable. Minutes shall briefly outline the substance of items listed on the agenda, including submissions by the Applicant and the Candidate or Registered Third Party as applicable, reports, motions, resolutions, decisions and any other actions taken.

- 6.8. The costs of the Committee, including meeting costs, per diems and mileage for the Members, audit costs, legal costs and other costs will be paid by the Local Municipality or Halton Region, whichever requires the services of the Committee.
- 6.9. Pursuant to subsection 88.33(5.1) and subsection 88.34(9.1) of the Act, meetings of the Committee shall be open to the public but the Committee may deliberate in private. The Clerk and the Committee's legal counsel, if appointed, shall be present for any private deliberations.
- 6.10. The Committee may conduct a portion of any of its meetings in private if such portion of a meeting is being held for the purpose deliberating or for the giving or receiving of communications that are subject to solicitor-client privilege. The Clerk shall be present in any such private sessions.

## 7. Requests for Compliance Audit

### 7.1. Filing an Application for a Compliance Audit

- 7.1.1. An Eligible Elector may file an Application with the Clerk, in writing, including reasons and any supporting documentation, if the elector believes on reasonable grounds that a Candidate or Registered Third Party has contravened a provision of the Act relating to election campaign finances and the Application shall be in a form as may be determined by the Clerk.
- 7.1.2. The Application must be made within 90 calendar days after the latest of,
  - a) the filing date under section 88.30 of the Act;
  - b) the date the Candidate or Registered Third Party filed a financial statement, if the statement was filed within 30 calendar days after the applicable filing date under section 88.30 of the Act;
  - c) the Candidate's or Registered Third Party's supplementary filing date, if any, under section 88.30 of the Act; or
  - d) the date on which the Candidate's or Registered Third Party's extension, if any, under subsection 88.23(6) or 88.27(3), respectively, of the Act expires.
- 7.1.3. Any Application submitted to the Clerk outside the relevant time period prescribed by the Act will not be presented to the Committee for review.

## 7.2. Review of an Application for a Compliance Audit

7.2.1. Within 10 business days after receiving the Application, the Clerk shall:

- a) forward a copy of the Application to the Committee; and,
- b) set the time and place for a Committee meeting, ensuring that it is within 25 business days of the date of the Committee's receipt of the Application and will afford the Committee sufficient time to consider the Application and an opportunity to adjourn, if necessary.

## 7.3. Submissions

7.3.1. The submission of documents, materials and written submissions to the Committee for use at a Committee meeting shall be in accordance with the following timelines:

- a) The Applicant shall submit any documents, materials or written submissions, other than its Application, to the Clerk a minimum of seven business days before the Committee's meeting.
- b) The Candidate or Registered Third Party, as applicable, shall submit any documents, materials or written submissions to the Clerk a minimum of four business days before the Committee's meeting.

7.3.2. The Committee shall have discretion to decline to consider any documents or materials that fail to observe the filing requirements specified herein.

## 7.4. Agenda

7.4.1. At least three business days before the meeting date, the Clerk shall circulate the agenda including a copy of the Application, the Candidate's or Registered Third Party's financial statement, materials and any written submissions, to the Committee, the Applicant, and to the Candidate or Registered Third Party, as applicable.

7.4.2. The agenda shall be posted on the website of the Local Municipality or Halton Region as applicable at least three business days before the meeting date.

## 7.5. Conduct of Committee Meeting

- 7.5.1. With the exception of the election of the Chair, which shall be conducted first if no Chair has yet been elected, the business of the initial meeting shall be taken up in the following order, unless otherwise decided by the Committee:
- a) Opening Statement by the Chair
  - b) Opportunity for the Applicant or their agent to address the Committee
  - c) Opportunity for the Candidate or Registered Third Party, as applicable, or their agent, to address the Committee
  - d) Committee Deliberation
- 7.5.2. The Chair will read an opening statement outlining the procedure and format of the meeting and request that the Applicant and Candidate or Registered Third Party, as applicable, identify themselves.
- 7.5.3. Where the agenda includes consideration of more than one Application, each Application will be heard by the Committee in its entirety in accordance with the foregoing provisions before consideration of the next Application and when all of the Applications have been heard, the Committee shall deliberate in respect of the Applications.
- 7.5.4. The Applicant, or their agent, will have an opportunity to address the Committee. The Applicant's address to the Committee shall be limited to five minutes, which may be extended by the Chair. Members may question the Applicant or their agent on the Application or presentation through the Chair. The Applicant or their agent shall not be permitted to question the Candidate or Registered Third Party.
- 7.5.5. The Candidate, or their agent, or the Registered Third Party, or their agent, will have an opportunity to address the Committee, and may respond to the content of the Application. The Candidate's or Registered Third Party's address to the Committee shall be limited to 10 minutes, which may be extended by the Chair. Members may question the Candidate or their agent or the Registered Third Party or their agent through the Chair. The Candidate or their agent or the Registered Third Party or their agent shall not be permitted to question the Applicant.

7.5.6. Delegations from persons other than the Applicant or their agent, the Candidate or their agent or the Registered Third Party or their agent shall not be permitted.

#### 7.6. Committee Decisions Regarding the Application

7.6.1. In accordance with subsection 88.33(8) of the Act, within 30 business days after receiving the Application, the Committee Members shall consider the Application and decide whether to grant or reject the Application.

7.6.2. The Committee shall provide brief written reasons for its decision. Notwithstanding the foregoing, the Committee may, after deliberation, provide its decision orally with brief written reasons to follow, provided the brief written reasons are provided within the timeframe set out in section 7.6.1 herein. Where the Committee provides its decision orally, the Chair shall indicate that written reasons will follow.

7.6.3. The Clerk shall forward a copy of the Committee's decision, including brief written reasons, to the Applicant and the Candidate or Registered Third Party, as applicable, at the mailing address provided to the Clerk, and Committee decisions, including brief written reasons, will also be posted on the website(s) of the Local Municipality or Halton Region, as applicable.

7.6.4. If the Committee decides to grant the Application it shall, in accordance with the Act, by resolution, appoint an Auditor to conduct a Compliance Audit of the Candidate's or Registered Third Party's election campaign finances and such appointment can be made at the same meeting where the Application was considered or at a subsequent meeting, at the discretion of the Committee. The Clerk may provide the Committee a list of one or more qualified persons to perform the audit. If more than one qualified person is listed, the Auditor shall be appointed based on criteria to be established by the Committee and the Clerk.

#### 7.7. Appeal of the Committee's Decision

7.7.1. The Committee's decision may be appealed to the Ontario Superior Court of Justice within 15 business days after the decision is made and the court may make any decision the Committee could have made.



## 8. Consideration of Auditor's Report

### 8.1. Auditor

8.1.1. When an Auditor is appointed, the Auditor shall promptly conduct an audit of the Candidate's or Registered Third Party's, as applicable, election campaign finances to determine whether there are any apparent contraventions of the provisions of the Act relating to election campaign finances and shall prepare a report outlining any apparent contravention by the Candidate or Registered Third Party, as applicable, or, if no apparent contravention is found, a report outlining same.

8.1.2. For the purposes of the audit, the Auditor:

- a) will be provided access, at all reasonable hours, to all relevant books, papers, documents or things of the Candidate or Registered Third Party, as applicable, and of the Local Municipality or Halton Region as applicable; and
- b) has the powers set out in section 33 of the Public Inquiries Act, 2009 and section 33 applies to the audit.

8.1.3. The Auditor shall submit a copy of the Auditor's Report to,

- a) the Candidate or Registered Third Party, as applicable;
- b) the Clerk; and
- c) the Applicant.

8.1.4. As soon as possible upon receipt, but in advance of posting it publicly, the Clerk shall distribute a copy of the Auditor's Report to each member of the Committee.

### 8.2. Committee Meeting to Consider Auditor's Report

8.2.1. Within 10 business days after receiving the Auditor's Report, the Clerk shall:

- a) forward a copy of the Auditor's Report to the Committee; and,

- b) set the time and place for a Committee meeting, ensuring that it is within 25 business days of the date of the Committee's receipt of the Auditor's Report and will afford the Committee sufficient time to consider the Application and an opportunity to adjourn, if necessary; and
- c) give notice of the meeting to the Candidate or Registered Third Party, as applicable, the Applicant, the Auditor, and the public, as specified in these Administrative Practices and Procedures.

### 8.3. Submissions

8.3.1. The submission of documents, materials and written submissions to the Committee for use at a Committee meeting shall be in accordance with the following timelines:

- a) The Applicant shall submit any documents, materials or written submissions to the Clerk a minimum of seven business days before the Committee's meeting.
- b) The Candidate or Registered Third Party, as applicable, shall submit any documents, materials or written submissions to the Clerk a minimum of four business days before the Committee's meeting.

8.3.2. The Committee shall have discretion to decline to consider any documents or materials that fail to observe the filing requirements specified herein.

### 8.4. Agenda

8.4.1. At least three business days before the meeting date, the Clerk shall circulate the agenda including a copy of the Auditor's Report, the Candidate's or Registered Third Party's written submissions, and any other materials to the Committee Members, the Applicant, and to the Candidate or Registered Third Party, as applicable.

8.4.2. The agenda shall be posted on the website of the Local Municipality or Halton Region as applicable at least three business days before the meeting date.

## 8.5. Conduct of Committee Meeting

- 8.5.1. The business of the initial meeting shall be taken up in the following order, unless otherwise decided by the Committee:
- a) Opening Statement by the Chair
  - b) Presentation of the Auditor's Report by the Auditor
  - c) Opportunity for the Applicant or their agent to address the Committee
  - d) Opportunity for the Candidate or Registered Third Party, as applicable, or their agent, to address the Committee
  - e) Committee Deliberation
  - f) Actions Arising from Deliberation and Other Business
  - g) Adjournment
- 8.5.2. The Chair will read an opening statement outlining the procedure and format of the meeting and request that the Applicant and Candidate or Registered Third Party, as applicable, identify themselves.
- 8.5.3. The Auditor will have an opportunity to present an overview of the Auditor's Report and the conclusions reached therein. Members may ask questions of the Auditor, through the Chair.
- 8.5.4. Where the agenda includes consideration of more than one Auditor's Report, each Auditor's Report will be received in accordance with the foregoing provisions by the Committee in its entirety before receipt of the next Auditor's Report and when all of the Auditor's Reports have been received, the Committee shall deliberate in respect of the Auditor's Reports.
- 8.5.5. The Applicant, or their agent, will have an opportunity to address the Committee. The Applicant's address to the Committee shall be limited to five minutes, which may be extended by the Chair. Members may question the Applicant or their agent on the Auditor's Report or presentation through the Chair. The Applicant or their agent shall not be permitted to question the Candidate, Registered Third Party, or the Auditor.

8.5.6. The Candidate, or their agent, or the Registered Third Party or their agent will have an opportunity to address the Committee, and may respond to the content of the Auditor's Report. The Candidate's or Registered Third Party's address to the Committee shall be limited to 10 minutes, which may be extended by the Chair. Members may question the Candidate or their agent or the Registered Third Party or their agent through the Chair. The Candidate or their agent or the Registered Third Party or their agent shall not be permitted to question the Applicant or the Auditor.

8.5.7. Delegations from persons other than the Applicant or their agent, the Candidate or their agent or the Registered Third party or their agent shall not be permitted.

## 8.6. Committee Decisions Regarding the Auditor's Report

8.6.1. In accordance with subsection 88.33(17) of the Act, within 30 business days after receiving the Auditor's Report, the Committee shall consider the Auditor's Report and if the report concludes that the Candidate or Registered Third Party, as applicable, appears to have contravened a provision of the Act relating to election campaign finances, the Committee shall decide whether to commence a legal proceeding against the Candidate or Registered Third Party, as applicable, for the apparent contravention.

8.6.2. The Committee shall provide brief written reasons for its decision. Notwithstanding the foregoing, the Committee may, after deliberation, provide its decision orally with brief written reasons to follow, provided the brief written reasons are provided within the timeframe set out in section 8.6.1 herein. Where the Committee provides its decision orally, the Chair shall indicate that written reasons will follow.

8.6.3. The Clerk shall forward a copy of the Committee's decision, including brief written reasons, to the Applicant and the Candidate or Registered Third Party, as applicable, at the mailing address provided to the Clerk and Committee decisions, including brief written reasons, will also be posted on the website(s) of the Local Municipality or Halton Region, as applicable.

## 9. Consideration of Clerk's Report

9.1. In accordance with subsection 88.34(1) and subsection 88.36(1) of the Act, the Clerk shall review contributions reported on the financial statements submitted by

Candidates and Registered Third Parties, respectively, to determine whether any Contributor appears to have exceeded the contribution limits set out in the Act.

9.2. In accordance with subsection 88.34(2) and subsection 88.36(2) of the Act, the Clerk shall prepare a separate report identifying each Contributor to a Candidate or Registered Third Party, respectively, who appears to have contravened any of the contribution limits set out in the Act, and

a) If the Contributor's total contribution to a Candidate appears to exceed the limit under section 88.9 of the Act or to a Registered Third Party appears to exceed the limit under section 88.13 of the Act, the Clerk's Report shall set out the contributions made by that Contributor to the Candidate or Registered Third Party, as applicable; and

b) If the Contributor's total contributions to two or more Candidates for office on the same council or two or more Registered Third Parties in the same Local Municipality appear to exceed the limit under section 88.9 or section 88.13, respectively, the Clerk's Report shall set out the contributions made by that Contributor to all Candidates for office on the same council or to all Registered Third Parties in the same Local Municipality, as applicable.

9.3. Once prepared, the Clerk shall forward the Clerk's Report to the Committee.

9.4. Committee Meeting to Consider Clerk's Report

9.4.1. Concurrently with the forwarding of the Clerk's Report to the Committee, the Clerk shall:

a) set the time and place for a Committee meeting, ensuring that it is within 25 business days of the date of the Committee's receipt of the Clerk's Report and will afford the Committee sufficient time to consider the Application and an opportunity to adjourn, if necessary; and

b) give notice of the meeting to the Contributor and the public, as specified in these Administrative Practices and Procedures.

9.5. Submissions

9.5.1. The Contributor, or their agent, shall have the opportunity to submit any documents, materials or written submissions to the Clerk of the Local

Municipality or Halton Region, as applicable, a minimum of seven business days before the Committee's meeting.

9.6. Agenda

9.6.1. At least three business days before the meeting date, the Clerk shall circulate the agenda including a copy of the Clerk's Report and the applicable Contributor's written submissions, to the Committee Members and the Contributor.

9.6.2. The agenda shall be posted on the website of the Local Municipality or Halton Region, as applicable, at least three business days before the meeting date.

9.7. Conduct of Committee Meeting

9.7.1. The business of the initial meeting shall be taken up in the following order, unless otherwise decided by the Committee:

- a) Opening Statement by the Chair
- b) Presentation of the Clerk's Report by the Clerk
- c) Opportunity for the Contributor, or their agent, to address the Committee
- d) Committee Deliberation
- e) Actions Arising from Deliberation and Other Business
- f) Adjournment

9.7.2. The Chair will read an opening statement outlining the procedure and format of the meeting and request that the Contributor identify themselves.

9.7.3. The Clerk will have an opportunity to present an overview of the Clerk's Report and the conclusions reached therein. Members may ask questions of the Clerk through the Chair.

9.7.4. Where the agenda includes consideration of more than one Clerk's Report, each Clerk's Report will be dealt with by the Committee in its entirety before

- consideration of the next Clerk's Report and when all of the Clerk's Reports have been received, the Committee shall deliberate in respect of the Clerk's Reports.
- 9.7.5. The Contributor, or their agent, will have an opportunity to address the Committee. Members may question the Contributor or their agent on the presentation through the Chair. The Contributor's address to the Committee shall be limited to 10 minutes, which may be extended by the Chair. The Contributor or their agent shall not be permitted to question the Clerk.
- 9.7.6. Delegations from persons other than the Contributor, or their agent, are not permitted.
- 9.8. Committee Decisions Regarding the Clerk's Report
- 9.8.1. In accordance with subsection 88.34(8) and subsection 88.36(2) of the Act, within 30 business days after receiving the Clerk's Report, the Committee shall consider the Clerk's Report and shall decide whether to commence a legal proceeding against a Contributor for an apparent contravention.
- 9.8.2. The Committee shall provide brief written reasons for its decision. Notwithstanding the foregoing, the Committee may, after deliberation, provide its decision orally with brief written reasons to follow, provided the brief written reasons are provided within the timeframe set out in section 9.8.1 herein. Where the Committee provides its decision orally, the Chair shall indicate that written reasons will follow.
- 9.8.3. The Clerk shall forward a copy of the Committee's decision, including brief written reasons, to the Contributor at the mailing address provided to the Clerk and Committee decisions, including brief written reasons, will also be posted on the website(s) of the Local Municipality or Halton Region, as applicable.
10. Matters not Dealt with in These Procedures
- 10.1. Except where a procedural matter is dealt with in these Administrative Practices and Procedures, the procedure by-law of the Council or the Local Municipality or Halton Region, as applicable, shall govern the conduct of a meeting of the Committee. The Clerk of the Local Municipality or Halton Region, as applicable, may determine the application of the procedure by-law or develop additional

practices and procedures where none are provided for by this document or the procedure by-law.