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DOCUMENT TITLE: Meeting Procedures for Election Campaign Finance Compliance Audit Committee			NO.: LIS-OP-051
AUTHORED BY:	Alexander Harras	ISSUE #	3
APPROVED BY:	Nicole Cooper	ISSUE DATE:	20 / 01 / 30

1 PURPOSE

- 1.1 Section 88.37 (1) of the Municipal Elections Act, 1996 (hereafter referred to as the *MEA*) indicates that before October 1 of an election year, Council must establish a committee for the purposes of considering applications to request a compliance audit of a Candidate's or Registered Third Party Advertiser's election campaign finances. In addition, sections 88.34 and 88.36 of the *MEA* require the Clerk of a municipality to review the contributions reported on all Candidates' and Registered Third Party Advertisers' financial statements and prepare a report to the Compliance Audit Committee identifying instances of contributors who have contravened the contribution limits established in the *MEA*.
- 1.2 On November 20th, 2017, Council of the Town of Ajax passed By-law 70-2017 to establish the 2018-2022 Compliance Audit Committee. The Committee is comprised of 3 regular Members, with 1 Alternate Member to be called upon in the event of an absence.
- 1.3 The Clerk of the municipality is required by the *MEA* to establish administrative practices and procedures for the Committee.

2 INPUTS

- 2.1 Applications Requesting a Compliance Audit
- 2.2 Candidate & Registered Third Party Advertiser Financial Statements

3 OUTPUTS

- 3.1 Clerk's Report
- 3.2 Auditor's Report
- 3.3 Notice of Applications, Clerk's Reports, meetings, and decisions
- 3.4 CAC meeting agendas and minutes
- 3.5 CAC written reasons for decision

4 DEFINITIONS

- 4.1 The following terms and abbreviations apply within the context of these procedures:

Term	Definition
Alternate Member	A person appointed as an alternate member to the Committee who is called upon to act only in the event that a regular Member is absent, resigns, or is unable to act as a Member.

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Term	Definition
Applicant	An elector as defined in the <i>MEA</i> who requests a compliance audit of a Candidate or Registered Third Party Advertiser's election campaign finances.
Application	An application for a compliance audit accepted by the Clerk.
Auditor	A qualified individual licensed under the <i>Public Accounting Act, 2004</i> , appointed by resolution of the Committee for the purpose of conducting a compliance audit of a Candidate's or Registered Third Party Advertiser's election campaign finances.
Auditor's Report	A report of the Auditor regarding the findings of an audit into the election campaign finances of a Candidate or Registered Third Party Advertiser.
CAC	The Compliance Audit Committee.
Candidate	A candidate in a municipal election whose election campaign finance activities are the subject of an Application or related to a Clerk's Report.
Chair	The Member appointed as Chair of the Compliance Audit Committee.
Clerk	The Clerk for the Town of Ajax or their designate.
Clerk's Report	A report of the Clerk regarding identified instances of campaign contributors that have exceeded contribution limits under the <i>MEA</i> .
Committee	The Compliance Audit Committee of the Town of Ajax.
Contributor	An individual, corporation, or trade union who has made contributions to the campaign of a Candidate or Registered Third Party Advertiser.
Council	The Council of the Corporation of the Town of Ajax.
MEA	The <i>Municipal Elections Act, 1996</i> , as amended.
Member	A regular member of the Town of Ajax Compliance Audit Committee, or the Alternate Member when called upon to act.
Prosecutor	An individual appointed by the Committee for the purpose of prosecuting a Candidate, Registered Third Party Advertiser, or Contributor for contraventions of the election campaign finance provisions of the <i>MEA</i> .

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Term	Definition
Registered Third Party Advertiser	An individual, corporation or trade union that is registered under Section 88.6 of the <i>MEA</i> and whose campaign finances are the subject of an application for a compliance audit.

5 RESPONSIBILITIES

- 5.1 It is the responsibility of the Clerk or their designate to ensure that all statutory provisions and deadlines under the *MEA* pertaining to the administration of the Compliance Audit Committee are followed.
- 5.2 It is the responsibility of Compliance Audit Committee Members to fairly consider all Applications and Clerk's Reports with respect to alleged and apparent contraventions of the financial provisions of the *MEA*, and to render decisions in accordance with their authorities under the *MEA*.
- 5.3 Members of the Compliance Audit Committee are expected to treat all Members, Applicants, Candidates, Town staff and members of the public with respect. Members shall perform their functions with integrity, accountability, impartiality, and transparency, avoiding the improper use of the influence of their appointment, conflicts of interest, or perceptions of bias. Members shall perform their duties in a manner that promotes public confidence and will bear close public scrutiny. Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and the terms of reference and mandate of the Committee. Members are responsible for determining if they are unable to uphold these standards with respect to a specific application.
- 5.4 It is the responsibility of the Chair to:
- Lead the Committee through the Order of Business at a meeting, until the consideration of all matters on the meeting agenda are complete;
 - Enforce the observance of order, decorum, and the rules of debate among the Members and those persons in attendance at a meeting;
 - Decide questions of order and procedure at a meeting, in consultation with the Clerk; and
 - Serve as a liaison between the Committee and the Clerk on matters of procedure and process.

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6 INTERESTED PARTIES (CUSTOMERS)

- 6.1 Electors & members of the public
- 6.2 Applicants
- 6.3 Candidates
- 6.4 Registered Third Party Advertisers
- 6.5 Contributors

7 LEVEL OF SERVICE

- 7.1 The Compliance Audit Committee and the Town Clerk shall adhere to all statutory timeframes established in the *MEA*, as well as any additional timeframes established in this policy.

8 QUALITY RECORDS

- 8.1 Meeting Agendas and Minutes
- 8.2 Notice of Applications, Clerk's Reports, meetings, decisions and written reasons
- 8.3 Applications for Compliance Audit
- 8.4 Auditor's Report
- 8.5 Clerk's Report
- 8.6 Candidates' Financial Statements
- 8.7 Third Party Advertisers' Financial Statements
- 8.8 Evidence, including written submissions, records and information

9 RISK-BASED THINKING

- 9.1 The proper functioning of the Compliance Audit Committee is necessary to guarantee the transparency and accountability of the financial activities of Candidates, Registered Third Party Advertisers, and Contributors in a municipal election, and to ensure that the municipality and the Clerk uphold their statutory responsibilities under the *MEA* to provide all electors with an effective means to scrutinize the financial activities of election participants.
- 9.2 If these procedures are not adhered to, the integrity of the Compliance Audit Committee process, the decisions of the Committee, and potentially the legitimacy of certain electoral outcomes may be challenged or brought into question.

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10 PROCEDURE

PART I – General Provisions

10.1 Observance of Rules of Procedure

- 10.1.1 The rules of procedure described herein shall be observed at all Committee meetings. If these rules do not provide for a procedural matter that arises during a meeting, the practice shall be determined by the Chair, and the Chair may do whatever is necessary and permitted by law to enable the Committee to effectively and completely adjudicate the matter(s) before it.
- 10.1.2 The Committee may, by unanimous consent, waive any rules of procedure contained herein as it considers appropriate, with the exception of any procedures that are mandated by the *MEA* or any other provincial legislation.

10.2 Scheduling of Meetings & Notice of Proceedings

- 10.2.1 As soon as possible following the receipt and acceptance by the Clerk of an Application or submission of a Clerk’s Report, the Clerk shall notify all affected parties and supply them with a copy of the Application or Clerk’s Report, and publish notice on the Town’s website including a copy of the Application or Clerk’s Report.
- 10.2.2 The date, time and location of Committee meetings shall be determined by the Clerk in consultation with the Members.
- 10.2.3 Notice of Committee meetings shall be given by the Clerk to the affected parties and the public as soon as possible upon determination of the date, time and location of a meeting, with sufficient time to enable the affected parties to request a delegation and/or make a written submission prior to agenda publication. 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 still proceed in the party’s absence and render a decision in relation to the matter.
- 10.2.4 As soon as possible after a decision is made by the Committee with respect to an Application or Clerk’s Report, the Clerk shall notify the affected parties of the decision and provide the written reasons of the Committee, if required.

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10.3 Meeting Agendas & Minutes

- 10.3.1 The Clerk shall prepare an agenda for each Committee meeting and publish it on the Town's website at least two (2) business days prior to the scheduled meeting date. Publication of the agenda shall constitute public notice of the meeting. Failure to meet this publication deadline will mean that the meeting cannot occur and must be rescheduled.
- 10.3.2 The Clerk shall prepare minutes of each Committee meeting which shall include all resolutions and decisions of the Committee made during all portions of the meeting open to the public, and may provide a general description of the nature of debate and discussion during all public portions of the meeting. The Clerk shall post the minutes to the Town's website as soon as possible after a meeting.
- 10.3.3 Committee Members shall approve the draft minutes of each meeting at its next scheduled meeting. If a subsequent meeting of the Committee is not held within thirty (30) days of the previous meeting, any outstanding draft minutes awaiting approval are considered approved and final.

10.4 Public Records

- 10.4.1 Agendas, minutes, Applications, Clerk's Reports, and evidence submitted to the Committee are public records, and all personal information collected, maintained, and disclosed on such records is done so with the express intent of creating a record that is available to the general public in accordance with section 27 of the *Municipal Freedom of Information and Protection of Privacy Act*.
- 10.4.2 The Clerk may at their discretion redact personal information from public records of the Committee, but is not required to do so.
- 10.4.3 The Clerk is authorized to make administrative corrections to official records of Committee business, and in such cases the Clerk shall document any corrections made to ensure their conformity with the direction provided by the Committee and any relevant governing legislation, as the case may be.

10.5 Quorum

- 10.5.1 A quorum for a meeting of the Committee shall be three (3) Members.
- 10.5.2 If no quorum is present fifteen (15) minutes after the time fixed for a Committee meeting or quorum is lost during a meeting for a period of fifteen (15) consecutive minutes (excluding meeting recesses), the Clerk shall record the names of the Members present

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and the meeting shall stand adjourned until the next scheduled meeting.

10.6 Decorum

10.6.1 Meeting attendees shall maintain order and shall not heckle or engage in conversations, display placards or props, or engage in any behaviour that may be considered disruptive to the meeting. The Chair shall have the right to expel any person for improper or disruptive conduct during a meeting.

10.6.2 Meeting attendees shall ensure that all personal digital devices are turned off or set to a silent mode during a meeting.

10.6.3 Meeting attendees may use cameras and/or recording, broadcasting or streaming devices respectfully during any meeting, provided that doing so is not disruptive to the meeting or to other attendees. Attendees using their own recording, broadcasting or streaming equipment are encouraged to inform the Clerk to ensure Committee Members and attendees at the meeting are notified.

10.7 Appointment of Committee Chair

10.7.1 At its first meeting, the Committee shall appoint one of its Members to serve as Chair for the term of the Committee, or until a successor is appointed.

10.7.2 If the Chair is absent at a meeting, the Committee may appoint another Member as Acting Chair (including the Alternate Member). While presiding, the Acting Chair shall have all the powers and responsibilities of the Chair.

10.7.3 If the Chair resigns as a Member or as the Chair, the Committee shall appoint another Member as Chair for the balance of the term of Council at its next scheduled meeting.

10.8 Use of Alternate Member

10.8.1 If a Member is unable to attend a meeting or unable to act as a Member, the Clerk shall invite the Alternate Member to serve in their place for the purposes of achieving a quorum of Members to conduct the meeting.

10.8.2 When called upon to sit at a Committee meeting, the Alternate Member shall have all the same duties and powers as a regular Member, and shall be properly briefed on all matters pertinent to the Committee's business.

10.8.3 There shall be a maximum of three (3) Members at a meeting of the Committee. The

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Alternate Member shall only be considered a voting Member with all the rights and privileges of regular Members when a regular Member is absent.

10.8.4 Where the Alternate Member is sitting at a Committee meeting and the previously absent regular Member arrives, the regular Member shall not take the place of the Alternate Member and the Alternate Member shall continue to serve for the remainder of the meeting.

10.9 Order of Business

10.9.1 Meetings shall follow a standard Order of Business:

10.9.1.1 Call to Order – The Chair shall call the meeting to order if a quorum is present at or after the scheduled start time for the meeting. If there is no Chair currently appointed, the Clerk shall call the meeting to order and request that members move and adopt a motion to appoint a Chair.

10.9.1.2 Opening Statement – The Chair shall read an opening statement outlining the procedure and format of the meeting. The Clerk may introduce the Committee Members for the benefit of the public.

10.9.1.3 Disclosure of Conflict of Interest – Members shall be given the opportunity to declare a conflict of interest with respect to a matter contained in the meeting agenda, which shall be recorded in the minutes along with a description of the nature of the conflict. It is the sole responsibility of individual members to assess and determine whether they have a conflict of interest in a particular matter before the Committee. Members that declare a conflict of interest shall excuse themselves from the portion of the meeting that pertains to the matter for which they have declared a conflict.

10.9.1.4 Approval of Minutes from Previous Meeting – Draft minutes from previous meetings shall be included in the agenda for approval.

10.9.1.5 Consideration of Application or Clerk’s Report – The Committee shall receive and consider all presentations, delegations, written submissions, and reports related to an Application or Clerk’s Report:

- Presentations – Presentations shall only be permitted from an appointed Auditor, legal counsel for the Committee, a trainer, or the Clerk. There shall be no time limit for presentations, however, presenters are encouraged to be brief and concise.

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- Delegations – Delegations shall only be permitted from the following parties or their respective agents: Applicants, Candidates, Registered Third Party Advertisers, and Contributors identified within a Clerk’s Report. Delegates must provide their name and contact information to the Clerk. Each Delegation shall be permitted to speak for a maximum of ten (10) minutes.
- Written Submissions – The Committee shall consider any written submissions received from interested parties. The Clerk shall include written submissions and correspondence in the meeting agenda, provided that it is legibly written or typed, signed by at least one person, received in time for publication, does not contain any obscene or offensive language or content, and is pertinent to the matters before the Committee.
- Reports – The Committee will consider any written reports prepared by the Clerk, legal counsel for the Committee, or the Auditor.
- Deliberation - The Committee shall consider all of the information presented and render a decision on the matter.

10.9.1.6 Adjournment – Following the disposition of all business before the Committee, the meeting may be adjourned by majority vote of the Members.

10.10 Rules of Deliberation & Evidence

10.10.1 The following principles govern the rules of deliberation at meetings of the Committee:

- 10.10.1.1 The majority of Members have the right to decide;
- 10.10.1.2 The minority of Members have the right to be heard;
- 10.10.1.3 All Members have the right to information to help make decisions, unless otherwise prevented by law;
- 10.10.1.4 All Members have the right to an efficient meeting;
- 10.10.1.5 All Members have the right to be treated with respect and courtesy; and
- 10.10.1.6 All Members have equal rights, privileges and obligations.

10.10.2 The affected Candidate, Registered Third Party Advertiser, Applicant and/or Contributor are entitled to submit additional information and evidence to the Committee for their consideration at any time prior to the Committee rendering its decision with respect to a matter before it. Committee Members are entitled to receive additional information and evidence, and may determine whether such additional information and evidence will be considered in the course of their deliberations. In considering such additional evidence,

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the Committee shall have regard for whether the introduction of additional evidence may create a procedural unfairness towards any of the involved parties. If the Committee determines that a procedural unfairness would be caused by considering the additional evidence submitted, the Committee may at its discretion exclude the consideration of that evidence in its deliberations.

- 10.10.3 Committee Members may ask questions of any Applicant, Candidate, Registered Third Party Advertiser, Contributor, or their representative(s), but shall not enter into debate with them.
- 10.10.4 A Member may call attention to a violation of these procedures by stating a point of order to the Chair, and the Chair shall then decide upon the point of order and advise the Members of their decision with respect to the procedure to be followed. A member may immediately appeal the Chair's decision to the Committee. The Committee shall hear the reason for the appeal from the appellant and the reason for the decision from the Chair, and shall decide the question without debate. The decision of the Committee is final.
- 10.10.5 Where a Member considers that their integrity or the integrity of the Committee as a whole has been impugned, the Member may draw attention to the matter by declaring a point of privilege. The Chair shall make a decision on the validity of the point of privilege and, if in agreement, may seek restitution from any individual that impugned the integrity of a Member or the Committee. A Member may immediately appeal the Chair's decision on a point of privilege to the Committee. The Committee shall hear the reason for the appeal from the appellant and the reason for the decision from the Chair, and shall decide the question without debate. The decision of the Committee is final.
- 10.10.6 Committee meetings shall be open to the public, but the Committee may deliberate in private at its discretion. The Clerk may be requested by the Committee to attend portions of any private deliberation for the purposes of providing procedural advice.

10.11 Motions and Voting

- 10.11.1 Any Member may propose a motion on a matter under consideration. A seconder is not required in order to put a motion on the floor.
- 10.11.2 Every Member present at a meeting when a motion is put forward shall vote on the motion by show of hands, unless prohibited by conflict of interest, in which case the fact of the prohibition shall be recorded in the minutes of the meeting. Where a member declines to vote, their vote shall be recorded in the negative.
- 10.11.3 A recorded vote may be held at the request of any Member, and shall be administered

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by the Clerk.

10.11.4 All motions of the Committee shall require a majority vote by the Members to be adopted. In the event of a tie, the motion shall be deemed to have been lost. The Chair shall announce the result of every vote.

10.11.5 A motion containing distinct proposals shall be divided upon an affirmative vote of a majority of Members present and voting, and each proposal shall be voted on separately.

10.12 Legal Advice

10.12.1 Upon request of the Committee, the Clerk shall arrange for a solicitor normally used by or readily available to the Town to provide advice on matters such as the Committee's role, interpretation of legislation, matters of procedure, or other matters of a general nature pertinent to the Committee's business.

10.12.2 Where the Committee determines that it requires legal assistance in respect of a specific Application or Clerk's Report, the Clerk and the Chair shall jointly arrange for the services of an outside solicitor with the appropriate expertise.

10.13 Written Reasons

10.13.1 Where the Committee is required to provide written reasons for its decision, Committee Members are not required to complete their written reasons at the meeting, but are encouraged to submit their written reasons to the Clerk no later than five (5) days after the meeting at which the decision was made.

10.13.2 The Clerk may assist the Committee by providing general advice regarding the development of written reasons, or may provide templates or examples. However, the Clerk shall not offer comment or advice on the substance of written reasons. If legal advice or assistance is required for the development and drafting of reasons, the Committee may engage the services of a solicitor in accordance with these procedures.

10.13.3 A Member voting against the majority has the right, at their discretion, to include a dissenting opinion within the written reasons.

10.13.4 As soon as possible after receiving the Committee's completed written reasons, the Clerk shall distribute the written reasons to all affected parties and publish them on the Town's website.

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PART II – Applications for a Compliance Audit

10.14 Receipt of Application

- 10.14.1 Within ten (10) days of receiving an Application, the Clerk shall notify the Committee and the affected Candidate or Registered Third Party Advertiser and provide them with a full and complete copy of the submitted Application.
- 10.14.2 Within thirty (30) days of receiving the Application, the Committee shall consider the Application and decide whether to grant or reject it. The Committee shall meet at least once to consider the Application and render a decision. The Committee may adjourn and meet again at its discretion within the thirty (30) day time limitation, if required.

10.15 Decision to Order Compliance Audit

- 10.15.1 Upon a decision of the Committee to grant or reject the Application, the Committee shall provide brief oral reasons for their decision at the meeting, followed by the preparation and release of written reasons for its decision.
- 10.15.2 If the Committee decides to grant the Application it shall, by resolution, appoint an Auditor licensed under the *Public Accounting Act, 2004*, to conduct a compliance audit of the Candidate’s or Registered Third Party Advertiser’s election campaign finances. The Clerk may recommend one or more qualified Auditor(s) to perform the audit, however the Committee is entitled to appoint any qualified Auditor that it so chooses.

10.16 Auditor

- 10.16.1 The Auditor shall promptly conduct an audit of the Candidate’s or Registered Third Party Advertiser’s election campaign finances to determine whether they have complied with the provisions of the *MEA* relating to election campaign finances.
- 10.16.2 The Auditor shall have all the powers as set out in Section 88.33 (15) of the *MEA*. When conducting the audit, the Auditor shall have regard to the material facts, information, and evidence presented at the meeting wherein the compliance audit was ordered. However, the Auditor may, in accordance with their powers under the Act, request additional documentation and examine any other aspects of the relevant financial statements that they may deem relevant to the compliance audit, in order to determine if a contravention of the provisions of the *MEA* relating to election campaign finances occurred.
- 10.16.3 Upon completing the compliance audit, the Auditor shall prepare an Auditor’s Report outlining any apparent contraventions of the election campaign finance provisions of the

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MEA, and submit it to the Candidate or Registered Third Party Advertiser, the Applicant, and the Clerk.

10.17 Receipt of Auditor’s Report & Decision to Commence Legal Proceedings

- 10.17.1 Within ten (10) days of receiving the Auditor’s Report, the Clerk shall distribute the report to all Committee Members.
- 10.17.2 The Committee shall consider the Auditor’s Report within thirty (30) days of receiving it and, if the report concludes that the Candidate or Registered Third Party Advertiser appears to have contravened a provision of the *MEA* relating to election campaign finances, the Committee shall decide whether to commence a legal proceeding against the Candidate or Registered Third Party Advertiser. The Committee shall meet at least once to consider the Auditor’s Report and render a decision. The Committee may adjourn and meet again at its discretion within the thirty (30) day time limitation, if required.
- 10.17.3 Upon a decision of the Committee to commence or not to commence a legal proceeding, the Committee shall provide brief oral reasons for their decision at the meeting, followed by the preparation and release of written reasons for its decision.
- 10.17.4 The Clerk may recommend one or more qualified prosecutor(s) to engage in legal proceedings, however the Committee is entitled to appoint any qualified prosecutor that it so chooses. The Committee need not appoint a prosecutor by resolution, and may do so outside of a formal Committee meeting.

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PART III – Clerk’s Report(s) Regarding Apparent Over-Contributions

10.18 Submission of Clerk’s Report

- 10.18.1 As soon as possible upon completing a Clerk’s Report, the Clerk shall notify the Committee and provide a full and complete copy of the report to the Contributor, all affected Candidates and/or Registered Third Party Advertisers, and all Committee Members.
- 10.18.2 Within thirty (30) days of receiving the Clerk’s Report, the Committee shall consider the Clerk’s Report and decide whether or not to commence legal proceedings. The Committee shall meet at least once to consider the Clerk’s Report and render a decision. The Committee may adjourn and meet again at its discretion within the thirty (30) day time limitation, if required.

10.19 Committee’s Decision re: Prosecution

- 10.19.1 Upon a decision of the Committee to commence or not to commence a legal proceeding, the Committee shall provide brief oral reasons for their decision at the meeting, followed by the preparation and release of written reasons for its decision.
- 10.19.2 The Clerk may recommend one or more qualified prosecutor(s) to perform the prosecution, however the Committee is entitled to appoint any qualified prosecutor that it so chooses. The Committee need not appoint a prosecutor by resolution, and may do so outside of a formal Committee meeting.

11 RELATED DOCUMENTATION

- 11.1 *Municipal Elections Act, 1996, S.O. 1996, c. 32*
- 11.2 *Municipal Act, 2001, S.O. 2001, c. 25*
- 11.3 *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*
- 11.4 *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*
- 11.5 By-law #070-2017 to establish the 2018-2022 Compliance Audit Committee and Terms of Reference