



TOWN OF TECUMSEH
ELECTION COMPLIANCE AUDIT COMMITTEE
TERMS OF REFERENCE

Name

1. The name of the Committee is the "Tecumseh Election Compliance Audit Committee".

Term

2. The Committee is to be established before October 1, 2010. The term of office is from December 1, 2010 to November 30, 2014 to deal with applications from the 2010 election and any by-elections during Council's term.

Meetings

3. The Committee will meet as required and scheduled when a compliance audit application is received.

Powers and Functions

4. The powers and functions of the Committee are set out in sections 81 and 81.1 of the *Municipal Elections Act, 1996*. The Committee will perform the duties relating to the compliance audit application process as outlined in the Act, including:
 - a) consider compliance audit application(s) received from an eligible elector and decide whether the application should be granted or rejected;
 - b) appoint an Auditor, if the application is granted;
 - c) review the Auditor's report and determine whether legal action should be taken; and
 - d) make a finding as to whether to recover the costs of conducting the compliance audit from the applicant, if the Auditor's report indicates there was no apparent contravention of the MEA by the candidate relating to election campaign expenses and if there was no reasonable grounds for the application.

Composition

5. The Committee will be composed of three (3) members, with membership preferably drawn from the following:
 - a) accounting and audit - accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
 - b) academic - college or university professors with expertise in political science or local government administration;
 - c) legal; and/or
 - d) other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act, 1996*.

Ineligibility

6. Employees of the Town of Tecumseh, members of its Council and any candidates in the 2010 municipal election or in any by-election during the term of Council are ineligible to be appointed as a member of the Committee pursuant to subsection 81.1(2) of the of the *Municipal Elections Act, 1996*.

Selection of Members

7. Administration may contact the membership of the Institute of Chartered Accountants of Ontario, the Law Society of Upper Canada, the University of Windsor and St. Clair College to solicit interest from members or faculty to sit on the Committee. Information will also be placed on the Town's website.
8. All applicants will be required to complete a Committee Application Form together with a letter of interest, curriculum vitae and/or resume outlining their qualifications and experience. Recommended candidates will be submitted to Council through Administration for Council's consideration. Members will be appointed by Council.
9. Members will be selected on the basis of the following:
 - a) demonstrated knowledge and understanding of municipal election campaign financing rules;
 - b) proven analytical and decision-making skills;
 - c) experience working on a committee, task force or similar setting;
 - d) availability and willingness to attend meetings; and
 - e) oral and written communication skills.

Conflict of Interest

10. Members shall abide by the rules outlined within the *Municipal Conflict of Interest Act* and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to that matter.
11. To avoid a conflict, any person appointed to the Committee shall agree in writing not to prepare or audit the election financial statements of any candidate in the 2010 Municipal Election. Failure to adhere to this requirement will result in removal from the Committee.
12. The Committee members will select a Chair from amongst themselves at the first meeting of the Committee.
13. Meetings of the Committee will be conducted in accordance with the Town's Procedural By-law No. 2008-69. Any administrative practices and procedures for the Committee may be established by the Director, Staff Services/Clerk, who shall carry out any other duties to implement the Committee's decisions and as otherwise prescribed by law.