

Request for Decision United Townships of Head, Clara & Maria Council

Type of Decision									
Meeting Date	Friday, February 21, 2014				Report Date	Thursday, February-13-14			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

Call for County Level Elections Compliance Audit Committee #21/02/14/1206

Subject:

The consideration of petitioning the County and County municipalities to create one Elections Compliance Audit Committee instead of the 17 (18) now required creating efficiencies and increasing effectiveness.

RECOMMENDATION:

That Council pass the following resolution requesting that the County create, appoint and manage an Elections Compliance Audit Committee on behalf of all lower tier municipalities.

WHEREAS the *Municipal Elections Act* requires each municipality to have a Compliance Audit Committee to sit for the term of council and to decide whether election finance complaints have merit warranting further investigation by an auditor;

AND WHEREAS these important committees require individuals with training, expertise, dedication and commitment which may be difficult to locate in some areas as there are restrictions on who may sit on the committee;

AND WHEREAS after the 2010 election not one of the county municipalities required the services of an Elections Compliance Audit Committee but each used valuable time and resources to create, train and manage one;

THEREFORE BE IT RESOLVED THAT THE Council of the United Townships of Head, Clara & Maria does hereby call on the Council of the County of Renfrew to upload the creation, training and management of an Election Finance Compliance Audit Committee which would be available to provide services to any lower tier municipality within the County;

BACKGROUND/EXECUTIVE SUMMARY:

Legislation

From the Ministry of Municipal Affairs' Voter's Guide

"Compliance audits - Each municipality and school board must appoint a compliance audit committee.

If you believe, on reasonable grounds, that a candidate has contravened the election finance rules, you may apply for a compliance audit of the candidate's campaign finances.

The application must be in writing, and must set out the reasons why you believe that the candidate has contravened the rules. Only an eligible voter is allowed to apply for a compliance audit.

The deadline for candidates to file their financial statements is the last Friday in March following the election (March 27, 2015). An application for a compliance audit must be submitted to the municipal clerk who conducted the election within 90 days of the filing deadline.

The deadline for a candidate to file a supplementary financial statement is the last Friday in September (September 25, 2015). If a candidate files a supplementary financial statement, an application for a compliance audit may be submitted within 90 days of the supplementary filing deadline.”

Under the Ontario Elections Act, each municipality shall appoint a committee to provide a service dealing with candidate election finances. Due to the requirements of the position, it is recommended that these committees be comprised of professionals from various walks of life such as lawyers, auditors and accountants.

Lower Tier Survey

I have surveyed the lower tier municipalities and the City of Pembroke. Not one municipality had to call on the services of their committee. All but 1 of the municipalities surveyed have expressed that they might utilize the services at the County level; depending on costs; although the Townships of Admaston/Bromley, Horton and the Town of Renfrew already have a joint committee.

It is obvious that it would be easier to find three - five interested and qualified individuals from within the County than it would 51, the minimum number required if each municipality organized a separate committee.

Weed Inspector

The idea is similar to the process used for the appointment of a Weed Inspector which is done at the County level. The position is specialized and requires appropriate training and procedures. The services are used infrequently (if ever) by some municipalities so is best provided by the upper tier.

Costs

The staff costs and time savings to individual municipalities would be significant. No matter what cost sharing formula was used and passed down, the expense to each municipality would be significantly reduced by having one committee available for use by the member municipalities.

It is expected that the only costs should be on a per use basis.

Expectations of Committee Members

The individuals chosen as committee members are required to act in a quasi-judicial role and ultimately may decide to take legal action against a candidate. The entire process of reviewing a complaint and making a recommendation to the auditor is not a simple procedure and needs to be carried out much like a court process with proper evidentiary rules including opportunities to speak and ask questions. Obviously, having 17 such committees hired and trained properly is a substantial task. It may be difficult to attract that number of strong qualified individuals from within the county.

Forming one central committee would ensure that legislated requirements are being met and would also save costs, simplify the process of attracting, training and retaining qualified and interested individuals, keep the process at arm's length from friends, neighbours, spouses who may run for election in smaller communities and provide a valuable service to member municipalities with a relatively small price tag.

Having one committee within the County would allow for retirements and new people coming on without causing undue hardship for smaller municipalities who are hard pressed to find even three qualified and interested individuals.

Precedent

Precedent exists. There are examples from other areas where the Compliance Audit Committee is at the County level. Sample applications, terms of reference etc. may be located on-line. The following links are only some of the examples:

1. Leeds and Grenville -
<http://city.brockville.on.ca/images/sitepics/Election/L&G%20Joint%20Compliance%20Audit%20Committee%20-%20Application%20Form.pdf>
2. Lanark County -
<http://www.mississippimills.ca/en/townhall/resources/Joint%20Compliance%20Audit%20Committee%20-%20Terms%20of%20Reference.pdf>
3. Norwich - <http://www.twp.norwich.on.ca/Portals/Norwich/News/4363/Application%20-%20Compliance%20Audit%20Committee.pdf>
4. Huron County -
http://www.huroncounty.ca/cc/downloads/ComplianceAuditCommittee_terms.pdf

If this process were adopted, each municipality would still have to pass a by-law appointing the committee but all other details could be worked out at the county level.

Without individual municipal elections, there would be no County council; this would be a small part for County Council to play in making meeting legislated election requirements easier for lower tier municipalities.

Financial Considerations/Budget Impact:

There are costs associated with developing terms of reference, appointing and training committee members as well as with completing investigations. The costs associated with the committee could be shared amongst users of the committee.

Costs associated with investigations for any municipality which uses the service would be borne by the individual municipality. There are various cost sharing methodologies which could be used.

Costs of forming and training the committee would be minimal.

Policy Impact:

Creates new policy within the County of Renfrew.

Others Consulted:

Survey via email to all lower tier municipalities and the City of Pembroke.

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk

