



# Terms of Reference for the City of Peterborough Compliance Audit Committee

## 1. **Mandate:**

The authority of the Compliance Audit Committee for the City of Peterborough is established under Section 88 of the **Municipal Elections Act, 1996** (“**The Act**”), as amended. The Committee will address applications requesting an audit of a candidate’s or third party advertiser’s election campaign finances (including any by-elections) and to consider reports from the Clerk citing apparent instances of over-contribution to municipal campaigns.

## 2. **Roles and Responsibilities**

- 2.1 Within 30 days of receiving an application requesting a compliance audit, review and determine whether or not it should be granted or rejected;
- 2.2 If the application is granted, appoint an auditor licensed under the **Public Accounting Act, 2004** or other prescribed person eligible to conduct a compliance audit;
- 2.3 Receive the auditor’s report;
- 2.4 If the auditor’s report concludes that a candidate appears to have contravened a provision of the **Act**, relating to election campaign finances, consider whether legal proceedings should be commenced;
- 2.5 If a decision is made to commence legal proceedings against a candidate, retain external legal counsel to act on its behalf.
- 2.6 If the auditor’s report concludes that a candidate does not appear to have contravened a provision of the **Act**, relating to election campaign finances, determine whether there were reasonable grounds for the application;
- 2.7 If the auditor’s report indicates that there was no apparent contravention of a provision of the **Act**, and the committee finds that there was no reasonable grounds for the application, advise Council that it is entitled to recover the auditor’s costs from the applicant.

### **3. Composition:**

- 3.1 The committee shall be composed of five members. In the event this is not feasible, under the provisions of the **Act**, the committee may be comprised with a minimum of three and a maximum of seven members.
- 3.2 Committee members shall have the ability to understand and apply the election campaign finance provisions of the **Act** and should be considered impartial with respect to their ability to fulfill their responsibilities. Preference shall be given to candidates that have applicable experience in accounting and audits, law, law enforcement and academics from related fields.
- 3.3 Employees or officers of the municipality or local board, members of Council or local board and candidates or registered third parties in the election are ineligible for membership on the committee.

### **4. Term of Appointment:**

The term of membership shall be concurrent with the term of the Municipal Council.

### **5. Meetings:**

- 5.1 Meetings of the committee shall be open to the public, however the committee may deliberate in private.
- 5.2 A meeting of the committee shall be held within 30 days of the Committee receiving an application for a compliance audit or a report from the Clerk. As a result, the amount and duration of the meetings will be determined by the number of applications received and their complexity.
- 5.3 Where meetings are required, the date, time and frequency of the committee meetings will be determined by the Clerk in consultation with the Committee.
- 5.4 Administrative support, including the preparation/distribution of an agenda shall be provided by the Clerk or designate.
- 5.5 Rules of conduct for meetings shall be similar to those governing standing committees of council, consistent with the City's Procedural By-law, the Municipal Elections Act or other applicable legislation, where appropriate.

### **6. Committee Chair and Vice Chair**

A chair shall be elected by committee members at the first Compliance Audit Committee meeting and shall reside for the duration of the term.

## **7. Remuneration:**

7.1 When sitting as a committee, members shall be paid \$200 per diem.