

# COMPLIANCE AUDIT COMMITTEE

## BY-LAW No. 1

### Rules of Procedure for the Compliance Audit Committee.

#### BACKGROUND

- A. Subsection 81.1 (1) of the *Municipal Elections Act, 1996* (the "*MEA*") requires municipal councils to establish a compliance audit committee on or before October 1 in the year of an election. Toronto City Council voted to establish a compliance audit committee at its meeting of December 2, 2009.
- B. Subsection 81.1(4) of the *MEA* requires the City Clerk to establish administrative practices and procedures for the Committee.

The following are the procedures of the Compliance Audit Committee (the "Procedures")

#### 1. Definitions.

As used in these procedures, the following terms shall have the meanings indicated:

Applicant – An elector who makes an application under s. 81 of the *MEA*.

Application – An application accepted by the City Clerk pursuant to s. 81(2) of the *MEA*.

Candidate – The Candidate whose election campaign finances are the subject of an application.

Chair – The Compliance Audit Committee Chair selected under s. 5 of these Procedures.

Clerk – The City Clerk or the City Clerk's designate.

Committee — The Compliance Audit Committee of the City of Toronto.

Council — The Council of the City of Toronto.

*MEA – The Municipal Elections Act, 1996.*

**2. Rules.**

The rules in these Procedures shall be observed in all meetings of the Committee.

**3. Matters not dealt with in the Procedures.**

If these Procedures do not provide for a matter of procedure that arises during a meeting, the practice shall be determined by the Committee, and the Committee may do whatever is necessary and permitted by law to enable it to effectively and completely deal with the matter before it.

**4. Meetings.**

- A. The Committee shall meet at the request of the Clerk.
- B. The Clerk shall summon a meeting of the Committee when the Clerk considers it necessary, when required by the *MEA* and when requested to do so in writing by a majority of the Committee members.
- C. Meetings of the Committee shall be held at Toronto City Hall or such other location, as the Clerk deems appropriate.
- D. Committee meetings, shall commence at a time and date to be set by the Clerk, and shall be adjourned on a vote of the Committee.
- E. A majority of the Committee members constitutes a quorum at meetings of the Committee.
- F. Meetings of the Committee shall, subject to the exceptions found in the *City of Toronto Act, 2006*, be open to the public.
- G. Addresses to the Committee shall be no more than five minutes in length.

**5. Committee Chair.**

- A. At its first meeting the Committee shall elect one of its members as Chair for the term of the Council that appointed the members and until a successor is appointed. When the Chair of the Committee is absent or is otherwise unable to act, the Committee may appoint another member as Acting Chair. While presiding, the Acting Chair shall have all the powers of the Chair.

- B. If the Chair of the Committee resigns as a member of the Committee or resigns as the Chair of the Committee, the Committee shall appoint another member as Chair for the balance of the term of Council and until a successor is appointed.
- C. The Chair is the liaison between the members and the Clerk on matters of policy and process.
- D. The Chair shall enforce the observance of order and decorum among the Committee members and the public at all meetings.

**6. Agenda.**

- A. Before each meeting the Clerk shall provide an agenda to each member of the Committee.
- B. The agenda shall include a copy of the Application.
- C. The Clerk shall distribute to Committee members before or during a meeting any written submissions, including those of a Candidate, in relation to an Application or other item on an agenda.
- D. The first matter of business on each agenda shall be the declaration of any conflict of interest.

**7. Lack of Quorum.**

If no quorum is present thirty minutes after the time fixed for a meeting of the Committee or the resumption of a meeting after an adjournment, or should a quorum at a meeting be lost for a period of thirty consecutive minutes, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the next meeting day scheduled by the Clerk.

**8. Committee procedures.**

- A. Opening statement.

Where the agenda includes consideration of an Application, the Chair will read an opening statement outlining the procedure and format of the Committee meeting.

- B. Motions.

Following the opening statement and before considering the substance of agenda items, the Committee members may make preliminary motions, including motions to change the order of business or to defer an agenda item, with respect to any business properly before the Committee.

C. Committee Business

Prior to consideration of an item on the Committee agenda, the Chair will identify for those present the agenda item to be considered.

D. Introduction and recording of Applicant and Candidate

Prior to consideration of an Application, the Chair shall request the Applicant and Candidate, if present, to identify themselves and to provide their names and mailing addresses to the Clerk during the meeting.

E. Consideration of an Agenda Item

- (1) Any persons present for the item, including the Applicant and the Candidate, who have registered with the Clerk, may speak to the item for up to five minutes.
- (2) The Committee members may ask questions of anyone who speaks and of City staff.
- (3) Once all of those who have registered have been given an opportunity to speak as permitted by (1), the committee members will each have an opportunity to speak to the item.

F. Voting on an Item

Once the process set out in E. has concluded, Committee members may speak to the matter for a maximum of five minutes each, make motions and vote on the item.

G. Rules of Debate

- (1) When two or more Committee members wish to speak, the Chair shall designate the member who first requested to speak as the member who speaks first.
- (2) A Committee member may ask a question only:
  - a) Of a member who has already spoken on the matter under discussion.
  - b) Of the Chair;

- c) Of an official of the City of Toronto; and
  - d) Of any other person addressing the Committee pursuant to these Procedures.
- (3) A Committee member may ask a question only for the purpose of obtaining information relating to the matter then under discussion.
  - (4) Every Committee member present at a meeting of the Committee when a question is put shall vote on the question, unless prohibited by law in which case the fact of the prohibition shall be recorded in the minutes of the meeting.
  - (5) The matter put to a vote shall be in the form of a motion addressing the matter then under consideration.
  - (6) Any Committee member may propose a motion on the matter then under consideration, and the Clerk shall record the motion in writing.
  - (7) If there is more than one motion with respect to a matter, the Clerk shall record all motions in writing and read the various motions to the Committee members prior to the vote being taken.
  - (8) The following are deemed to be procedural motions and shall be subject to consideration in the following order:
    - a) To change the order of business (not debatable).
    - b) To adjourn and amendments thereto (not debatable).
    - c) That the vote be now taken (not debatable).
    - d) To defer.

## **9. Notice**

- (1) The Clerk shall give notice of a Committee meeting generally in accordance with Chapter 162-3A of the City of Toronto Municipal Code.
- (2) Where an Application will be considered at a meeting, the Clerk shall give reasonable notice to the Applicant and Candidate of the time, place and purpose of a meeting and of the fact that if either party fails to attend the meeting the Committee may proceed in the party's absence and the party will not be entitled to further notice in relation to the meeting or subsequent meetings at which he

Application is considered. The notice shall include the reasons given in the Application. The Candidate shall be requested to respond to the Application in writing. The written response shall be submitted to the Clerk a minimum of two days prior to the Committee meeting at which the Application will be considered.

- (3) The Clerk will forward notice of the committee's decision to the Applicant and the Candidate at the mailing address provided to the Clerk as required by these Procedures.

#### **10. Committee decisions under MEA.**

- (1) In accordance with s. 81(5) of the MEA, within 30 days of receipt of the Application, the Committee shall consider the application and decide whether to grant or reject the Application.
- (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 election campaign finances.
- (3) In accordance with s. 81(14) of the MEA, within thirty days after receiving a report of an auditor submitted under s. 81(10) of the MEA, the Committee shall consider the report.

#### **11. Grant exceptions from Procedures**

The Committee may waive any rule of procedure in this by-law, as it considers appropriate to ensure that the real questions in issue are determined in a just manner.

#### **12. Voting**

In the case of a tie vote, the motion or question shall be deemed to have been lost.

#### **13. Minutes**

- A. The Clerk shall prepare minutes of each meeting of the Committee and shall provide members with a copy of the minutes, as soon as the minutes are available.
- B. The Committee members shall each review and sign the minutes to confirm that the minutes reflect the Committee's actions.

**14. GENERAL**

This by-law shall come into force on the date of its enactment.

Dated the 28<sup>th</sup> day of March, 2011.

**Ulli S. Watkiss**

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Committee Chair

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City Clerk