STAFF REPORT
ACTION REQUIRED

Establishment of a Nominating Panel for Appointments to the Compliance Audit Committee

Date:	February 11, 2014
To:	City Council
From:	City Clerk
Wards:	All

SUMMARY

City Council needs to adopt a process for the appointment of the Compliance Audit Committee members for the 2014 election. The appointments must be made before October 1, 2014.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council establish a nominating panel composed of three Members of Council to consider and make recommendations to City Council on public appointments to the Compliance Audit Committee for the 2014 election.

2. City Council appoint, by ballot if necessary, three Members to the panel at its meeting on February 19 and 20, 2014.

3. City Council direct and authorize the nominating panel to submit its list of recommended candidates as a public report.

Financial Impact

There are no financial implications arising from this report.

DECISION HISTORY

City Council established the Compliance Audit Committee and its terms of reference under 2009.EX37.3 in December 2009.

The current members were appointed for the 2010-2014 term to consider matters related to the 2010 election under 2010.EX46.1 in August 2010.

The Compliance Audit Committee adopted a procedures by-law under item 2011.EA1.3.

The relevant decisions can be found here:

EX37.3 - http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.EX37.3
EX46.10 - http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX46.1
EX1.3 - http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EA1.3

ISSUE BACKGROUND

As required by the Municipal Elections Act, City Council has established a Compliance Audit Committee to consider applications for compliance audits under s. 81 of the Municipal Elections Act.

The terms of office of the current members will expire at the end of this term, and City Council must appoint new members for the 2014 election.

The Municipal Elections Act requires City Council to appoint a compliance audit committee for the 2014 election before October 1, 2014.

Council-approved composition of the committee

Under terms of reference adopted by City Council under 2009.EX.37.3, the committee is composed of three people to be drawn from groups of stakeholders with the following skills and expertise:

(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
(d) other individuals with knowledge of the campaign financing rules of the Municipal Elections Act, 1996

The Act prohibits the appointment of any candidates, current Members of Council or City staff to the committee.

The City requires any person recommended for appointment to agree in writing that he or she will not advise, prepare or audit the election financial statements of any candidate for office on City Council or become a candidate in the municipal election and any by-elections during the term of Council that corresponds to the term of the committee.

COMMENTS

This is a time sensitive matter

Although the statutory deadline to appoint this committee is October 1, City Council will not meet again after August 27 and 28, 2014. Accordingly, this matter is being brought to City Council now so that the recruitment process can begin as soon as possible and City Council can appoint the committee at its May or June meeting.

City Council should establish a Nominating Panel

When City Council appointed the Compliance Audit Committee for the 2010 election, it directed that the committee be brought under the public appointments policy in future years. Previously City Council appointed the committee on the recommendation of the City Clerk.

City Council should appoint a nominating panel to consider applications for the committee and to recommend candidates to City Council for appointment. The panel will be supported by City Clerk's Office staff.

We recommend a three member panel. As time is of the essence, City Council should avoid a larger panel to make it easier to schedule and obtain quorum for meetings and interviews. It should avoid an even-numbered panel to avoid tie votes.

Recruitment Process

The City Clerk will conduct an advertised recruitment in accordance with the Public Appointments Policy, supplemented by targeted communications to the accounting, legal and academic communities.

A staff team including City Clerk's Office and City Manager's Office staff will screen the applications against the qualifications and provide the results to the panel.

Nominating Panel Meetings

The City Clerk will give notice of panel meetings and post agendas and minutes to the website at www.toronto.ca/council.

Meetings may be closed in accordance with the closed meeting provisions of the City of Toronto Act to consider information about identifiable individuals, including interviews of applicants. Certain information, such as the list of applicants will be considered as confidential documents.

Proposed public reporting of recommended candidates

The Act requires City Council to appoint people to a committee that may ultimately consider compliance audit applications for the incumbent Members of Council appointing them. To improve public scrutiny and confidence in the appointment process, City Council should vary the usual process to require that the recommended candidates for appointment be considered in public.

This means the recommendations of the panel would be submitted to City Council as a public document. All candidates will be advised of the public disclosure of the recommended candidates at the start of the process.

CONTACT

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SIGNATURE

City Clerk