

By-Law 2022-151

**A By-law of the City of Greater Sudbury to Establish and Appoint a
Municipal Election Compliance Audit Committee for the Term Commencing
November 16, 2022 through and Including November 15, 2026**

Whereas section 88.37 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched. requires a municipal council to establish a compliance audit committee for the purposes described in that Act;

And Whereas Council of the City of Greater Sudbury wishes to adopt the terms of reference as set out in Schedule "A" for the City's municipal election compliance audit committee;

And Whereas Council of the City of Greater Sudbury wishes to appoint the members of the Municipal Election Compliance Audit Committee of the City of Greater Sudbury for the term starting November 16, 2022 and ending November 15, 2026;

Now therefore Council of the City of Greater Sudbury hereby enacts as Follows:

Establishment

1. Council of the City of Greater Sudbury hereby establishes a compliance audit committee pursuant to section 88.37 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched., which committee shall be referred to as the "Municipal Election Compliance Audit Committee".

Term

2. The term of the Municipal Election Compliance Audit Committee shall commence November 16, 2022 and continue until and including November 15, 2026.

Function and Powers and Terms of Reference

3.(1) The Municipal Election Compliance Audit Committee has the function and powers prescribed for such a committee established under the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched.

(2) The terms of reference for the Municipal Election Compliance Audit Committee as set out in Schedule "A" are adopted and shall form part of this by-law.

Terms of Reference

**City of Greater Sudbury Municipal Election
Compliance Audit Committee**

Mandate:

Required under Section 88.37 of the *Municipal Elections Act, 1996* as amended, the Municipal Election Compliance Audit Committee considers applications for a compliance audit related to elections for the Council of the City of Greater Sudbury, for the Rainbow District School Board and for the Sudbury Catholic School Board in the event each such school board enters into an agreement with the City of Greater Sudbury in regard to its use of the Municipal Election Compliance Audit Committee.

Primary Objectives:

The powers and functions of the Municipal Election Compliance Audit Committee are set out in detail in the *Municipal Elections Act, 1996*, as amended and can be summarized as follows.

With respect to applications for a compliance audit, the Municipal Election Compliance Audit Committee shall:

- Receive and consider an application for a compliance audit of the campaign finances of a candidate for municipal council or school board, or a registered third-party, and determine whether the compliance audit should be granted or rejected;
- If the application is granted, appoint an auditor whose qualifications, duties and powers are as set out in the Act;
- Within 30 days of receipt of the auditor's report, if the report concludes that the candidate or registered third party appears to have contravened a provision of the Act related to election campaign finances, decide whether to commence legal proceedings against the candidate or registered third party with the apparent contravention.

With respect to reports from the City Clerk/City Solicitor regarding apparent contraventions of contribution limits, the Municipal Election Compliance Audit Committee shall:

- Receive and consider report(s) from the City Solicitor / City Clerk identifying each contributor to a candidate for office on council who appears to have contravened any of

the contribution limits under section 88 of the Act and decide whether to commence a legal proceeding against a contributor for an apparent contravention; and

- Receive and consider report(s) from the City Solicitor/City Clerk identifying each contributor to a registered third party who appears to have contravened any of the contribution limits under section 88.13 of the Act and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

Membership:

The Municipal Election Compliance Audit Committee is composed of five members. Three members are required to be in attendance for the purposes of quorum, each of whom should have:

- Experience in receiving and understanding financial information;
- Understanding of the role and responsibilities of the Committee;
- Analytical and decision making skills, with emphasis on the ability to work under pressure;
- Experience working on a committee, task force, tribunal, disciplinary panel or similar body;
- Excellent writing and oral communication skills.

The Municipal Election Compliance Audit Committee shall not include:

- Employees or officers of the City or School Boards;
- Members of Council or a School Board;
- candidates in the elections for which the committee is established;
- Registered Third Parties in the municipality in the election for which the committee is established.

Time Commitment:

The Municipal Election Compliance Audit Committee will be required to adhere to the timelines established in the *Municipal Elections Act, 1996*, as amended.

The Committee will meet as required for the purposes of reviewing an application for a compliance audit, a report from an auditor or a report from the City Solicitor/City Clerk regarding apparent contraventions of contribution limits set out in the Act.

The time required from members will depend on the decisions made by the Committee with regard to granting of an application and/or receipt of the audit report.

Remuneration:

Because the Municipal Election Compliance Audit Committee is a decision making body and members will be working in their professional capacity, a per diem of \$300 will be paid to each member and alternate member for attendance at each meeting.

Term:

In accordance with Section 88.37(5) of the Act, the Municipal Election Compliance Audit Committee has the same term of office as the Council that takes office following a regular municipal election. Each new Committee shall be appointed by October 1st of a regular municipal election year.

Appointment

4. The following persons are appointed as members of the Municipal Election Compliance Audit Committee for the term of the committee:

Josh Lilley

Peter McMullen

Melissa Sullivan

Carl Nurmi

Ruby Lougheed-Yawney

Authority to Enter Agreement


5. The City Solicitor and Clerk is delegated the authority to negotiate and sign an agreement with each of the Rainbow District School Board and the Sudbury Catholic School Board and any necessary amendments thereto, to authorize each of the Rainbow District School Board and the Sudbury Catholic School Board to rely on the City's Municipal Election Compliance Audit Committee as needed.

Effective

6. This by-law shall come into full force and effect upon passage.

Read and Passed in Open Council this 13th day of September, 2022


_____ Mayor


_____ Clerk