

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

BY-LAW NO. BL-2026-15

Being a By-law to Establish the Terms of Reference for the 2026-2030 Joint Compliance Audit Committee.

WHEREAS section 88.37 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched. (the "MEA") requires municipalities to establish Compliance Audit Committees to deal with matters regarding election campaign finances before October 1 in an election year; and

WHEREAS it is deemed necessary to establish the Terms of Reference for the Joint Compliance Audit Committee established by the Municipalities of Brighton, Port Hope, and Trent Hills; the Town of Cobourg; and the Townships of Alnwick/Haldimand, Cramahe, and Township of Hamilton (each a "Participating Municipality", and collectively the "Participating Municipalities".)

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the Corporation of the Township of Cramahe enacts as follows:

1. That Council enact the Terms of Reference for the Joint Compliance Audit Committee ("Committee") as follows:

Mandate

- (1) The powers and functions of the Committee are set out in sections 88.33 to 88.36 of the MEA. The powers and functions are generally described as:
 - (a) Within 30 days of receipt of an application requesting a compliance audit, the Committee shall consider the compliance audit application and decide whether it should be granted or rejected.
 - (b) If the application is granted, the Committee shall appoint an auditor to conduct a compliance audit of the candidate's election campaign finances.
 - (c) The Committee will review the auditor's report within 30 days of receipt and, if the auditor's report concludes there are apparent contraventions of the MEA, decide whether legal proceedings should be commenced.
 - (d) Within 30 days after receipt of a report from any Participating Municipality's Clerk of any apparent over-contributions to candidates or registered third parties ("Report of the Clerk"), the Committee shall consider the Report of the Clerk and decide whether legal proceedings should be commenced.

Composition

- (2) Five (5) to seven (7) Committee members shall be selected to be a roster, any three (3) of whom shall constitute quorum to conduct the business of the Committee. Such members shall be appointed by the Participating Municipalities.
- (3) When a Participating Municipality receives either an application for a compliance audit or a Report of the Clerk, the Clerk of the Participating Municipality shall, within 10 days, contact the roster of Committee members and arrange for a minimum of three (3), and not more than seven, Committee members to sit as the Compliance Audit Committee for the purpose of considering the compliance audit request or report of the Clerk (a "Panel"). Thereafter, the Panel shall be required to participate in all meetings and any other proceedings pertaining to the application or Report of the Clerk.

Term

- (4) The term of the Committee is the same as the terms of office of Council following the 2026 Municipal Election, and the term of office of the members of the Committee is the same as the term of the Committee, until successors have been appointed. For greater clarity, the Committee shall be deemed to be a continuing body, and the Committee shall have authority to continue any matter started by a previous Committee.

Chair

- (5) At its first meeting, a Panel shall select one of its Members to act as a Chair.

Proposed Meeting Schedule

- (6) The Committee shall meet as required, with meetings to be scheduled by the Clerk of the Participating Municipality, in consultation with the Panel, when a compliance audit application or Report of the Clerk is received.

Staffing and Funding

- (7) Staff from the applicable Participating Municipality shall provide administrative support to the Committee. The Participating Municipality requiring the services of the Committee shall be responsible for all associated expenses.
- (8) The Committee may also be represented by independent legal counsel, selected by the Participating Municipality.

Records

- (9) The records of Committee meetings shall be retained and preserved by the Participating Municipality requesting the service of the Committee in accordance with that municipality's Records Retention rules.

Meetings

- (10) Meetings of the Committee shall be conducted in accordance with the Rules of Procedure that are established jointly by the Clerks of the Participating Municipalities, attached as Schedule A. Meetings may be held in person, electronically, or by a combination of in person and electronic participation.

Remuneration

- (11) Each member of the Committee will receive the following remuneration:
 - (a) \$400 - Retainer fee (includes compensation for review of any background materials). Cost shared by all participating municipalities.
 - (b) \$350 - Attendance at a mandatory training session. Cost shared by all participating municipalities.
 - (c) \$350 - Per Diem rate to attend a meeting, plus mileage at \$0.73 per kilometer (when in-person attendance is required). Paid by the Participating Municipality requiring the services of the Committee.

Membership Selection

- (12) All Committee applicants will be required to complete an application form outlining their qualifications and experience.
- (13) The Clerk, or designate, from each Participating Municipality will serve on the Selection Committee. The Selection Committee shall meet to review all applications based on eligibility requirements of the MEA and any selection

criteria approved by the Selection Committee. The Clerk shall prepare a roster for appointment according to the process approved by the Council of the Participating Municipalities.

Selection Criteria

- (14) The following skills and experience will be used by the Selection Committee to determine suitability for appointment to the Committee:
- (a) Excellent analytical decision-making and communication skills;
 - (b) A working knowledge of the election process and election campaign finance (an asset);
 - (c) Experience working on a government board or quasi-judicial body (an asset); and
 - (d) Flexibility to attend meetings during daytime and evening hours.
- (15) The following persons are not eligible for appointment or to serve on the Committee:
- (a) Employees of any of the Participating Municipalities;
 - (b) Members of Council or Members of Local Boards of any of the Participating Municipalities;
 - (c) Council candidates for the 2026 Municipal Election and any by-election(s) held during the 2026-2030 Council term of office; or
 - (d) Any persons who are Registered Third Parties in any of the Participating Municipalities.
2. That this By-law shall come into effect on the date of its passing.

Read a first, second and third time and finally passed this 28th Day of April, 2026.



Mandy Martin, Mayor



Holly Grant, Clerk

Schedule A

Joint Compliance Audit Committee for the Municipalities of Brighton, Port Hope, and Trent Hills; the Town of Cobourg; and the Townships of Alwick/Haldimand, Cramahe, and Township of Hamilton

Rules of Procedure

In recognition of the provisions of section 88.37 of the *Municipal Elections Act, 1996* (the "Act"), the Municipalities of Brighton, Port Hope, and Trent Hills; the Town of Cobourg; and the Townships of Alwick/Haldimand, Cramahe, and Township of Hamilton (the "Participating Municipalities") established a Joint Compliance Audit Committee whose members were appointed by the Councils of the participating municipalities.

When an Application or Clerk's Report is received, the Clerk shall appoint a panel of Members from the Members of the Joint Compliance Audit Committee to constitute the Compliance Audit Committee to hear the Application or to consider the Clerk's Report.

In accordance with subsection 88.37(6) of the Act, the following Rules of Procedure have been established to enable the Compliance Audit Committee to fulfill its duties in a fair, open and responsible manner.

1. Definitions

In these Rules, unless the context requires otherwise,

"**Act**" means the *Municipal Elections Act, 1996*, S.O., 1996, c.32, as amended;

"**Affected Candidate**" means a person who was a candidate for office to whom a contribution was made by a Contributor, as identified in a Clerk's Report;

"**Affected Registered Third Party**" means a Registered Third Party to whom a contribution was made by a Contributor, as identified in a Clerk's Report;

"**Agent**" means that person appointed by the Applicant, Candidate, Contributor, Registered Third Party, Affected Candidate or Affected Registered Third Party to speak on its or their behalf at a Meeting of the Committee, and includes legal counsel;

"**Applicant**" means the Applicant who made an Application requesting a Compliance Audit;

"**Application**" means an application made to the Clerk pursuant to subsection 88.33(1) or 88.35(1) of the Act;

"**Auditor**" means an auditor appointed by the Committee pursuant to subsections 88.33(10) and (11) of the Act;

"**Audit Report**" means a report prepared by an Auditor following a compliance audit;

"**Candidate**" means the Candidate whose election campaign finances are the subject of an application for a Compliance Audit;

"**Chair**" means the Compliance Audit Committee Chair appointed or selected pursuant to section 5 of these Rules;

"**Clerk**" means, as the context provides, the Clerk of the Participating Municipality affected by an Application or Clerk's Report;

4. Receipt of Application or Clerk's Report

- (1) Forms for the making of an Application and related information shall be available in the Secretary's office and on the municipality's website.
- (2) The Secretary shall screen all Applications received to ensure the applicant has standing.
- (3) Within ten (10) days of receipt of an Application or forwarding of a Clerk's Report to the Committee, the Secretary shall send the Application or Clerk's Report by email to all Members requesting their availability to meet within thirty (30) days along with their interest in serving as Chair and any conflicts of interest associated with the Application or Clerk's Report. Members shall respond within forty-eight (48) hours by email and/or telephone.
- (4) The Secretary shall appoint three (3) Members to serve on the Committee for the purpose of dealing with the Application or Clerk's Report.
- (5) The Secretary shall inform the other Participating Municipalities which Members have been selected. Thereafter, the Members shall be required to participate in all meetings and any other proceedings pertaining to the Application or Clerk's Report, unless the Member ceases to be a member of the Committee, by resignation or otherwise, at which time the Clerk shall select an alternate Member.

5. Selecting a Chair

- (1) If only one Member expresses an interest in being Chair, the Committee shall appoint that person as Chair.
- (2) If more than one Member expresses an interest in being Chair or if no Member has expressed an interest in being Chair, the Committee shall select a Chair at their first meeting and if no consensus is reached among the Committee a vote shall be held with a simple majority carrying the vote.

6. Replacing the Chair

- (1) If the Chair resigns as the Chair or a Member of the Committee, the Committee shall appoint another Member as Chair. If the Committee cannot agree to the selection of a Chair, the Secretary shall select a Chair.

7. Chair's Duties

- (1) The Chair shall:
 - (a) call the Meeting to order as soon as Quorum is achieved;
 - (b) facilitate Meeting discussions and identify the order of proceedings and speakers;
 - (c) summarize discussion points and ensure all Members have an opportunity to be heard and understood;
 - (d) put to vote all motions that are regularly moved and seconded and announce the result of the vote;
 - (e) ensure any public attendee of the Meeting is treated fairly and appropriately;
 - (f) ensure order and decorum are observed among the Members, attendees and audience.
 - (g) ensure adequate follow-up on action items in preparing for future Meetings, including review of Minutes;
 - (h) liaise with the Secretary, as required, including any communication and clarification about Minutes or correspondence submitted;

9. Notice of Meeting

(1) Applications and Audit Reports

Where an Application or Auditor's Report will be considered at a Meeting, the Secretary shall provide notice and a copy of the Application or Auditor's Report to the Applicant and the Candidate or Registered Third Party, as applicable, by email or mail indicating:

- (a) The purpose, location and time of the Meeting;
- (b) The relevant provision of the Act under which the Meeting will be held;
- (c) The fact that if any party fails to attend the Meeting, the Committee may proceed in the party's absence without further notice;
- (d) The potential outcomes of the Meeting;
- (e) The ability for the Applicant and the Candidate or Registered Third Party, as applicable, to provide written submissions to be included in the Meeting agenda that are received one (1) business day prior to the meeting; and
- (f) The ability for the Applicant and the Candidate or Registered Third Party, as applicable, to provide oral submissions to the Committee at the Meeting and to request to participate in the Meeting electronically if the Meeting is to be held in person.

(2) Clerk's Reports

Where a Clerk's Report will be considered at a Meeting, the Secretary shall provide notice and a copy of the Clerk's Report to the Contributor and to the Affected Candidate(s) or Affected Registered Third Party (Parties), as applicable, by email or mail indicating:

- (a) The purpose, location and time of the Meeting;
- (b) The relevant provision of the Act under which the Meeting will be held;
- (c) The fact that if any party fails to attend the Meeting, the Committee may proceed in the party's absence without further notice;
- (d) The potential outcomes of the Meeting;
- (e) The ability for the Contributor and the Affected Candidate(s) or Affected Registered Third Party (Parties), as applicable, to provide written submissions to be included in the Meeting agenda within the timeframe established by the Secretary; and
- (f) The ability for the Contributor and the Affected Candidate(s) or Affected Registered Third Party (Parties), as applicable, to provide oral submissions to the Committee at the Meeting and to request to participate in the Meeting electronically if the Meeting is to be held in person.

10. Public Notice of Meeting

- (1) Public notice of a Meeting shall be provided on the municipality's website by posting the Meeting agenda, any Application and any relevant documentation, subject to the Municipal Freedom of Information and Protection of Privacy Act, R.S.O., 1990, c. M. 56.
- (2) Despite subsection 10(1), abridged or redacted versions of written submissions included with an agenda may be published to the participating municipality's website at the Secretary's discretion, provided the Members, the Applicant, Candidate, Contributor, Affected Candidate(s) and Affected Registered Third Party (Parties), as applicable, are each provided with the submission as originally submitted.

11. Confidentiality

3. Any submissions presented after the Meeting agenda is published may be considered by the Committee.
4. Subject to the *Statutory Powers Procedure Act*, the Committee may admit as evidence at a Meeting any oral or documentary evidence relevant to the subject matter of the Meeting, whether or not provided under oath or admissible as evidence in a court.

(3) Conflict of Interest

1. Members should be cognizant of potential conflicts of interest and Members shall not use their status on the Committee for personal, pecuniary or political gain.
2. The Committee must perform its functions and be seen to perform its functions fairly and impartially.

(4) Identification of Relevant Parties

1. Before considering an Application, Auditor's Report or Clerk's Report, the Chair shall request the Applicant, Candidate, Contributor, Affected Candidate(s), Registered Third Party or Affected Registered Third Party (Parties), as applicable, to identify themselves, and to provide their names to the Secretary for the record.

(5) Committee's Opening Statements

1. Where the agenda includes considering an Application, Clerk's Report or Auditor's Report, the Chair will read an opening statement outlining the Meeting's procedure and format and then the Chair will permit each Member to make a statement. Where a Clerk's Report is being considered, the Chair will ask the Clerk to present the Report. Where an Auditor's Report is being considered, the Chair will ask the Auditor to present the Report.
2. The Committee may ask questions of the Clerk or Auditor, as applicable.

(6) Addressing the Committee

1. Address by Applicant or Applicant's Agent and Witnesses (where Committee is Addressing an Application or an Auditor's Report)
 - (a) The Applicant or Agent and any necessary witnesses may address the Committee.
 - (b) The Committee may ask questions of the Applicant or Agent, and any witnesses.
2. Address by Candidate or Agent and Witnesses or by Third Party or Agent and Witnesses, as Applicable (Where Committee is Addressing an Application or An Auditor's Report)
 - (a) The Candidate or Agent and any necessary witnesses or the Registered Third Party or Agent and any necessary witnesses, as applicable, may address the Committee. The Candidate or Agent or Registered Third Party or Agent, as applicable, may respond to the content of the Applicant's address to the Committee.
 - (b) The Committee may ask questions of the Candidate or Agent and any witnesses, or of the Registered Third Party or Agent and any witnesses, as applicable.
3. Address by Candidate or Agent and Witnesses or by Third Party or Agent and Witnesses, as Applicable (Where Committee is Addressing a Clerk's Report)
 - (a) The Contributor or Agent and any necessary witnesses may address the Committee.
 - (b) The Committee may ask questions of the Contributor or Agent, and any witnesses, as applicable.

- (3) With respect to Applications, if the Committee decides to grant the Application, it shall, by resolution direct the Clerk to engage an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the Candidate's or Registered Third Party's election campaign finances.
- (4) The Secretary shall forward notice of the Committee's decisions to the Applicant, Candidate, Contributor, Registered Third Party, Affected Candidate(s) and Affected Registered Third Party (Parties), all as applicable, at the mailing address provided to the Secretary by such party and will send such notices in addition, by electronic mail to such party to such electronic mail address as the party provides to the Secretary. Each party may also provide an address and mailing address for its Agent, if applicable, and notice of the Committee's decisions will also be provided.

17. Waiver

- (1) The Committee may waive any of these Rules as it considers appropriate, to ensure that the questions in issue are fairly determined.

18. Minutes

- (1) The Secretary 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.
- (2) Each Member shall each review and sign the Minutes or, if signature is not feasible, provide approval of the Minutes to the Secretary by email to confirm that they reflect the Committee's actions.
- (3) The approved Minutes will be posted on the website of the municipality in which the Committee has sat.