

# Grey County Compliance Audit Committee Rules of Procedure

## 1. General Rules of Procedure:

1. Definitions and references. In these Rules of Procedure:
  - a) the definitions included in the Grey County Compliance Audit Committee Terms of Reference apply;
  - b) a reference to a Candidate may be read as a reference to a Registered Third Party;
  - c) a reference to the Clerk shall be read as a reference to the clerk of the municipality, or designate, with whom the Candidate filed his or her nomination, or in which the registered third party is registered.
2. These Rules of Procedure may be suspended upon a majority vote of the Sitting Committee.
3. If these Rules of Procedure do not provide for a matter of procedure that arises during the tenure of the Sitting Committee, the practice shall be determined by the Chair in coordination with the Clerk. The Chair may do whatever is necessary and permitted by law to enable the Sitting Committee to effectively and completely decide the matter before it.
4. All meetings of the Sitting Committees are open to the public, although the Committee may retire to deliberate its decision in private.
5. The Clerk shall be responsible for arranging for Legal Counsel to advise the Sitting Committee.
6. A chair shall be elected by members of the Sitting Committee at the beginning of the first meeting of the Committee, who shall act as such for all subsequent meetings of the Sitting Committee. The chair shall have the following duties:
  - a) liaise between the members and the Clerk on matters of policy and process;
  - b) enforce the observance of these Rules of Procedure as well as order and decorum among the participants at all meetings;
  - c) put to a vote all motions, which are moved in the course of the proceedings, and shall announce the result;
  - d) adjourn the meeting when the business of the Sitting Committee is concluded.

7. Each member of the Sitting Committee shall have the following duties:
  - a) to deliberate on the business submitted to the Sitting Committee;
  - b) to be present throughout a hearing;
  - c) to vote when a motion is put to a vote; and
  - d) to respect the Rules of Procedure and any guidelines for Sitting Committee members.
8. A quorum of the Sitting Committee is two (2) members and is required in order to proceed with a meeting. If a quorum is not achieved within 30 minutes of the scheduled start of the meeting, the meeting shall be adjourned to a later date.
9. Meetings of the Sitting Committee may be held virtually, at the discretion of the Host Municipality.
10. Where a Host Municipality has elected to host meetings virtually, the following shall apply:
  - i. Members participating electronically in a meeting shall be counted in determining quorum.
  - ii. Electronic participation shall be permitted in closed meeting discussions.
11. At the beginning of each Sitting Committee meeting,
  - a) the chair will advise those present of the hearing procedures;
  - b) members will be asked if they have a conflict of interest subject to the *Municipal Conflict of Interest Act* in regards to the Application in front of them.
12. All motions will be decided by a majority vote
13. Motions do not require a seconder to be recognized by the Chair
14. All communications by the Clerk to the members of the Sitting Committee, Candidate and Applicant will be by email, or regular mail where email is not available
15. All communications by the Clerk to the public will be by posting to the municipal website.

## 2. Review of Application for Compliance Audit

1. An Application for a Compliance Audit is filed by an eligible elector in writing with the Clerk:
  - a) The application shall include reasons and supporting documentation why the elector believes on reasonable grounds that a Candidate is in contravention of the Act as it relates to campaign finances.
  - b) The Application must be filed with the Clerk within 90 days after the latest of:
    - i. the Filing Date – March 31, 2023; or
    - ii. the date the Candidate or Registered Third Party filed a Statement, if the Statement was filed within 30 days after the Filing Date
    - iii. The Supplemental Filing Date – September 29, 2023; or
    - iv. The date on which the Candidate's extension granted by the Superior Court of Justice, if any, under subsection 88.23(6) expires.
2. Within 10 days of receiving the Application, the Clerk shall:
  - a) Contact members of the GCCAC and arrange for three members to convene as a Sitting Committee (Section 4.4.1 of the Terms of Reference).
    - i. the Clerk shall consider the following factors in selecting members for the Sitting Committee:
      1. availability of members,
      2. whether potential members have been appointed to another Sitting Committee – as much as possible, all GCCAC members should be given opportunity to participate on a Sitting Committee,
      3. to avoid potential conflicts of interest, Sitting Committee members shall not be residents or property owners of the municipality in which the Sitting Committee is being convened,
  - b) The Clerk shall ask if the member has a potential conflict with the application. Forward the Application to the Sitting Committee.
  - c) Set the time and place of meeting to be held within 30 days of the Sitting Committee receiving the Application.

3. As soon as possible after setting the time and place of the Sitting Committee meeting, the Clerk shall provide notice, in the form of a meeting agenda, to the Sitting Committee, the Applicant, the Candidate and the public.
4. The Applicant and the Candidate (in that order) or their representatives will be permitted to address the Sitting Committee for 5 minutes each. Those addressing the Sitting Committee shall be asked to submit their address in writing.
5. Sitting Committee members will have the opportunity to ask questions of the Applicant and the Candidate.
6. After all parties have spoken, the Sitting Committee will make a decision to either:
  - a) Grant the application for Compliance Audit and appoint an auditor; or
  - b) Reject the application.
7. Pursuant to the Act, the Sitting Committee may choose to deliberate its decision in private.
8. The Sitting Committee may request and receive legal advice regarding any aspect of the Application. The Host Municipality will be responsible for arranging legal counsel to be present at every meeting.
9. The decision of the Sitting Committee shall be in writing, and shall include brief reasons for the decision. The Sitting Committee, in consultation with legal counsel, shall prepare the decision.
10. The decision of the Sitting Committee is public, will be posted publicly with the minutes of the meeting, and will be forwarded to:
  - a) the Applicant, and
  - b) the Candidate
11. As per the Act, the decision can be appealed to the Superior Court of Justice within 15 days after the decision of the Sitting Committee. The Court can make any decision the Sitting Committee could have made.

### 3. Auditor's Review/Report

1. The Auditor shall conduct an audit of the Candidate's election campaign finances to determine whether he/she has complied with the provisions of the Act and prepare a report outlining whether or not the Candidate was in contravention of the Act.
2. While conducting the audit, the auditor is entitled to have access to all relevant books, papers, documents or things of the Candidate within reasonable hours.
3. The Auditor also has the powers set out in Section 33 of the *Public Inquiries Act*.
4. Once the Auditor has completed his/her report, copies will be forwarded to:
  - a) the Candidate named on the application, and
  - b) the Applicant, and
  - c) the Clerk.
5. The Auditor's report is a public document.
6. The Auditor will be present at the meeting of the Sitting Committee where the report is to be presented to answer any questions.

#### 4. Committee Review and Meeting to Discuss Auditor's Report

1. Within 10 days of receiving the Auditor's report, the Clerk shall:
  - a) set the time and place of the meeting to be held within 30 days of Sitting Committee receiving the report;
  - b) circulate a copy of the report to the Sitting Committee;
  - c) circulate the meeting agenda to the Sitting Committee, Auditor, Applicant and Candidate.
2. The Applicant and the Candidate (in that order) or their representatives will be permitted to address the Sitting Committee for 5 minutes each. Those addressing the Sitting Committee shall be asked to submit their address in writing.
3. Sitting Committee members will have the opportunity to ask questions of the Auditor, Applicant and Candidate.
4. After all parties have spoken, the Sitting Committee will make a decision.
  - a) If the report concludes that the Candidate appears to have contravened provisions of the Act relating to election campaign finances, the Sitting Committee shall decide whether or not to commence a legal proceeding against the Candidate for the contravention.
  - b) If the Sitting Committee decides to commence a legal proceeding, the Sitting Committee shall, in consultation with the Clerk, appoint a prosecutor to carry out same.
5. Pursuant to the Act, the Sitting Committee may choose to deliberate its decision in private.
6. The Sitting Committee may request and receive legal advice regarding any aspect of the Application. The Host Municipality will be responsible for arranging legal counsel to be present at every meeting.
7. The decision of the Sitting Committee shall be in writing, and shall include brief reasons for the decision.
8. The decision of the Sitting Committee is public and will be forwarded to:
  - a) the Candidate named on the application, and

b) the Applicant.

9. the Applicant. In accordance with the Act, the decision can be appealed to the Superior Court of Justice within 15 days after the decision of the Sitting Committee. The Court can make any decision the Sitting Committee could have made.

## 5. Committee Review and Meeting to Discuss Clerk's Report

1. The Clerk shall review the contributions reported on the financial statement submitted by a Candidate to determine whether any contributor, as referred to in the Act, appears to have exceeded any of the contribution limits.
2. As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, the Clerk shall prepare a report identifying each contributor who appears to have contravened any of the contribution limits, and,
  - a) if the contributor's total contributions to a Candidate appear to exceed the limits under the Act, the report shall set out the contributions made by that contributor; and
  - b) if the contributor's total contributions to two or more Candidates appear to exceed the limit, the report shall set out the contributions made by that contributor to all Candidates.
3. The Clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits.
4. The Clerk shall forward each report prepared under subsection (2) to the Sitting Committee.
5. At the time of, or as soon as possible after, forwarding the report to the Sitting Committee, the Clerk shall set the time and place of meeting to be held within 30 days of the Sitting Committee receiving the report.
6. As soon as possible after setting the time and place of the Sitting Committee meeting, the Clerk shall provide notice, in the form of a meeting agenda, to the Sitting Committee, the contributor, the Candidate(s) who received contributions from the contributor, and the public.
7. The contributor or their representative will be permitted to address the Sitting Committee for 5 minutes. Those addressing the Sitting Committee shall be asked to submit their address in writing.
8. Sitting Committee members will have the opportunity to ask questions of the Clerk and Contributor.
9. After all parties have spoken, the Sitting Committee will make a decision whether to commence legal proceedings against the contributor for an apparent contravention of the Act.



- a) If the Sitting Committee decides to commence a legal proceeding, the Sitting Committee shall, in consultation with the Clerk, appoint a prosecutor to carry out same.
- 10. Pursuant to the Act, the Sitting Committee may choose to deliberate its decision in private.
- 11. The Sitting Committee may request and receive legal advice regarding any aspect of the Clerk's Report. The Host Municipality will be responsible for arranging legal counsel to be present at every meeting
- 12. The decision of the Sitting Committee shall be in writing, and shall include brief reasons for the decision.
- 13. The decision of the Committee is public and will be forwarded to the contributor.