

Timiskaming District Joint Compliance Audit Committee  
(TDCAC)

Administrative Practices and Procedures

Term: 2022-2026

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## 1. Purpose and Application

The Timiskaming District Joint Compliance Audit Committee was established in accordance with Section 88.37(1) of the *Municipal Elections Act*, 1996 (hereinafter referred to as the “Act”), by the member municipalities.

Pursuant to Section 88.37(6) of the Act, the Clerk shall establish administrative practices and procedures for the Compliance Audit Committee. Accordingly, the following sections provide for the practices and procedures to be followed by the Timiskaming District Joint Compliance Audit Committee in carrying out its mandate for the member municipalities.

## 2. Definitions

In this procedure, the following definitions apply;

- a) “**Act**” means the Municipal Elections Act, 1996, S.O. 1996, Chapter 32, as amended.
- b) “**Alternate Member**” means an Alternate person appointed to the Timiskaming District Joint Compliance Audit Committee.
- c) “**Applicant**” means a person who is entitled to submit an Application under the Act requesting a Compliance Audit.
- d) “**Application**” means an Application for a Compliance Audit made to the Clerk, in writing, setting out the reasons for the request, and accepted by the Clerk pursuant to Section 88.33 or 88.35 of the Act. See attached Forms for this purpose.
- e) “**Auditor**” means a person appointed by the Committee to conduct a Compliance Audit of a Candidate’s or of a Registered Third Party’s election campaign finances pursuant to Section 88.33 or 88.35 of the Act.
- f) “**Auditor’s Report**” means a Report prepared for the Committee pursuant to Section 88.33 or 88.35 of the Act.
- g) “**Candidate**” means the Candidate whose municipal election campaign finances are the subject of an Application for a Compliance Audit or are the subject of a Clerk’s Report.
- h) “**Chair**” means the Chair of the Timiskaming District Joint Compliance Audit Committee.
- i) “**Clerk**” means the Clerk of the Member Municipality or designate.
- j) “**Clerk’s Report**” means a report prepared by the Clerk of the Member Municipality or designate with respect to contribution limits pursuant to Section 88.34 or 88.36 of the Act.

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- k) “**Committee**” means the Timiskaming District Joint Compliance Audit Committee, TDCAC, or Compliance Audit Committee, established pursuant to Section 88.37(1) of the Act.
- l) “**Compliance Audit**” (“Audit”) means an audit of a Candidate’s election campaign finances or of the campaign finances of a Registered Third Party Advertiser conducted by an Auditor appointed by the Committee.
- m) “**Conduct**” means the way one acts or personal behaviour.
- n) “**Contributor**” means a Contributor who is subject to a Clerk’s Report.
- o) “**Council**” means the Council of the member municipality.
- p) “**Mandate**” means the Timiskaming District Joint Compliance Audit Committee’s duties and responsibilities as set out in Section 3.
- q) “**Member**” means a person appointed to the Timiskaming District Joint Compliance Audit Committee.
- r) “**Member Municipality**” means any one of the following municipalities:

Township of **Armstrong**, Township of **Brethour**, Township of **Casey**, Township of **Chamberlain**, Municipality of **Charlton and Dack**, City of **Temiskaming Shores**, Town of **Cobalt**, Township of **Coleman**, Town of **Englehart**, Township of **Evanturel**, Township of **Gauthier**, Township of **Harley**, Township of **Harris**, Township of **Hilliard**, Township of **Hudson**, Township of **James**, Township of **Kerns**, Town of **Kirkland Lake**, Township of **Larder Lake**, Town of **Latchford**, Township of **Matachewan**, Township of **McGarry**, Village of **Thornloe**, and the Municipality of **Temagami**.
- s) “**Point of Order**” means when a Member believes that the rules of procedure are being violated and calls upon the Chair for a ruling and an enforcement of the regular rules.
- t) “**Point of Privilege**” means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member or who considers that his or her integrity or that of a Member or employee has been impugned or questioned by a Member.
- u) “**Quorum**” means the minimum number of Members that must be present at a meeting to make the proceedings of that meeting valid. For the purposes of the Committee, the minimum number of Members that must be present is two (2) Members.
- v) “**Reasonable Notice**” means a minimum of 14 days.

- w) “**Registered Third Party Advertiser**” means the Registered Third Party Advertiser whose municipal election campaign finances are the subject of an Application for a Compliance Audit or are the subject of a Clerk’s Report.
- x) “**Vice Chair**” means the Vice Chair of the Timiskaming District Joint Compliance Audit Committee.

### **3. Committee Mandate**

The Committee for the 2022-2026 Term of Council has full delegation of the authority under sections 88.33, 88.34, 88.35, 88.36 and 88.37 of the Act, to receive and make decisions on Applications for Compliance Audits of a municipal Candidate’s or a Registered Third Party Advertiser’s 2022 municipal election campaign finances and any by-election campaign finances during the 2022 to 2026 Council term.

The Committee is also responsible for reviewing reports submitted to the Committee by the Clerk with respect to any Contributor who appears to have contravened any of the contribution limits to a Candidate’s or a Registered Third Party Advertiser’s election campaign.

The Committee term is for four (4) years commencing November 15, 2022 through to November 14, 2026. If an audit goes beyond the Committee’s term, the appointment may require an extension.

### **4. Scope of Responsibilities**

The powers and functions of the Committee are set out in sections 88.33 to 88.37 of the Act and are generally described as follows:

- 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, with brief written reasons for the decision;
- b) If the Application is granted, the Committee shall appoint an Auditor to conduct a Compliance Audit of the Candidate’s election campaign finances or the campaign finances of the Registered Third Party Advertiser;
- c) The Committee will review the Auditor’s report within 30 days of receipt and shall decide whether legal proceedings should be commenced, with brief written reasons for the decision; and
- d) Within 30 days after receipt of a report from any Member Municipality Clerk of any apparent contribution in excess of the contribution limits to a Candidate or Registered Third Party Advertiser, the Committee shall consider the Clerk’s Report and decide

whether legal proceedings should be commenced, with brief written reasons for the decision.

- e) The Committee is responsible for addressing any Candidate's or Registered Third Party Advertiser's Compliance Audit Applications or any Candidate's or Registered Third Party Advertiser's contribution limit reports originating from any of the Member Municipalities during the 2022 to 2026 Council term.

## **5. Committee Structure**

### General Structure

- a) The Committee shall be comprised of three (3) voting Members of the public, with the provision for two (2) additional Alternate Members, all of who are qualified individuals.
- b) Committee Members will be appointed by each municipal Member Council in accordance with each Member Municipality's established procedures.
- c) At its first meeting, the Committee shall select and appoint one (1) of its Members to act as a Chair and one (1) of its Members to act as a Vice Chair for the duration of the Committee's term.
- d) Alternate Members will be called upon in the event that one (1) of the three (3) voting Members is unable to serve and/or attend meetings during the period of appointment, or if a Member resigns from the Committee or is disqualified. Alternate Members assume all of the rights and privileges of a voting Member, if called upon.
- e) The Clerk, or their designate, of the respective Member Municipality will act as recording secretary and provide administrative support to the Committee.
- f) The Clerks of the Member Municipalities shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the Act to implement the decisions of the Committee.

### Vacancies

- a) If there is a Committee vacancy resulting from disqualification or otherwise, individuals qualified and interested in appointment shall be sought by using one or more of the following methods; inviting applications by posting a notice, contacting previous Committee Members, or reviewing previous Committee applications received. This will be determined by the Clerks of the Member Municipalities.
- b) Once a qualified applicant has been determined, each of the Member Municipalities shall report to their respective Councils and present an amending By-Law to fill the vacancy and appoint the recommended individual.

## 6. Procedures - Application for a Compliance Audit

### a) Application by Elector

- i. For Candidate - An elector who is entitled to vote in an election and believes on reasonable grounds that a Candidate has contravened a provision of the Act relating to election campaign finances may apply for a Compliance Audit of the Candidate's election campaign finances, even if the Candidate has not filed a financial statement under section 88.25 of the Act.
- ii. For Registered Third Party Advertiser - An elector who is entitled to vote in an election and believes on reasonable grounds that a Registered Third Party Advertiser who is registered in relation to the election in the Municipality has contravened a provision of the Act relating to campaign finances may apply for a Compliance Audit of the campaign finances of the Registered Third Party Advertiser in relation to third party advertisements, even if the Registered Third Party has not filed a financial statement under section 88.29 of the Act.

### b) Application Requirements

An Application for a Compliance Audit shall be made to the Clerk of the Member Municipality for which the Candidate was nominated for office or in which the Third Party Advertiser was registered, and it shall be in writing on the prescribed forms attached as Appendix "A" & "B" to these procedure and shall set out the reasons for the elector's belief.

### c) Deadline for Applications

The Application must be made within 90 days after the latest of the following dates:

- i. The filing date under section 88.30 of the Act. - **June 29, 2023** would be the last day to file a Compliance Audit request for the December 31, 2022 reporting period (regular campaign period filing deadline is 2:00 p.m. on March 31, 2023).
- ii. The date the Candidate or Registered Third Party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30 of the Act. – **July 31, 2023** would be the last day to file a Compliance Audit request for the December 31, 2022 reporting period (regular campaign period late filing deadline is 2:00 p.m. on April 24, 2023).
- iii. The Candidate's supplementary filing date or the supplementary filing date for the Registered Third Party, if any, under section 88.30 of the Act. - **December 28, 2023** would be the last day to file a Compliance Audit request for the June 29, 2023



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supplementary reporting period (supplementary campaign period filing deadline is 2:00 p.m. on September 29, 2023).

- iv. The date on which the Candidate's or Registered Third Party Advertiser's extension, if any, under subsections 88.23 (6) or 88.27 (3) of the Act expires – court granted extension.

d) Committee

Within 10 days after receiving the Application, the Clerk of the Member Municipality shall forward the Application to the Committee.

e) Notice of Meetings

Reasonable Notice of the meetings of the Committee under this section shall be given to the Candidate or Registered Third Party, the Applicant and the public.

f) Open Meetings

The meetings of the Committee under this section shall be open to the public, but the Committee may deliberate in private.

g) Decision of Committee

- i. Within 30 days after the Committee has received the Application, the Committee shall consider the Application and decide whether it should be granted or rejected.
- ii. The decision of the Committee to grant or reject the Application, and brief written reasons for the decision, shall be given to the Candidate or Registered Third Party, the Clerk with whom the Candidate filed his or her nomination or the Clerk of the Member Municipality in which the Registered Third Party is registered, and the Applicant.

h) Appeal

The decision of the Committee under subsection 6.g. above may be appealed to the Superior Court of Justice within 15 days after the decision is made, and the court may make any decision the Committee could have made.

i) Appointment of Auditor

1. If the Committee decides under subsection 6.g) above to grant the Application, it shall appoint an Auditor to conduct a Compliance Audit of the Candidate's election campaign finances or the campaign finances of the Registered Third Party in relation to third party advertisements that appear during an election in the Municipality.

2. Only Auditors licensed under the Public Accounting Act, 2004 or prescribed persons are eligible to be appointed under subsection 6.i)1. above.

j) Duty of Auditor

The Auditor shall promptly conduct an audit of the Candidate's election campaign finances or the campaign finances of the Registered Third Party Advertiser in relation to third party advertisements that appear during an election in the Municipality, to determine whether he or she has complied with the provisions of the Act relating to election campaign finances or to campaign finances of the Registered Third Party in relation to third party advertisements that appear during an election in the Municipality and shall prepare a report outlining any apparent contravention by the Candidate or by the Registered Third Party Advertiser.

k) Who Receives Auditor's Report

The Auditor shall submit the report to the Candidate or Registered Third Party, the Clerk with whom the Candidate filed his or her nomination or the Clerk of the Member Municipality in which the Registered Third Party Advertiser is registered, and the Applicant.

l) Auditor's Report to be Forwarded to Committee

Within 10 days after receiving the report, the Clerk of the Member Municipality shall forward the report to the Compliance Audit Committee.

m) Powers of Auditor

For the purpose of the audit, the Auditor,

1. is entitled to have access, at all reasonable hours, to all relevant books, papers, documents or things of the Candidate or the Registered Third Party Advertiser and of the respective Member Municipality; and
2. has the powers set out in section 33 of the Public Inquiries Act, 2009 and section 33 applies to the audit.

n) Costs

The Member Municipality shall pay the Auditor's costs of performing the audit.

o) Decision

The Committee shall consider the report within 30 days after receiving it and, if the report concludes that the Candidate or the Registered Third Party Advertiser appears to have contravened a provision of the Act relating to election campaign finances or campaign

finances of the Registered Third Party Advertiser in relation to third party advertisements that appear during an election in the Municipality, the Committee shall decide whether to commence a legal proceeding against the Candidate or the Registered Third Party Advertiser for the apparent contravention.

p) Notice of Decision, Reasons

The decision of the Committee under subsection 6.o. above, and brief written reasons for the decision, shall be given to the Candidate or Registered Third Party, the Clerk with whom the Candidate filed his or her nomination or the Clerk of the Municipality in which the Registered Third Party Advertiser is registered, and the Applicant.

q) Immunity

No action or other proceeding for damages shall be instituted against an Auditor appointed under subsection 6.i.1. above, for any act done in good faith in the execution or intended execution of the audit or for any alleged neglect or default in its execution in good faith.

r) Saving Provision

This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of the Act relating to election campaign finances or relating to campaign finances of the Registered Third Party Advertiser in relation to third party advertisements that appear during an election in the Municipality.

## **7. Procedures - Review of Contributions**

a) Review of Contributions

The Clerk shall review the contributions reported on the financial statements submitted by;

1. a Candidate under section 88.25 of the Act to determine whether any Contributor appears to have exceeded any of the contribution limits under section 88.9 of the Act.
2. a Registered Third Party Advertiser under section 88.29 of the Act to determine whether any Contributor appears to have exceeded any of the contribution limits under section 88.13 of the Act.

b) Clerk's Report, Contributions to Candidate or Registered Third Party Advertiser

As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, for a Candidate or a Registered Third Party, the Clerk shall prepare a report identifying each Contributor to a Candidate for office on a Council or to the Registered Third Party Advertiser who appears to have contravened any of the contribution limits under section 88.9 or section 88.13 of the Act, which ever is applicable, and,

1. if the Contributor's total contributions to a Candidate for office on a Council appear to exceed the limit under section 88.9 of the Act, the report shall set out the contributions made by that Contributor to the Candidate;
2. if the Contributor's total contributions to two or more Candidates for office on the same Council appear to exceed the limit under section 88.9 of the Act, the report shall set out the contributions made by that Contributor to all Candidates for office on the same Council;
3. if the Contributor's total contributions to a Registered Third Party Advertiser that is registered in the Municipality appear to exceed the limit under section 88.13 of the Act, the report shall set out the contributions made by that Contributor to the Registered Third Party Advertiser in relation to third party advertisements; and
4. if the Contributor's total contributions to two or more registered third parties that are registered in the Municipality appear to exceed the limit under section 88.13 of the Act, the report shall set out the contributions made by that Contributor to all registered third parties in the Municipality in relation to third party advertisements.

c) Clerk's Report, Separate

The Clerk shall prepare a separate report under subsection 7.b. above in respect of each Contributor who appears to have contravened any of the contribution limits under section 88.9 or section 88.13 of the Act, which ever is applicable.

d) Clerk's Report to be Forwarded to Committee

The Clerk shall forward each report prepared under subsection 7b) above to the Committee.

e) Decision of Committee

Within 30 days after receiving a report under subsection 7.d. above, the Committee shall consider it and decide whether to commence a legal proceeding against a Contributor for an apparent contravention.

f) Notice of Meetings

Reasonable Notice of the meetings of the Committee under subsection 7.e. above shall be given to the Contributor, the applicable Candidate or the Registered Third Party and the public

g) Open Meetings

The meetings of the Committee under subsection 7.e. above shall be open to the public, but the Committee may deliberate in private.

h) Notice of Decisions, Reasons

The decision of the Committee under subsection 7.e. above, and brief written reasons for the decision, shall be given to the Contributor and to the Clerk of the Member Municipality.

i) Saving Provision

This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of the Act relating to contribution limits.

**8. Duties of the Clerk**

- a) The Clerk of the Member Municipality shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the Act to implement the Committee's decisions.
- b) The Clerk of the Member Municipality shall approve and sign the Committee minutes.

**9. Duties of the Chair**

The duties of the Chair are as follows:

- a) Liaise with the Clerk and review meeting agendas.
- b) Call Committee meetings to order when there is a Quorum, preside over Committee discussions, facilitate Committee business, follow the procedures as set out herein, identify the order of proceedings and speakers, and rule on Points of Order and Privilege, as may be necessary.
- c) Participate as an active Member, encouraging participation by all Members.

- d) The Chair is permitted to provide brief comments during discussion, make motions and vote on all matters.
- e) If the Chair is not present within the first fifteen (15) minutes of a Committee meeting or is absent through illness or otherwise, and Quorum cannot be obtained, the Clerk shall note the attendees, and then adjourn the meeting until such time as Quorum can be obtained.
- f) If the appointed Chair is unable to participate, the Vice Chair shall take the Chair. While so presiding, they shall have all the powers and duties of the Chair.

## **10. Duties of the Members**

The duties of Members are as follows:

- a) Attend all Committee meetings, or notify the Clerk as soon as possible in the event that the Member cannot attend.
- b) Understand their role, the Committee's Mandate and meeting procedures.
- c) Disclose any pecuniary interest in any matter prior to consideration by the Committee and leave the meeting, refrain from discussion and voting on the matter in accordance with Section 5 of the Municipal Conflict of Interest Act.
- d) Where the pecuniary interest of a Member has not been disclosed by reason of the Member's absence from the meeting, the Member shall disclose the pecuniary interest and otherwise comply with subsection 10.c) at the first meeting of the Committee attended by the Member after the meeting referred to in subsection 10.c)
- e) Participate as an active voting Member, asking questions, and seeking clarification through the Chair.
- f) Develop and maintain a climate of mutual support, trust, courtesy, integrity and respect.
- g) Work together to utilize the knowledge, expertise and talents of all Members.
- h) Respect the decisions of the Committee and that such decisions reflect the majority view.
- i) Abide by the respective Member Municipality's Code of Conduct for Council and Local Boards.
- j) Participate in an orientation training session hosted by the Member Municipalities.

## 11. Staff Support

The Member Municipality shall provide the following support to the Committee:

- a) The Clerk shall call the first regular meeting of the Committee to order and conduct the selection of the Chair and Vice Chair by resolution of Members.
- b) Prepare agendas for review by the Clerk of the Member Municipality and the Chair.
- c) Reasonable Notice of meetings of the Committee shall be given to the Members, the Applicant, the Candidate, the Registered Third Party, the Contributor and the public, whichever is applicable, as determined by the Clerk of the Member Municipality. The meeting agendas will be posted a minimum of three (3) days prior to the date of each meeting. The Member Municipality website will be utilized to communicate the meeting notices and agendas.
- d) If it is determined that an emergency Committee meeting is required or a meeting requires rescheduling, in order to meet the legislative timelines of the Act, and when time does not permit for the minimum Reasonable Notice, notice shall be provided, as soon as possible to the Members, the Applicant, the Candidate, the Registered Third Party, the Contributor and the public, whichever is applicable, as determined by the Clerk of the Member Municipality.
- e) Where an Application or a Clerk's Report will be considered at a meeting, Reasonable Notice to the Applicant, the Candidate, the Registered Third Party, the Contributor and the public, whichever is applicable, will be given, of the time, place and purpose of the meeting and of the fact that if the 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 the Application or Clerk's Report is considered.
- f) Arrange for or set up meeting areas, giving consideration to the nature of the matters to be discussed, any audio-visual requirements, attendance by the public and ensuring accessibility needs identified have been met.
- g) Arrange for attendance of deputations in conjunction with the Chair.
- h) Attend Committee meetings, record attendance, confirm Quorum and record when the meeting is called to order, and adjourns.
- i) Provide procedural advice to the Chair and Committee, as required.
- j) Take minutes, record a summary of the discussion for each agenda item, record all Committee motions and resolutions, including the name of the mover and seconder.

- k) Record any disclosures of pecuniary interest, including the general nature thereof.
- l) Review and correct any errors in the minutes of previous meetings.
- m) Prepare the Committee minutes.
- n) Electronically distribute minutes to all Committee Members and post on the Member Municipality website, as soon as possible following the approval by the Clerk of the Member Municipality.
- o) Facilitate and complete any additional work to be undertaken on behalf of the Committee.
- p) Maintain Committee agendas, minutes, correspondence, Auditor's Reports and Clerk's Reports in accordance with Section 88 of the Act and the Member Municipality's most current Record Retention Schedule.

## 12. Meeting Procedures

### a) Calling of Committee Meetings

1. The Clerk of the Member Municipality will summon a meeting of the Committee when one or more Applications are received or when one or more Clerk's Reports are prepared.
2. Meetings shall be held at such date, time and location as the Clerk deems appropriate.
3. Subsequent meetings of the same Application or Clerk's Report will be held at the call of the Chair.

### b) Agendas

The following components shall be included in Committee agendas. Specific subject items are included under each component:

1. Call to order
2. Disclosure of Pecuniary Interest
3. Consideration of Clerk's Reports
4. Consideration of Applications for a Compliance Audit
5. Consideration of Auditor's Reports / Legal Reports
6. Committee in Closed Session
7. Adjournment



c) Quorum

A majority of the Members of the Committee is necessary to form a Quorum. If no Quorum is present fifteen minutes after the time fixed for a meeting, or the resumption of a meeting after a recess, or should a Quorum at a meeting be lost for a period of fifteen (15) consecutive minutes, the Clerk or designate will record the names of the Members present and the meeting will stand adjourned until the next meeting scheduled by the Clerk or at the call of the Chair or until such time as Quorum can be obtained.

Where the number of Members who, by reason of the provisions of the Municipal Conflict of Interest Act, are disabled from participating in a meeting is such that at that meeting the remaining Members are not of sufficient number to constitute a Quorum, then, despite any other general or special Act, the remaining number of Members shall be deemed to constitute a Quorum, provided such number is not less than two, in accordance with Section 7 of the Municipal Conflict of Interest Act.

d) Conduct of Committee Business

1. Pursuant to the Act, the meetings of the Committee shall be open to the public, but the Committee may deliberate in private. As such, Committee may adjourn to Closed Session similar to that of section 239 of the Municipal Act, S.O. 2001.
2. The business of each meeting shall be taken up in the order in which it stands upon the agenda, unless otherwise determined by the Committee.
3. Where the agenda includes consideration of more than one Application or Clerk's Report, Applications may be dealt with by the Committee either individually or collectively, based upon the direction of the Committee.
4. The Chair will request that the Applicant or his or her agent and Candidate, Registered Third Party, Contributor or their agent identify themselves.
5. *Applicant's Deputation*
  - i. The Applicant or the Applicant's agent may address the Committee for a maximum of 5 minutes unless granted leave by the Chair.
  - ii. Members may ask questions of the Applicant or Applicant's agent through the Chair.
  - iii. Questions of the Applicant or the Applicant's agent by the Candidate, Registered Third Party Advertiser or their agent are not permitted.
  - iv. All materials presented to the Committee in open session are deemed to be public documents.

6. *Candidate's, Registered Third Party Advertiser's, Contributor's Deputation*
  - i. The Candidate, Registered Third Party, Contributor or their agent may address the Committee for a maximum of 5 minutes unless granted leave by the Chair.
  - ii. The Candidate, Registered Third Party, Contributor or their agent may respond to the content of the Application or Clerk's Report and the Applicant's or the Applicant's Agent's address to the Committee.
  - iii. Members may ask questions of the Candidate, Registered Third Party, Contributor or their agent, through the Chair.
  - iv. Questions of the Candidate, Registered Third Party, or their agent by the Applicant or the Applicant's agent are not permitted.
  - v. All materials presented to the Committee in open session are deemed to be public documents.
7. Where the agenda includes consideration of more than one Auditor's Report or Clerk's Report, the Reports may be dealt with by the Committee either individually or collectively dependent upon the direction of the Committee.
8. Auditor's Report / Clerk's Report
  - i. The Auditor shall address the Committee and provide a summary of his or her Auditor's Report and its conclusions.
  - ii. Members may ask questions of the Auditor through the Chair.
  - iii. Members may ask questions of any person present at the meeting, such questions to be through the Chair and at the sole discretion of the Chair.
  - iv. The Candidate, Registered Third Party, Contributor, Applicant, their agents or any person present at the meeting may not ask questions of the Auditor, Clerk or the Committee.
9. Decisions of the Committee shall be by resolution. A simple majority vote of the Committee Members present is required to pass a resolution. Generally, the Committee will render its decision at each meeting. Subject to deadlines imposed by the Act, the Committee may reserve its decision if further deliberation or legal advice is required.
10. The Chair shall preside over the Conduct of the meeting, including the preservation of order and decorum, ruling on Points of Order and Privilege and deciding all questions relating to the orderly procedure of the meetings, subject to an appeal by any Member to the Committee from any ruling of the Chair.

Timiskaming District Joint Compliance Audit Committee (TDCAC)  
Administrative Practices and Procedures

11. Every Member, previous to speaking to any motion, shall be recognized by the Chair and shall respectfully address the Chair.
12. When two or more Members wish to speak, the Chair shall name the Member who first raised his or her hand.
13. A Member shall not:
  - i. speak disrespectfully to or about another Member;
  - ii. use offensive words or unparliamentarily language during meetings;
  - iii. disobey the procedures of the Committee, or decision of the Chair or the Committee on questions of procedure; or
  - iv. leave his/her seat or make any noise or disturbance while a vote is being taken and until the result is declared.
14. In case any Member persists in a breach of the foregoing section after having been called to order by the Chair, he or she may be ordered by the Chair to leave his/her seat for that meeting, but in case of ample apology being made by the offender he or she may, by vote of the Committee, be permitted forthwith to resume his or her seat.
15. When a Member desires to address the Committee upon a matter that concerns the rights or Privileges of the Committee collectively or individually, he or she shall be permitted to raise a Point of Privilege, and a matter of Privilege shall take precedence over other matters.
16. When a Member desires to call attention to a violation of the rules of procedure, she or he shall ask leave of the Chair to raise a Point of Order and after leave is granted:
  - i. state the Point of Order with a concise explanation and resume his or her seat until the Chair has decided the Point of Order,
  - ii. unless a Member immediately appeals to the Committee, the decision of the Chair shall be final,
  - iii. if the decision is appealed, the Committee shall decide the question without debate and its decision shall be final.
17. When the Chair calls a Member to order, the Member shall immediately sit down until the Point of Order is dealt with and the Member shall not speak again without permission of the Chair unless to appeal the ruling of the Chair.

e) Motions

The following rules shall apply to motions:

1. All motions must be introduced by a mover and a seconder before the Chair can put the motion on the floor for consideration.
2. After a motion is properly moved and seconded, it shall be deemed to be in the possession of the Committee, but may be withdrawn by the mover and seconder at any time before a vote with the consent of the Committee.
3. The number of times a Member may speak on a motion shall not be limited.
4. A Member shall not be restricted to asking questions only of the previous speaker but the question must relate directly to the matter under discussion.
5. A motion to move a previous motion shall not be allowed.
6. Any Member may require the motion under discussion to be read at any time, but not so as to interrupt a Member while speaking.
7. When a motion is under consideration, no motion shall be received other than a motion to:
  - i. Adjourn, which motion is neither amendable nor debatable;
  - ii. Table, which motion is not debatable;
  - iii. Defer action;
  - iv. Refer, which motion is debatable as to its merits only;
  - v. Amend.
8. A motion to refer shall take precedence over any other amendment.
9. Only one amendment at a time can be presented to the main motion. Only one amendment can be presented to an amendment, but when the amendment to the amendment has been disposed of, another amendment may be introduced, and when that amendment has been decided, another may be introduced.
10. The amendment to the amendment, if any, shall be voted on first, then if no other amendment is presented, the amendment shall be voted on next, then if no other amendment is introduced, the main motion, or if any amendment has carried, the main motion as amended, shall be put to a vote.
11. Nothing in this section shall prevent other proposed amendments being read for the information of the Members.

12. When the motion under consideration contains distinct propositions, upon the request of any Member, the vote upon each proposition shall be taken separately.
13. After the Chair commences to take a vote, no Member shall speak to or present another motion until the vote has been taken on such motion, amendment or sub-amendment.
14. Every Member present at a meeting when a vote is taken on a matter shall vote unless prohibited by statute, in which case the fact of the prohibition will be recorded in the minutes. If any Member present persists in refusing to vote, she or he shall be deemed as voting in the negative. Any motion on which there is a tie vote shall be deemed to be defeated. Recorded votes are not permitted.
15. After any matter has been decided by the Committee any Member may move for reconsideration at the same meeting, but no discussion of the motion that has been decided shall be allowed until the motion for reconsideration has carried.
16. All motions not disposed of, shall be placed on the agenda for the next meeting of the Committee, subject to any deadlines imposed by the Act.
17. All motions shall be written and signed by the mover and seconder.

### **13. Minutes**

Minutes shall only include decisions of the Committee related to the items listed on the agenda, including deputations, Reports, motions, resolutions and other actions taken. Minute shall be taken without note or comment in accordance with the *Municipal Act*.

### **14. Media Relations and Communications**

All media contact shall be made through the Clerk of the Member Municipality.

### **15. Conflict of Interest**

Legislated requirements as set out in the Municipal Conflict of Interest Act shall apply to all Committee Members. It is the responsibility of each Member to disclose any pecuniary interest prior to discussion of a particular matter. Once declared, the Member shall absent themselves from the meeting for the duration of the discussion and voting (if any) with respect to the matter. If the declaration relates to a matter being discussed during a closed portion of the meeting, the Member must leave the meeting during all discussion on the matter. Members are encouraged to seek advice from the Member Municipality's appointed Integrity Commissioner if they are unsure of whether or not they have a pecuniary interest

in a matter. Member Municipality staff do not provide advice or interpretation related to declarations.

#### **16. Matters Not Dealt With in Procedures**

If the practices and procedures set out herein do not provide for a procedural matter, the practice or procedure shall be determined by the Clerk or designate in conjunction with the Chair. Where the matter arises during a meeting and cannot be dealt with to the satisfaction of the Chair and Clerk or designate, the matter shall be deferred to the next meeting of the Committee.

#### **17. Costs**

In accordance with the Act, the Council shall pay all costs in relation to the Committee's operation and activities. The Member Municipality from where the Compliance Audit Application or Clerk's Report originates shall pay all costs in relation to the Committee's operation and activities regarding that specific request or report, including but not limited to general costs associated with the Committee, costs of any audit that takes place and costs of legal counsel for the Committee.

Costs for Member participation in an orientation training session shall be equally shared between the Member Municipalities.

#### **18. Grant Exemption from Procedures**

The Committee may waive any rule of procedure contained herein, as it considers appropriate, to ensure that the real matters at issue are determined in a just manner.

#### **19. Appendices**

The following is a list of forms to be used for the TDCAC Administrative Practices and Procedures:

**Appendix A: Form TD66A - Application for a Compliance Audit - Candidate's Election Campaign Finances**

**Appendix B: Form TD66B - Application for a Compliance Audit - Registered Third Party Advertiser's Election Campaign Finances**