

TERMS OF REFERENCE

NAME	City of Niagara Falls Compliance Audit Committee
MANDATE	<p>The City of Niagara Falls Compliance Audit Committee has full delegation of the authority of the <i>Municipal Elections Act, 1996</i>, to address applications requesting an audit of a candidate's election campaign finances for the 2006 Municipal Elections. This authority includes, but is not limited to, the following:</p> <ul style="list-style-type: none">• Review applications and grant or reject audit requests• Where an audit is granted, to appoint an auditor and review the audit report• Where indicated, decide whether legal proceedings shall be commenced.
BACKGROUND	<p>The <i>Municipal Elections Act, 1996</i> authorizes Council to delegate its responsibilities for conducting a compliance audit on a municipal election candidate's campaign finances. Council delegated this authority to a Compliance Audit Committee as described in the minutes of its meeting held October 16, 2006 and with the passing of By-law 2006-198 on October 30, 2006.</p>
OBJECTIVES	<p>To ensure that the provisions of the <i>Municipal Elections Act, 1996</i>, Section 81 are not contravened and to follow the necessary steps to ensure compliance as noted in Section 81.</p>
COMPOSITION	<p>The Committee shall be comprised of three members of the public. Members must possess an in-depth knowledge of the campaign financing rules of the <i>Municipal Elections Act, 1996</i>, therefore potential membership from the following stakeholder groups:</p> <ul style="list-style-type: none">• accounting and audit - accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates; and/or• academic - college or university professors with expertise in political science or local government administration; and/or• legal; and/or• other individuals with knowledge of the campaign financing rules of the <i>Municipal Elections Act, 1996</i>. <p>will be encouraged to apply. Committee members will be appointed by City Council.</p> <p>To avoid a conflict of interest, any auditor or accountant appointed to the Committee must not have undertaken an audit or prepared the financial statements of any of the candidates involved in the 2006 Municipal Elections for the City of Niagara Falls.</p> <p>The Committee shall appoint such executive positions as it deems necessary to ensure its operations but shall include as a minimum, a Chair. The City Clerk shall act as Secretary to this Committee.</p> <p>Under the <i>Municipal Elections Act, 1996</i>, members of Council or City Staff are prohibited from being appointed to the Committee.</p>

TERM	Members authority shall extend only to applications made with respect to candidate campaign finances related to the 2006 municipal elections.
RESOURCES	The Clerk’s Division will provide support in the form of advice and day-to-day liaison with the Committee.
STAFF ASSIGNED	Staff from the Clerk’s Division will be available to assist the Committee as outlined under “Resources” and to attend meetings of the Committee upon request.
MEETINGS Dates & Times	The first meeting will be called by the City Clerk upon receipt of an application to conduct a compliance audit. The date and time of the meeting will be determined by the City Clerk and communicated directly to the committee members. Subsequent meetings will be held at the call of the Chair. All time frames established in the <i>Municipal Elections Act, 1996</i> and regulations shall be adhered to.
REPORTS	The Committee will conduct the compliance audit in accordance with the <i>Municipal Elections Act, 1996</i> . The City Clerk will act as the main contact between the Committee and Council and will report on Committee activity as required to the appropriate individuals and Council.
ADMINISTRATION	Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with Section 81 of the <i>Municipal Elections Act, 1996</i> .
PROCEDURES	<p>Committee activity shall be determined primarily by the number and complexity of applications for compliance audits that may be received. The frequency and duration of Committee meetings will be determined by the Committee in consultation with the City Clerk.</p> <p>The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Committee.</p> <p>Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.</p> <p>Meetings of the Committee shall be governed by Robert’s Rules of Order, Procedural By-law and legislation.</p>
CLOSED MEETINGS	The Committee may, upon affirmative vote of the majority of its members present at a meeting, determine to hold any meeting or part of a meeting as a closed session in order to discuss sensitive personal issues or legal matters. If the Committee elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison(s), if any, and all persons excepted by the members) shall vacate the premises where the meeting is taking place. Closed meetings can only be held

in accordance with Section 239 of the *Municipal Act*.

- CONFLICTS** Members shall abide by the rules outlined within the *Municipal Conflict of Interest Act* and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect to the matter.
- ERRORS/OMISSION** The accidental omission to give notice of any meeting of the Committee to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the Committee may at any time waive notice of any meeting.
- ATTENDANCE** Any member of the Committee who misses three consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee must make recommendations, by a report to Council for the removal of an member.
- LOCATION** The location of the meetings will be set by the Committee and/or the Secretary.
- PURCHASING** All Committees that have purchasing responsibilities shall follow the Supply and Services Policy of the City unless another purchasing policy has been endorsed by Council.
- BUDGET** The expenses of this Committee shall be the responsibility of the City Clerk under the Election Budget.
- REMUNERATION** Members of the Committee shall be paid “a rate to be determined” per meeting. The City Clerk shall ensure and verify the validity of the meeting.
- DISSOLUTION** This Committee shall be dissolved at the conclusion of the requirements noted in Section 81 of the *Municipal Elections Act, 1996* for the 2006 City of Niagara Falls Municipal Elections, and any events related thereto.
- EXPULSION** This Committee and/or City Clerk may recommend to the Council the expulsion of a member for reasons as listed, but not limited to;
- the member being in contravention of the *Municipal Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Provincial Offences Act*, the *Municipal Conflict of Interest Act* and the *Municipal Elections Act*;
 - disrupting the work of the Committee; or
 - other legal issues.