



## Terms of Reference for a Compliance Audit Committee

### Mission:

Trillium Lakelands District School Board's (TLDSB) Compliance Audit Committee has full authority under the *Municipal Elections Act, 1996* (as amended) to address applications requesting an audit of any school board trustee candidate's third-party advertisers and election campaign finances. This authority includes, but is not limited to, the following:

- 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.

### Roles and Responsibilities:

It is the responsibility of all appointed members to comply with:

- the TLDSB Code of Conduct
- Municipal Act
- Municipal Freedom of Information and Protection of Privacy Act
- Municipal Conflict of Interest Act

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 themselves from meetings for the duration of the discussion and voting (if any) with respect to that matter.

The Committee will abide by any terms and conditions which may be set out by the Director of Education/ Secretary of the Board, Superintendent of Business Services, and/or Insurer for any activities relating to Committee business.

As filing for nomination packages, and all election related expenses, are filed through the local municipality governing the area in which the trustee is running for election, Committee members will be required to work with municipal clerk(s) to access required documentation to perform the audit.

## **Role of Clerk, Secretary:**

The Clerk will act as the main contact between the Committee, compliance audit applicant, candidate and registered third party. In accordance with section 88.37 (6) of the Act, the Clerk shall carry out any duties required under the Act to implement the Committee's decisions.

## **Activities:**

The *Municipal Elections Act, 1996*, as amended, states that all school boards shall establish a Compliance Audit Committee.

The Compliance Audit Committee will:

- be responsible for conducting a compliance audit on a school board trustee candidate's third-party advertisers and election campaign finances.
- ensure that the provisions of the *Municipal Elections Act, 1996*, as amended Section 81 are not contravened and to follow the necessary steps to ensure compliance as noted in Section 81.
- abide by any terms and conditions which may be set out by the Director of Education/ Secretary of the Board, Superintendent of Business Services and/or Insurer for any activities relating to Committee business.

## **Composition:**

The Committee shall be comprised of a minimum of three (3) and a maximum of five (5) members of the public. Once appointed the number of members of the committee established will determine quorum.

Members having a financial, legal or election background are preferred. Committee members will be appointed by the Director of Education/ Secretary of the Board. The Committee shall appoint such executive positions as it deems necessary to ensure its operations but shall include as a minimum, a Compliance Audit Committee Chair and Vice-Chair. The Secretary of the Board shall act as Secretary to this Committee.

Under the *Municipal Elections Act, 1996*, as amended, members of Trillium Lakelands District School Board are prohibited from being appointed to the Committee.

## **Term of Appointment:**

Members will be appointed for the time frame to deal with applications received for compliance audits from October 1, 2022, until the term ends on November 14, 2026.

## **Resources:**

The Director's Office staff will provide support in the form of advice and to attend meetings of the Committee upon request; this may include, but is not limited to, the provision of a Recording Secretary.

## **Meetings:**

### **Receipt of an application and first meeting**

- The first meeting will be called by the Director of Education/ Secretary of the Board upon receipt of an application to conduct a compliance audit.
- At the first meeting of a Compliance Audit Committee, the members shall appoint one member to act as Chair for the duration of the Committee's term.
- Within 10 days after receiving the application, the Secretary of the school board shall forward the application to the Compliance Audit Committee
- The date and time of the meeting will be determined by the Secretary of the Board and communicated directly to the committee members.
- 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.

### **Subsequent meetings**

- Subsequent meetings will be held at the call of the Chair. All time frames established in the *Municipal Elections Act, 1996*, as amended, and regulations shall be adhered to.
- 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 Secretary of the Board.

### **Meeting protocols**

- 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. No meeting shall proceed without quorum.
- 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 that matter.

## **Procedures:**

Procedures for the formal business meetings of the Committee shall be governed by Procedural By-law and Legislation or, where both of these are silent, by Robert's Rules of Order.

### **Open Meetings:**

The meetings of the committee under the Election Act shall be open to the public, but the committee may deliberate in private.

**Location of Meetings:**

The location of the meetings will be located at board-owned facilities set by the Committee. Meetings will be held in the geographic area of the Board that the compliance audit request originated from - either City of Kawartha Lakes, Haliburton County, or the District of Muskoka.

**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 any member.

**Electronic Participation:**

The following procedural rules are established for any electronic participation in meetings:

1. Committee members may participate in an open or closed session by electronic participation and be counted for the purpose of establishing quorum.
2. In the case of an interruption in the communication link to the member(s) participating electronically, the meeting will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant(s).
3. A Member participating by Electronic Means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.
4. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
5. If a member loses electronic connection temporarily to the meeting, that member shall be treated as if they left the physical room of a traditional meeting and the time noted by the Recording Secretary.
6. All votes shall be by show of hands or by verbal consent (yes or no).
7. That subject to direction from the meeting Chair or the Secretary of the Board the meeting will proceed without deputations. Written correspondence received from the public may be circulated to Council members prior to the start of the meeting electronically.
8. For public notice purposes, the location of the meeting published on the agenda shall be the physical location of the Recording Secretary during the meeting; If the location of the Recording Secretary cannot be open to the public, a notice indicating an electronic location of where the meeting can be viewed must be provided.
9. Members shall be provided instruction by the Secretary of the Board, Recording Secretary, or their delegate how to access the meeting by means of electronic participation.
10. A recording of the open session of the meeting shall be preserved for a period of time determined by the Records Retention by-law for the public record.
11. All electronic meetings will be available on Livestreaming or other video technology.

**Agendas and Minutes:**

The Director of Education/ Secretary of the Board's office will distribute the agenda to committee members and post it on the website. At the first meeting, an Orientation Session shall be held for new members.

Minutes of all formal meetings of the Committee, including action items, shall be shared by the Recording Secretary and with the Compliance Audit Committee and the Director of Education not later than two weeks after the meeting. The Director of Education/ Secretary of the Board's office will maintain a set of printed minutes on file for public review.

Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.

**Reports:**

The Committee will conduct the compliance audit in accordance with the *Municipal Elections Act, 1996, as amended*.

**Errors/Omissions:**

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.

**Budget:**

The expenses of this Committee shall be the responsibility of the District School Board.

**Expenses and Remuneration:**

Members of the Committee shall be paid a per meeting allocation plus mileage where applicable. The Director of Education/ Secretary of the Board shall ensure and verify the validity of the meeting.

**Purchasing Policy:**

This Committee has no purchasing or procurement responsibilities.

**Expulsion of Member:**

The Committee and/or Director of Education/ Secretary of the Board may recommend 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 Offenses Act, the Municipal Conflict of Interest Act and the Municipal Elections Act*; Council Code Conduct, disrupting the work of the Committee or other legal issues.

**Administration:**

Any responsibilities not clearly identified within these Terms of Reference shall be in accordance with the *Municipal Elections Act, 1996, as amended*. TLDSB may, at its discretion, change the Terms of Reference for this Committee in accordance with the *Municipal Elections Act*. Any changes proposed to these Terms of Reference by the Committee shall be recommended to the Board of Trustees via the Director of Education/ Secretary of the Board.