THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW NUMBER 26-043

Being a by-law to Establish and Appoint
A Joint Compliance Audit Committee

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, herein referred to as ("the Act") provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS Section 11 of the Act provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein including, inter alia, governance structure of the municipality and its local boards;

AND WHEREAS Section 23.1(1) of the Act provides that without limiting Sections 9, 10 and 11 of the Act, those sections authorize a municipality to delegate its powers and duties under the Act or any other Act to a person or body subject to the restrictions set out;

AND WHEREAS Section 228(4) of the Act provides that the Clerk may delegate in writing to any person, other than a member of Council, any of the Clerk's powers and duties under the Act or any other Act, and the Clerk has delegated powers required to the County Clerk, or designate, to administer and execute all necessary duties to support the Joint Compliance Audit Committee;

AND WHEREAS Section 88.37 of the Municipal Elections Act, 1996, S.O. 1996, c. 32 Sched. ("the MEA") provides that a Council shall establish a Compliance Audit Committee before October 1 of an election year for the purposes of the MEA, and 2026 is an election year;

AND WHEREAS Section 88.37(6) of the MEA provides that the Clerk of the municipality shall establish administrative practices and procedures for the committee and shall carry out any other duties required under the MEA to implement the committee's decisions;

AND WHEREAS Council deems it advisable to confirm and ratify resolutions passed at its meetings through a confirmatory by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TINY ENACTS AS FOLLOWS:

1. That Council hereby establishes the Joint Compliance Audit Committee with the municipalities of Adjala-Tosorontio, Bradford-West Gwillimbury, Clearview, Collingwood, Essa, Innisfil, Midland, New Tecumseth, Oro-Medonte, Penetanguishene, Ramara, Severn, Springwater, Tay, Tiny, Wasaga Beach and the City of Orillia.

2. That the Joint Compliance Audit Committee Terms of Reference attached as Schedule 1 to this By-law, are hereby adopted;

3. That the following persons are hereby appointed as members of the Joint Compliance Audit Committee for the 2026-2030 term of Council:

    a) Robert (Bob) Adam
    b) Cassandra Martino

c) Doug Taylor
d) Peter Anderson
e) Kara-Lynne Chapman
f) Alternate Member 1 – Clive Algie
g) Alternate Member 2 – Khaqan Majoka

4. That, Council confirms that the Clerk has delegated in writing the Clerk's powers and duties to the County Clerk with respect to the Joint Compliance Audit Committee under the MEA.

5. That this By-law shall come into force and effect upon the date of passing thereof.

BY-LAW PASSED AND ENACTED THIS 26TH DAY OF AUGUST 2026.

THE CORPORATION OF THE TOWNSHIP OF TINY

MAYOR, David Evans

CLERK, Tina Arbuckle

2026-2030 Joint Compliance Audit Committee Terms of Reference

The Participating Municipalities will select Committee members jointly. In the event a Participating Municipality receives an application for a compliance audit, the County Clerk will be responsible for meeting administration while the Municipal Clerk for the Participating Municipality will be responsible for payment of all costs associated with the Committee, including audits, if required.

1. Definitions

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

"Applicant" means the individual who submitted the application requesting a Compliance Audit.

"Auditor" means a person appointed by the Committee, licensed under the *Public Accounting Act, 2004,* to conduct a Compliance Audit of a Candidate's election campaign finances pursuant to Section 88.33(10) and (11) of the Act.

"Auditor's Report" means a report prepared by an auditor for the Committee pursuant to Section 88.33(12) of the Act.

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

"Clerk" means, as the context provides, the Clerk of any of the Participating Municipalities, or his or her designate.

"Committee" means the Joint Compliance Audit Committee established pursuant to Section 88.37(1) of the Act.

"Compliance Audit" means an audit of a Candidate's election campaign finances conducted by an Auditor appointed by the Committee.

"Council" means, as the context provides, the Council of any of the Participating Municipalities.

"County Clerk" means the Clerk of The Corporation of the County of Simcoe or their designate.

"Family Member" means a child, parent and spouse of a Committee member, as defined in the *Municipal Conflict of Interest Act*, and shall also include mother, father, sister, brother, daughter-in-law, son-in-law, step-child, sibling, grand-child, aunt, uncle, niece, nephew and first cousins.

"Meeting" means a meeting of the Joint Compliance Audit Committee.

"Municipal Conflict of Interest Act" means the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended from time to time.

"Participating Municipalities" means all or some of the following municipalities participating in the Joint Compliance Audit Committee process: Township of Adjala-Tosorontio, Town of Bradford-West Gwillimbury, Township of Clearview, Town of Collingwood, Township of Essa, Town of Innisfil, Town of Midland, Town of New Tecumseth, City of Orillia, Township of Oro-Medonte, Town of Penetanguishene, Township of Ramara, Township of Severn, Township of Springwater, Township of Tay, Township of Tiny and the Town of Wasaga Beach.

"Pecuniary Interest" means a direct or indirect interest within the meaning of the *Municipal Conflict of Interest Act*.

"Private Session" means any portion of the meeting that is closed to the public for confidential deliberation in accordance with the Act.

"Reasonable Notice" means the posting of the meeting agenda on the County website and the applicable Participating Municipalities' website and advising the Applicant, Candidate, Contributor or Registered Third Party Advertiser, as applicable, by email, telephone or by regular mail seven (7) calendar days in advance of the meeting.

"Registered Third Party Advertiser" means an individual resident in Ontario, a corporation carrying on business in Ontario or trade union who has filed with the Clerk of the municipality responsible for conducting an election a notice of registration to be a registered third party advertiser for the election pursuant to Section 88.6 of the Act.

"Selection Committee" means the committee, composed of the Clerks of the Participating Municipalities that will choose the members of the Committee.

"Simcoe County" means The Corporation of the County of Simcoe.

"Trade Union" means a trade union as defined in the *Labour Relations Act, 1995* or the *Canada Labour Code* (Canada) and includes a central, regional or district labour council in Ontario.

2. Enabling Legislation

Section 88.37(1) of the Act requires that before October 1st in an election year, Council establish a compliance audit committee for the purposes of reviewing possible contraventions of the Act's election campaign finance provisions.

3. Mandate

This Committee is an investigative/adjudicative body created to enforce provincially enacted laws related to municipal election campaign funding.

4. Roles and Responsibilities

The Committee shall:

	Timeline/Section of the Act
Consider Compliance Audit applications for Candidates and/or Registered Third Parties and decide whether they should be granted or rejected.	Within 30 days after receipt of the application - s. 88.33(7)
Provide written reasons for the decision to grant or reject the applications.	s. 88.33(8)
If an application is granted, appoint an Auditor to conduct a Compliance Audit of the Candidate's or Registered Third Party's election campaign finances.	s. 88.33(10) and (11)
Receive the Auditor's Report.	s. 88.33(14)
Once the Auditor's Report is received, consider the Report and if it contains a conclusion of apparent contravention of the Act, decide whether to commence a legal proceeding against the Candidate or Registered Third Party for the apparent contravention.	Within 30 days of receipt of the Auditor's Report - s. 88.33(17)
Receive a Clerk's Report identifying any contributor to a Candidate or Registered Third Party Advertiser who appears to have contravened established contribution limits.	s. 88.34(4) s. 88.36(4)
Once the Clerk's Report is received, consider the Report and decide whether to commence a legal proceeding against the Contributor for the apparent contravention.	Within 30 days of receipt of the Clerk's Report - s. 88.34(8), s. 88.36(5)
In addition, the Committee shall: -Participate in the selection of an Auditor in response to the request for quotation process; -Provide instructions to the selected Auditor about the scope of each Compliance Audit, as needed; -Determine a timeline for the Auditor to complete each Compliance Audit.	

5. Term

The term of the appointment is concurrent with the term of Council. Upon the term's expiry, Committee members may reapply to the Selection Committee to serve additional terms.

6. Composition

The Committee shall be composed of not fewer than three (3) and not more than seven (7) members and shall not include:

(a) employees or officers of the Participating Municipalities;
(b) members of Council of the Participating Municipalities;
(c) any persons who are Candidates in the election for which the Committee is established, or Family Members of same, or any person connected to a candidate through an employment, contractual, business or partnership relationship;
(d) any persons who are Registered Third Parties in the Participating Municipalities for the election for which the Committee is established;
(e) any persons who have participated as a Candidate for an office or Registered Third Party Advertiser in the Participating Municipalities in the past two regular elections, or who have conducted audits or provided financial or legal advice in respect of such campaigns;
(f) any persons who do or intend to assist any Candidate or Registered Third Party, as a volunteer or for compensation, in the election for which the Committee is established.

7. Selection of Members

Information pertaining to the Committee, including the terms of reference and an application for appointment to the Committee will be posted on the websites of the Participating Municipalities.

Committee membership will be drawn from the following groups:

- accounting and audit – accountants or auditors, preferably with experience in preparing or auditing the financial statements of municipal candidates;
- academic – college or university professors with expertise in political science or local government administration;
- legal – lawyers with experience in financial matters or election laws; and
- other individuals – those with knowledge or expertise in municipal/government administration or campaign financing rules of the Act.

The following criteria may be considered in the selection of members:

- demonstrated knowledge and understanding of the Act's municipal election campaign financing provisions;

- experience in administrative law;
- proven analytical and decision-making skills;
- experience working on a committee, task force or in a similar setting;
- availability and willingness to attend meetings;
- demonstrated oral and written communication skills; and
- any other criteria as may be prescribed under the Act.

The Clerks from the Participating Municipalities shall be responsible for the recruitment of applicants. All applicants will be required to submit an application form or expression of interest outlining their qualifications and experience to the County Clerk by a specified deadline. After the deadline has passed, the Selection Committee will meet to review the applications, interview and appoint Committee members.

To avoid possible conflicts of interest, any auditor or accountant appointed to the Committee must agree in writing that they have not undertaken and shall not undertake the audits or preparation of financial statements of any Candidates seeking election to Councils or Registered Third Parties in the Participating Municipalities during the term of the Committee. In addition, any lawyer or other legal professional appointed to the Committee must agree in writing that they have not provided and will not provide legal advice to any Candidates seeking election to Councils or to any Registered Third Parties or Contributors to Candidates and Registered Third Parties in the election in the Participating Municipalities during the term of the Committee.

8. Notice

The County Clerk shall give notice of a Committee meeting to the Committee by email, telephone or by regular mail in advance of the notice to the public.

The County Clerk and applicable Municipal Clerk shall give reasonable notice of the meeting by posting the meeting agenda on their websites. This will serve as public notice of the Committee meeting.

Where an application will be considered at the meeting, the County Clerk shall give reasonable notice to the Applicant and Candidate or Registered Third Party Advertiser of the time, place and purpose of the Committee meeting, and further advise that if either 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 concerning the meeting.

Where a Municipal Clerk's Report regarding contribution limit exceedances will be considered at the meeting, the County Clerk shall give reasonable notice to the Contributor and Candidate or Registered Third Party Advertiser of the time, place and purpose of the Committee meeting, and of the fact that if either 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 concerning the meeting. The notice shall include the content of the application.

9. Meetings

The County Clerk shall call a meeting of the Committee when he or she receives an application for a Compliance Audit or when he or she receives a report under Section 88.34 or 88.36 from the Participating Municipalities Clerk. The Applicant, Candidate, Registered Third Party Advertiser or their representative will be provided with an opportunity to address the Committee and provide written submissions.

Meeting dates, start times, locations and agendas shall be set by the County Clerk. Meetings may be held in-person or virtually. The agenda shall provide an opportunity for any member to declare a conflict of interest.

Committee meetings will be open to the public, but the Committee may deliberate in private, as noted in Sections 88.33(5.1), 88.34(9.1) and 88.36(6.1). No votes may be taken in private session.

10. Quorum

A quorum shall be a majority of Committee members.

If a quorum is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Committee meeting will be rescheduled to a future date.

11. Selection of the Chair

The Chair shall be selected from among the Committee members at the first meeting of the Committee for the term of office. If there is no consensus on a Chair, selection will be carried out by way of nomination and vote of the Committee members present.

If the Chair of the Committee resigns as the Chair or as a member of the Committee, the Committee shall appoint another member as Chair for the balance of the term of Council.

12. Duties of the Chair

The Chair shall:

(a) call Committee meetings to order when there is a Quorum, preside over Committee discussions, facilitate Committee business, follow meeting procedures, identify the order of proceedings and speakers and rule on points of order;
(b) participate as an active and voting member; and,
(c) encourage participation by all members.

If the Chair is not present within the first ten minutes of a Committee meeting or is absent through illness or otherwise, the Committee shall select another member as Acting Chair.

While presiding, the Acting Chair shall have all the powers of the Chair. Selection of the Acting Chair will be made by resolution.

13. Duties of Committee Members

The duties of Committee members are as follows:

a) Carry out all statutory obligations of the Committee in accordance with the Act.
b) Attend all Committee meetings, sending regrets otherwise.
c) Understand their role, the Committee's mandate and meeting procedures.
d) Declare any pecuniary interest in any matter prior to consideration by the Committee; the member shall leave the meeting during all discussion on the matter including a private session.
e) 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 (d) at the first meeting of the Committee attended by the member after the meeting referred to in subsection (d).
f) Participate as an active and voting member, asking questions, and seeking clarification through the Chair.
g) Provide the reasons for a decision in writing, as applicable.
h) Develop and maintain a climate of mutual support, trust, courtesy and respect.
i) Work together to utilize the knowledge, expertise and talents of all members.
j) Respect the decisions of the Committee and that such decisions reflect the majority view.

14. Selection of an Auditor

Committee members will participate in the selection of an Auditor in response to the request for quotation. The Auditor will be appointed by resolution of the Committee at their first meeting. An engagement letter will be prepared and executed by the County Clerk, on behalf of the Participating Municipalities, which will indicate that the Auditor has been retained by the Committee following appointment.

15. Resources

The County Clerk will provide administrative support to the Committee, including the taking of minutes, the distribution of minutes and agendas, and the coordination of meetings.

16. Committee Records

The County Clerk will co-ordinate and retain certified true copies of the Committee records including agendas and minutes with original documents being retained by the appropriate Participating Municipalities.

17. Declaration 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. Members are encouraged to seek independent legal advice if they are unsure of whether or not they have a pecuniary interest in a matter. Staff from the County or the Participating Municipalities will not provide advice or interpretation related to declarations.

18. Compensation

Members will receive the applicable County per diem and mileage for attendance at each meeting with each Participating Municipality being responsible to cover their share of the costs for each meeting.

19. Practices and Procedures

The Clerks of the Participating Municipalities along with the County Clerk shall establish administrative practices and procedures for the Committee in accordance with Section 88.37(6) of the Act and shall carry out any other duties required under the Act to implement the Committee's decisions.

The Clerks of the Participating Municipalities along with the County Clerk are delegated the authority to make administrative changes to these Terms of Reference that may be required from time to time due to legislative changes, or if, in the opinion of the Clerks, the amendments do not impact the intent of the Terms of Reference.

July 28, 2026