

Municipality of Chatham-Kent

Corporate Services

Municipal Governance

To: Mayor and Members of Council
From: Meredith Cadotte, Council Coordinator
Date: September 13, 2022
Subject: Appointments for the 2022 – 2026 Election Compliance Audit Committee

Recommendation

It is recommended that:

1. The following citizens be appointed to the Election Compliance Audit Committee for the 2022-2026 term of Council:
 - Mike Lowther
 - Derek McGivern
 - Mike Phipps
 - Daniel Whittal

Background

At the October 26, 2009 meeting, Council approved the establishment of the Election Compliance Audit Committee (ECAC) and that all of Council's powers and functions under the *Municipal Elections Act, 1996 (Act)* with respect to compliance audit applications, be delegated to the Committee.

The *Municipal Elections Act, 1996*, c.32 Section 88.37 provides that a council or local board shall, before October 1st of an election year, establish a committee for the purpose of the Act.

The role of the Compliance Audit Committee is to receive and make decisions on applications for compliance audits of candidates' and registered third party election campaign finances during a Council's term. The ECAC is also responsible for reviewing reports submitted by the Clerk with respect to any contributor who appears to have contravened any of the contribution limits to a candidates' election campaign or to a registered third party election campaign.

Comments

Election Compliance Audit Committee members should possess knowledge of the campaign financing rules of the Act. If not, they will not be in a position to reach an independent decision of the merits of the application and may look to administration for guidance. This would put administration in a conflict situation, particularly if the application concerned a member of Council.

As the Committee will operate as a quasi-judicial committee, prior experience on a committee, task force or tribunal would also be an asset from a meeting management perspective.

Ideally, the Committee's composition would include auditors, accountants, lawyers, and other individuals with knowledge of the campaign financing rules of the Act. To avoid a conflict of interest, care must be taken that any auditors or accountants appointed to the Election Compliance Audit Committee do not audit or prepare the financial statements of any candidate running for office on Council.

A recruitment ad was posted on the Municipal Website for the month of May seeking interest from auditors, accountants, lawyers, academics and other individuals with knowledge of the campaign financing rules of the Municipal Elections Act, 1996.

The chart below summarizes the applicant's information.

Name	Experience
Mike Lowther	<ul style="list-style-type: none"> • Certified Public Accountant • Knowledge of Municipal Elections Act • Member of 2018-2022 Election Compliance Audit Committee
Derek McGivern	<ul style="list-style-type: none"> • Previous Committee experience
Mike Phipps	<ul style="list-style-type: none"> • Former Municipal employee – General Manager Chatham-Kent, CAO Lakeshore, and Amherstburg • Member of 2018-2022 Election Compliance Audit Committee
Daniel Whittal	<ul style="list-style-type: none"> • Lawyer with large local practice • Member of 2018-2022 Election Compliance Audit Committee

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

- ☐ Economic Prosperity:
Chatham-Kent is an innovative and thriving community with a diversified economy

- ☐ A Healthy and Safe Community:
Chatham-Kent is a healthy and safe community with sustainable population growth
- ☐ People and Culture:
Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community
- ☐ Environmental Sustainability:
Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

- ☐ Financial Sustainability:
The Corporation of the Municipality of Chatham-Kent is financially sustainable
- ☒ Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership
- ☐ Has the potential to support all areas of strategic focus & critical success factors
- ☐ Neutral issues (does not support negatively or positively)

Consultation

No other departments were consulted in the development of this report.

Financial Implications

This report has no financial implications.

Prepared by:

Meredith Cadotte, Council Coordinator

Reviewed by:

Judy Smith, CMO, Director Municipal Governance/Clerk

Cathy J.E. Hoffman, MPA, CHRL General Manager, Corporate Services/Chief Human Resource Officer