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29 août 2014

FILE NUMBER: ACS2014-CMR-CCB-0055

SUBJECT: **ELECTION COMPLIANCE AUDIT COMMITTEE UPDATE**

OBJET : **COMITÉ DE LA VÉRIFICATION DE LA CONFORMITÉ POUR LES  
ÉLECTIONS MUNICIPALES - MISE À JOUR**

PURPOSE

To provide an update to Council identifying the Members of the Election Compliance Audit Committee.

## EXECUTIVE SUMMARY

On June 11, 2014, City Council approved the staff report “2014-2018 Municipal Election Compliance Audit Committee” (ACS2014-CMR-CCB-0012). Council adopted the report’s recommendation to approve the establishment of a five-member, 2014-2018 Election Compliance Audit Committee (the “Committee”), including delegating the authority to appoint the members of the Committee to the City Clerk and Solicitor, the Auditor General and the Deputy City Clerk (the “Selection Panel”).

During the appointment process, the City Clerk and Solicitor, the Auditor General and the Deputy City Clerk discussed the possibility that the Committee may have to hold simultaneous hearings to address applications regarding a school board trustee candidate for both boards and/ or to address an application regarding a candidate for City Council. The result of these discussions was a recommendation that a sixth, “alternate” member be appointed to allow the Committee to divide, if necessary, into two bodies of three members each should it be necessary to address separate applications within the legislated timelines.

On August 27, 2014, City Council adopted a motion to add a sixth, “alternate” member to the Committee, and also delegated the authority to staff to amend the Committee’s Terms of Reference accordingly.

With this, the Selection Panel is able to advise that the 2014-2018 Municipal Election Compliance Audit Committee members are as follows:

1. Jean-Pierre Kingsley
2. Lloyd Russell
3. Pierre Tessier
4. Janice Vézina
5. Douglas Wallace
6. Carmelle Bédard (alternate)

The Selection Panel has chosen Carmelle Bédard as the alternate member.

Staff will now amend the Committee’s Terms of Reference as indicated, and provide an IPD with the revised Terms, the Committee’s Rules of Procedure and confirm the process for submitting an application for a compliance audit early in the new year.

## BACKGROUND

On June 11, 2014, City Council approved the staff report “2014-2018 Municipal Election Compliance Audit Committee” (ACS2014-CMR-CCB-0012). Council adopted the report’s recommendation to approve the establishment of a five-member 2014-2018 Election Compliance Audit Committee (the “Committee”) by October 1, 2014, as prescribed by Section 81.1 of the *Municipal Elections Act, 1996* (the “MEA”). With

respect to Committee member appointment and an agreement with local school boards, Council approved:

- The Terms of Reference for the Committee;
- Delegating the authority to appoint the members of the Committee to the City Clerk and Solicitor, the Auditor General and the Deputy City Clerk (the “Selection Panel”);
- Delegating the authority to the City Clerk and Solicitor to negotiate and finalize the agreements with any local school board that wishes to appoint the City’s Committee to serve as their Election Compliance Audit Committee;
- Exempting the Committee from Section 2.5 of the Appointment Policy for citizen members of City advisory committees, boards, task forces, external boards, commissions and authorities.

As stated in the report “2014-2018 Municipal Election Compliance Audit Committee” (ACS2014-CMR-CCB-0012), the Ottawa-Carleton District School Board and the Ottawa Catholic School Board have confirmed their interest in sharing the Committee and its related costs with the City of Ottawa for the 2014-2018 Term of Council.

During the appointment process, the Selection Panel discussed the possibility that the Committee may have to hold simultaneous hearings to address applications regarding a school board trustee candidate for both boards and/ or to address an application regarding a candidate for City Council.

The Committee has a quorum of 3 and Section 81(5) of the MEA sets out a 30-day timeline for the Committee to consider and decide whether to grant or reject an application for a compliance audit. Further, it is an important principle of natural justice that Members considering complaints attend all meetings for that complaint (or none, as the case may be).

The Selection Panel therefore recommended the addition of a sixth, “alternate” member of the Committee, which would allow the Committee to divide, if necessary, into two bodies of three members each, enabling each body to address separate applications within the legislated timelines. As well, as it is most desirable to have Committees with an odd number of Members, having an alternate would allow for the retention of an odd number on the Committee should a Member be unable to attend all of the necessary meetings to consider a specific complaint.

On August 27, 2014, City Council adopted a motion to add a sixth, “alternate” member to the Committee, and that staff be delegated the authority to amend the Committee’s Terms of Reference accordingly.

## DISCUSSION

Upon Council approval on June 11, 2014, the Selection Panel conducted a recruitment process to fill the five positions on the Committee. Staff placed advertisements in the

three local dailies, and reached out to the Chartered Professional Accountants of Ontario, The Law Society of Upper Canada, the Association of Municipal Managers, Clerks and Treasurers of Ontario, as well as to local post-secondary institutions.

The Selection Panel conducted interviews to ascertain the applicants' knowledge of such matters as municipal campaign finance rules under the MEA and the principles of natural justice. Five regular members have been selected, four of whom are bilingual. The Members are:

1. Jean-Pierre Kingsley

Jean-Pierre Kingsley served as Canada's Chief Electoral Officer, Elections Canada, from 1990 to 2007. Among his achievements during that time, Mr. Kingsley introduced Canada's first National Register of Electors, a computerized database of 20 million electors. Mr. Kingsley was also the first Chief Electoral Officer to recommend sweeping changes to the *Canada Elections Act*, and established an advisory committee of all registered political parties to achieve consensus on changes governing the conduct of elections as they affected parties and candidates.

Before his years at Elections Canada, Mr. Kingsley also served as Deputy Secretary, Ministry of State for Social Development (1981 to 1984), and as Assistant Deputy Registrar General of Canada (1987 to 1990).

Mr. Kingsley was President/CEO of the Ottawa General Hospital during its construction and commissioning (1977-1981); construction was finished three months ahead of schedule and under budget.

After leaving Elections Canada, Mr. Kingsley became President and Chief Executive Officer of International Foundation for Electoral Systems (IFES), a non-governmental, non-partisan organization that supports citizen participation in free and fair elections worldwide.

Jean-Pierre Kingsley is currently a Senior Fellow at the University of Ottawa's Graduate School of Public and International Affairs.

2. Lloyd Russell

Lloyd Russell is a Chartered Professional Accountant (CPA, CGA), with a background in municipal finance. Mr. Russell spent 30 years in senior level positions, including 18 years in the position of treasurer.

Before his retirement in 2011 as Commissioner of Finance and Treasurer, Region of York (2006 to 2011), Mr. Russell served as Chief Financial Officer, responsible both for corporate financial management, as well as for the corporate Information Technology department.

Before his years at the Region of York, Mr. Russell served as Deputy Treasurer and Commissioner of Finance at the Region of Ottawa-Carleton, as well as Commissioner of Finance and Treasurer at the City of Nepean, before ultimately taking on the role of City Treasurer, City of Ottawa (2000 to 2006). As City Treasurer, Lloyd Russell oversaw the merger of twelve finance organizations into one as part of the new City.

### 3. Pierre Tessier

Pierre Tessier has over 20 years of experience working at the municipal level. He has served as Chief Administrative Officer (CAO) of the City of Clarence-Rockland (2011 to 2013), as well as for the Township of Russell (2007 to 2009) and CAO/Industrial Commissioner for the Town of Hawkesbury (1980 to 1984).

As City Manager, City of Gloucester (1994 to 2000), Mr. Tessier's major initiatives included the development of an economic adjustment program focused on community development and the retention and growth of small business.

Mr. Tessier was also one of seven members appointed by the Ontario Ministry of Municipal Affairs to the Ottawa Transition Board (2000 to 2001) which managed the amalgamation of 11 local municipalities and one regional government into the new City of Ottawa.

In addition to his experience in municipal government, Pierre Tessier was Superintendent of Business and a member of the senior management team for the French Public School Board of Eastern Ontario (2001 to 2006). Mr. Tessier has also worked at the federal level at the National Capital Commission, and at the provincial level at the Ministry of Economic Development and Trade as a Senior Business Consultant, Regional Manager, and Regional Director. Mr. Tessier currently works as an organizational consultant.

### 4. Janice Vézina

Janice Vézina recently retired from the Federal Public Service at the Assistant Deputy Minister level after 33 years of service. This included 15 years at Elections Canada where she was the senior executive responsible for the administration of the campaign finance provisions of the *Canada Elections Act* as well as being the Chief Financial Officer. Ms. Vézina's duties included directing audits of the financial returns of candidates, political parties, nomination and leadership contestants, and electoral district associations for compliance with the requirements of the *Canada Elections Act* and making recommendations to the Chief Electoral Officer (CEO) respecting non-compliant files; overseeing all financial operations as well as other corporate services of the organization; assisting the CEO in the management and oversight of elections to the federal

House of Commons; and, assisting the CEO in the preparation of his various reports to Parliament.

Ms. Vézina has frequently appeared as a witness before Parliamentary Committees of the Senate and the House of Commons on matters such as budgetary estimates and performance reports, the CEO's statutory reports following general elections including those recommending legislative amendments, and as a technical expert on proposed legislative change.

Janice Vézina is a Chartered Professional Accountant (CPA, CGA).

#### 5. Douglas Wallace

Douglas Wallace was appointed Meetings Investigator for the City of Ottawa in 2008, and held the position until 2012. In that role, Mr. Wallace was responsible for investigating complaints regarding the propriety of closed meetings held by City Council, a local board, or a committee of either.

Mr. Wallace is a retired member of the Law Society of Upper Canada and the Nunavut Law Society. He served for many years as legal counsel for the former City of Ottawa, and retired in 1995 as City Solicitor and Director of Corporate Law.

After his retirement from the City of Ottawa, Mr. Wallace spent several years in a private practice, and subsequently joined the Nunavut Territorial Government as its first Director of Legal and Constitutional Law.

Mr. Wallace is currently Vice Chair of the Ontario Licence Appeal Tribunal, and a Citizen Member of the City of Ottawa's License and Property Standards Committee.

#### 6. Carmelle Bédard (alternate)

Carmelle Bédard has over 30 years of experience in municipal government. As former City Clerk for the City of Cumberland, Ms. Bédard was responsible for both the Clerk's Department, as well as the Municipal Law Enforcement Division. In addition, in her capacity as Returning Officer, Ms. Bédard was responsible for the preparation, administration and management of the municipal elections, by-elections and recounts for the City of Cumberland.

Before holding the position of Clerk, Ms. Bédard served as Deputy City Clerk, City of Cumberland (1983 to 1988), and Deputy City Clerk, City of Vanier (1972 to 1983).

Since her retirement, Carmelle Bédard has provided professional consulting services for the 2003 and 2010 City of Ottawa general elections, as well as for the 2006 by-election. In that role, Ms. Bédard's responsibilities included recruiting and

training voting day personnel, and providing technical advice with respect to advance voting logistics.

Ms. Bédard possesses Municipal Clerk Certification, designation by the Association of Municipal Clerks and Treasurers of Ontario (AMCTO), as well as certificates in Municipal Law and Municipal Government.

## CONCLUSION

As Members of Council are aware, the Ottawa-Carleton District School Board (OCDSB) and the Ottawa Catholic School Board (OCSB) shared the City's Committee for the 2010- 2014 Term of Council. As stated above, staff can confirm that both boards have indicated their intent to share the Committee, as well as the costs related to the Committee, for the 2014-2018 Term of Council. Both boards have agreed to the honorarium and per diem previously approved by City Council (\$600 annual retainer and \$175 an hour to a maximum of \$1250 a day).

The City Clerk and Solicitor is in the process of finalizing a cost-sharing agreement with both boards. As part of this agreement, for the five regular Committee Members, the three parties (The City of Ottawa, the OCDSB and the OCSB) will split the \$600 annual retainer per member. The City will be responsible for the per diem for those applications concerning a candidate for City Council, while the respective school board will be similarly responsible for the costs of any audit applications arising from their elections. This agreement remains unchanged from that which was in place for the 2010-2014 Term of Council.

Additionally, the City will be responsible for the \$600 annual retainer for the sixth, alternate Committee Member, and will also hold sole financial responsibility for the \$175 an hour per diem required for that Member to participate in mandatory training. This commitment can be accomplished within existing budgets.

Should the alternate Member be required to attend meetings for a complaint, payment of her per diem will be the responsibility of the party for whose complaint she is in attendance. As detailed above, the alternate Member will only be required if the Committee must divide into two bodies of three members each in order to address separate applications within the legislated timelines, or should a Member be unable to attend all of the necessary meetings under a specific complaint. No party will, therefore, be responsible for the costs of six Member per diems at the same time for any complaint.

As stated above, staff will provide an IPD with the revised Terms of Reference, the Committee's Rules of Procedure and confirm the process for submitting an application for a compliance audit early in the new year.