



THE CITY OF WINDSOR
COUNCIL SERVICES DEPARTMENT

VALERIE CRITCHLEY
CITY CLERK

IN REPLY, PLEASE REFER
TO OUR FILE NO. _____

December 7, 2015

TO: MEMBERS OF THE COMPLIANCE AUDIT COMMITTEE

Attached is the Agenda for the meeting to be held:

Thursday, December 17, 2015
9:30 a.m.
Council Chambers, 3rd floor, City Hall

Please notify the Committee Coordinator at 519-255-6222, ext. 6430, if you are **unable** to attend.

Yours truly,

Valerie Critchley
City Clerk

Attachments

To view minutes and agendas on the web, go to: www.citywindsor.ca

**COMPLIANCE AUDIT COMMITTEE
MEETING**

Thursday, December 17, 2015

Council Chambers, 3rd floor, City Hall
9:30 A.M.

A G E N D A

1. CALL TO ORDER

2. DISCLOSURE OF INTEREST

3. ADOPTION OF MINUTES

Adoption of the minutes of the Compliance Audit Committee of its meeting held July 20, 2015 (*attached*).

4. OPENING STATEMENT BY CHAIR

5. OVERVIEW OF LEGAL REQUIREMENTS

Re: Presentation by Legal Counsel, City of Windsor to Compliance Audit Committee.

6. COMPLIANCE AUDIT REPORT – APPLICATION BY PAUL SYNOTT FOR CANDIDATE GABE MAGGIO, WARD 3

6.1. Auditor's Report (Distributed to the Candidate, Council, Clerk and Applicant [s. 81(10) Municipal Elections Act]

6.2. Auditor's Presentation of Issues, Findings and Conclusions

6.3. Opportunity for Applicant to be Heard

6.4. Opportunity for Candidate to be Heard

6.5. Compliance Audit Committee Deliberations and Decision

Choose (a) OR (b), OR (c) AND (d)

- (a) THAT given the conclusion of the auditor's report of an apparent contravention of a provision of the *Municipal Elections Act* relating to election campaign finances for Gabe Maggio, Ward 3, namely: _____ the Audit Compliance Committee hereby determines not to commence a legal proceeding against the candidate for the apparent contravention.

OR

- (b) THAT given the conclusion of the auditor's report of an apparent contravention of the *Municipal Elections Act* relating to election campaign finances for Gabe Maggio, Ward 3, namely: _____ the Compliance Audit Committee hereby determines to commence a legal proceeding against the candidate for the apparent contravention and directs Legal Counsel to proceed accordingly.

OR

- (c) THAT the Compliance Audit Committee hereby receives and files the auditor's report for Candidate Gabe Maggio, Ward 3 given the conclusion of the auditor's report that Candidate Gabe Maggio does not appear to have contravened a provision of the *Municipal Elections Act* relating to election campaign finances.

AND

- (d) THAT given the conclusion of the auditor's report that Candidate Gabe Maggio, Ward 3 does not appear to have contravened a provision of the *Municipal Elections Act* relating to election campaign finances, the Compliance Audit Committee hereby finds there were reasonable/no reasonable grounds for the application.
(Choose "reasonable" or "no reasonable")

(If no contravention and no reasonable grounds for application, Council is entitled to recover the auditor's costs from the applicant). [s. 81(15) *Municipal Elections Act*]

7. ADJOURNMENT

KK/
Windsor, Ontario July 20, 2015

A meeting of the **Compliance Audit Committee** is held this day commencing at 9:30 o'clock a.m. in Room 407, 400 City Hall Square East, there being present the following members:

Brian Cowell, Chair
Mario Quaglia
George Wilkki

Delegations in attendance:

Paul Synott, Applicant
Gabriel Maggio, Candidate

Also present are the following resource personnel:

Valerie Critchley, City Clerk
Shelby Askin-Hager, City Solicitor
Mark Nazarewich, Senior Legal Counsel
Helga Reidel, CAO
Chuck Scarpelli, Manager, Records & Elections & Freedom of Information & Privacy Coordinator
Gazmon Tahiri, Master's Student, University of Windsor
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

The Committee Coordinator calls the meeting to order at 9:30 o'clock a.m. and the Committee considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. DISCLOSURE OF INTEREST

None disclosed.

3. ELECTION OF CHAIR

The Committee Coordinator calls for nominations from the floor for the position of Chair. G. Wilkki nominates B. Cowell and is seconded by M. Quaglia. The Committee Coordinator asks if there are further nominations from the floor for the position of Chair. Seeing none, the Committee Coordinator asks if B. Cowell accepts. B Cowell accepts.

Moved by G. Wilkki, seconded by M. Quaglia,
That Brian Cowell **BE ELECTED** Chair of the Compliance Audit Committee.
Carried.

B. Cowell assumes the Chair.

4. ADDITIONS TO THE AGENDA

Moved by G. Wilkki, seconded by M. Quaglia,
That Rule 3.3 (c) of the *Procedure By-law 98-2011* be waived to add the following
addition to the Agenda:

Letter from Gabriel Maggio dated July 16, 2015 requesting deferral of this matter to a
future date and the response from the City Clerk dated July 16, 2015.

Carried.

5. OPENING STATEMENT BY CHAIR AND INTRODUCTIONS

The document entitled “Introductory Comments by the Chair” is provided as an overview
for the members and delegations and is attached as Appendix “A”.

**6. APPLICATION FOR A COMPLIANCE AUDIT
APPLICATION BY PAUL SYNOTT FOR A COMPLIANCE AUDIT OF GABE
MAGGIO, CANDIDATE WARD 3**

i. Attachments:

- Submitted Application
- Candidate’s Financial Statement

ii. Introduction and Recording of Applicant and Candidate

Both the applicant and candidate confirmed their names and mailing addresses:

APPLICANT:

Paul Synott
292 Bruce Avenue
Windsor, Ontario N9A 4W3

CANDIDATE:

Gabriel Maggio
1008 Victoria
Windsor, Ontario N9A 4N6

iii. Presentation by Applicant (or agent)

The applicant declines to make any statements.

iv. Presentation by Candidate (or agent)

The letter from Gabriel Maggio dated July 16, 2015 requesting deferral of this matter to a future date and the response from the City Clerk is distributed and ***attached*** as Appendix "B". Mr. Maggio agrees to withdraw his request for deferral.

Candidate Gabriel Maggio addresses the Committee and provides the following comments relating to the 3 allegations provided by the Applicant:

1. **Campaign donation of \$500 from a Michigan resident**

Mr. Maggio indicates the credit card contribution from the U.S resident was disclosed, however, he did not realize a contribution from a non-resident was not permitted until an article appeared in the Windsor Star. He notes he immediately contacted the contributor and stated he would seek direction from Compliance Audit Committee relating to this matter. An e-mail was sent to the City Clerk and the Manager of Records and Elections for direction. He notes his auditor did not disclose this misstep as it relates to a donation by a non-resident.

2. **Bluesfest Hospitality Tent**

Mr. Maggio states there is no differentiation between placing a tent at the Bluesfest event or in a park or on private property. The tent was manned for only two hours and notes he provided his own tent for use at the event.

3. **Campaign Office – 939 Goyeau**

Mr. Maggio states the use of his office located at 939 Goyeau for his campaign is no different than "running his campaign" out of his home. He reports the campaign office was located in one of the storage rooms which are not available for rent.

In response to a question asked by Mr. Maggio regarding the Municipal Elections Act and if the Committee has "jurisdiction only to determine an apparent conflict and at that point in time to refer to an auditor for a further study", M. Nazarewich provides the following comments:

- A case quite similar in nature involved a contribution derived from someone who is not allowed to make a contribution. The candidate basically refunded the money. The legislation involves a person who is not entitled to make a contribution, so the dissimilarity in this case is Mr. Maggio technically still has the funds from the non-resident (which were not refunded). In the other case, the Committee found that by refunding the money immediately it was not contrary to the legislation.

Moved by G. Wilkki, seconded by M. Quaglia,

That the application of Paul Synnott for a compliance audit of the campaign finances of Gabriel Maggio, Ward 3 candidate in the October 27, 2014 municipal election **BE GRANTED**, and

That Purchasing and Risk Management **BE DIRECTED** to engage the services of an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the election campaign finances of Gabriel Maggio, related to the 2014 municipal election for the purpose of preparing a report for the Committee, in accordance with section 81 of the *Municipal Elections Act*, and

That Purchasing and Risk Management **BE DIRECTED** to obtain formal quotations, in accordance with the City's *Purchasing By-law*, for the selection of the auditor giving consideration to the auditor's experience in municipal election finances and/or compliance audits, ability to complete the audit in a timely fashion, and provide the City with a Letter of Independence to confirm that there is no conflict with the undertaking, and

That the successful proponent (Auditor) **BE DIRECTED** to sign the Clerk's Form EL 58, Declaration for a Compliance Audit Committee "Appointed Auditor" (attached) and take the declaration on the form, and

That the auditor, upon completion of the assignment, **REPORT** back to the Election Compliance Audit Committee at a meeting to be held for this purpose, and

That all costs associated with engaging the services of the auditor **BE CHARGED** to the Municipal Election Account #111510.

Carried.

6. ADJOURNMENT

There being no further business, the meeting is adjourned at 9:50 o'clock a.m.

CHAIR

COMMITTEE COORDINATOR

**COMPLIANCE AUDIT COMMITTEE
MEETING**

MONDAY, JULY 20, 2015

**ROOM 407, 400 CITY HALL SQUARE EAST
9:30 A.M.**

A G E N D A

1. **CALL TO ORDER**
2. **DISCLOSURE OF INTEREST**
3. **ELECTION OF CHAIR**
4. **OPENING STATEMENT BY CHAIR AND INTRODUCTIONS**
5. **APPLICATION FOR COMPLIANCE AUDIT**
APPLICATION BY PAUL SYNOTT FOR A COMPLIANCE AUDIT OF GABE MAGGIO,
CANDIDATE WARD 3
 - i. **Attachments:**
 - Submitted Application
 - Candidate's Financial Statement
 - ii. **Introduction and Recording of Applicant and Candidate**
Candidate and Applicant (or agents) to provide names and mailing addresses to the Clerk.
 - iii. **Presentation by Applicant (or agent)**
 - iv. **Presentation by Candidate (or agent)**
 - v. **Committee Consideration of Application and Decision**
Committee to determine to grant or reject Application – Resolution to be presented.
 - vi. **Appointment of Auditor**
If Application is granted – Appointment of Auditor
6. **ADJOURNMENT**