

City of Kingston By-Law Number 2026–...

By-Law to Amend City of Kingston By-Law Number 2023-204, Committee By-Law

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

A municipality shall establish a compliance audit committee before October 1 of an election year for the purposes of the *Municipal Elections Act, 1996* (*Municipal Elections Act, 1996*, s. 88.37 (1)).

On November 21, 2023, council for the *City* (“**council**”) enacted *City of Kingston By-Law Number 2023-204*, “*Committee By-Law*”.

Council considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2023-204*.

Therefore, *council* enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2023-204* is amended as follows:

(a) By deleting schedule 15 in its entirety and replacing it with the following:

“Schedule 15 – Election Compliance Audit Committee (2026 – 2030)”

Legislative Authority: subsection 88.37(1) of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched. (the “*Municipal Elections Act, 1996*”), requires the *City* to establish a compliance audit committee before October 1 of an election year for the purposes of the *Municipal Elections Act, 1996*.

Composition: the *committee* must be composed of three (3) members and must not include:

- employees or officers of the *City* or a local board;
- members of the *council* or a local board;
- any persons who are candidates in the election for which the *committee* is established; and
- any persons who are registered third parties in the City of Kingston.

Term of Appointment: a term that is the same as the term of office of the *council* or local board that takes office in 2026 and must therefore serve in the instance of any by-election that may take place during that time.

Functions: the *committee* will address applications requesting an audit of a candidate’s or a third-party advertiser’s election campaign finances and address reports from the *clerk* requesting a review of contributions to a candidate’s or third-party advertiser’s campaign.

The *committee* must:

- where an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate, or a registered third-party, has contravened a provision of the *Municipal Elections Act, 1996* relating to election campaign finances:
 - within 30 days of receiving an application under subsection 88.33 (4) of the *Municipal Elections Act, 1996*, consider the application and decide whether it should be granted or rejected;
 - give its decision to grant or reject the application, and brief written reasons for the decision, to the candidate or registered third-party, the *clerk* with whom the candidate filed their nomination, the secretary of the local board, if applicable, and the applicant;

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- if the *committee* decides to grant the application, appoint an auditor to conduct a compliance audit of the candidate's or registered third-party's election campaign finances;
- within 30 days of receiving an auditor's report under subsection 88.33 (14) of the *Municipal Elections Act, 1996*, consider it and, if the report concludes that the candidate appears to have contravened a provision of the *Municipal Elections Act, 1996* relating to election campaign finances, decide whether to commence a legal proceeding against the candidate for the apparent contravention; and
- where the *clerk*, upon reviewing the contributions reported on the financial statements submitted by a candidate under subsection 88.25 of the *Municipal Election Act, 1996*, or a third-party under subsection 88.29 of the *Municipal Elections Act, 1996*, has determined that a contributor appears to have exceeded any of the contribution limits under subsections 88.9 or 88.13 of the *Municipal Elections Act, 1996*:
 - within 30 days of receiving a report under subsections 88.34 (4) or (7) of the *Municipal Elections Act, 1996*, consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention and provide brief written reasons for the decision; and
 - within 30 days of receiving a report under subsection 88.36 (4) of the *Municipal Elections Act, 1996*, consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention and provide brief written reasons for the decision.

To avoid a conflict of interest, any auditor or accountant appointed to the *committee* must agree in writing to not undertake the audits or preparation of the financial statements of any candidates in the election for which the *committee* is established or any third-party advertiser registered in the City of Kingston. If any member fails to comply with this requirement, the member's appointment to the committee is deemed to have been revoked by *council*.

Compensation for members of the Election Compliance Audit Committee (2026 – 2030) will be \$240 per meeting attended, including any orientation meeting(s) that may be held. There will be no additional compensation for mileage.

Regular Meeting Frequency: as required."

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2. Coming into Force

2.1 This by-law will come into force and take effect on the day it is passed.

1st Reading date

2nd Reading date

3rd Reading date

Passed date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor