

26 May 2011



## City Council Committee Report

**To: Mayor & Council**

**Fr: Joanne L. McMillin, City Clerk**

**Re: Endorsation of Resolution – Elections Act Amendment**

### **Recommendation:**

Whereas Section 43 of the Election Finances Act, governing the financial reporting requirements for members of the Ontario parliament provides for a 60 day period following the announcement of non-compliance by a member to comply with the reporting requirements prior to the seat being declared vacant; and

Whereas Section 80 of the Municipal Elections Act sets out the penalty to municipal election candidates who have not complied with the financial reporting requirements provides for the automatic vacancy of the seat on Council and the candidate being deemed to be ineligible to be elected or appointed to any position covered by the Municipal Elections Act until after the next municipal election; and

Whereas there is a discrepancy in the standard to which elected representatives are being held to between the provincial and municipal levels in relation to the penalty for non-compliance for election financial reporting; and

Whereas the penalty to municipal candidates appears to be far beyond what would appear to be fair and reasonable, considering that the sentence could amount to eight (8) years of ineligibility to be elected or appointed;

Now Be It Resolved That Council of the Corporation of the City of Kenora supports the position of the Corporation of the United townships of Head, Clara & Maria and strongly requests:

That the Province of Ontario immediately amend the Municipal Elections Act to ensure that municipal representatives and candidates are held to the same standard as their provincial counterpart with regard to the penalties applicable for non-compliance to the election financial reporting requirements; and further

That a copy of this resolution to be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, the Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario and the Township of Head, Clara & Maria.

### **Background:**

The Corporation of the United Townships of Head, Clara & Maria circulated the above resolution adopted by its Council on May 20, 2011 and requesting support to amend the Municipal Elections Act to remove the discrepancy regarding the requirements of candidates in an election when they are non-compliant in filing their financial statements. You will note with the provincial (elected) candidates there is a **60 day period following the announcement of non-compliance by a member** to comply with the reporting requirements prior to the seat being declared vacant and at the municipal level, the elected candidate is automatically removed from office should they not comply with their financial filing. I support the resolution and understand that neighbouring municipalities in the northwest intent to recommend same to their respective Councils.

### **Budget:**

N/A

### **Communication Plan/Notice By-law Requirements:**

As per resolution.