

**THE CORPORATION OF THE
MUNICIPALITY OF KILLARNEY**

BY-LAW NO. 2026-33

**BEING A BY-LAW TO ESTABLISH
A 2026 MUNICIPAL ELECTIONS
JOINT COMPLIANCE AUDIT COMMITTEE**

WHEREAS Section 88.37 (1) of the *Municipal Elections Act, 1996*, provides that a council or local board shall establish a compliance audit committee before October 1st of an election year for the purposes set out in Section 88.37 thereof;

AND WHEREAS the Municipal Councils for the Municipalities of French River, Killarney, Markstay-Warren, St. Charles and West Nipissing have agreed to form a 2026 Municipal Elections Joint Compliance Audit Committee;

AND WHEREAS the Municipal Councils for the Municipalities of French River, Killarney, Markstay-Warren, St. Charles and West Nipissing will independently pass resolutions appointing their respective members to the 2026 Municipal Elections Joint Compliance Audit Committee.

***NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY
OF KILLARNEY HEREBY ENACTS AS FOLLOWS:***

1. That the 2026 Municipal Elections Joint Audit Compliance Committee be established to deal with the matters provide for in Section 88.37 of the *Municipal Elections Act, 1996*;
2. That the 2026 Municipal Elections Joint Audit Compliance Committee shall consist of one (1) appointed individual from each participating municipality and will be utilized to deal with each compliance audit request in accordance with the Terms of Reference set out in Schedule “A” attached hereto;
3. That the business of the 2026 Municipal Elections Joint Compliance Audit Committee shall be conducted in accordance with the Term of Reference set out in Schedule “A” attached, which shall form part of this By-Law;
4. That this by-law shall come into force and take effect on the date of passage.

***READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND
FINALLY PASSED IN OPEN COUNCIL THIS 12th DAY OF AUGUST, 2026.***

ORIGINAL DOCUMENT SIGNED

Michael Reider, Mayor

ORIGINAL DOCUMENT SIGNED

Candy Beauvais, Clerk-Treasurer

*By signing this By-law on August 12th, 2026, Mayor Michael Reider will
not exercise Strong Mayor Powers to veto this By-law.*

BY-LAW 2026-33
SCHEDULE “A”

TERMS OF REFERENCE

2026 MUNICIPAL ELECTION JOINT COMPLIANCE AUDIT COMMITTEE
for the Municipalities of French River, Killarney, Markstay-Warren,
St. Charles and West Nipissing

1. NAME

The name of the Committee will be the **Sudbury East-West Nipissing 2026 Municipal Election Joint Compliance Audit Committee** (hereinafter referred to as the “Committee”).

2. BACKGROUND

The Municipal Councils for the Municipalities of French River, Killarney, Markstay-Warren, St. Charles and West Nipissing (the “Councils”) have agreed to form a Joint Compliance Audit Committee to serve for the 2026 Municipal Election Term. The Committee must be established before (October 1, 2026) and be appointed for the term of Council.

3. OBJECTIVE AND MANDATE OF COMMITTEE

Objective: To ensure that the provisions of the *Municipal Elections Act, 1996*, Section 88.33 through 88.37, inclusive, are not contravened and to follow the necessary steps to ensure compliance.

The Committee has the full delegation of authority of the Municipal Elections Act, 1996, as amended to address applications requesting an audit of a candidate’s election campaign finances for the 2026 Municipal Election. This authority includes, but is not limited to the following:

- a) Consider a compliance audit application received from an elector and decide whether it should be granted or rejected, within 30 days of the receipt of the same;
- b) If the application is granted, appoint an auditor to conduct a compliance audit of the candidate’s election campaign finances;
- c) Receive the auditor’s report;
- d) Consider the auditor’s report and decide whether legal proceedings should be commenced; and
- e) Recover the costs of conducting the audit from the applicant if there were no apparent contraventions and if there appears to be no reasonable grounds for having made the application.

4. MEMBERSHIP SELECTION, ELIGIBILITY

Members of Council, administration, and local boards, candidates and registered Third Party Advertisers are not eligible to be appointed to the Committee pursuant to the *Municipal Elections Act, 1996*.

All applicants will be required to complete an application outlining their qualifications and experience. The selection committee consists of Municipal Clerks of the Municipalities indicated herein, who will submit a short list of their individual candidates to their respective Council.

All members are subject to approval by the Councils for the respective Municipalities herein.

The selection process will be based upon clearly understood and equitable criteria and members will be selected on the basis of the following:

- Demonstrated knowledge and understanding of municipal election campaign financial rules;
- Proven analytical and decision-making skills;
- Experience working on a committee, task force or similar setting;
- Availability and willingness to attend meetings;
- Excellent oral and written communication skills.

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 seeking election to municipal council. Failure to adhere to this requirement will result in the individual being removed from the Committee.

5. TERM

The Term of office for committee members is from November 15th, 2026 to November 14th, 2030.

6. COMMUNICATION PLAN

A call for candidates will be distributed within each municipality herein, at its discretion.

7. COMPOSITION OF COMMITTEE

The Committee will be composed of five (5) members, with memberships to be drawn from within the following stakeholder groups from each of the Municipalities herein;

- a) Accounting and audit; accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
- b) Academic; college or university professors with expertise in political science or local government administration;
- c) Legal; and
- d) Other individuals with knowledge of the campaign financing rules of the *Municipal Elections Act, 1996*;
- e) The Clerk or designate where the application is being heard shall act as Secretary to the Committee.

8. POWERS OF THE COMMITTEE

The powers of the Committee shall be in accordance with Sections 88.33, 88.34, 88.35, 88.36, and 88.37 of the *Municipal Election Act*, with regards to Compliance Audit Committees, is attached hereto and forms part of the Terms of Reference.

Any decision made by the Committee shall be final.

9. APPEAL

The decision of the Committee may be appealed to the Ontario Court of Justice within 15 days after the decision is made and the court may make any decision the committee could have made.

10. FUNDING

Each municipality will be responsible to reimburse its appointed member to the Committee, any disbursements incurred for accommodation, meals, and mileage at the rate established by that municipality, upon receipt of a statement of reasonable associated expenses. These expenses will be funded from the Election allocation within each Municipality’s Operational Budget.

The Municipality in which the meeting is held will be responsible for administrative costs for such items as printing and mailing, to be absorbed within that Municipality’s Operating Budget.

The Municipalities shall share equally in the costs of Auditors.

11. REPORTS TO COUNCIL

When a function of the Joint Compliance Audit Committee is undertaken, an information report will be forwarded to Councils of all Municipalities herein.

12. MEETINGS

- (a) The first meeting of the Committee shall be called by the Clerk of the respective municipality where an application to conduct a compliance audit has been filed. The date and time shall be determined by the Clerk and communicated directly to the Committee members. Subsequent meetings shall be held at the call of the Committee Chair. All time frames established in the *Municipal Elections Act, 1996*, shall be adhered to.
- (b) The Committee members will select a Chair from amongst its members at its first meeting.

- (c) The Committee will meet on an ad-hoc basis, with meetings to be scheduled when a compliance audit application is received. Within 30 days of receiving the application the Committee shall consider the application and decide whether it should be granted or rejected.
- (d) Meetings will be held at the Council Chambers of the Municipality requesting the audit or at an alternate location convenient and agreed upon by the Members of the Committee.
- (e) The Committee may, upon affirmative vote of the majority of its members present at the meeting, determine to hold any meeting or part of a meeting as a closed session in order to discuss sensitive personal issues or legal matters. If the Committee elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison, and all persons excepted by the members) shall vacate the premises where the meeting is taking place. A closed meeting shall only be held in accordance with Section 239 of the *Municipal Act*.
- (f) The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Committee a minimum of three (3) business days prior to the date of each meeting.

The accidental omission to give notice of any meeting of the Committee to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the Committee may at any time, waive notice of any meeting.
- (g) A quorum for meetings shall consist of the majority of the members of the Committee, but in no case shall a quorum consist of less than three (3) members, present.
- (h) Members shall abide by the rules outlined within the *Municipal Conflict of Interest Act* and shall disclose a pecuniary interest to the Secretary and absent himself/herself from meetings for the duration of the discussion and voting (if any) with respect to the matter.
- (i) Minutes of each meeting shall outline the general deliberations and specific actions and recommendations that result.
- (j) Meetings of the Committee shall be governed by the Procedural by-law of the Municipality where the meeting shall take place.
- (k) Any member of the Committee who is absent from three consecutive meetings, without being excused by the Committee, may be removed from the Committee. The Committee shall make recommendations, by a report to the Council of the Municipality which appointed the member, for the removal of a member.
- (l) The Committee and/or Clerk may recommend to the respective Council where the application was filed for the expulsion of a member for reasons as listed, but not limited to:
- (m) the member being in contravention of the *Municipal Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Provincial Offences Act*, the *Municipal Conflict of Interest Act*, and the *Municipal Elections Act*;
 - ii) disrupting the work of the Committee; or
 - iii) other legal issues.

13. MISCELLANEOUS

These Terms of Reference for the Committee are established by the respective Councils under the auspices of the *Municipal Elections Act, 1996* and may only be amended by the unanimous decision of the Councils.