



**City of Kingston
Administrative Policies Committee
Meeting Number 03-2023
Minutes**

**Thursday, October 5, 2023 at 6:00 p.m.
Hosted at City Hall in Council Chamber**

Committee Members Present

Councillor Glenn, Chair
Councillor Amos
Councillor Chaves
Councillor McLaren

Regrets

Councillor Boehme
Councillor Ridge

Staff Members Present

Kyle Compeau, Manager, Licensing & Enforcement
Lana Foulds, Director, Financial Services
Desirée Kennedy, Chief Financial Officer & City Treasurer
Casie Keyes, Administrator, Rideaucrest
Christine O'Connor, Committee Clerk
Andrew Reeson, Senior Legal Council
Iain Sullivan, Committee Clerk
Curtis Smith, Director, Licensing & Enforcement
Jeff Walker, Manager, Taxation & Revenue

Others Present

Lori Huber and Caitlyn Cox, KPMG

This is not a verbatim report.

Public Meeting

Councillor Glenn, the Chair, called the Public Meeting to consider Tax Write Offs Pursuant to Sections 357 and 358 of the *Municipal Act, 2001* to order at 6:00 p.m.

There were no comments from members of the public.

The Chair closed the public meeting at 6:01 p.m.

Meeting to Order

The Chair called the meeting to order at 6:01 p.m.

Approval of the Agenda

Moved by Councillor McLaren
Seconded by Councillor Chaves

That the agenda be amended to include the addendum, and as amended, be approved.

Carried

Confirmation of Minutes

Moved by Councillor McLaren
Seconded by Councillor Chaves

That the minutes of Administrative Policies Committee Meeting Number 02-2023, held on Thursday, July 6, 2023, be approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

There were none.

Briefings

There were none.

Business

a) Rideaucrest Home Board of Management

Moved by Councillor Amos

Seconded by Councillor Chaves

That the Administrative Policies Committee resolve itself into the Rideaucrest Home Board of Management.

Carried

i) Rideaucrest Home Report for June – September 2023

Ms. Keyes introduced the report.

Councillor Chaves asked about the misuse of resident funds detailed in the report, and who was responsible for this. Ms. Keyes responded that financial abuse is seen on occasion, usually relating to power of attorney. She added this case was different as a resident thought a friend was visiting and provided their bank card, then funds were stolen from their account on several occasions. She stated that Kingston Police were informed and they have learned that coercion was involved. She noted that the individual involved was known to the police and has been apprehended.

Councillor Amos asked when the last time a scheduled Ministry of Health and Long-Term Care inspection was done, and the last time a surprise Ministry inspection was done. He noted that there were three incidents filed in the Ministry inspection, with one of those incidents being point of care documentation. He asked if any of the three incidents put a resident's health at risk. Ms. Keyes stated that all Ministry inspections are unannounced, inclusive of the proactive inspections. She added that these inspections are intended to be annual, and they will never be planned. Ms. Keyes clarified that the three incidents that were noted were related to bathing, meaning in three instances it was not noted how a resident was bathed.

Councillor Amos inquired regarding the financial component, with \$338,000 underspent in the administrative section. He noted that this points to staffing shortages, and questioned whether care being provided to the residents is in jeopardy due to this staffing shortage. Ms. Keyes explained that much of the underspent funds in the nursing department are related to the direct hours of care funding, which is based on a sliding scale. She stated that the funding for this year was based on the previous year and they

received more direct nursing care funding this year. She added that they are working with that new funding to secure additional staff. She confirmed that resident care was not being impacted.

There were no members of the public present to speak to this item.

Moved by Councillor Amos

Seconded by Councillor McLaren

That the Administrative Policies Committee rise from the Rideaucrest Home Board of Management.

Carried

b) Tax Write Offs Pursuant to the Municipal Act, 2001 (2023-3)

Ms. Kennedy introduced the report.

Councillor Amos asked if staff foresaw the tax write off impacting the general operating budget. Ms. Kennedy stated that she does not see anything significant with this write off and that an allowance has been set with the knowledge that a reassessment is upcoming.

There were no members of the public present to speak to this item.

Moved by Councillor Amos

Seconded by Councillor McLaren

That the Administrative Policies Committee recommend as follows:

That Council authorize the City Treasurer to write-off uncollectible taxes in the amount of \$123,725.30 of which \$91,099.04 is the City's portion and the amount charged back to the school boards is \$32,626.26, for the properties listed in Exhibit A to Report Number AP-23-013.

Carried

c) Approval of Additional Administrative Monetary Penalties

Mr. Smith introduced the report.

Councillor McLaren asked how well Administrative Monetary Penalties (AMPs) stand up in court. Mr. Smith responded that these penalties do tend to stand up in court, but court action has not been used recently. He added that minimal provincial offences have been issued because compliance has been achieved with intermediate tools.

Councillor Amos asked whether the use of the term highway in the AMPs refers to city streets or a county road. He asked for clarification on the mention of promoting maintenance health and safety on properties. Mr. Smith clarified that the definition of a public highway includes a city street and sidewalk. He explained that property standards are the one piece that is not included in the *Municipal Act* as it is under the Building Code. He stated that when a property owner is at all reticent in fixing the property standards issue use of AMPs has been an effective way to encourage compliance without having to go to court.

Councillor Amos commented that the use of streets to deposit leaves and brush puts cyclists and motorcyclists at risk of accidents. He asked if by-law officers could be diligent in this area. He added that another issue that was not listed in the report is the regulation of leaving animals in vehicles. He asked if there is an AMP that could be applied to this issue. Mr. Smith stated that while this is an inter-jurisdictional issue, there is a meeting planned with animal control enforcement partners in the near future. He agreed that the potential to use AMPs can be discussed with them and brought back to Council.

Councillor Chaves asked for clarification on By-law 2021-010 A By-Law to Establish a Process for Administrative Penalties, and whether these parking violations are different from regular parking violations. Mr. Smith clarified that this the proposals were under the Short-Term Rental By-Law, giving the City the potential to hold a short-term rental operator responsible for parking regulations that are breached due to their operations. Councillor Chaves asked whether this by-law would apply to bed and breakfast establishments and rental properties. Mr. Smith explained that it would depend on the size of the bed and breakfast and whether they host short-term rentals, but that it could apply to small ones. He clarified that this Short-Term Rental By-Law would only apply to properties being rented for less than 30 days, so it would not apply to long term rental properties.

Councillor Chaves asked about the penalty structure and who receives the funds from the AMPs. He asked whether the AMPs are under review for an increase. He expressed

the opinion that they do not seem to be punitive enough to stop people from violating the by-laws. Mr. Smith stated that the City receives the funds as a revenue line item, which is used to recover some of the costs of obtaining compliance. He added that AMPs are constantly under review and staff do have a plan to bring further ones forward.

There were no members of the public present to speak to this item.

Moved by Councillor Amos

Seconded by Councillor Chaves

That the Administrative Policies Committee recommends to Council:

That By-Law Number 2020-69, “A By-Law to Establish a Process for Administrative Penalties”, as amended, be further amended, as per Exhibit A to Report Number AP-23-016; and

That By-Law Number 2021-10, “A By-Law to License and Regulate Short-term Rentals in the City of Kingston”, be amended as per Exhibit B to Report Number AP-23-016; and

That By-Law Number 2004-190, “A By-Law to Regulate the Use of City Streets”, be amended as per Exhibit C to Report Number AP-23-016; and

That By-Law Number 2005-100, “A By-Law for Prescribing Standards For The Maintenance And Occupancy Of Property Within The City of Kingston”, be amended as per Exhibit D to Report Number AP-23-016.

Carried

d) 2023 External Audit Plan

Ms. Kennedy introduced the report with Lori Huber and Caitlyn Cox from KPMG.

Councillor Chaves asked for clarification on the prior year surplus stated within the report. Ms. Huber explained that the accumulated surplus is not a cash amount and is instead made up of restricted investments.

Councillor Amos noted that in regard to materiality in \$10 million, the audit determined the Corporation was at low risk. He asked why the materiality was not raised if the risk is low. He encouraged KPMG and the City of Kingston’s financial team to consider increasing from two to three percent materiality. Ms. Huber stated that with the size and scale of the City of Kingston, two percent is more comfortable than three percent.

Councillor Amos asked whether there are any concerns regarding the asset retirement obligations. Ms. Foulds responded that at this time they do not feel there is anything significant as a result of the Asset Retirement Obligation regulation changes. She added that most of the amortization is unfunded in the budgets at this time, so there was no impact on tax rates.

There were no members of the public present to speak to this item.

Motions

There were none.

Notices of Motion

There were none.

Other Business

There was none.

Correspondence

There was none.

Date and time of Next Meeting

The next meeting of the Administrative Policies Committee is scheduled for Thursday, November 9, 2023 at 6:00 p.m.

Adjournment

Moved by Councillor Amos
Seconded by Councillor McLaren

That the meeting of the Administrative Policies Committee adjourn at 6:43 p.m.

Carried