

Present: Mayor Mitchell
Councillor Drumm
Councillor Emm
Councillor Gleed
Councillor Leahy
Councillor Mulcahy
Councillor Roy
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
A. Kennedy, Executive Advisor to the Mayor
W. Mar, Commissioner of Legal and By-law Services/Town Solicitor
C. Harris, Town Clerk
S. Dave, Legislative Coordinator

Regrets: None noted

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Items for Consideration

2.1 Legal and By-law Services and Corporate Services Department, Joint Report LS 14-17

Re: 2013 Mayor's Gala Transactional Review

A detailed discussion ensued with respect to:

- The benefits and costs of proceeding with the transactional review;
- The Association in Support of the Whitby Performing Arts Centre's (the Association) willingness to cooperate with the auditor's initial assessment and transactional review;
- What information the transactional review will and will not provide;
- Inviting the Association to a future Council meeting to answer Council's questions about the 2013 Mayor's Gala;
- Updating the Town's financial policies and controls with respect

to the Mayor's Fundraiser to ensure this sort of scenario does not occur again; and,

- The Association's response to the request to repay the legal costs incurred by the Town to establish the Association.

Resolution # 399-17

Moved By Councillor Emm

Seconded By Councillor Leahy

That Council move in-camera in accordance with the provisions of Procedural By-law # 7279-17, Closed Meeting Policy G 040, and the Municipal Act, 2001, Section 239 (2) (b) personal matters about an identifiable individual, including municipal or local board employees.

Carried

This portion of the meeting was closed to the public. [Refer to the In Camera minutes of the meeting - Town Clerk has control and custody.]

3. Rising and Reporting

3.1 Motion to Rise

Resolution # 400-17

Moved By Councillor Emm

Seconded By Councillor Leahy

That Council rise from the closed portion of the Special Council Meeting.

Carried

3.2 Reporting into Open Session

Mayor Mitchell advised that during the closed portion of the meeting, Council discussed and considered matters pertaining to identifiable individuals and received advice subject to solicitor-client privilege.

Resolution # 401-17

Moved By Councillor Emm

Seconded By Councillor Roy

1. That Ernst & Young be directed to proceed with a full in-depth transactional review of the 2013 Mayor's Gala as outlined in Report LS 14-17.

Motion Lost

Resolution # 402-17

Moved By Councillor Gleed
Seconded By Councillor Roy

1. That Report LS 14-17 be received for information; and,
2. That through the assistance of the Town Solicitor, a letter be drafted to the Association in Support of the Whitby Performing Arts Centre (the Association) to clearly articulate Council's position that the 2013 Mayor's Gala funds are public funds and a full and public accounting still needs to be provided.

Carried

4. Confirmatory By-law

4.1 Confirmatory By-law

Resolution # 403-17

Moved By Councillor Leahy
Seconded By Councillor Emm

That leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its special meeting held on July 17, 2017 and the same be considered read and passed and the Mayor and Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

5. Adjournment

5.1 Motion to Adjourn

Resolution # 404-17

Moved By Councillor Drumm
Seconded by Councillor Emm

That the meeting adjourn.

Carried

The meeting adjourned at 7:58 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor