

Special Council Minutes
February 25, 2016 -7:00 pm
Council Chambers
Whitby Municipal Building

Present: Mayor Mitchell
Councillor Drumm
Councillor Emm
Councillor Gleed
Councillor Leahy
Councillor Roy (arrived at 7:07 p.m.)
Councillor Yamada

Also Present: R. Petrie, Chief Administrative Officer
P. LeBel, Commissioner of Community & Marketing Services
W. Mar, Commissioner of Legal and By-law Services/Town Solicitor
N. Tellis, Manager of Treasury Services
C. Harris, Town Clerk
S. Cassel, Deputy Clerk

Regrets: Regional Councillor (vacant)

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Presentations

2.1 Office of the Town Clerk Report, CLK 08-16
Re: Method of Filling Vacancy on Council

Resolution # 88-16

Moved By Councillor Drumm
Seconded By Councillor Leahy

1. That Report CLK 08-16 of the Office of the Town Clerk be received for information; and,
2. That, pursuant to Section 262(1) of the Municipal Act, 2001, the Council of the Corporation of the Town of Whitby hereby declares the office of Regional Councillor to be vacant and directs the Clerk to so notify the Regional Clerk of the vacancy.

Carried

The following individuals registered as delegates, after the publication of the agenda, and spoke to CLK 08-16.

Bob Hartley, 340 Regal Briar Street, appeared before Council and provided a copy of his delegation to Members of Council. He stated that he understood there were three options to fill the vacancy of Regional Councillor being an election, appointment of an individual or appointment of the runner up in the last municipal election who had the next highest votes. Mr. Hartley stated that an election or appointing the runner up was the most democratic way to fill the seat. He commented that appointing another individual gives the perception of favouritism. He stated that the candidates that ran in the 2014 election had spent a lot of time and money on their campaigns and that constituents had cast their votes to elect the regional councillors for the Town. He commented that if an individual that was not part of the race for the seat of regional councillor in 2014 was appointed, that it would be making a mockery of the election process.

John Dolstra, 23 Regency Crescent, appeared before Council and stated that he was thankful for the opportunity to speak and express his opinion on the vacancy of the Regional Councillor seat. He stated that he was the runner up in the 2014 Municipal Election and that he had served in the past on Whitby Town Council and the School Board. Mr. Dolstra requested that he be considered for the Regional Councillor seat. He stated that with the length of the remaining term of council, it was important to fill the seat and that he was of the opinion that if Council should appoint an individual that it should be the runner up in the 2014 Election. He continued by stating that if Council should choose to not appoint, that a by-election be called to allow the residents to decide on who should fill the seat.

Ron Trbovich, 4 Lacey Drive, appeared before Council and stated that he was thankful for the opportunity to provide input and comment. He stated that he had been a resident of Whitby since 1984. Mr. Trbovich commented that he had a great deal of confidence in Whitby Council noting that they had recently passed the annual budget, adopted a strategic plan and were working well together. He recommended that Council vote, by secret ballot, to appoint an existing Ward Councillor to the Regional seat and subsequently hold a by-election for the vacant ward seat saving residents the cost of a town-wide by-election. Questions were raised to the Town Clerk regarding the ability for Council to vote by secret ballot.

C. Harris, Town Clerk, confirmed that the Municipal Act did not allow voting by secret ballot and that this option was not available to Council.

The Chair opened the floor for comments from the public. There were no members of the public present to speak on the matter.

Detailed discussion ensued regarding:

- the options of appointing a current ward councillor to the Regional seat;
- feedback from residents in that it was not favourable to have a by-election at this time;
- respect for taxpayer's dollars;
- voter fatigue in the number of elections in the past few years;
- the democratic process of elections;
- options for filling vacancies under the Municipal Act that leaves the decision to municipal Council;
- the importance of filling the Regional seat so that Whitby does not lose out on voting on important issues at the Regional level;
- keeping the momentum of Whitby Council moving forward in their shared vision for the Town; and,
- appointing Derrick Gleed as Regional Councillor and filling the north ward seat through a by-election.

Mayor Mitchell asked Councillor Gleed if he would accept the nomination to be appointed to the office of Regional Councillor.

Councillor Gleed accepted and consented to the nomination.

Resolution # 89-16

Moved By Councillor Drumm

Seconded By Councillor Roy

1. That Council proceed with a direct appointment to fill the vacancy of Regional Councillor at this evening's Special Council meeting; and,
2. That Derrick Gleed be appointed to the office of Regional Councillor and the Clerk be directed to notify the Regional Clerk of the appointment.

Carried

Resolution # 90-16

Moved By Councillor Yamada
Seconded By Councillor Leahy

That leave be granted to introduce By-law Number 7106-16, being a By-law to appoint Derrick Gleed to fill the vacancy for the office of Regional Councillor, and to dispense with the reading of the by-law by the Clerk and the same be considered read and passed and that the Mayor and the Clerk sign the same and Seal of the Corporation be thereto affixed.

Carried

Councillor Gleed was provided with the Declaration of Office and read the Declaration aloud.

Councillor Gleed signed the Declaration of Office and it was commissioned by the Town Clerk.

Councillor Gleed assumed the seat of Regional Councillor.

Discussion ensued with respect to the North Ward vacancy due to the appointment of Derrick Gleed as Regional Councillor. W. Mar, Town Solicitor, advised Members of Council that in accordance with the Municipal Act, Council at its next regularly scheduled Council meeting, to be held on Monday, February 29, 2016, would declare the North Ward seat vacant.

Further discussion ensued with respect to scheduling a Special Council Meeting to hear options on filling the North Ward vacant seat after Council had formally declared the seat vacant.

3. Confirmatory By-law

3.1 Confirmatory By-law

Resolution # 91-16

Moved By Councillor Yamada
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 February 25, 2016 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be

thereto affixed.

Carried

4. Adjournment

4.1 Motion to Adjourn

Resolution # 92-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That the meeting adjourn.

Carried

The meeting adjourned at 7:48 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor