

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

**Also Present:** D. Barnes, Interim Chief Administrative Officer  
P. LeBel, Commissioner of Community & Marketing Services  
W. Mar, Commissioner of Legal and By-law Services/Town Solicitor  
K. Nix, Commissioner of Corporate Services/Treasurer  
C. Harris, Town Clerk  
S. Cassel, Deputy Clerk

**Regrets:** None noted

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1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

2. Items for Consideration

2.1 Corporate Services Department Report, CS 37-17  
Re: Audit Options - 2013 Mayor's Gala

Detailed discussion ensued with respect to:

- conducting a full transactional review of the 2013 Mayor's Gala;
- engaging Ernst and Young and obtaining a more accurate estimate of the costs associated with a transactional review;
- discussions that had taken place with Association in Support of the Whitby Performing Arts Centre (ASWPAC) in relation to how the documents would be provided and whether they should be given to the CAO or directly to the Auditor; and,
- the process and timelines for engaging Ernst and Young and formally requesting ASWPAC to hand over the records.

**Resolution # 125-17**

Moved By Councillor Leahy  
Seconded By Councillor Emm

1. That Report CS 37-17 be received for information.

**Carried later in the meeting [See following motions]**

**Resolution # 126-17**

Moved By Councillor Gleed  
Seconded By Councillor Roy

That the main motion be amended by adding the following items:

2. That the Association in Support of the Whitby Performing Arts Centre (ASWPAC) be requested to forward all financial documents related to the 2013 Mayor's Gala to the Chief Administrative Officer within 15 days of such notice being provided by the Town Clerk, including but not limited to the following:
  - Financial documents
    - Bank statements
    - Income statements (profit and loss)
    - Balance sheets
    - Filings to Revenue Canada
  - Revenues
    - Fundraising revenues
    - Donations
    - Donations in kind
    - Ticket/table sales
  - Expenses
    - Detailed by type (i.e. event costs, salaries, purchase services, entertainment, etc.)
    - All original receipts and invoices
  - Net revenues (including the \$235,049 provided by the Town)
    - Amounts paid to arts-related organizations
    - Funds held in trust - terms of payments, and terms of the trust agreement
    - Funds remaining in the Association's account (if any)
3. That ASWPAC be requested to reimburse legal fees incurred by the Town to establish ASWPAC in the amount of \$11,455;

4. That all funds currently held by ASWPAC, including those held in trust, be forwarded to the Town for disbursement by the Committee tasked with disbursing the remainder of funds from the 2008-2012 Mayor's Galas; and,
5. That the Commissioner of Corporate Services/Treasurer be directed to retain Ernst and Young to conduct a preliminary phase of the review for the purpose of determining the quality and quantity of data available, and identify the costs of a full in-depth transactional review of the 2013 Mayor's Gala and report to Council with the estimate and statement of work.

**Motion Withdrawn [See following motion]**

**Resolution # 127-17**

Moved By Councillor Gleed  
Seconded By Councillor Roy

That the main motion be amended by adding the following items:

2. That the Commissioner of Corporate Services/Treasurer be directed to retain Ernst and Young to accept documentation from Association in Support of the Whitby Performing Arts Centre (ASWPAC), conduct a preliminary phase of the review for the purpose of determining the quality and quantity of data available, and identify the costs of a full in-depth transactional review of the 2013 Mayor's Gala and report to Council with the estimate and statement of work; and,
3. That Ernst and Young be directed to request all financial documents related to the 2013 Mayor's Gala from ASWPAC within 15 days of such request being provided, including but not limited to the following:

Financial documents

- Bank statements
- Income statements (profit and loss)
- Balance sheets
- Filings to Revenue Canada

Revenues

- Fundraising revenues
- Donations
- Donations in kind
- Ticket/table sales

Expenses

- Detailed by type (i.e. event costs, salaries, purchase services, entertainment, etc.)

- All original receipts and invoices
- Net revenues (including the \$235,049 provided by the Town)
- Amounts paid to arts-related organizations
  - Funds held in trust - terms of payments, and terms of the trust agreement
  - Funds remaining in the Association's account (if any)
4. That ASWPAC be requested to reimburse legal fees incurred by the Town to establish ASWPAC in the amount of \$11,455; and,
  5. That all funds currently held by ASWPAC, including those held in trust, be forwarded to the Town for disbursement by the Committee tasked with disbursing the remainder of funds from the 2008-2012 Mayor's Galas.

**Carried unanimously on a recorded vote as follows:**

	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Councillor Joe Drumm	x		
Councillor Michael Emm	x		
Councillor Derrick Gleed	x		
Councillor Chris Leahy	x		
Councillor Rhonda Mulcahy	x		
Councillor Elizabeth Roy	x		
Councillor Steve Yamada	x		
Mayor Don Mitchell	x		
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The main motion, as amended, was then carried.

**2.2** Community and Marketing Services Department and Corporate Services  
Department Joint Report, CMS 16-17

Re: Disposition of 2008-2012 Mayor's Gala Funds

**Note: Report CMS 16-17 was originally presented at the February 13, 2017 Special Council meeting, was referred at that time, and is being brought forward for Council consideration at this, March 20, 2017, Special Council meeting (see Resolution #58-17).**

Brief discussion ensued with respect to the presentation from Meredith Dodge, on behalf of the Mayor's Community Development Fund (MCDF) Review Committee at the February 13, 2017 Special Meeting of Council and their willingness to take on the role of reviewing and dispersing the funds raised from previous Mayor's Galas.

Mayor Mitchell noted that due to the sensitivity of this matter, he would recuse himself from all discussions or decisions relating to the previous Mayor's Gala funds and would rely on the Committee to review and decide how the funds would be disbursed.

Further discussion ensued with respect to the need to keep this matter on the New and Unfinished Business List for the Operations Committee until such time as all matters regarding the previous Mayor's Galas had been resolved and the funds had been disbursed.

**Resolution # 128-17**

Moved By Councillor Leahy

Seconded By Councillor Mulcahy

1. That Council approve the establishment of a Performing Arts Community Development Fund for the disposition of the 2008 - 2012 Mayor's Gala Funds as outlined in Report CMS 16-17;
2. That Staff be directed to update the Mayor's Community Development Fund Policy and Procedure to include the disposition of the 2008 - 2012 Mayor's Gala Funds, with the requirement for annual reporting of the allocation of these funds;
3. That the Mayor's Community Development Fund Review Committee be authorized to receive and review applications for the Performing Arts Community Development Fund; and,
4. That staff be directed to prepare all of the necessary communications and forms to facilitate applications for the Performing Arts Community Development Fund and promote it on the Town's website, the Town's social media platforms, in The Whitby Perspective, through media advisories and releases, and via notices to Performing Arts groups and organizations that participate in the community.

**Carried**

3. Confirmatory By-law

3.1 Confirmatory By-law

**Resolution # 129-17**

Moved By Councillor Leahy

Seconded By Councillor Yamada

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 March 20, 2017 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 # 130-17**

Moved By Councillor Mulcahy  
Seconded By Councillor Leahy

That the meeting adjourn.

**Carried**

The meeting adjourned at 6:37 p.m.

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Christopher Harris, Town Clerk

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Don Mitchell, Mayor