



SPECIAL MEETING OF COUNCIL

Minutes

**Thursday, May 12, 2016 at 3:00 p.m. or
Immediately following General Government
Classroom**

B. Smith	Mayor
N. Bifulchi	Deputy Mayor
S. Bray	Councillor
R. Ego	Councillor
B. Smith	Councillor
B. Stockwell	Councillor
G. Vadeboncoeur	CAO
H. Bryce	Town Clerk
P. Archdekin	Deputy Clerk
A. McNeill	Director of Economic Development and Tourism

1. CALL TO ORDER

Mayor Smith called the meeting to order at 3:10 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST – None

3. ADOPTION OF MINUTES – None

4. DEPUTATIONS, PRESENTATIONS, PETITIONS & PUBLIC MEETINGS

5. UNFINISHED BUSINESS – None

6. CORRESPONDENCE – Received for Information - None

CORRESPONDENCE – Requiring Action - None

CORRESPONDENCE – Referred - None

Mayor Smith inquired if there is no objection to go into Closed Session first as the Consultant is in attendance, then continue on with the meeting. Committee agreed.

13. CLOSED SESSION

Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

a) Minutes of Settlement for the Pereira OMB hearing

MOVED BY S. BRAY
SECONDED BY R. EGO

RESOLUTION NO. 2016-08-01

RESOLVED THAT pursuant to Section 239 of *The Municipal Act, 2001*, as amended, the next portion of the Council meeting be closed to the public to discuss litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose pertaining to the Ontario Municipal Board Minutes of Settlement O.M.B. Case No. PL 150917.

CARRIED

Resolution No. 2016-08-02 and 2016-08-03

Closed Session adjourned at 3:35 p.m.

Mayor Smith rose and reported that a legal matter was discussed about an identifiable individual.

MOVED BY S. BRAY
SECONDED BY N. BIFOLCHI

RESOLUTION NO. 2016-08-04

RESOLVED THAT Council of May 12, 2016 does hereby confirm the direction given to the Chief Administrative Officer, in Closed Session.

CARRIED

Council returned to the Regular Agenda.

7. COMMITTEE, BOARDS & STAFF REPORTS

a) Town Clerk – Implementation of a Council Vacancy Policy and Timelines to Address Current Vacancy

The Clerk noted that with the seat declared vacant and clock is moving and there is a need to establish a Council vacancy policy, which has been drafted for consideration and advertising.

The Clerk spoke to her report and advised that in speaking with Councillor Stockwell, amendments are being proposed to section 11 to make it clearer, easier and fairer for both Council and the Candidates with respect to voting. She then went on to explain the changes that will make the vote smoother. The vote will be taken in public with each member given a ballot with their name and the names of the candidates on it and will cast their vote for one person. Committee agreed with the amendment. This new process will avoid other voting members knowing how the person before them has voted. The Clerk, through a Power Point presentation presented scenarios of vote results and how a tie will be decided. Members were not comfortable with the process for breaking a tie by drawing the name by lot but did not have any suggestions on another method to break a tie.

The proposed amendment to section 11 was read out.

Mayor Smith noted he doesn't see a better way to break the tie and by that time will know how others voted.

Councillor Bray then inquired if someone has to declare a conflict of interest with respect to a candidate and if that would mean they cannot be part of the voting process entirely or are they able to vote for someone other than that person.

Council agreed this was a concern and asked the Clerk to invite the Town Solicitor to a meeting to provide legal advice on conflict of interest.

The CAO clarified that if a member of Council declares a conflict with a candidate, the question is, is that person excluded from all votes or just the one vote with whom they have a conflict. It is important that Council understand the process before they get to that point.

The Clerk will set up an education session with legal counsel. It was the;

MOVED BY B. STOCKWELL

SECONDED BY R. EGO

RESOLUTION NO. 2016-08-05

THAT section 11 of the Council Vacancy Policy be hereby amended as follows:

11. Upon hearing all the submission of the Candidates, Council will proceed to vote as follows:
 - a) Candidate names will be displayed on the monitor in alphabetical order, in the Council Chambers by the Clerk.
 - b) Each Member of Council will be provided with a ballot by the Clerk with their names on its listing all Candidates in alphabetical order.
 - c) Each Member of Council will vote cast their vote on the ballot and sign their name.
 - d) Members of Council will cast their vote for one (1) Candidate only.
 - e) The Clerk will collect the ballots, place the ballots of all Members of Council in a container and randomly draw the completed ballots.
 - f) When a ballot is drawn, the Clerk will publicly announce the name of the Members of Council whose vote it is and announce the candidate in which they voted for.
 - g) The Clerk will tabulate and announce the results.
 - h) If the Candidate receiving the greatest number of votes cast does not receive more than one-half the votes of all voting members of Council, the Candidate or Candidates who received the fewest number of votes will be excluded from further consideration. The vote will be taken again by the Clerk, and if necessary, more than once, excluding in each successive vote the Candidate or Candidates who receive the fewest number of votes. This process will be repeated until the Candidate receiving the greatest number of votes has also received more than one-half of the votes of the voting members of Council.
 - i) Where the votes cast are equal for all remaining Candidates and if:
 - i. There are three or more Candidates remaining, the Clerk will by Lot select

one such Candidate to be excluded from the subsequent voting.

- ii. If only two (2) Candidates remain, the tie will be broken by selecting a Candidate by Lot, as conducted by the Clerk.

CARRIED

MOVED BY R. EGO
SECONDED BY B. SMITH

RESOLUTION NO. 2016-08-06

RESOLVED THAT Council does hereby receive the report pertaining to the Implementation of a Council Vacancy Policy and Timelines to Address Current Vacancy; and,

THAT Council does hereby adopt the Council Vacancy Policy as presented, as amended

CARRIED

8. NOTICES OF MOTION

9. MOTIONS – WHERE NOTICE HAS BEEN PREVIOUSLY GIVEN - None

10. BY-LAWS AND CONFIRMATORY BY-LAW

a) 2016-94 A By-law to Adopt a Council Vacancy Policy

The Clerk requested a ten minute break to prepare the amended Policy for the By-Law.

Council took a ten minute recess at 4:05 p.m.
Committee reconvened at 4: 15 p.m.

The Clerk advised the By-Law remains the same and the policy has been revised based on the motion that was just approved and it was then;

MOVED BY S. BRAY
SECONDED BY R. EGO

RESOLUTION NO. 2016-08-07

RESOLVED THAT a By-Law to Adopt a Council Vacancy Policy be received and be deemed to have been read a first, second and third time, passed and numbered No. 2016-94.

CARRIED

b) 2016-95 A By-law to Authorize the Execution of an Agreement Between the Town of Wasaga Beach and House of Bombay Operating as Beach Depot and Ram Gupta for a Commercial Lease at 47 Beach Drive Unit F

MOVED BY B. STOCKWELL
SECONDED BY R. EGO

RESOLUTION NO. 2016-08-08

RESOLVED THAT A By-Law to Authorize the Execution of an Agreement Between the Town of Wasaga Beach and House of Bombay Operating as Beach Depot and Ram Gupta for a Commercial Lease at 47 Beach Drive Unit F be received and be deemed to have been read a first, second and third time, passed and numbered No. 2016-95.

CARRIED

c) **2016-96 Confirmatory By-Law**

MOVED BY B. STOCKWELL
 SECONDED BY B. SMITH

RESOLUTION NO. 2016-08-09

RESOLVED THAT a By-Law to Confirm the Proceedings of the Council of the Town of Wasaga Beach at tis Special Meeting held Thursday May 12, 2016 be received and be deemed to have been read a first, second and third time, passed and numbered No. 2016-96.

CARRIED

11. CALLING OF COMMITTEE MEETINGS – N/A**12. QUESTION PERIOD****13. CLOSED SESSION**

Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

a) Minutes of Settlement for the Pereira OMB hearing

Dealt with earlier in the agenda.

14. RISE AND REPORT

Dealt with earlier in the agenda

Council returned to Item 7.

15. ADJOURNMENT

Mayor Smith adjourned the meeting at 4:30 p.m.

The Minutes of this meeting were adopted the 24th day of May, 2016.

 Brian Smith, Mayor

 Holly Bryce, Town Clerk