

**CITY OF VAUGHAN
SPECIAL COUNCIL MINUTES
APRIL 6, 2009**

Table of Contents

<u>Minute No.</u>		<u>Page No.</u>
49.	CONFIRMATION OF AGENDA	53
50.	DISCLOSURE OF INTEREST	53
51.	MINUTE OF SILENCE FOR THE VICTIMS OF THE EARTHQUAKE OF APRIL 6, 2009 IN THE AREA OF L'AQUILA, ABRUZZO REGION, ITALY	53
52.	LEGAL ADVICE COMPLIANCE AUDIT - LINDA D. JACKSON (Item 3, Report No. 19, Committee of the Whole (Closed Session)).....	53
53.	CONFIRMING BY-LAW	55
54.	ADJOURNMENT	55

CITY OF VAUGHAN
SPECIAL COUNCIL MEETING

MONDAY, APRIL 6, 2008

MINUTES

9:30 A.M.

Council convened in the Municipal Council Chambers in Vaughan, Ontario, at 9:44 a.m.

The following members were present:

Regional Councillor Joyce Frustaglio, Chair
Regional Councillor Mario F. Ferri
Regional Councillor Gino Rosati
Councillor Tony Carella
Councillor Peter Meffe
Councillor Alan Shefman
Councillor Sandra Yeung Racco

49. CONFIRMATION OF AGENDA

MOVED by Regional Councillor Ferri
seconded by Regional Councillor Rosati

THAT the agenda be confirmed.

CARRIED

50. DISCLOSURE OF INTEREST

There was no disclosure of interest by any member.

**51. MINUTE OF SILENCE FOR THE VICTIMS OF THE EARTHQUAKE OF APRIL 6, 2009
IN THE AREA OF L'AQUILA, ABRUZZO REGION, ITALY**

Council observed a minute of silence for the victims of today's earthquake in the area of L'Aquila, Abruzzo Region, Italy.

**52. LEGAL ADVICE
COMPLIANCE AUDIT - LINDA D. JACKSON**

(Item 3, Report No. 19, Committee of the Whole (Closed Session))

MOVED by Councillor Meffe
seconded by Councillor Shefman

That the following recommendation of Item 3, Report No. 15, Committee of the Whole (Closed Session) of March 31, 2009, be approved:

The Committee of the Whole (Closed Session) recommends:

- 1) That having received the recommendation from the City's external legal counsel retained to provide independent advice in this matter, Council enact the following Resolution:

WHEREAS the City retained independent legal counsel in regard to pursuing prosecutions for contraventions of the Municipal Elections Act, 1996.

AND WHEREAS in the course of reviewing the documentation and determining which charges should be laid, the independent legal counsel has provided the City with legal advice recommending that, for reasons outlined by letter dated March 26, 2009 from Timothy J. Wilkin of Cunningham, Swan, Carty, Little & Bonham LLP, charges should also be laid against the campaign manager.

NOW THEREFORE THE COUNCIL OF THE CITY OF VAUGHAN RESOLVES AS FOLLOWS:

1. That Timothy J. Wilkin of Cunningham, Swan, Carty, Little & Bonham LLP be provided the authority to lay charges against Mario Campese for alleged offences under the Municipal Elections Act, 1996, arising out of his conduct as a campaign manager for Linda D. Jackson in the 2006 Municipal election; and
2. That Timothy J. Wilkin, be retained to conduct the prosecutions and to proceed in a timely manner; and
3. That the charges to be laid shall be those for which reasonable and probable grounds exist for believing that an offence has been committed, as may be determined in the legal opinion of Timothy J. Wilkin; and
4. That the retainer includes instructions that Timothy J. Wilkin have the authority, in his sole discretion:
 - i) to withdraw any charge, or charges, against Mario Campese if, in his opinion, the available evidence in respect of a charge or charges does not provide a reasonable likelihood of obtaining a conviction; and
 - ii) to conduct any pre-trial or trial proceedings necessary, and to summon such witnesses as may be required including, if necessary, the retaining of experts to appear as witnesses; and
 - iii) to enter into negotiations with respect to the charges for the purposes of establishing an agreed statement of facts, a plea bargain and/or a joint submission to the Court in respect of penalty; and
 - iv) to enter into a binding pleas bargain agreement; and
 - v) to establish what penalty to seek from the Court upon a conviction; and
 - vi) to provide regular status reports to the City Solicitor for her information;
- 2) That Council waive privilege and make the legal advice dated March 26, 2009 from Mr. Timothy Wilkin publicly available;
- 3) That a Special Council meeting be called at 9:30 a.m. on April 6, 2009 for the purpose of considering the recommendations of Committee of the Whole (Closed Session) in this matter; and
- 4) That the confidential report of the Commissioner of Legal and Administrative Services and City Solicitor, dated March 31, 2009, be received.

CARRIED

53. CONFIRMING BY-LAW

MOVED by Councillor Carella
seconded by Councillor Meffe

THAT By-law Number 54-2008, being a by-law to confirm the proceedings of Council at its meeting on April 6, 2009, be read a First, Second and Third time and enacted.

CARRIED

54. ADJOURNMENT

MOVED by Councillor Yeung Racco
seconded by Regional Councillor Rosati

THAT the meeting adjourn at 9:55 p.m.

CARRIED

Regional Councillor Joyce Frustaglio
Acting Mayor

Jeffrey A. Abrams, City Clerk