

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 8, 2008

Item 1, Report No. 41, of the Committee of the Whole (Closed Session), which was adopted without amendment by the Council of the City of Vaughan on September 8, 2008.

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**ONTARIO MUNICIPAL BOARD HEARING
ZONING BY-LAW AMENDMENT FILE Z.07.034
DRAFT PLAN OF SUBDIVISION FILE 19T-07V03
DRAFT PLAN OF CONDOMINIUM FILE 19CDM-07V06
ELM THORNHILL WOODS INC., 8777 DUFFERIN STREET**

The Committee of the Whole (Closed Session) recommends:

- 1. That the City consent to the request for a Vesting Order in respect of an easement for unrestricted access over Part 13 Plan 65R-28438 to Temple Kol Ami;**
- 2. That the Ontario Municipal Board be advised that Council endorses Zoning By-law Amendment File Z.07.034, to provide site-specific exceptions to By-law 1-88, which would permit the frontage of freehold townhouse lots to be located on a private proposed common elements condominium driveway;**
- 3. That the Ontario Municipal Board be advised that Council endorses Draft Plan of Subdivision 19T-07V03, subject to conditions;**
- 4. That the Ontario Municipal Board be advised that Council endorses Draft Plan of Condominium File 19CDM-07V06, subject to conditions; and**
- 5. That the confidential report of the Solicitor/Litigation, in consultation with the Commissioner of Planning, dated September 2, 2008, be received.**

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Item 2, Report No. 41, of the Committee of the Whole (Closed Session), which was adopted, as amended, by the Council of the City of Vaughan on September 8, 2008, as follows:

By approving the following Committee of the Whole (Closed Session) recommendation of September 8, 2008:

That the confidential recommendation contained in the confidential additional report of the Commissioner of Legal and Administrative Services and City Solicitor, the Director of Human Resources and the Fire Chief, dated September 8, 2008, be approved.

2 UPDATE ON VAUGHAN PROFESSIONAL FIREFIGHTERS ASSOCIATION NEGOTIATIONS

The Committee of the Whole (Closed Session) recommends:

- 1) That the verbal report of the Commissioner of Legal and Administrative Services and City Solicitor be received.

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Item 3, Report No. 41, of the Committee of the Whole (Closed Session), which was adopted, as amended, by the Council of the City of Vaughan on September 8, 2008, as follows:

By approving the following Committee of the Whole (Closed Session) recommendation of September 8, 2008:

1. ***That Council authorize the filing of Appearances to the Application on behalf of the municipal corporation and Mr. Tim Wilkin, Special Counsel;***
2. ***That Council retain the firm WeirFoulds LLP to act on its behalf in defense of the Application, subject to the direction of the City Solicitor;***
3. ***That a by-law to confirm all decisions of Council to date relating to the compliance audit of the Applicant be enacted;***
4. ***That the following Resolution be enacted:***

WHEREAS the legal proceedings commenced by Mayor Jackson seek a declaration that section 81 of the Municipal Elections Act, 1996, the legislative authority governing applications for municipal corporations to audit the campaign finances of candidates for municipal office, is of no force or effect;

AND WHEREAS the relief sought against the City is to declare its appointment of auditors and prosecutions counsel in response to the two compliance audit applications made to it with respect to the election campaign finances of Mayor Jackson, to be null and void and to prevent the Council from laying charges against Linda D. Jackson in relation to alleged contraventions of the Municipal Elections Act, 1996;

AND WHEREAS the City has received clear and comprehensive legal advice that its actions throughout in processing and acting on the compliance audit applications, and confirming its actions by by-law, were fully lawful and in accordance with the legislative and judicial authority and mandates governing its responsibilities in this matter, including the authority for the appointment of auditors and legal counsel;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF VAUHAN HEREBY RESOLVES:

THAT the City of Vaughan respond to these legal proceedings brought by its Mayor on the basis of the lawfulness and authority of each of its actions referred to in the proceedings, making clear in its by-law to retain and instruct legal counsel in response to the application, its position that its acts and decisions which are the subject-matter of the legal proceedings were duly made by the by-laws which it enacted;

5. ***That the City Solicitor and Clerk take all necessary steps to give effect thereto; and***
6. ***That the confidential additional reports of the Commissioner of Legal and Administrative Services and City Solicitor, the Director of Legal Services and external counsel, both dated September 8, 2008, be received.***

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LINDA D. JACKSON APPLICATION

The Committee of the Whole (Closed Session) recommends:

- 1) That the matter be referred to the Council meeting of September 8, 2008 for a report from the Commissioner of Legal and Administrative Services and City Solicitor; and**
- 2) That the firm of WeirFoulds LLP be retained to provide legal advice in this matter.**

Having declared an interest in this matter Mayor Jackson left the room when the matter was considered.

Having declared an interest in this matter Regional Councillor Frustaglio left the room when the matter was considered.

Having declared an interest in this matter Councillor Di Vona left the room when the matter was considered.