

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 10, 2008**

Item 1, Report No. 54, of the Committee of the Whole (Closed Session), which was adopted without amendment by the Council of the City of Vaughan on November 10, 2008.

**1 NOMINATION FOR THE 2008 WARD 5 CIVIC HERO AWARD**

**The Committee of the Whole (Closed Session) recommends:**

- 1) That Ellise Gasner be the recipient of the Civic Hero Award for Ward 5 for 2008, and that she be presented with this award by the Council of the City of Vaughan at the earliest opportunity; and**
- 2) That the confidential report of Councillor Shefman, dated November 3, 2008, be received.**

**Recommendation**

Councillor Alan Shefman recommends;

That Ellise Gasner be the recipient of the Civic Hero Award for Ward 5 for 2008, and that she be presented with this award by the Council of the City of Vaughan at the earliest opportunity.

**Economic Impact**

Minimal – cost of preparation of certificate and framing

**Communications Plan**

Media release prepared and distributed by Corporate Communications

**Purpose**

To recognize those who have taken exemplary action reflecting the responsibility of citizens as stated in the City of Vaughan Declaration of Citizens' Rights and Responsibilities.

**Background and Analysis**

Ellise Gasner is relatively new to the City of Vaughan, moving to her Thornhill neighbourhood in 2004. When she moved to the City she brought with her a very large family including her husband, eight children and two dogs. She also brought with her a strong sense of advocacy and a commitment to the environment.

In 2005 with the implementation of restrictions on garbage and the focus on recycling through the Greening Vaughan Program, she was finding that even though she was totally committed to recycling, with the size of her family she was struggling to meet the increasing limitations on garbage items. She contacted the City at that time suggesting that doubtlessly, there were other large families in the community who also were committed to recycling, who might not be fully participating in the City's recycling program. She felt that these families some further consideration to allow them to meet the new goals of Greening Vaughan. She asked if consideration could be given to develop a special program to the special circumstances of these families. The purpose of the program would be to recognize the diversity of the families in the City by allowing them to receive extra support to fully participate in the recycling program as well as to have some relief from the garbage limitations.

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 10, 2008**

Item 1, CW(Closed) Report No. 54 – Page 2

Over a period of approximately a year, Ellise talked to other large families, leading to a deputation before the Greening Vaughan Advisory Committee and the recommendation of a pilot project that was ultimately approved by Council. The project is now being evaluated by the City, but according to Ellise it has been a wonderful success.

While being an advocate for the Large Families project, Ellise has also been a force in her neighbourhood informing and educating her neighbours about recycling issues.

**Relationship to Vaughan Vision 2020**

This report is consistent with the priorities previously set by Council to serve our citizens and lead and promote environmental sustainability.

**Regional Implications**

N/A

**Conclusion**

For her service to her fellow citizens and her advocacy on behalf of recycling in the City of Vaughan Ellise Gasner merits the designation Civic Hero.

**Attachment**

None

**Report prepared by**

Councillor Alan Shefman

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 10, 2008**

Item 2, Report No. 54, of the Committee of the Whole (Closed Session), which was adopted at the Special Council meeting of November 3, 2008.

---

**2                      PERSONNEL MATTER – RECOMMENDED CANDIDATE FOR  
                                 DIRECTOR OF ECONOMIC DEVELOPMENT**

The Committee of the Whole (Closed Session) recommendation was dealt with and adopted at the Special Council meeting of November 3, 2008 under Minute No. 230.

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 10, 2008**

Item 3, Report No. 54, of the Committee of the Whole (Closed Session), which was adopted without amendment by the Council of the City of Vaughan on November 10, 2008.

---

**3      POTENTIAL LITIGATION - WATER AND WASTEWATER ACCOUNT - BILLING ISSUE**

**The Committee of the Whole (Closed Session) recommends that the confidential recommendation of the Committee of the Whole (Closed Session) be approved.**

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 10, 2008**

Item 4, Report No. 54, of the Committee of the Whole (Closed Session), which was adopted, as amended, by the Council of the City of Vaughan on November 10, 2008, as follows:

***By approving the following recommendation of the Committee of the Whole (Closed Session) meeting of November 3, 2008:***

- 1) ***That the resignation of Ms. Cecilia Nin Hernandez from Heritage Vaughan for the 2006 – 2010 term, be received and the position be declared vacant;***
- 2) ***That Simon Di Vincenzo be appointed to Heritage Vaughan for a term ending November 30, 2010, or until a successor is appointed; and***
- 3) ***That the confidential report of the City Clerk, dated November 3, 2008, be received; and***

***By receiving the confidential memorandum from the City Clerk, dated November 6, 2008.***

---

4

**HERITAGE VAUGHAN VACANCY**

The Committee of the Whole (Closed Session) recommends that the confidential recommendation of the Committee of the Whole (Closed Session) be approved.

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 10, 2008**

Item 5, Report No. 54, of the Committee of the Whole (Closed Session), which was adopted, as amended, by the Council of the City of Vaughan on November 10, 2008, as follows:

**By approving the following:**

***That the Youth Councillor or a representative from the Youth Cabinet, as well, the President of SAVI or a representative from SAVI, be requested to join the Arts Advisory Committee, in an advisory role to the committee, as the committee feels it would be beneficial to have their input and involvement;***

**By approving the following recommendation of the Committee of the Whole (Closed Session) meeting of November 3, 2008:**

- 1) ***That the positions of Mr. Claudio Cellucci and Mr. Gerry Esposito on the Arts Advisory Committee be declared vacant;***
- 2) ***That no appointments be made to fill the vacancies at this time;***
- 3) ***That the resignation of Ms. Christine Lynette, representative from the McMichael Gallery, be received and that staff be directed to contact the McMichael Gallery to request representation on the committee from the McMichael Gallery;***
- 4) ***That the following recommendation of the Arts Advisory Committee be adopted:***  
  
***“That in its consideration of this and any future appointments to the Vaughan Arts Advisory Committee during the 2006-2010 term, Council give consideration to the following categories of individuals for appointment to the Vaughan Arts Advisory Committee:***
  - i) an individual with fundraising and/or business experience; and***
  - ii) an individual representative of any community not currently represented on the Vaughan Arts Advisory Committee.”;***
- 5) ***That the confidential report of the City Clerk, dated November 3, 2008, be received; and***

**By receiving the confidential memorandum from the City Clerk, dated November 7, 2008.**

5

**ARTS ADVISORY COMMITTEE VACANCIES**

The Committee of the Whole (Closed Session) recommends that the confidential recommendation of the Committee of the Whole (Closed Session) be approved.

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 10, 2008**

Item 6, Report No. 54, of the Committee of the Whole (Closed Session), which was adopted without amendment by the Council of the City of Vaughan on November 10, 2008.

---

**6**

**RUFFOLO LITIGATION**

**The Committee of the Whole (Closed Session) recommends that the confidential recommendation of the Committee of the Whole (Closed Session) be approved.**

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

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 10, 2008**

Item 7, Report No. 54, of the Committee of the Whole (Closed Session), which was adopted without amendment by the Council of the City of Vaughan on November 10, 2008.

**7**

**LEGAL ADVICE**  
**JANE STREET AND REGIONAL ROAD 7 INFRASTRUCTURE REPAIRS**

**The Committee of the Whole (Closed Session) recommends:**

- 1) That Council authorize the indemnification requested by the Region of York; and**
- 2) That the confidential report of the Commissioners of Legal and Administrative Services and Engineering and Public Works, dated November 3, 2008, be received.**



CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 10, 2008**

Item 8, Report No. 54, of the Committee of the Whole (Closed Session), which was adopted without amendment by the Council of the City of Vaughan on November 10, 2008.

**8**  
**COMPLIANCE AUDIT DECISION**  
**2006 MUNICIPAL ELECTION CAMPAIGN FINANCES**  
**BERNIE DI VONA**

(Referred from the Committee of the Whole meeting of November 3, 2008, Item 19, Report No. 53)

**The Committee of the Whole (Closed Session) recommends:**

- 1) **That the verbal report of the Commissioner of Legal and Administrative Service and City Solicitor be received;**
- 2) **That the following motion, moved in public session, be forwarded to Council for approval:**  

**That the currently retained compliance auditors be appointed to conduct a compliance audit pursuant to section 81(6) of the Municipal Elections Act, 1996 in regard to the 2006 Municipal Election Campaign Finances of Bernie DiVona; and**
- 3) **That the written submission of Mr. Carlo DeFrancesca, dated November 3, 2008, be received.**

Report of the Commissioner of Legal and Administrative Services and City Solicitor, dated November 3, 2008.

**Recommendation**

The Commissioner of Legal and Administrative Services and City Solicitor in consultation with the City Manager and Deputy City Manager and Commissioner of Finance and Corporate Services request direction regarding appointment of an auditor to conduct a compliance audit pursuant to section 81(6) of the *Municipal Elections Act, 1996* in regard to the 2006 Municipal Election Campaign finances of Bernie DiVona.

**Economic Impact**

The economic impact is not known at this time.

**Communications Plan**

The parties will be advised of Council's decision.

**Purpose**

The purpose of this report is to seek direction regarding the appointment of an auditor to conduct the compliance audit.

**Background - Analysis and Options**

On October 7, 2008 the Ontario Court of Justice released its decision regarding the appeal of Council's refusal of the application for an audit of Bernie DiVona's 2006 Municipal Election Campaign finances. The Court ordered a compliance audit pursuant to section 81.

The *Municipal Elections Act, 1996* sets out the duties and responsibilities of candidates in how they manage their election campaign finances. Those duties and responsibilities can be segregated into three broad categories:

## CITY OF VAUGHAN

### **EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 10, 2008**

#### Item 8, CW(Closed) Report No. 54 – Page 2

1. The receipt and proper recording of eligible financial contributions.
2. The expenditure and proper recording of eligible campaign expenses.
3. The preparation and timely filing of financial reports.

The next step is to appoint an auditor licensed under the *Public Accounting Act, 2004* to conduct the compliance audit pursuant to section 81(6) of the *Municipal Elections Act, 1996*.

A Request for Proposal could be issued for professional auditing services similar to the RFP issued for appointment of an auditor to conduct the compliance audit of Linda D. Jackson's 2006 campaign finances. The criteria to be included in the RFP would have a technical and cost component.

A staff team of the Internal Auditor, Deputy City Clerk, Commissioner of Legal and Administrative Services and City Solicitor, and the Director of Financial Services would be the evaluation team, as in the previous RFP.

The Technical evaluation would be based on the following evaluation categories: Experience and Qualification, Methodology and work plan, Experience of firm and Cost.

In order to preserve the integrity of the process, the successful proponent would be required to sign a Conflict of Interest and Full Disclosure Form. As well, provisions will be included in the evaluation criteria to exclude any firm and/or partner which specifically had a conflict of interest on this matter. The City's Auditor, KPMG will therefore be unable to submit a proposal. In March 2008, RFP 08-100 was issued for an auditor, and Council appointed Mr. K. Froese of LECG Canada Ltd. and Glen Davison, C.A., to conduct the audit of the 2006 campaign expenses of Linda Jackson. Council appointed the same auditors to conduct the compliance audits of Michael Di Biase's and Joyce Frustaglio's 2006 campaign finances. Council could appoint the same auditors to conduct the audit of Bernie Di Vona's 2006 campaign finances as well, which would provide consistency.

The Auditor will submit the report to the candidate, Council, the Clerk and the applicant(s). For the purpose of the audit, the auditor is entitled to have access, at all reasonable hours, to all relevant books, papers, documents or things of the candidate and of the municipality and has the powers of a commission under Part II of the *Public Inquiries Act* which Part applies to the audit as if it were an inquiry under that *Act*.

Upon receipt of the Auditor's Report Council has 30 days to consider the report (section 81(10)) and may commence a legal proceeding (prosecution) against a candidate for any apparent contravention of the election campaign finance provisions of the *Act*. The *Act* also provides a range of possible penalties for contraventions of various provisions.

#### **Relationship to Vaughan Vision 2020**

This report is consistent with the priorities previously set by Council and the necessary resources have not been allocated.

#### **Regional Implications**

N/A.

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 10, 2008**

Item 8, CW(Closed) Report No. 54 – Page 3

**Conclusion**

Council direction is requested regarding the appointment of an auditor to conduct a compliance audit of the 2006 campaign finances of Bernie Di Vona as ordered by the Court on October 7, 2008. Council may appoint the auditors presently retained for the three compliances audits currently underway, or may direct a Request for Proposals be issued for the retention of an auditor.

**Attachments**

None

**Report prepared by:**

Heather A. Wilson, Director of Legal Services

*Having declared an interest in this matter Mayor Jackson was not present 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 DiVona left the room when the matter was considered.*