

THE CORPORATION OF THE
TOWN OF GEORGINA

**SPECIAL COUNCIL
MINUTES**

November 2, 2010
(7:05 p.m.)

****Keswick Library Annex**

1. MOMENT OF MEDITATION:

A moment of meditation was observed.

2. ROLL CALL:

The Town Clerk gave the roll call and the following Council Members were present:

Mayor Grossi	Regional Councillor Wheeler
Councillor Jamieson	Councillor Szollosy
Councillor Hackenbrook	Councillor Smockum
Councillor Jordan Clark (arrived at 7:07 p.m.)	

3. APPROVAL OF AGENDA:

Moved by Councillor Smockum

Seconded by Councillor Jamieson

RESOLUTION NO. SC-2010-0349

THAT THE AGENDA BE APPROVED AS PRESENTED.

Carried.....

4. DECLARATION OF PECUNIARY INTEREST:

None.

It was noted that Council Members have a copy of the 'Procedure for Recount' from The Elections Act for reference.

5. DEPUTATIONS:

- 5.1 Dan Fellini requesting a recount of the Ward 2 election results.

Mr. Fellini stated that he is requesting Council to consider a recount for the October 25th municipal election due to a number of issues. Firstly, there are only 22 votes between his count and the successful candidate's count which is statistically significant enough to warrant a recount. Secondly, there were a number of scrutineers for other candidates at the ward 2 stations who witnessed voting irregularities and he believes human error could have effected the outcome of the vote.

Mr. Fellini stated that the recount exercise should be quick and simple, taking into consideration that there are less than 3,000 votes in question.

Mr. Fellini explained that there was a report submitted to either the Clerk or the supervisor in charge of the ward 2 voting location. He stated that eight individuals working for other campaigns had witnessed difficulties at Poll #1. He explained that the DRO was counting the votes at the close of the polls too quickly for the Poll Clerk to keep up, confusing the Poll Clerk and requiring them to back track a number of times.

6. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

- 6.1 Report from the Chief Administrative Officer:

6.1.1 Municipal Elections Act - Recount

Report No. CAO-2010-0012

Sue Plamondon, CAO, stated that Council has the right to conduct a recount. Mr. Fellini has made a fair case and it is not unusual to see a recount take place when results are close. She stated that it is important that the vote count be correct and a recount is the best method to satisfy everyone. A recount can be managed by staff relatively quickly and the Clerk has suggested Monday, November 15th for the recount to be conducted, noting that staff is obliged to conduct a recount within 15 days of a Council resolution.

6. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

Roland Chenier, Town Clerk, stated that a recount would be automatic if it was a tie vote. He noted that grounds for a recount are set out in The Elections Act.

Mr. Chenier stated that he checked the statements of all the DRO's and he issued the official election results on October 27th based on these statements. He had not been aware of any irregularities at the time the polls were open on Election day, but he was made aware of them after the fact, although he's not sure if these irregularities would have caused a difference in the results of the vote count.

Ms. Plamondon indicated that in order to alleviate any dispute about the election process, the candidates are entitled to legal representation, as well as the Town. If there is a question as to how a ballot is treated during the recount, it would be prudent that the Town provide the Clerk with legal assistance which will also confirm to the candidates and their scrutineers in attendance that the correct results are achieved.

It was noted that there is nothing to prevent a candidate from applying to the Superior Court of Justice to request a recount on reasonable grounds that the results may be in doubt.

Ms. Plamondon stated that while preparing her report to Council, she reviewed some of the decisions given to judicial recounts and the circumstances are similar to what formed the basis of her report. There is no hard and fast rule for a recount and the court system would likely give the benefit of the doubt to make sure public interest is served. She explained that a recount is not an admission that the conduct of the election was improper. Rather, it will help to instill confidence in the process followed. She suggested that in the public interest, this matter should be resolved as soon as possible and that town staff can conduct a recount before the inaugural meeting of Council on December 1st.

Moved by Councillor Jamieson

Seconded by Councillor Jordan Clark

RESOLUTION NO. SC-2010-0350

1. THAT REPORT NO. CAO-2010-0012 BE RECEIVED FOR INFORMATION; AND

6. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

- 2. THAT AT THE REQUEST OF DAN FELLINI, COUNCIL ENACT A RESOLUTION PURSUANT TO S. 57 OF THE *MUNICIPAL ELECTIONS ACT* TO DIRECT THE CLERK TO CONDUCT A RECOUNT OF THE VOTES FOR THE OFFICE OF COUNCILLOR, WARD 2 WITHIN 15 DAYS AFTER THE PASSING OF THE RESOLUTION; AND
- 3. THAT THE RECOUNT SHALL OCCUR IN THE SAME MANNER AS THE ORIGINAL COUNT AND BE CONDUCTED IN ACCORDANCE WITH SECTIONS 60 TO 62 OF THE *MUNICIPAL ELECTIONS ACT*; AND
- 4. THAT PRIOR TO CONDUCTING THE RECOUNT, THE CLERK GIVE NOT LESS THAN THREE DAYS NOTICE EITHER IN WRITING OR ELECTRONICALLY, OF THE DATE, PLACE AND TIME OF THE RECOUNT TO ALL CANDIDATES FOR THE OFFICE OF COUNCILLOR WARD 2 AT THE ADDRESS FILED WITH THE CLERK FOR MUNICIPAL ELECTION PURPOSES;

Carried.....

7. CONFIRMING BY-LAW:

Moved by Councillor Smockum

Seconded by Councillor Hackenbrook

That the following by-law be given three readings:

By-law Number 2010-0103 (COU-2)

Being a by-law to confirm the proceedings of Special Council.

Carried.....

8. ADJOURNMENT:

Moved by Councillor Jamieson

Seconded by Councillor Jordan Clark

That the meeting be adjourned at this time (7:30 p.m.).

Carried.....

Robert Grossi, Mayor

Roland Chenier, Town Clerk