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These Minutes were confirmed by City Council on September 25, 2006.

**MINUTES OF A SPECIAL MEETING  
OF THE COUNCIL OF THE  
CITY OF TORONTO**

**TUESDAY, JULY 25, 2006**

City Council met in the Council Chamber, City Hall, Toronto.

**CALL TO ORDER - 5:05 P.M.**

S10.1 Mayor Miller took the Chair and called the Members to order.

**S10.2 NOTICE OF SPECIAL MEETING**

Mayor Miller advised the Council that the purpose of this special meeting is to hear from those persons who have indicated their interest in being appointed to the office of Councillor –Ward 35 – Scarborough Southwest, and to appoint a person to fill the vacancy as required under the provisions of the *Municipal Act, 2001*, in accordance with the process approved by Council on June 27, 28 and 29, 2006.

**S10.3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**S10.4 Procedures for Filling the Vacancy in the Office of Councillor – Ward 35 – Scarborough Southwest, by Appointment**

Mayor Miller advised that Council had approved the following process for this appointment:

“Council has adopted special procedures for this meeting. The procedures have been placed on Members’ desks on goldenrod paper and additional copies are available from the City Clerk.

I would like to clarify for Members of Council that, although the Scarborough Community Council has submitted its recommended nominee to Council, Council has adopted a process for this appointment, as follows:

Each of the candidates for the vacancy will have an opportunity to address Council for a period of not more than five minutes. The order of speaking will be determined by lot.

Each Member of Council can ask one question of each candidate. Once all candidates for the vacancy have spoken and all questions have been heard, Members of Council may speak if they wish, in accordance with the provisions of Chapter 27, Council Procedures.

After Council has heard all submissions, voting will proceed as follows:

- (a) Members of Council will vote by way of ballot. The names of all candidates who have consented to accept the office if appointed will appear on the ballot, except those who have officially withdrawn, whether they appeared here this evening or not.

Members of Council must print and sign their name on their ballot. The ballots are part of the public record and the results will be recorded in the Minutes of Council.

After the results of the ballot have been tabulated, the Clerk will announce the results.

- (b) if the candidate who receives the greatest number of votes cast receives the votes of more than one-half of the number of the Members of Council present and voting, the Clerk will declare the candidate to be appointed.
- (c) if the candidate who receives the greatest number of votes cast does not receive more than one-half the votes of all Members of Council present and voting, the candidate or candidates who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the Clerk and, if necessary, more than once, excluding in each successive vote the candidate or candidates who received the fewest number of votes in the proceeding vote, until the candidate receiving the greatest number of votes has also received more than one-half of the votes of the Members of Council present and voting.

- (d) where the votes cast are equal for all the candidates:
  - (i) if there are three or more candidates remaining, the Clerk shall by lot select one such candidate to be excluded from the subsequent voting.
  - (ii) if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk.

Upon conclusion of the voting, the Clerk will declare to be appointed:

The candidate receiving the votes of more than one-half of the number of the Members of Council present and voting

Or

The candidate selected by lot conducted by the City Clerk,

as the case may be.

A by-law confirming the appointment shall be enacted by Council appointing the successful candidate to the office for the remainder of the term of the present Council.”

#### **S10.5 Appointment of Councillor – Scarborough Southwest (Ward 35)**

*Advice by Mayor:*

Mayor Miller advised the Council that the following persons had submitted nominations for Councillor - Ward 35 – Scarborough Southwest, prior to this Special Council meeting:

Axcel Cocon  
Carol Ruddell-Foster  
David Mark MacKenzie  
Rosemarie Mulhall  
Young-Im Kim Im  
Caroline Law  
Mark Samuel Weiser  
Harvey Barron  
Armando Calderon  
Elizabeth Moyer  
Georgia Young  
Parminder Kaur Bharta  
Dorothy Laxton  
Ed Green  
Mary Darkeff

Dameon Halstead  
Csaba Kelemen  
Zhilan Yu

Mayor Miller further advised the Council that the following person had advised in writing that they had withdrawn their name:

Karen Albertson

*Communications:*

Council had before it, during consideration of the appointment of a Councillor for Ward 35 - Scarborough Southwest, a communication (July 20, 2006) from the Scarborough Community Council forwarding the recommendation from its meeting held on July 19, 2006. (See Attachment 1, Page 12)

Council also had before it, during consideration of the appointment of a Councillor for Ward 35 - Scarborough Southwest, background information on the candidates to fill the vacancy in Ward 35, which is on file in the City Clerk's Office.

*Procedural Motion:*

Mayor Miller called upon a motion from Council that those persons, who have submitted a Consent of Nominee form and a Declaration of Qualification with the City Clerk, shall be considered for appointment to fill the office of Councillor, Ward 35 – Scarborough Southwest:

**Moved by:**                    **Councillor Thompson**

**Seconded by:**                **Councillor Carroll**

“That the following persons who have signified in writing that they are legally qualified to hold the office of Councillor and have consented to accept the office if they are appointed to fill the vacancy of Councillor – Ward 35 – Scarborough Southwest, be considered for appointment to fill such vacancy:

- (1) Axcel Cocon
- (2) Carol Ruddell-Foster
- (3) David Mark MacKenzie
- (4) Rosemarie Mulhall
- (5) Young-Im Kim Im
- (6) Caroline Law
- (7) Mark Samuel Weiser
- (8) Harvey Barron
- (9) Armando Calderon

- (10) Elizabeth Moyer
- (11) Georgia Young
- (12) Parminder Kaur Bharta
- (13) Dorothy Laxton
- (14) Ed Green
- (15) Mary Darkeff
- (16) Dameon Halstead
- (17) Csaba Kelemen
- (18) Zhilan Yu.”

*Vote:*

The motion by Councillor Thompson, seconded by Councillor Carroll, carried.

*Order of Speaking - Determination by Lot:*

Mayor Miller advised the Council that the order of speaking would be determined by lot. Mayor Miller requested the City Clerk to draw the speakers' names for the order of speakers for the candidates for Ward 35. The City Clerk placed the names of all candidates on equal size pieces of paper in a container and randomly drew the names of speakers for this appointment.

*Nominees to Address Council:*

Mayor Miller called upon the nominees present at this meeting to address the Council in the order of speaking which had been determined by the City Clerk by lot.

The following nominees addressed the Council and each Member of Council was permitted to ask one question of each candidate, if they so chose:

- Ed Green
- Elizabeth Moyer
- Rosemarie Mulhall
- Harvey Barron
- Parminder Kaur Bharta

*Appointment:*

Mayor Miller advised the Council that the appointment of one of the following nominees would now proceed by way of written ballot:

Axcel Cocon  
Carol Ruddell-Foster  
David Mark MacKenzie  
Rosemarie Mulhall  
Young-Im Kim Im  
Caroline Law  
Mark Samuel Weiser  
Harvey Barron  
Armando Calderon  
Elizabeth Moyer  
Georgia Young  
Parminder Kaur Bharta  
Dorothy Laxton  
Ed Green  
Mary Darkeff  
Dameon Halstead  
Csaba Kelemen  
Zhilan Yu

Mayor Miller requested Members of Council to indicate their choice on the ballot provided by signing and printing their names.

*Results of First Ballot:*

The City Clerk tallied the results of the first ballot and advised the Council of the results, as follows:

**For Axcel Cocon:**

None.

**For Carol Ruddell-Foster:**

None.

**For David Mark MacKenzie:**

None.

**For Rosemarie Mulhall:**

Councillor: Minnan-Wong - 1.

**For Young-Im Kim Im:**

None.

**For Caroline Law:**

None.

**For Mark Samuel Weiser:**

None.

**For Harvey Barron:**

Mayor: Miller

Councillors: Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, De Baeremaeker, Del Grande, Di Giorgio, Filion, Grimes, Holyday, Jenkins, Kelly, Li Preti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Silva, Soknacki, Stintz, Thompson, Walker - 30.

**For Armando Calderon:**

None.

**For Elizabeth Moyer:**

None.

**For Georgia Young:**

None.

**For Parminder Kaur Bharta:**

Councillors: Fletcher, Lindsay Luby, Saundercook - 3.

**For Dorothy Laxton:**

None.

**For Ed Green:**

Councillors: Davis, Ford - 2.

**For Mary Darkeff:**

None.

**For Dameon Halstead:**

None.

**For Csaba Kelemen:**

None.

**For Zhilan Yu:**

None.

*Declaration of Appointment of Councillor for Ward 35 - Scarborough Southwest:*

The City Clerk addressed the Council and declared that, as the candidate who has received more than one-half of the votes of the Members of Council present and voting, Harvey Barron is appointed as Councillor for Ward 35 – Scarborough Southwest for the remainder of this term of Council.

**BILL AND BY-LAW**

S10.6 On July 25, 2006, at 5:49 p.m., Councillor Thompson, seconded by Councillor Del Grande, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this special meeting of Council, be passed and hereby declared as a By-law:

Bill No. 746

By-law No. 606-2006

To confirm the proceedings of the Council at its special meeting held on the 25th day of July, 2006,

the vote upon which was taken as follows:



Yes - 34	Mayor: Miller
	Councillors: Ainslie, Ashton, Bussin, Carroll, Cho, Cowbourne, Davis, De Baeremaeker, Del Grande, Di Giorgio, Filion, Fletcher, Grimes, Holyday, Jenkins, Kelly, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Silva, Soknacki, Stintz, Thompson, Walker
No - 0	

Carried, without dissent.

**OFFICIAL RECOGNITIONS:**

**S10.7 Presentations/Introductions/Announcements:**

Mayor Miller, on behalf of all Members of Council, congratulated Harvey Barron on his appointment to the Office of City Councillor, Ward 35 - Scarborough Southwest, and extended the best wishes of Council to all of the candidates who had participated in the appointment process.

**S10.8 MOTION TO VARY ORDER OR WAIVE PROCEDURE**

*Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:*

Mayor Miller, at 5:41 p.m., proposed that Council now recess, to allow the City Clerk to tally the votes. Council concurred in the proposal by Mayor Miller, recessed at 5:41 p.m. and reconvened at 5:45 p.m.

**S10.9 ATTENDANCE**

Councillor Del Grande, seconded by Councillor Ainslie, moved that the absence of Councillors Hall, Mammoliti and McConnell be excused from this special meeting of Council, which carried.

July 25, 2006	5:05 p.m. to 5:41 p.m.*	5:45 p.m. to 5:50 p.m.*
Miller	x	x
Ainslie	x	x

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July 25, 2006	5:05 p.m. to 5:41 p.m.*	5:45 p.m. to 5:50 p.m.*
Ashton	x	x
Augimeri	x	-
Bussin	x	x
Carroll	x	x
Cho	x	x
Cowbourne	x	x
Davis	x	x
De Baeremaeker	x	x
Del Grande	x	x
Di Giorgio	x	x
Feldman	x	-
Filion	x	x
Fletcher	x	x
Ford	x	x
Giambrone	x	-
Grimes	x	x
Hall	-	-
Holyday	x	x
Jenkins	x	x
Kelly	x	x
Li Preti	x	x
Lindsay Luby	x	x
Mammoliti	-	-
McConnell	-	-
Mihevc	x	x

July 25, 2006	5:05 p.m. to 5:41 p.m.*	5:45 p.m. to 5:50 p.m.*
Milczyn	x	x
Minnan-Wong	x	x
Moscoe	x	x
Nunziata	x	x
Ootes	x	x
Palacio	x	x
Pantalone	x	x
Pitfield	x	x
Rae	x	-
Saundercook	x	x
Shiner	x	-
Silva	x	x
Soknacki	x	x
Stintz	x	x
Thompson	x	x
Walker	x	x
Watson	x	-
Total	41	35

\* Members were present for some or all of the time period indicated.

**The Special meeting adjourned on July 25, 2006, at 5:50 p.m.**

**DAVID R. MILLER,  
 Mayor**

**ULLI S. WATKISS,  
 City Clerk**

**ATTACHMENT 1**

Communication (July 20, 2006) from the City Clerk, Scarborough Community Council (See Minute S10.5, Page 3):

Recommendation:

The Scarborough Community Council submits the name of Harvey Barron for Council's consideration to fill the vacancy in the Office of Councillor for Scarborough Southwest, Ward 35.

Background:

The Scarborough Community Council, on July 19, 2006, heard presentations from the following, who signified in writing that they are legally qualified to hold the office of Councillor and have consented to accept the office if they are appointed to fill the vacancy in the Office of Councillor for Scarborough Southwest (Ward 35):

- Axcel Cocon;
- Carol Ruddell-Foster;
- David Mark MacKenzie;
- Rosemarie Mulhall;
- Young-Im Kim Im;
- Caroline Law;
- Mark Samuel Weiser;
- Harvey Barron;
- Armando Calderon;
- Karen Albertson;
- Elizabeth Moyer;
- Georgia Young;
- Parminder Kaur Bharta;
- Dorothy Laxton; and
- Ed Green.

The Scarborough Community Council also considered a communication (July 5, 2006) from the City Clerk forwarding copy of Motion J(5) adopted, as amended, by City Council on June 26, 27 and 28, 2006, during consideration of a report dated June 20, 2006, from the City Clerk entitled "Appointment to Fill the Vacancy in the Office of Councillor, Ward 35 – Scarborough Southwest", which is on file in the City Clerk's Office.