

EMERGENCY MEETING OF COUNCIL

November 6, 2008

Pursuant to Section 19(3) of the Municipal Government Act, an emergency meeting of Council has been called on Thursday, November 6, 2008, at 7:00 p.m., in the Conference Room, in the Administrative Centre, 2447, Highway 3, in Barrington, N.S.

All councillors were personally notified by the Clerk, by telephone, on Wednesday, November 5, 2008.

The meeting was called to order by the Warden at 7:05 p.m., with the following members in attendance:

- Warden Louise Halliday
- Deputy Warden Eddie Nickerson
- Councillor George El-Jakl
- Councillor Donna LeBlanc-Messenger
- Councillor Wilford Smith
- Councillor Larry Stewart
- Councillor Sean Strang (7:07 p.m.)

- Brian Holland, Clerk-Treasurer
- Don Harding, Municipal Solicitor

Conflict of Interest

Councillor Stewart declared conflict of interest as he was a candidate in the recent municipal election which is the subject of discussion for this meeting.

At 8:50 a.m., on Wednesday, November 5, 2008, Mr. Clyde Nickerson attended at the Municipal Clerk's Office for the purpose of delivering a letter regarding the election of Mr. Shaun Hatfield in District 5. In this letter Mr. Nickerson indicated that he believes the candidate Mr. Hatfield was in fact disqualified to be nominated for election pursuant to Section 18(1)(d) of the Municipal Elections Act. Mr. Nickerson requested that the matter be investigated and that Council instruct the Clerk, if necessary, to make an application under Section 158 and Section 166 of the Municipal Elections Act for a declaration that the election be void.

The Municipal Solicitor was requested to attend the meeting this evening in order to provide legal advice to Council.

The matter has been investigated and information provided to the Municipal Solicitor. It is the conclusion of the Solicitor that the facts appear to indicate that the candidate Mr. Hatfield is a disqualified candidate. The Municipal Solicitor recommends that Council proceed to make an application to the court to have this matter dealt with.

There then followed much discussion regarding the various options for Council to deal with this matter and the timing of dealing with the matter.

The Municipal Solicitor informed members that pursuant to Section 12 of the Municipal Elections Act Councillor Stewart will cease to be councillor for District 5 on November 10, 2008, when his successor would have been sworn in.

It was suggested that this matter should be dealt with by the next Council and not by the councillors who are now in place.

The Deputy Warden was requested to assume the chair while the Warden addressed this issue.

The Municipal Solicitor informed members that the soonest this matter could be addressed by the court would be on December 4, 2008.

The Warden then resumed the chair.

Moved by E. Nickerson and seconded by W. Smith that this matter be deferred for consideration until after the swearing in ceremony on Monday, November 10, 2008.

AFFIRMATIVE

Eddie Nickerson
Wilford Smith

NEGATIVE

George El-Jakl
Louise Halliday
Donna LeBlanc-Messenger
Sean Strang

Motion defeated.

Resolution C081101

Moved by G. El-Jakl and seconded by D. Messenger that the Municipal Clerk be directed by Council to make an application to the court under Section 158 of the Municipal Elections Act.

AFFIRMATIVE

George El-Jakl
Louise Halliday
Donna LeBlanc-Messenger
Sean Strang

NEGATIVE

Eddie Nickerson
Wilford Smith

Motion carried.

There then followed some discussion of Section 164 of the Municipal Government Act. Members were informed by the Municipal Solicitor that a previous case heard in the Supreme Court having to deal with the election of a School Board candidate in Yarmouth in 1997 indicates that it is most likely that the election will be declared void.

ADJOURNMENT

Having completed their discussion of this matter, the meeting was adjourned by mutual consent of members at 7:54 p.m.

Warden

Secretary for the Meeting

On website November 7, 2008.