



September 17, 2009

SEP 17 09 PM 3:44 CLERK

Mr. Denis Kelly
Regional Clerk
The Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

**RE: FILLING OF THE VACANT REGIONAL
COUNCILLOR POSITION (16.23.2)**

Dear Mr. Kelly:

This will confirm that at a meeting held on September 15, 2009, Town of Markham Council adopted the following resolution:

FILLING OF THE VACANT REGIONAL COUNCILLOR POSITION

- 1) That the Report entitled "Filling of Vacant Regional Councillor Position" be received; and, (*Moved by Councillor C. Moretti, Seconded by Regional Councillor G. Landon*)
- 2) That the Regional Councillor Office formerly held by the late Tony C. Wong be declared vacant in accordance with the Municipal Act, 2001; and, (*Moved by Regional Councillor G. Landon, Seconded by Councillor E. Shapero*)
- 3) That By-law 2009-134, being a by-law to declare the Office of Regional Councillor formerly held by the late Tony C. Wong to be vacant, be given three readings and enacted; and, (*Moved by Regional Councillor G. Landon, Seconded by Regional Councillor J. Jones*)
- 4) That the vacant Office of Regional Councillor be filled by appointment; and, (*Moved by Councillor C. Moretti, Seconded by Councillor J. Webster*)
- 5) That the vacancy be filled by one of the existing Town of Markham Ward Councillors; and, (*Moved by Regional Councillor J. Jones, Seconded by Regional Councillor G. Landon*)
- 6) That the appointment procedure distributed by the Town Clerk and attached as Schedule "A" hereto, outlining the process for selecting the appointee be adopted; and, (*Moved by Councillor L. Kanapathi, Seconded by Deputy Mayor J. Heath*)

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SELECTION OF THE REGIONAL COUNCILLOR

- 7) That Councillor Joseph Virgilio and Councillor Dan Horchik, having consented to being considered for appointment, be declared candidates for appointment to the vacant Office of Regional Councillor; and that no further nominations be considered; and, (*Moved by Councillor A. Chiu, Seconded by Councillor C. Moretti*)
- 8) That, having completed the appointment procedure undertaken by Council at the September 15, 2009 Council meeting, Councillor Joseph Virgilio be appointed to the vacant Office of Regional Councillor; and, (*Moved by Councillor E. Shapero, Seconded by Regional Councillor G. Landon*)
- 9) That By-Law 2009-135, being a by-law to appoint Councillor Joseph Virgilio to the Office of Regional Councillor, be given three readings and enacted; and, (*Moved by Councillor D. Horchik, Seconded by Regional Councillor G. Landon*)

FILLING OF THE VACANT WARD 3 COUNCILLOR POSITION

- 10) That, following the appointment of Councillor Joseph Virgilio to the Office of Regional Councillor, Council declare the Office of Ward 3 Councillor vacant; and, (*Moved by Deputy Mayor J. Heath, Seconded by Regional Councillor G. Landon*)
- 11) That By-Law 2009-136, being a by-law to declare the Office of Ward 3 Councillor vacant, be given three readings and enacted; and, (*Moved by Deputy Mayor J. Heath, Seconded by Regional Councillor G. Landon*)
- 12) That the Office of Ward 3 Councillor be filled via a by-election to be held on Monday, November 23, 2009; and, (*Part 1 of clause Moved by Deputy Mayor J. Heath, Seconded by Regional Councillor J. Jones; Part 2 of clause Moved by Councillor D. Horchik, Seconded by Councillor A. Chiu*)
- 13) That, By-law 2009-137, being a by-law to require a by-election for Ward 3 on November 23, 2009, be given three readings and enacted; and further, (*Moved by Deputy Mayor J. Heath, Seconded by Councillor J. Webster*)
- 14) That the Town's Procurement By-law be waived to allow for sole sourcing to Election Systems and Software (ES & S) for provision of election equipment for the By-Election to be funded from the election reserve account 86 2700 850. (*Moved by Councillor A. Chiu, Seconded by Regional Councillor J. Jones*)

If you have any questions, please contact Kimberley Kitteringham at 905-475-4729.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'KK' with a stylized flourish extending to the right.

Kimberley Kitteringham
Town Clerk

Attachment "A" – Declaration of Office

Attachment "B" – By-law 2009-134

Attachment "C" – By-law 2009-135

Attachment "D" – By-law 2009-136

Attachment "E" – By-law 2009-137

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DECLARATION OF OFFICE
(Section 232 of the *Municipal Act, 2001*)

I, Joseph Virgilio, having been elected or appointed to the office
of Regional Councillor in the
municipality of Town of Markham do solemnly
promise and declare that:

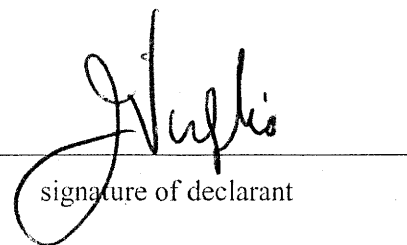
1. I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability.
2. I have not received and will not receive any payment or reward, or promise thereof, for the exercise of this office in a biased, corrupt or in any other improper manner.
3. I will disclose any pecuniary interest, direct or indirect, in accordance with the *Municipal Conflict of Interest Act*.
4. I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being).

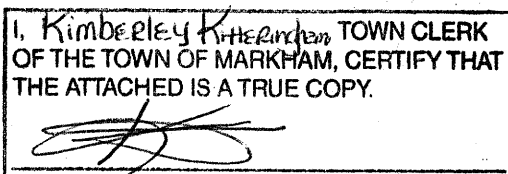
And I make this solemn promise and declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me)
at the Town of Markham, in the)
Regional Municipality of York,)
Province of Ontario)
on Tuesday, September 15, 2009)



Commissioner for taking Affidavits


signature of declarant





BY-LAW 2009-134

A by-law to declare the office of
Regional Councillor Tony C. Wong to be vacant

Whereas the late Regional Councillor Tony C. Wong passed away on June 17, 2009;
and,

Whereas Section 262 (1) of the Municipal Act, 2001 requires that where an office of
a member becomes vacant pursuant to Subsection 259 (h), the Council shall declare
the office to be vacant;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN
OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. That the office of Regional Councillor on the Council of The Corporation of
the Town of Markham, formerly held by the late Tony C. Wong, be declared
vacant.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
15TH DAY OF SEPTEMBER, 2009.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



BY-LAW 2009-135

A by-law to appoint Joseph Virgilio as a Regional Councillor
on the Council at The Corporation of the Town of Markham

Whereas the late Regional Councillor Tony C. Wong passed away on June 17, 2009;
and,

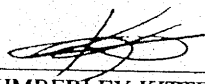
Whereas Council by By-law 2009-134 passed on September 15, 2009 declared the
office of Regional Councillor on the Council of The Corporation of the Town of
Markham, formerly held by the late Tony C. Wong, to be vacant; and;

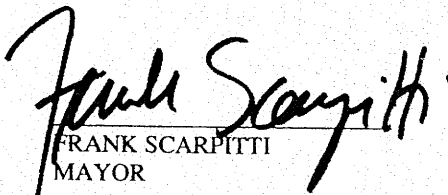
Whereas Council at its meeting held on September 15, 2009 passed a resolution
determining that a Ward Councillor be selected to fill the vacancy in the office of
Regional Councillor on the Council of The Corporation of the Town of Markham;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN
OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. That Joseph Virgilio be appointed to fill the Regional Councillor vacancy on
the Council of The Corporation of the Town of Markham.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
15TH DAY OF SEPTEMBER, 2009.


KIMBERLEY KITTERINGHAM
TOWN CLERK


FRANK SCARPITTI
MAYOR



BY-LAW 2009-136

A by-law to declare the Local Councillor
Ward 3 office to be vacant
on the Council of The Corporation of the Town of Markham

Whereas Council enacted 2009-135 appointing Joseph Virgilio to fill the vacancy in the office of Regional Councillor on the Council of The Corporation of the Town of Markham; and

Whereas Section 262 (1) of the Municipal Act, 2001 requires that where an office of a member becomes vacant pursuant to subsection 259 (e), the Council shall declare the office to be vacant;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. That the Ward 3 Councillor office on the Council of The Corporation of the Town of Markham be declared vacant.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
15TH DAY OF SEPTEMBER, 2009.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



BY-LAW 2009-137

A by-law to require a by-election to be held to fill
the vacancy in the office of Ward 3 Councillor
on the Council of The Corporation of the Town of Markham

Whereas subsection 259 (e) Municipal Act, 2001 provides that an office of a member of Council becomes vacant if he or she is appointed to fill a vacancy for any other office on the same Council; and,

Whereas Councillor Joseph Virgilio was by By-law 2009-135 appointed to fill the vacancy in the office of Regional Councillor on the Council of The Corporation of the Town of Markham; and,

Whereas Section 263 (1) of the Municipal Act, 2001 requires a municipality to fill a vacancy in the office of a member of Council by appointment or by by-election in accordance with the provisions of Municipal Elections Act, 1996;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. That the Clerk conduct a by-election to be held on November 23, 2009 to fill the vacancy in the office of Ward 3 Councillor on the Council of The Corporation of the Town of Markham in accordance with the Municipal Elections Act, 1996.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
15TH DAY OF SEPTEMBER, 2009.

KIMBERLEY KITTINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR