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## Goodrich Landing Gear

The Oakville Beaver joins United Way of Oakville in saluting Goodrich Landing Gear on an outstanding United Way fundraising campaign.



Congratulations to Goodrich Landing Gear on a successful employee and Leadership campaign, raising \$33,601 - a 13% increase over last year's total. Many thanks to Jennifer Emons, Steve King, their enthusiastic committee, and the entire organization for your support and commitment to United Way. **Thank you Goodrich Landing Gear!**

*Without you, there would be no way.*

# Residents appeal for recount

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Ward 3 Councillor Chris Stoaite asked Bain what would happen to the allegations that have been made public if they aren't defended.

Ward 6 Councillor Janice Wright asked Bain, "Have you ever heard of the phrase innocent until proven guilty?" and added, "It says something about the state of the community and that's unfortunate."

Bain said the Town has no one, but itself to blame for appearing that it has something to hide and asked who directed Town staff to hire outside legal defence, ask for a delay and oppose Burton's claim.

Council has said very little publicly about the allegations because it's a matter now before the courts.

Monday, Mulvale said she is supportive of the democratic process. "I expected a recount, my only surprise was that it was not filed for at the earliest possible time because I, too, would like this matter to be dealt with as quickly, and as thoroughly and as completely as possible."

After more than two hours behind closed doors with Town lawyer Doug Gates, Council voted only five minutes before Monday's meeting drew to its legally-mandated close, not to ask for a recount, but to have Toronto law firm Weir-Foulds defend the Town against Burton's claim in open court, next March.

Besides the Town, Mulvale, Town Clerk Cathie Best who acted as the Town's Election Returning Officer and

Spanish-only speaking mayoral candidate Richard Serra who is currently in Peru, are also respondents to Burton's claim.

Council passed its motion in a 8-4 recorded vote.

Mulvale removed herself to the gallery of spectators during discussion about the issue Monday and then to her office during the confidential debate. She did not vote and handed the mayor's gavel to acting mayor and Ward 6 Councillor Tom Adams —

who has provided an affidavit as evidence in Burton's claim. Adams said he has received legal advice that he has no pecuniary conflict in chairing the related Council proceedings.

Those who voted to head to court were Ward 1 Councillor Mike Lansdown, Ward 2 Councillors Cathy Duddeck and Fred Oliver, Ward 3 Councillors Keith Bird and Chris Stoaite, Ward 5 Councillors Marc Grant and Jeff Knoll, Ward 6 Councillor Janice Wright.

Those voting against were Ward 1 Councillor Ralph Robinson, Ward 4 Councillors Renee Sandelowsky and Allan Elgar and Ward 6 Councillor Tom Adams.

A lengthy preamble to Monday's Council resolution noted "the allegations

by the applicant have not been proven before a court of law."

It also noted that "the substance of the allegations in the court proceeding are not supported in the form of sworn evidence."

The resolution continued, the "Town is desirous of the matter being determined as expeditiously as possible" and that the Town "was prepared for adjudication of the matter in mid-January 2004" but that it's been the court that has set the March hearing date in order to receive all parties' cases and cross-examine the evidence.

Bain said dragging things out for three months will be detrimental to the Town. She warned, "things will get out of hand" and asked that the Town Clerk and Manager be relieved of duty.

Bain suggested Halton Region's Clerk's office could do a recount. Sandelowsky asked whether an independent body like the Province should step in.

Bain did admit the court is "in a good position to look at the evidence."

"It's difficult from a Council perspective

because we're not able to show our hand. Other people have shown their hand or said something and if anything has been damaging it's been damaging from the perspective of people saying things that have not been backed up," said Wright.

Oakvillegreen member Hank Rodenburg said, "Perception is more

powerful than fact" and said if a by-election is ordered by the court for next summer, it's "unacceptable."

"Even our friends in the south didn't need that much time to figure out who the president of the United States would be," said Rodenburg.

Resident and Gardens Off Drugs member Tanya Orton said of the allegations made to date, "Maybe it's not true, but if we think it's true, then it's true. To me and my neighbours it looks like you're hiding something."

Asked about the cost of a by-election for taxpayers, Orton said, "It's money I'd be happy to be paying, even if it was two gazillion dollars, it would still be worth it. The democratic system is more important than anything."

Halton Region lawyer Russ Brown also spoke to Council offering his advice on how to go about getting a manual recount.

Though Council had met on Dec. 5 to discuss Burton's legal action, it met Monday to decide a course of action.

The same report as appeared on Dec. 5 was up again Monday. When Lansdown questioned the repetition, Gates said the report was in the agenda to give the public an agenda item to speak to since all other related reports were confidential.

In an attempt to convey her opinion to the public, Sandelowsky tried to put forward a draft motion she assured wasn't confidential. Bird wanted legal advice before debating any motion, so Council moved behind closed doors and with limited time available when the public returned to the Council chamber, Sandelowsky's motion wasn't discussed. Yesterday, the Ward 4 councillor said she was loathe to make her draft motion public in case confidentiality laws applied.

## Town hires outside lawyer

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anyone to appear on the Dec. 22 appearance date that had been set.

Corbett's endorsement indicated that the conference call was done at the court's request to establish a schedule for exchange of application materials and other steps prior to argument.

Lawyer George Rust-D'Eye from the Toronto law firm Weir and Foulds, who handled the Town's billboard case, has been retained by the Town to handle this case.

Burton filed an application with the court on Dec. 4 to overturn the Nov. 10 election results because of alleged improprieties in vote counting.

Burton names as respondents the Corporation of the Town of Oakville, Mulvale, Town Clerk Cathie Best (who acted as the election returning officer) and the third mayoral candidate, Serra.

According to his application, Burton is asking that the mayoral election be deemed invalid, that it be declared that Mulvale was not validly elected mayor and that he was, or that a by-election be held for the job of mayor.

Burton also asks, "in the alternative", that the court order the Town Clerk do a manual recount and that the Town pay Burton's court costs.

In a recent media release, the Town stated that it had reviewed the action and that staff couldn't comment on certain issues since the information may be evidence.

The Town has said it, and its staff, continue its daily work and that under election legislation, all decisions of the mayor and council have full legislative weight and authority.

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