

Citizens' Pages in the Blue Mountains Review

The Continuing Saga of the Supposed Harassment Allegations Against Councillor Seguin: What we now know, and clues to where it's going from Wasaga Beach

The resolution of the supposed harassment allegations against Councillor Seguin is slowly starting to wind its way through the legal system. The Judicial Review filed for by Councillor Seguin is now being moved to Brampton from Barrie. A date for the hearing has not yet been set.

As documents are filed in the court, they will become public, and we the public will learn what Councillor Seguin was alleged to have done. Was there really misconduct of a serious nature, which justified the harsh sanctions his fellow councillors imposed on him, or is the whole matter an expensive tempest in a teapot, which was concocted by individuals who did not like his direct style and the tough questions he was asking on behalf of his constituents?

The judicial review will determine if he was fairly treated, or whether the whole issue was mishandled. While, to date, there is little information available, what little is known paints a troubling picture of what went on and how Councillor Seguin was treated.

The best information on the goings-on can be found in a [report of the Integrity Commissioner \("IC"\)](#) and a letter from the Ombudsman of Ontario which dealt with complaints about the lack of a public report on the findings of the investigation into the councillor's actions.

Both the IC and the Ombudsman note that they are merely opining on the lack of the report and not whether the investigation was properly handled. Nonetheless, there is a lot to learn from the IC's and Ombudsman's reports and it does not paint a pretty picture.

It is clear from both these documents and media reports that on May 9, 2016, a complaint was made by Town CAO Troy Speck that Councillor Seguin had violated the Town's Code of Conduct for Members of Council and the Town's Workplace Harassment Program.

According to both the IC and Ombudsman, the investigation was referred to the Town's employment lawyer, who in turn retained an investigator to assist her. According to the Ombudsman, **"the investigator released a report on July 7, 2016, and concluded, on a balance of probabilities, the council member in question made public comments that had the potential to undermine the Town as a whole in the eyes of the citizens."** No mention is made of a finding of harassment. Indeed this seems to be a fairly modest finding of potential wrong doing under the Code of Conduct, rather than one of serious transgressions.

The IC then reports that **"An investigation report was issued on July 7, 2016. At a meeting with the staff member who had raised the complaint, and in reviewing the results of the workplace investigation with the complainant, the Mayor advised the staff complainant that Council was planning to appoint an Integrity Commissioner to investigate complaints under the Code and recommend sanctions. The Mayor suggested that after that had taken place, that the complaint should be re-submitted to the integrity commissioner once appointed."**

No mention is made of the results ever being discussed with Councillor Seguin, a fact which Councillor Seguin has confirmed. Indeed he pointed out that his lawyer had requested that the matter be put off until his return on July 8th.

Through the IC's and Ombudsman's reports, it is now apparent that the Town hurriedly completed the investigation prior to Councillor Seguin's lawyer's return and did not discuss the results with Councillor Seguin as would be standard practice in a workplace investigation.

Moreover the description of the Mayor's discussion with the complainant clearly indicates that at the time of that discussion the Mayor considered it as a Code of Conduct investigation.

The subsequent events as described by the IC are even more troubling. **"The staff complainant wrote to the Mayor and pointed out the Town was obliged to follow its policies for workplace matters and the provisions of the OHSA. The staff complainant asked the Mayor to follow**

through on that portion of the complaint."

From the fact that the Town on July 22nd issued a Notice of Public Meeting to be held on August 19th and on August 22nd, Council met to approve the amendments to the Code of Conduct and the hiring of an Integrity Commissioner, it is clear that at least until August 22nd, the Mayor was prepared to proceed with the complaint under the Code of Conduct, which would have resulted in a public report as required under the Municipal Act.

The IC then reports **"On August 24, the employment lawyer reported in writing to the Mayor and the Manager of Human Resources on the application of the OHSA to the complaint. The report addressed the question of the two ways to enforce workplace conduct. The advice to the Mayor was that the protections available under the OHSA were in addition to any Code of Conduct provisions and that in any event, the municipality was planning to amend its Code of Conduct and appoint an integrity commissioner for the purposes of addressing Code of Conduct concerns."**

The Ombudsman describes the contents of this letter as follows: **"Based on the findings in the investigator's report, the Town's lawyer wrote to council on August 24, 2016 to provide an opinion on whether the facts established a violation of the Town's Harassment policies, and whether there was a requirement for the complaint to be reviewed under the Code of Conduct. She found that the council member engaged in behavior that met the test of harassment under the Occupational Health and Safety Act and the Town's policies."**

Of the human relations lawyer's letter the Ombudsman continues: **"She noted that, although the original complaint also referred to the Code of Conduct, it was not necessary that the matter also be considered under the terms of the Code; the allegations related to harassment and there are duties and protections provided for under both the Town's policies and the Occupational Health and Safety Act in that regard."**

In light of the subsequent sequence of events, it appears that it was this letter from the Town's human relations lawyer that convinced the Mayor to move the whole process behind closed doors. It is not clear who requested this report from the employment lawyer, but it seems to be written in support of the views expressed in the previous letter written by complainant. It should be noted that the employment lawyer in question had been previously engaged by the complainant and his staff on other matters, including the Council/staff relationship and thus could hardly be considered

Welcome to the Citizens' Pages

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Alar Soever, Editor

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Citizens' Pages in the Blue Mountains Review

The Continuing Saga of the Supposed Harassment Allegations Against Councillor Seguin cont'd.

independent in this matter.

How does her advice stack up against what we are seeing from other municipalities? In this, it is useful to compare what happened in three other recent cases:

- 1) In the City of Cambridge, where a councillor was accused of harassment of a citizen; and,
- 2) In the Town of Wasaga Beach, where the Deputy Mayor was accused of harassing a staff member.
- 3) In the Town of Kincardine, where a councillor was accused of abusing staff.

It is interesting to note that in all three of these cases, in contrast to how Councillor Seguin was treated in the TBM, the matter was dealt with under the Code of Conduct by an integrity commissioner, resulting in a public report. The public got to see what the people were accused of. In each case the Town fulfilled its duty to address harassment. Both these municipalities seem to understand the importance of openness and transparency. They seem to understand that in the case of an elected official the public has the right to know what they are accused of, and what the results of the investigation were. As the other municipalities have shown, there is no legal reason this cannot be done.

Indeed in the case in Wasaga Beach, the integrity commissioner noted in his report that investigating council members under the Workplace Harassment Policy, as was done with Councillor Seguin, is *"unworkable"* and recommended that the Town of Wasaga Beach adjust its policies accordingly.

It should also be noted that even in the Seguin case in the TBM, the Integrity Commissioner, while refraining to comment on how this case was handled offered to help the Town in putting together *"a complaint protocol sets out how complaints are to be classified and where appropriate, referred to other processes for resolution."*

Council seemed to be listening and instructed our Manager of Human Resources to consult with the IC in putting together the new Harassment Policy and coordinating it with the Code of Conduct. We have yet to see results of this exercise.

In the meantime, Council continues to spend our tax dollars on fighting Councillor Seguin's Judicial Review of how he was treated. Judging by the sequence of events described above, and the manner in which other municipalities handled similar cases, it will be most interesting to see how the court rules, as it seems Councillor Seguin does indeed have a lot to complain about.

Town Council Round-up 2017 Budget

The 2017 Draft Budget was reviewed by Council and the Public over a series of meetings throughout 2016 and on January 23, 2017, the Town held a Public Information Session and Public Meeting to provide the public with the opportunity to review and comment on the 2017 Draft Budget and 2017 Draft Water and Wastewater Rates. On January 30th the Committee of the Whole met to receive additional comments on the budget.

The Blue Mountain Ratepayer's Association (BMRA) made a comprehensive presentation. The BMRA noted that they understand that growth and success for our town costs money and that they recognised that council and staff work hard on behalf of all looking for savings. They acknowledged that many cost elements such as police services are not fully in control of Council.

They stressed a concern with the long term trend that results and the impact on taxpayers and presented a graph showing that costs have risen an average of 7.8% a year since 2010.

The BMRA also noted the TBM's share of county costs has grown by 6 % from 20% to 26 %, stating it would like to see a "get back to 20 % movement in the Town and pointing out that 6% of \$53 million is \$3.2 million, funds that could be used to grow our success as a municipality: funding major projects, improving infrastructure, building needed reserves, renovating the community centre, helping the library or simply reducing our taxes, noting that even at 20% we would continue to send a "fair share" the county to support other municipalities.

The BMRA concluded by urging Staff and Council work to balance need for maintaining services while controlling costs.

It recommended that Town compare last year's actual spending to this year's budget rather than the present "budget to budget" method to make it clear to Council and the public how costs are increasing substantially from year to year.

The [Budget By-law \(By-law No. 2017- 9\)](#) being a By-law to adopt the estimates of all sums required for 2017 for Town purposes was passed at the 13th day of February, 2017.

Total Operating Expenses are estimated at \$19,576,367, with Operating Revenue at \$4,807,590 leaving Net Expenses to be Funded by Local Property Tax Levy of \$14,768,777.

The Approved 2017 Budget can be found on the Towns website at http://www.thebluemountains.ca/public_docs/documents/2017%20Approved%20Budget%20-%20web.pdf

Library Services Agreement – Memorandum of Understanding ("LSA-MOU")

At the Committee of the Whole Meeting on January 30th, Staff Report FAF.17.24 was tabled requesting that Council approve a Memorandum of Understanding that governs the services the Town provides to the Library.

The report noted that *"The Town employs staff who have developed expertise in areas that include Human Resources, Finance, Facility Maintenance and Information Technology support. The Library is a separate entity of the Town but is funded by the Town. The Town has been providing services to the Library on an ad hoc basis as requested for a number of years. The Town in consultation with the Library has determined that providing services on a regular basis is in both the best interest of the Town and the best interest of the Library."*

The motion that Council approve the LSA-MOU was carried at the Committee of the Whole.

While one cannot argue with the intent of the LSA-MOU, which is to create efficiencies and save costs, it was obvious to many that this was a poorly crafted document, which did not properly define the independent relationship between the Town and the Library as dictated by the Public Libraries Act ("PLA").

The LSA-MOU was pulled from the Council Agenda on February 13th for a more careful consideration of the language in the MOU and

Know your businesses

This month's business:



RIVERSIDE GRAPHICS

www.riversidegraphics.ca

1. Where is Riverside Graphics located?
2. What services does Riverside Graphics provide to the public?
3. What publications are printed at and distributed by Riverside Graphics.

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Town Council Round-up **Library Services Agreement – Memorandum of Understanding (“LSA-MOU”) continued**

the Schedules which may be in non-compliance with the Public Libraries Act (PLA). The ministry of Tourism, Culture and Sport has expressed a willingness to engage in helping to make sure that the MOU is in harmony with the letter and the intent of the PLA, We hope Council and the Library board -- both of whom must agree to the memorandum -- make use of their expertise before the LSA-MOU is passed, to avoid any future problems.

Town Appoints Steering Committee to negotiate relationship with Grey County

On February 13th Council received [Staff Report FAF.17.28 entitled “Town/County Relationship”](#) and authorized the Mayor to write the Minister of Municipal Affairs for the Province of Ontario, asking that the services of the Office of the Provincial Land and Development Facilitator be engaged to assist the Town of The Blue Mountains and Grey County by facilitating discussions between the two municipalities with a view to finding solutions to resolve existing disagreement between the Town and the County regarding the Town’s share of the County’s annual levy.

Council also requested the County of Grey to join the Town in writing their own letter requesting this facilitation.

Council appointed Councillors Martin, Halos, and McGee to a Steering Committee to bring back draft Terms of Reference for Council consideration which include the development of a Council Workshop to provide detailed information on potential Town/County Relationship opportunities, to be developed for an open session of Council by the Steering Committee and to be scheduled in the Spring of 2017.

This is an important step forward in trying to resolve the current situation whereby TBM taxpayers provider 26% of Grey County expenditures we only have 2 votes on the 18 person County Council, so very little say on how this money is spent.. Last year we sent \$13.8 million of our tax dollars million to Grey County, far more than the next largest contributor, Owen Sound at \$7.7 million. Of your tax dollar 40.6% goes to the Town (Tier 2 government), 39.2% goes to the County (Tier 1 government) and 20.2% goes to the Province of Ontario for Education.

2018 Election – Council Rejects Ranked Ballots, Recommends Move to Internet and Phone-In Voting

At the Committee of the Whole Meeting February 22, 2017 Council received [Staff Report FAF.17.33, entitled “Updates to the Municipal Elections Act, 1996](#). The Municipal Elections Modernization Act, 2016, or Bill 181, makes changes to the Municipal Elections Act, 1996. Some of these changes come into effect immediately after Royal Assent, and certain changes do not come into effect until April 1, 2018, in time for the next municipal election.

What has changed? Municipal councils will have the option of passing by-laws to use ranked ballots starting in the 2018 municipal election.

The first day that nominations can be filed for a regular election will be May 1st. Nomination day (the deadline to file a nomination) for a regular election will move to the fourth Friday in July (July 27, for the 2018 election).

A number of other deadlines related to regular elections have also changed. There are also changes to campaign finance provisions that will help ensure that the rules are consistent with transparent, accountable, fair and modern election finance practices. There is a new requirement that anyone wishing to run for office on a council must submit the signatures of 25 voters supporting the nomination.

Clerks, rather than councils, will determine the dates and times for advance voting. Another change prohibits voters from taking photographs or videos of their marked ballots. In addition, members of the public are able to inspect documents and materials related to the election for 120 days after the results of the election have been declared.

Clerks are now required to not only declare who wins the election but also provide the public with information regarding the number of votes received by each candidate, the number of votes for “yes” and “no” for a question on the ballot, and the number of declined and rejected ballots.

At the February 13th Council Meeting Council received [Staff Report FAF.17.32, entitled “Municipal Election 2018 – Ranked Ballots”](#); and directed that ranked ballots not be considered for the 2018 municipal election.

At the Committee of the Whole Meeting on Date: February 22, 2017 Council received [Staff Report FAF.17.31, entitled “Municipal and School Board Election 2018 – Alternative Voting Methods”](#); which recommended that Electronic Voting – Internet and Telephone, be approved as the voting method for the 2018 Municipal Election and School Board Election. This will mean an end to mail-in ballots.

Eligible electors will receive a voter package in the mail that includes instructions, voter’s identification number, voter’s unique personal identification number (PIN) to vote using either the Internet or Telephone, the URL, and the telephone number for the voting system. Voters also receive the list of candidates, legal requirements to vote, and how to receive more information.

The voter requires the PIN as well as a second piece of information, usually, date of birth, in order to proceed to complete a ballot.

Voters can vote at any time within the authorized voting period (generally seven to ten days), by telephone, hand held device, tablet or computer until the close of the election.

Help centres would be set up to provide information and assistance to electors that do not have access to a computer to vote by internet if they wish. The ballot information is stored in a secure database and tabulated at the end of Election Day.

The system is designed to ensure there is no link that connects the voter with his or her ballot.

The Committee of the Whole voted to recommend that Electronic Voting – Internet and Telephone, be approved as the voting method for the 2018 Municipal Election and School Board Election with Councillors Seguin and Gamble opposed.

Other items of interest before Council this month

How you might be hooked up to the sewage system, if you aren’t already -- [Staff Report CSPW.17.029 entitled “Wastewater Servicing Means and Methodologies”](#) and how you are going to pay for it [Staff Report FAF.17.08, entitled “Affordability Policy”](#)

Citizens at the

THE CORNER

Café & Grill

Come out and meet people who are interested in what is going on in the Town, and what is before Council. All citizens are invited to drop in at the Community Room at Corner Café on Monday nights between 4 and 7 for some socializing and friendly discussion on the issues facing the Town and what is on the Council Agenda.

Come, meet new friends, listen, and have your say.

Rules: Be polite, respect other peoples opinions, and if you don’t agree with them, just remember: They have the right to be wrong.

Citizens' Pages in the Blue Mountains Review

Library news Brought to you by [VOCAL Voices of Our Community for Accountable Leadership](#)

It's been a year since Black Tuesday, March 8, 2016, when all nine employees at the L.E. Shore Library were fired during a surprise restructuring of library services. During that year, as you will learn from the VOCAL brochure included with this newsletter, we have worked hard to raise community awareness of the problems that still plague the Library Board, and to offer positive solutions. So far, most of our efforts have been rebuffed.

At a Library Board meeting on February 16, 'the controversy erupted again when Patrick Delaney, a local teacher and member of VOCAL, revealed that a Library Board member had filed a formal complaint against him with the Ontario College of Teachers. The complaint could have cost Delaney his job, but fortunately, it was quickly dismissed by the association as an abuse of process. In his deputation to the Board, Delaney asked for an apology and the resignation of the member in question. Neither was offered.

Stephen Vance of *The Meaford Independent* was present at the meeting. In recent months, Meaford has experienced a library crisis of its own, and Vance's reporting on the crisis provided much needed clarity. His articles were a major factor in the swift resolution of Meaford's library kerfuffle.

Stephen Vance has now turned the spotlight on our own crisis, in an engagingly personal opinion piece called "An Outsider's Take on the Fractured Relationship Between Residents of the Town of the Blue Mountains and Their Council & Library Board" in the February 23 issue of *The Meaford Independent*. Here's a small taste:

"... you simply don't have 50 residents show up at 2:00 in the afternoon on a workday to a library board meeting... unless people are genuinely frustrated, concerned, and angry. And a municipality doesn't request the presence of police officers at a weekday afternoon library board meeting, unless they know the community is fuming."



You can enjoy the whole article at www.themeafordindependent.ca/news/our-neighbours/

At the same meeting, VOCAL launched its "Timeline of Events Concerning The Blue Mountains Library. . .", a carefully researched 24-page document that will be an essential tool for anyone wishing to understand the roots of the crisis. It is available as a bound brochure, or on-line at <https://ourlibraryourvoice.wordpress.com/timeline/>

From the Timeline's "Afterword:"

"We hope this timeline of events encourages those of you who have not been aware of our work to give VOCAL your support. What we are trying to do is the essence of what a democracy is all about – speaking out, and demanding accountability from those in positions of trust."

You can show solidarity with our cause by coming to a demonstration in front of the L.E. Shore Library at noon on March 11.

**REMEMBERING
BLACK TUESDAY**
March 11, 2017 · 12 Noon
In front of L.E. Shore Library

Join us for the one year Anniversary
of our library's "restructure"

**LOYALTY
ACCOUNTABILITY
INTEGRITY
ARE OVERDUE!**

L.E. SHORE MEMORIAL LIBRARY
1995-2017

Learn more: OurLibraryOurVoice.com

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1. Riverside Graphics is located at the corner of Grey Rd 13 (Marsh St) and Grey Rd 33 (Clark St) in downtown Clarksburg.
2. Riverside Graphics provides a range of printing and graphic design services including signs, colour and B/W copying, scanning, fax service, laminating, wide format printing, and bindery. It also sells books by local authors.
3. The Blue Mountains Review and the Citizens Pages.

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