

Citizens' Pages in the Blue Mountains Review

CAO abruptly leaves Town Council finds out from the public and media reports; Mayor McKean knew on Friday, but chose not to tell them



On the morning of August 18th, the County of Peterborough issued a press release reporting that they had hired Troy Speck, the CAO of the Town of Blue Mountains, as CAO.

Mr. Speck had been the CAO of the TBM since 2011, and presided over a fractious period, which included his long running feud with Councillor Seguin, first while he was President of the Ratepayers and then later as Councillor, the controversial restructuring of the Library, and a lack of transparency and open communication surrounding these and other issues. His authoritarian style led to rise of citizen activism in the TBM, including the founding of several citizens' groups including VOCAL, (Voices of Our Community for Accountable Leadership) and Citizens' Corner, as well as the Citizens' Pages.

Global News reported the story August 18, 2017, 3:11 pm and the story was posted on the Blue Mountains Review website on Saturday, August 19, 2017.

It was not until Monday the 21st that the Town of Blue Mountains issued a press release stating, "We have been advised that Mr. Troy Speck has accepted the position of CAO for the County of Peterborough effective September 25, 2017."

Why did it take so long for the TBM to issue their release?

Well, it appears the answer is that no one knew that the CAO had left. No one that is, except Mayor McKean, and he did not feel it necessary to inform the rest of Council or the staff.

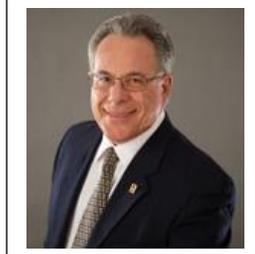
The Citizen's Pages has become aware that Councillor Seguin found out from the media, Councillor Gamble was informed on the weekend by his wife, who heard the news from a community member, and Councillor Martin reportedly heard the news at a social gathering on Sunday.

Deputy Mayor Ardiel, found out from Google alerts on Sunday night, and was very surprised the same as everyone else. Councillor Halos heard the news Monday from the Town's email system.

Reportedly, Town staff, encountered by citizens in the grocery store on the weekend, were also surprised, and had not yet been informed.

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The Michael Seguin Affair Exposed Finally we know what really happened. What the allegations were, and how they were dealt with. It's now all public in court documents.



Over a year ago now Councillor Seguin was advised by the Mayor that a formal complaint regarding his actions and behaviors had been filed, and that a formal investigation would be started immediately. While it became generally known that the complaint was filed by former CAO Troy Speck on behalf of town staff, the specifics of the complaint were not made public. On September 15, 2016 Council received Staff Report FAF.16.90 "Recommendations for Sanctions" and made a declaration that Councillor Seguin violated the harassment policy on all allegations and the workplace harassment provisions of the Occupational Health and Safety Act and directed that a series of sanctions be implemented against Councillor Seguin. While the sanctions were made public the allegations and the findings of the investigation report were not.

Many in the community decried this lack of openness and transparency. Complaints were filed with the Ombudsman of Ontario, and the Town's newly appointed Integrity Commissioner regarding the lack of disclosure. Both accepted the Town's contention that the investigation had not been carried out under the Code of Conduct and thus no public report was necessary. Both however noted that they did not specifically look at how the matter was dealt with.

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COUNTDOWN TO THE NEXT ELECTION Less than 420 days

The next municipal election will be held Monday, October 22, 2018. It's never too early to get to know your Town and the issues, so you can make an informed choice.

Welcome to the Citizens' Pages

This is the ninth monthly issue of the Citizen's Pages, a citizen funded insert into the Blue Mountains Review. This insert allows for an extra four pages of news about what is going on in our Town.

If you like reading us, please follow the link below and make a donation to keep us going.

<https://www.gofundme.com/Citizens-Page-in-the-Blue-Mts-Review>

Donations can also be made to the Citizens' Pages care of The Blue Mountains Review and be dropped off at Riverside Graphics in Clarksburg.

We can't do it without your support! We have managed to raise enough to survive for our first nine issues, but we are surviving month to month.

All of the funds we receive go towards printing and distribution. All content and editing is provided by citizen volunteers.

Alar Soever. Editor

This insert is brought to you as a public service to provide citizens information about issues facing their Town. It is funded by the citizens of the Town through online contributions. If you like this page and would like to keep it going, please donate by following the link <https://www.gofundme.com/Citizens-Page-in-the-Blue-Mts-Review> To contact us with your letters, comments, ideas, and suggested content please e-mail tbmcitizens@gmail.com

Citizens' Pages in the Blue Mountains Review

CAO abruptly leaves Town continued

When asked by the Citizen's Pages why there was such a delay on the part of the Town in reporting that the CAO had resigned, the Mayor only replied:

"I received a phone call from Troy on Friday morning that he was leaving the Town. Later that day I received an email confirming that fact. I was at a family event out of town all weekend and dealt with it on my return."

We also enquired as to why the Town's Press release says only *"We have been advised that Mr. Troy Speck has accepted the position of CAO for the County of Peterborough effective September 25, 2017."* and does not say he has resigned his position here. Has the Town in fact received a resignation letter from Mr. Speck?

We did not get an answer from the Mayor to that question. When pressed on this question, he replied:

"Mr Soever, In my previous email both your questions were addressed. I have no further comment to you on these matters."

The whole affair seems to be highly irregular. It is customary, when senior managers change jobs and there is to be a public announcement by their new employer, that they advise their former employer as to the timing, so that the media releases can be co-ordinated. Apparently, Mr. Speck did not afford the Town this professional courtesy.

The performance of Mayor McKean is equally disappointing.

The Mayor found out on Friday morning when Mr. Speck called him, just as the County of Peterborough was releasing its media release, and yet did not see fit to inform the rest of Council or the staff, until his return on Monday.

The fact that the Mayor did not find it important enough to inform Council and staff, which he could have done with one phone call to someone at the Town Hall, in our view shows a tremendous amount of disrespect on his part for Council and the staff, not to mention the community at large.

The Michael Seguin Affair continued

In November 2016 Councillor Seguin filed an application for Judicial Review of the decision of the Council on several grounds. The Town has now filed its response, and both documents have been filed and are contained in the public court file at the (Divisional Court) Ontario Superior Court of Justice in Brampton, identified as Court File DC-17-59. The Citizen's Pages has obtained copies of these documents, and together with the reports by the Ombudsman and the Integrity Commissioner, we now finally know what Councillor Seguin was accused of and how the matter was dealt with. For those who want the complete facts, copies of the documents can be found on the Citizens Pages tab on the Blue Mountains Review website.

<http://www.bluemountainsreview.ca/citizens-pages.cfm>

(Ed note: We have blacked out some of the names to protect the privacy of some of the individuals named in the documents)

This is what we now know from the court records:

- On May 9, 2016 a formal complaint was made against Councillor Michael Seguin by the Town's former Chief Administrative Officer, Troy Speck, on behalf of himself and the Town's staff (the Complaint").
- The Complaint alleged that Councillor Seguin had engaged in conduct that violated the Town's Code of Conduct for Members of Council and the Town's Workplace Violence and Harassment Program.
- The Complaint alleged that Councillor Seguin had acted in a manner that "creates the foundations for, and feeds, a local environment in which the relationship between ratepayers and Town staff, and sometimes between Council and staff, is seen as an "Us versus Them" scenario.
- Specific instances of this behaviour alleged by the Complainant to have occurred were:
 1. *Early 2015, after the 2015 budget was passed, the Councillor posted a blog on his website entitled "The Political Will to do Nothing". In this blog, although he did commend Finance staff for doing a terrific job in presenting a budget, he concluded that: "However, in the end the staff got everything they wanted and the ratepayers got nothing in the way of tax savings."*
 2. *July 2015 - the member reported in a blog on his internet web page regarding the Town's strategic planning process, stating that: "You may say that this is just another 'pie in the sky' plan by the Town staff to make sure they get what they want and that all fiscal and human resources are aligned to their needs. Well I'm happy to say that this STRATEGIC PLAN is not being driven by Town Staff, but by Town Council, including yours truly."*
 3. *At the September 14, 2015 Committee of the Whole meeting, the Councillor expressed concern and asked why Staff had advertised a notice of a public meeting to discuss closing a portion of Louisa Street. The Councillor incorrectly stated in open public session that Council had not had the discussion about closing Louisa Street, and that Council had not yet given staff any direction that would support sending out the notice of public meeting. This had been previously approved.*
 4. *On August 17, 2015, the Councillor registered a complaint with our By-Law Enforcement office, in which he accused two local Short Term Accommodation (STA) operators of illegally storing commercial trucks and equipment on residential property and of doing it to purposely antagonize one of the neighbours. He suggested the STA owners were not responsible operators and that he would "not support this type of behaviour". We are concerned that statements such as this made by the Councillor expose the Town to liability for defamation.*

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Come Visit the Citizens' Corner Table at the Beaver Valley Fall Fair

Friday September 2nd 6-9 pm

Saturday September 3rd 10-4 pm



Learn about your Town and enter our draw to win a \$50 gift certificate for the Corner Café and Grill.

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The Michael Seguin Affair continued

5. On April 4, 2016, during an open Committee of the Whole meeting, the Councillor expressed his disagreement with the legal opinion of the Town's solicitor on a matter of land ownership, absent any qualification to do so. At the same meeting, during discussion of a Georgian Trail crossing permitted by the Town, in open public session indicated that he had spoken with a claimant in a law suit against the Town; b) named the claimant and provided an inventory of injuries suffered by them in the incident which is the subject of the law suit; and c) took the opportunity to link that incident to the Town having permitted a trail crossing. All of which exposes the Town and its ratepayers to liability and possible repercussions with the Town's insurer.
6. On May 1, 2016, the member of Council responded to an e-mail from a constituent, in which she had expressed three concerns. After speaking to her concerns, the Councillor added unsolicited commentary on an entirely different matter related to a driveway permit that had been granted across the Georgian Trail in accordance with existing Town' policy. In his comments to the constituent, the Councillor expressed concern that Council will "support that staff's reckless decision." His comments were then inadvertently forwarded by him to a member of our staff.
 - On May 10, 2016, the Mayor and Jennifer Moreau, Manager of Human Resources met to discuss handling the Complaint. The decision was made to seek the advice of Lauren Bernardi Lawyer & Human Resource Advisor who had a history of working for the Town with regard to the Complaint.
 - On May 24th, 2016 the Mayor wrote Councillor Seguin stating "Please be advised that as per Town of the Blue Mountains policy HS.1 0.12 and POL.COR.07.07 I have received a formal complaint regarding your actions and behaviors. A formal investigation will be started immediately. As per the Towns Code of Conduct for Members of Council I have contracted Lauren Bernardi Lawyer & Human Resource Advisor to assist with the investigation. She has retained an independent investigator to conduct fact finding. Following this fact finding Ms. Bernardi will provide me with a legal opinion regarding the investigation."
 - There followed an exchange of letters and e-mails between Councillor Seguin's Lawyer George Rust D'Eye,(an experienced Integrity Commissioner), the Mayor, and Ms. Bernardi.
 - Mr. Rust D'Eye pointed out what he described as the improper components of the Complaint:
 - that it does not specify what provisions of the Code of Conduct are alleged to have been contravened;
 - that it involves reference to its being made "on behalf of Town staff" without saying which members of the staff are alleging what violations of the Code of Conduct or the Harassment Program, so that the Councillor does not know who his accusers are, or particulars of what contravention each of them is alleging against him;
 - the Complaint involves allegations dating from September, 2015 onward, and is open-ended, citing "examples", without setting out the nature of the specific complaint of contravention in each case;
 - much of the Complaint involves alleged actions of the Councillor in his role as a Member of Council, including his participation at meetings of the Council or Committee of the Whole, not, apparently, raised before those bodies at the time, or ruled to be improper or outside of the responsibilities of the Councillor in that capacity, duties which he was elected to perform;
 - other allegations involve the Councillor's simply attempting to communicate matters of public interest or otherwise act in his role as a Member of Council.

-the allegations of "harassment" made against the Councillor, make no reference to prohibited grounds upon which the "harassment" is alleged to have occurred, and the Complaint in this regard makes no reference to the provisions of the Harassment Program intended to provide procedures for addressing complaints under that Program, including to provide the Councillor with the right to respond and to participate in seeking a mutually acceptable resolution of allegations such as those contained in the Complaint.

- Mr. Rust D'Eye also took the position that the investigation should be carried out by a duly appointed Integrity Commissioner, and that Councillor Seguin would co-operate and be interviewed by such an Integrity Commissioner, and that he would be happy to assist such an officer in arranging for this to be done and attending at the interview.
- Ms. Bernardi took the position that Mayor is authorized to commence an investigation into potential breaches of the Code of Conduct and, in the course of doing so, to consult with any person as may be required. The Mayor, has chosen to through her, to retain a neutral, independent third party investigator, Dean Benard.
- This issue was never resolved and the correspondence concluded on June 21st, when Mr. Rust-D'Eye expressed that his client was only prepared to meet with an Integrity Commissioner and advised that he would be away from June 22 to July 8th and requested that no further action be taken with respect to his client until after his return on July 8th.
- On June 25th, Councillor Seguin received a letter from Dean Benard advising him he was the investigator appointed by the TBM and asking him to meet with him on July 4th. On the advice of his lawyer Councillor Seguin did not do so.
- Dean Benard's fact-finding investigation included onsite interviews of the Complainant and various members of senior Town staff. On July 7, 2016, Mr. Benard issued his investigation report to Ms. Bernardi. It was subsequently received by the Mayor with the accompanying opinion of Ms. Bernardi on July 11, 2016.
- The report concluded that: "There is evidence that demonstrates the Respondent has acted in a manner that has created a fear of him among several staff. Staff do not feel they can trust him and they do not feel respected by him for their professional role with the Town. Staff consistently express concern that whatever actions they take in fulfilling their role with the Town, the Respondent may take exception and, in an effort to advance his own agenda, will publically humiliate staff. Staff do not feel the Respondent is appropriately collaborative in his interactions with them and the Respondent's failure to work cooperatively creates tension and mistrust. The investigator further concluded that the actions of the Respondent in respect of his public commentary has the potential to undermine the Town as a whole in the eyes of the citizens."

At this point the Town's Affidavit leaves out several events that are described in the Integrity Commissioner's (IC) and Ombudsman's (Ombd) reports, and which could not have been known to Councillor Seguin at the time of his Affidavit. These are:

- "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."(IC)
- No mention is made of the results ever being discussed with Councillor Seguin, which Councillor Seguin has confirmed.
- "The staff complainant wrote to the Mayor and pointed out the Town was obliged to follow its policies for workplace

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The Michael Seguin Affair continued

matters and the provisions of the OHSA. The staff complainant asked the Mayor to follow through on that portion of the complaint." (IC)

- "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." (Ombd)
- Of the Bernardi letter of August 24th 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." (Ombd)
- On September 7, 2016, Town Council met in closed session and received legal advice from the Town's employment counsel Ms. Bernardi. At this time, Council was also able to review the investigation report of Mr. Benard.
- On September 12, 2016, Council held a Special Meeting that was closed to the public for the purpose of receiving further legal advice from Ms. Bernardi. On the basis of this legal advice, and after having reviewed Mr. Benard's investigation report, Town Council decided that sanctions to be imposed against Councillor Seguin should be considered
- Whether Council reviewed the report, as described above, is a point of disagreement. Councillor Seguin's affidavit states: "I am advised by Councillor Michael Martin and believe that members of Council were never provided with a copy of the Investigation Report of Benard, or with a copy of a written legal opinion from Bernardi relative to the issues in question before making their decision to impose sanctions against me."
- Subsequently, Ms. Moreau prepared Staff Report FAF.16.90, Recommendations for Sanctions, upon the instructions of Council. The proposed sanctions reflected those first recommended by Ms. Bernardi and also included additional recommended sanctions that Council provided.
- On September 15, 2016 Council received Staff Report FAF.16.90 "Recommendations for Sanctions" and made a declaration that Councillor Seguin violated the harassment policy on all allegations and the workplace harassment provisions of the Occupational Health and Safety Act and directed that sanctions be implemented against Councillor Seguin as described in the staff report.
- Mayor McKean, Deputy Mayor Ardiel, Councillor Halos, and Councillor Gamble voted for the sanctions, while Councillor Martin voted against them, stating "He found they were disproportionate to the allegations." Councillor McGee was absent.

The Judicial Review process now underway, will decide whether Councillor Seguin was denied a fair and unbiased investigation of the Complaint, separate from Town Council and Town Staff.

The legal battle described above has and continues to cost both Councillor Seguin and the Town a lot of money. Now that we know the facts, which were kept from us for so long, we can all decide for ourselves if this is the kind of thing we want our tax dollars spent on. The next election is in October 2018.

Citizen's Letters

Dear Editor,

Thank you for the latest issue of the Citizen's Pages. It was quite informative to have a sitting Councillor present at this past Monday's Citizens' Corner. His was an articulate description of the preparation required to do Council work well, and the rather scattershot orientation there is for the newly-elected. Considering the number of acts, by-laws, codes and other governing documents there are, that's quite a test.

By coincidence the principle of essential orientation is one that VOCAL has been at pains for over a year to point out was lacking in the initiation of the new members of the 2016 Library Board.

Whatever orientation that Southern Ontario Library Services (SOLS) provided should have been augmented by an additional orientation by the then CEO to the strategic plan, policies, procedures, and the protocols of our Library. This should have been done with the assistance and guidance from the previous Board. This had been the practice in previous transitions.

In a few months there may be a new Board and/or new members. Who will provide the needed orientation? And while I'm at it, let me ask this question: Why are there Councillors on the Library Board. The Library CEO should be capable enough to prepare a budget, which the full Council then approves or not. Isn't that enough of a Council role. Just asking.

Let's keep the Board as independent as possible.

Shalom,
Roland Gosselin

Citizens at the

CORNER
THE
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 most Monday nights between 4 and 7 (except for holiday weekends) 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 people's opinions, and if you don't agree with them, just remember: They have the right to be wrong.

We gladly accept letters to the editor. Please be advised that these letters will be reviewed & published at the discretion of our Editor. Please limit your letters to 200 words or less. You can email your letters to tbmcitizens@gmail.com. Please include a phone number for validation.

By submitting a Letter to the Editor you agree to be bound by the following terms and conditions: You may not use a false e-mail address, impersonate any person or entity, or otherwise mislead as to the origin of submitted material. You agree to be fully responsible for your own submissions. You agree to grant The Citizens' Pages a right to use your name and other identifying information you provide in connection with that letter. You agree to indemnify and hold the Citizens' Pages and its associates harmless from any claims, damages, losses or costs that arise out of any Letter to the Editor that you submit, including, without limitation, any material submitted or otherwise provided by you that infringes upon any copyright, trademark, or intellectual property right of any person, defames any person, or violates any person's rights of publicity or privacy.

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