

Mayor, Deputy Mayor, Members of Council, my name is Alar Soever and I live on Sunset Boulevard at Christie Beach in the Town of Blue Mountains.

I am here today to comment on the Integrity Commissioners ("IC") report on the Current Complaint against Councillor Seguin for social media postings he made in response to how he was treated in response to the Initial Complaint made against him by our former CAO in May 2016.

In reading the report I was struck by the contrast between this report and how the first complaint was addressed.

In comparing the Initial Complaint and the Current Complaint it is noteworthy that they both address similar allegations. Words used by Councillor Seguin.

The Initial Complaint The Initial Complaint, which was purported by the CAO to be made on behalf of staff, although no evidence of underlying complaints by staff has ever been produced, and the staff I have talked to have told me "they have never had a problem with Councillor Seguin", dealt with five specific allegations, all complaining of the manner and the words that that the Councillor used in addressing issues of concern to his constituents.

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 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. 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". Upon investigation by By-Law, the vehicles complained of were not commercial vehicles, and at least one of the two men he had accused, had nothing whatsoever to do with the arrangement. We are concerned that statements such as this made by the councillor expose the Town to liability for defamation.
4. 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, the councillor a) intimated 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.

5. 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 3 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.

The Current Complaint deals with words used by Councillor Seguin in social media postings he made in response to how the Initial Complaint was dealt with.

In this the two complaints are similar. What is hugely different is how they were dealt with and the resulting sanctions.

From reading the current report it is clear that Councillor Seguin participated fully in the Integrity Commissioner's current investigation, something he offered to do and was not given the opportunity to do in the instance of the Initial Complaint, which was adjudicated by the Towns Human Relations Lawyer, a person who could hardly be considered independent as she had a working relationship with the Complainant.

It is also clear from the current report that this time the findings were reviewed with both the Complainant and the Councillor, while the record shows that last time the report was only discussed with the Complainant.

The greatest difference however is in the sanctions recommended. Last time for what were similar allegations, the sanctions included Councillor Seguin being banned from the Town Hall without an escort, with the implication that somehow he was a danger to people, while this time it is clear from the ICs report that she was debating whether even a Reprimand was warranted.

The current report is balanced and fair. The IC considered all the facts and discusses them in an open and frank manner.

The only area that I would question is with regard to the report is the Integrity Commissioner's focus on donations made by concerned citizens to Councillor Seguin's lawyer to assist with his legal fees. This issue remains unresolved at this time. These donations, it appears from the report, were made directly to the lawyer, with Councillor Seguin deliberately not informed as to who made them and the amounts. I am advised that to date Councillor Seguin's legal fees in dealing with the two complaints to the Integrity Commissioner and the judicial review are in excess of \$60,000, and the donations would cover but a small portion of that. An attack on our ability as citizens to support our elected officials in challenging unfairness for the greater public good would seem to me to be a dangerous attack on our democracy. If allowed to stand it would mean that only the wealthy, who can afford access to justice, can take the risks associated with being a Councillor.

The suggestion that people might make anonymous donations in support of a judicial review to assess the propriety of a decision of Council attempt to somehow buy influence seems to me to be a bit of a stretch, and quite frankly is an insult to the those concerned citizens of the Town, who made these contributions to ensure good governance. It may be that the ICs focus on this issue is coloured by her past experience in the Rob Ford affair, where the court ruled that she did not have the authority to order Mayor Ford to return donations to his football foundation.

In summary the contrast of the current report with how the Initial Complaint was handled highlights how poorly Councillor Seguin was treated with regards to the Initial Complaint, where sanctions were imposed on him, which impugned his reputation and implied he was a danger to others, without the public knowing the accusations or the findings of the report being discussed with him prior to sanctions being levied.

I believe the Town is indeed fortunate that he has only resorted to asking for a Judicial Review and not sued the Town for damages for Abuse of Process.

In closing I would hope that Council, upon reading the current report, together with the IC's recent recommendation for a new Protocol Policy for Complaints Related to Members of Council and Local Boards, would come to the realization how poorly the Initial Complaint was handled, and move quickly to a resolution of this sorry affair.