

HANWELL
Rural Community
Special Meeting of Council
April 27, 2023
Minutes

Attendance:

Mayor Dave Morrison, Deputy Mayor Susan Jonah, Councillor Tim Fox, Councillor Holly Hyslop, Councillor Debby Peck, Councillor Lee Crouse, Councillor Darren MacKenzie, Councillor Pat Septon, Clerk/Assistant Treasurer Sherri Johnston, and one member of the public.

Absent: CAO/Treasurer Terri Parker

1. Calling to Order

Mayor Morrison called the Special Meeting to order at 7:01 p.m.

2. Approval of the Agenda

Moved by Councillor Darren MacKenzie and **seconded by** Councillor Lee Crouse to approve the agenda.

Unanimously Carried #21-04-2023

The following was read into the minutes by Councillor Darren MacKenzie:

My response to Councillor Septon's response, as well as the final reports from the independent 3rd party reviewer...

I hope that the public that are still questioning Council and staff will take the time to objectively read the two reports from the 3rd party reviewer. Ultimately, this person came to the same conclusions as Council did back in December. A massive amount of time, money (probably close to \$100,000 at this point), and personnel resources (I'll get to this more, later) have been wasted on this. Council has been silent this whole time, because we didn't want to say anything publicly about this until getting back the final report from the independent 3rd party reviewer. It was important for us to take the high road on this, even if it meant that the public was only seeing one side of the issue, to ensure that we aren't unnecessarily escalating the problem. Unfortunately, the problem did escalate, and that is why I filed the formal complaint, prior to us getting back the report on the informal complaint, from the independent 3rd party reviewer (something that some members of the public were demanding).

I had a hard time trying to understand how any reasonable person could not see the problem that has happened here and continued to happen. Council (or staff, or the mayor) do not randomly issue a code of conduct violation. Something has to happen first, to trigger this response. That said, it isn't Councillor Septon that was reacting to Council (though, technically, he was), it was Council and the mayor that were reacting to the actions that Councillor Septon would do first, that would require this response. It wasn't until this past Friday, when I read Councillor Septon's response to my formal complaint (which also included a response to the independent 3rd party reviewer's report of the informal complaint) that I finally got to understand why Councillor Septon has acted this way in the past, and why I believe that the independent 3rd party reviewer believes that he will continue to act this way. Councillor Septon genuinely believes that because he is "involved in politics" (paraphrasing his words in his response to me) that he gets a blank cheque to mistreat people, particularly on Council and staff. He doesn't feel that he's being unprofessional, he believes that he is "debating" people, and that's what politician's do. This is absolutely false, and I find to be a rather bizarre rationale for mistreating co-workers. Debate happens during a Council meeting, and that debate stops when the meeting adjourns. When you respond to someone in written communication, whether it be in email or online, it is expected to be at a professional level. You aren't debating anyone here, you're just being mean to others. No, it's not an office environment (per se) and nobody is expected to walk around like we work on Bay Street, but you are expected to treat people with respect, particularly in written communications. That is literally why every municipality has a code of conduct by-law, and why it's required via the Local Governance Act.

To make it clear to the public, nobody has ever tried to silence an opinion or viewpoint from Councillor Septon. The problem is that he's choosing both the wrong time and location to attempt this debate. It isn't WHAT is being said, it's HOW it's being said. Most, if not all, of these code of conduct violations could have been avoided by simply using the professional behavior that a Councillor is expected to adhere. Councillor Septon repeatedly states that he disagrees with partial quotes being used for the violation; but this is because he fails to understand that this part of what he said is what is causing the problem. Rather than saying "this isn't my budget!", a statement which is obviously derogatory, a better statement would have been "I have concerns with the way the provincial government is pushing through this year's budget, with minimal input from municipalities." The difference between these two sentences is that one is blatantly unprofessional, and the other is not. You aren't "debating" anyone here, you are just being malicious.

I think that any reasonable person should be able to look at the information dump that Councillor Septon has provided online in the past (with no regard for privacy laws, a big distinction from RTIPPA) and read the list of concerns Council has had with things said in the past, correlate them to the corresponding section of the Code of Conduct By-Law, and see where the problem arises. Particularly, now that it's known that this was not done by mistake, it was done intentionally, because he believes politicians can by-pass the Code of Conduct by-law when they communicate; which is ironic, as he has claimed

multiple times that Council is not following its own by-laws, when it is he that is actually doing so. Regardless, this brings me to the next area of contention, which is the "transparency" issue. Councillor Septon appears to be obsessed for some reason with the solar array project, a project which he voted on to move forward with in a unanimous vote at the time. His concern seems to lie with not knowing the line items of the project. My memory isn't what it used to be, but I'm rather sure that the itemized list was included in the quote that he approved at the unanimous vote. This is another example of just not understanding, as the independent 3rd party reviewer states it, "how municipalities work", or separation of duties between legislation and operations. Council approves the project (or not), not micro-managing the line items of a contractor. If he wants to see the line items of the contract (again), any reasonable person would just reach out to the clerk and make an appointment to see them. They can't be posted online, as he demands, because we would be on shaky legal ground for removing any competitive pricing advantage the contractor has with their competitors, and would likely damage the relationship with a contractor that we (as far as I know) still have a decent working relationship. Maybe not so much now, after all this drama, but we did at the time.

This same thing applies to the public, in something else I feel a need to address...RTIPPA requests. If you have a question about something, I ask you to please try reaching out to the clerk and make an appointment. I think you'll find that she's very reasonable to accommodate requests, and it's much better to spend 15 minutes showing information to a resident than it is to spend weeks working on an RTIPPA request. An RTIPPA request should be your last avenue to gathering information, not the first. This municipality has literally been at a stand-still for months now, due to staff being inundated with RTIPPA requests being made by people that were urged to do so by Councillor Septon. These requests don't take minutes, they take weeks. Councillor Septon should have known better than to demand his followers to do this, and if he didn't know better, he should have. Doing this shows a callous disregard for our very limited staff, and the operations of the municipality. We don't have dozens of staff, we have 2 that can handle these requests, and at the moment are actually down to just 1. This reminds me of one of the things that Doug Griffiths said in "13 ways to kill your community" - the most dangerous residents are the ones that incite FEARS. FEARS being an acronym for "Fire-up Everyone Against Reasonable Solutions". If you go over the chronology of the past 18 months or so, you'll find numerous examples of this, but the most egregious of which being to direct people to use up months of staff time for things that may have been answered in minutes, due to the suspicion of some kind of conspiracy. Please stop doing this, this doesn't help anyone. You will get the same information if you just setup a meeting to talk to someone directly.

The unprofessional behavior must stop. In his response to the complaint, he says that "perhaps people shouldn't be offended so much". Though that may be the case, it's not his place to decide this. A bully doesn't get to tell the recipient "don't feel so bullied"; that is an absurd recommendation. Councillor Septon questions in his response to my formal complaint why someone can't be what I call an "activist" and a councillor at the same time. The answer to that should be as clear as day; activism clouds judgement. I

would hope that this is what caused him to think that he's debating people when being unprofessional in written communications, and if so, then this proves my point. If it isn't what caused it, then the intent was malicious. In either case, it must stop. He also still must comply with the sanctions from December 6th, which he has not yet done. And if he still refuses to apologize and follow-through with the sanctions of the original finding, and/or if he refuses to stop the unprofessional behavior, then I ask that he at least follow through with what he said at the start of all of this, in that "if he is found guilty, then he will resign."

Respectfully, Councillor Darren MacKenzie

The following was read into the minutes by Councillor Pat Septon:

Tonight, you Councillors will accept the \$35,000 document about my codes of conducts. I ask that everything be published and no redactions. My rebuttal to the January Code of Conduct against me by Councillor Mackenzie be included. I wasn't offered to rebut the Dec 6 one, and frankly I don't imagine it matters anyway what I say to Council.

But I want to remind us what we are spending not only \$35,000 on, but why we are here. On Nov 4, 2022 there was a motion to stop recording council sessions that was supported by Councillors Mackenzie and Deputy Mayor Jonah that was to with immediate effect stop recording council sessions for public consumption. There would have been no way for the public to know about this motion that was coming with at least 2 Councillors supporting if it had it passed. I let the public know that if they want to have it recorded, as I do please speak up.

This is provable via emails. The Mayor then ordered me to take it down and that what I posted "was very misleading". It isn't. I would argue thanks to public response, this motion didn't come to fruition. It certainly wasn't my arguments that changed the day. I was threatened with yet another code of conduct. The actual charge against me was it was in CLOSED SESSION! Tell me Councillors, what about that motion that was to come with immediate effect was about negotiations or a HR issue that must be kept from the public? Tell me when it was in Closed Session? However 3 of you voted to charge me regardless seeing the very true words for yourself, and put forward by two of you.

Repeated over and over you state a certain member of public said this and said that, then when I call that member of public out on what you the leadership and the CAO have stated over and repeatedly, you then reverse course and state you never said it. Moreover, you state I am the liar, literally defaming me if I prove myself right. Members of Council know what was said, repeatedly, yet the 3 still voted for the code of conduct against me. In the coming days we will all listen to the receipts.

I was charged with a code of conduct, and this Council went back in time to June in an investigation that didn't even bother to include talking to me. Charging me with things I myself brought to the OMBUD in September 2022, and she had concerns then. You know

this because I shared it. When I asked you councillors for time to do my RTIPPA for my defense, you Council didn't have the time for that, you had a deadline to find me guilty by. I may add, as was predicted when I filed my RTIPPA, and working with the RTIPPA UNIT prior, during and after I asked them to submit it because I felt it would "accidentally" be missed or ignored if I did it myself. The RTIPPA lady I was talking to laughed and declared no one would do that. I wanted to ensure I did it by the book! There is always an excuse for everything, but never a mea culpa in this elected body. My court date against the community for that Right to Information, I needed to defend myself against these charges is set for July 2023.

I remind people in this room to ask yourself, where is all the drama coming from regarding me. I have been forced to not talk to you, I have been pushed to the edges of this community. I refuse to even go to events so I don't have to talk about you or your actions against me. Not because I don't want to, but because I wanted to establish clear paths of communications within our council for self-protection. When you are hearing all these things about me and my actions, from whom? Yeah, I am going to defend myself, but ask, why should I be forced too? Imagine the conversations when you are not in the room about you.

Some people in this room feel it is important to protect the people in this room above all. We don't represent the people in this room, I would argue it is my job to protect the people outside of this room. I am doing so here today! The people in this room are at the table and can defend themselves. Our job is nose in and fingers out, 'NIFO', and I have never once gotten into the operations, even when I may have had issues with it. I ask 'do we have an agenda' and people in this room take that as an assault on one's character or job performance. I challenge why we have to have a super-secret meeting even to me, that was just 1 year ago open and transparent, and I get a code of conduct. We must grow up!

In this \$35k report from an affiliate of McInnis Cooper the author states that it would be "absurd result" to have to follow the process within our code of conduct by having to follow the formal process, in the case that Councillors become aware of SERIOUS misconduct. In the coming weeks we are going to talk about the SERIOUS misconduct that the author stipulates I did, that requires a complete circumvention of our by-laws. The author of this report and I obviously debated a few items and I could go on in some of the issues I perceived while being interviewed. I have serious issues with this report, but I don't expect to be heard fairly in this room about it so I will spare you and only talk to the public about it. But my main question is, why did it take until just before I went on vacation in February to action a motion of December? Why did another code of conduct come at me just before the December motion was actioned? Moreover, why not let the original motion play out? In the coming weeks I will discuss with the public my theory.

In the coming days, I will be talking to the public personally via media, social media and in person. We are going to review for public consumption what the 3 members of Council, Staff and the author of this report consider "SERIOUS MISCONDUCT".

But we are going to have a full and open conversation. It would be my absolute pleasure to resign as this body has made my life a living hell, and for what? To stop my talking to the public? Sharing what we are doing? Challenging your procedures? Quoting the CAO? One must ask why. One must ask why I am being put through all this for trying to do just that. Why is that so egregious to this body? So egregious it must circumvent our own policies and procedures it is that serious.

I will not be in the closed meeting; I am of course retaining my rights to speak openly and transparently and will not be in a closed-door session about me that could complicate those rights. There is a fundamental misunderstanding by those 3 councillors, leadership, the CAO and the author of that \$35,000 report of what my role is here on Council. Our by-laws were not designed to police dissent though that is how they are being used. That one can lose 6 months pay because they publicly disagree, or talked to the public! You have weaponized the code of conduct to command fealty to staff or leadership, and I see it already taking hold scaring the newer councillors on what they can talk about. For the record, they can talk about anything they want, as can I.

I want to note, it wasn't me who brought us here. I didn't come after you, you came after me! I offered off ramp after off ramp. I explained the stick doesn't work on me but you only bring a stick, still. I did not want this, I do not want this, and I completely detest being in this position. I plan on exercising my rights of defending myself. While I know you may consider it inconvenient, you can and must defend your actions as well.

I am now medicated and frankly suffered the hardest 4 months I have endured. But you also put me through this early 2022. The Author of this report states I haven't learned my lesson. But it is you who keeps repeating your same actions. It is you who is a 1 trick pony, threaten, sanction, disparage, obfuscate, separate, silo and retaliate. But never communicate. Unlike other code of conducts against others in this room via the public, I have yet to have one of you here, except for Councillors Dr. Peck and Hyslop even talk to me personally about the issues. Not even the so called original "investigator" talked to me. I know a put-up job when I see one, and I will be making my case to the public.

However, if what I am doing is so serious as the Author and the 3 Members of Council stated, requiring circumvention of our policies and by-laws, remember I stopped communicating with Council outside of Emails in November 2021 where I could, and it was for a reason. So for those in the room who think I have gone off the edge, the great news is it should be exceptionally easy to prove to the public. The Public, you have a right to get information yourself on my actions. I only ask you request complete email threads. Council, you of course had this option the entire time and your actions should be easily defended, and I hope you are as bold explaining yourself to the public, as you were in ruining my reputation and health. I recognize some of you are stressed now too, I understand and empathize, but again, it wasn't I who brought this, I and the public begged for reasoned and cooler heads so when placing blame, look internally at each

other, and of the steps taken to get us here today.

You should have concerns with this report on it's own merits. The assumptions and dialog seem untethered to law or political discord. It is however perfectly written to what some in this room want. Paper doesn't refuse ink. When I am done speaking to the public about every item in the codes of conduct against me, I will circle back to this report and the authors assumption.

To the new Councillors, I am sorry you are in this situation, but in this situation by the previous Council, you are. I don't know what the plans are here tonight, but to you both, I am sorry. If I was to offer any advice, keep your powder dry if you are unsure. Regardless of how you vote on any topic tonight, know I will harbour no ill will. Life is tough enough.

I respectfully submit and yield back.

Pat Septon,

Councillor at Large, Hanwell NB

3. Closed Session:

- a) Matter pursuant to S. 68(1)(j) of the *Local Governance Act* (labour and employment matters, including the negotiation of collective agreements)

Councillor Pat Septon declared a Conflict of Interest with item #3a.) and left council chambers at 7:22 pm.

Moved by Deputy Mayor Susan Jonah **and seconded by** Councillor Darren MacKenzie to move into closed session.

Unanimously Carried #22-04-2023

Moved by Councillor Darren MacKenzie **and seconded by** Deputy Mayor Susan Jonah to come out of closed session and move back into open session.

Unanimously Carried #23-04-2023

Moved by Councillor Darren MacKenzie **and seconded by** Deputy Mayor Susan Jonah to accept both reports from the third-party adjudicator; report number one being Process and By-Law Review of Hanwell Rural Community and number two being In the Matter of a Formal Complaint filed pursuant to the Hanwell Rural Community Conflict and Complaint Resolution Procedure Policy #2022-08.

Unanimously Carried #24-04-2023

Moved by Deputy Mayor Susan Jonah **and seconded by** Councillor Darren MacKenzie
WHEREAS the third-party investigator's findings were in line with the previous findings of council, and

WHEREAS Councillor Septon has still not complied with the original sanctions from December of 2022, and

WHEREAS he continues this unprofessional behaviour willingly,

I HEREBY motion for the following additional sanctions be applied to Councillor Septon:

1. That he be required to take six months of coaching by a professional leadership coach to address his communication style and to provide training and education on respectful workplace behaviours;
2. That his remuneration be suspended indefinitely after the initial six-month period is completed until he complies with all of the sanctions from both the December 6, 2022, and the April 27, 2023 motions of Council, and
3. Continued removal from all committees that are not committees of the whole.

Yes votes: Deputy Mayor Susan Jonah, Councillor Tim Fox, Councillor Lee Crouse and Councillor Darren MacKenzie

No votes: Councillor Holly Hyslop and Councillor Debby Peck

Motion Carried #25-04-2023

4. Adjournment

Moved by Councillor Tim Fox **and seconded by** Councillor Lee Crouse to adjourn the meeting at 9:35pm.

Unanimously Carried #26-04-2023

Respectfully submitted by,



Sherri Johnston
Clerk/Assistant Treasurer

Certified Correct,



Sherri Johnston
Clerk/Assistant Treasurer



Dave Morrison
Mayor