



STRATFORD CITY COUNCIL ADDENDA

Adoption of Addenda to the Regular Council Agenda:

Motion by

THAT the Addenda to the Regular Agenda of Council dated October 28, 2024, be added to the agenda as printed to include the following:

6. Hearings and Deputations:

- 6.1 Request for Delegation Regarding Item 7.1 – Boathouse Roof Membrane & Railing Replacement – Tender Award (COU24-124)

Following the publishing of the agenda, Jane Marie Mitchell requested to speak to council regarding the inclusion of the “Environmental Lens” in all procurements and to ask questions regarding the report.

THAT Jane Marie Mitchell be heard.

- 6.2 Request for Delegation Regarding Item 7.2 – Respectful Workplace Policy Options (COU24-126)

Following publishing of the agenda, the following persons requested to speak to this matter:

- Mike Sullivan – will be recommending changes to the policy to better protect the public
- Jane Marie Mitchell – will be requesting Council do a further review prior to approval of the policy
- Sharon Collingwood – will be asking that the policy be reviewed regarding ethical and financial considerations

Attachment – Letter from Mike Sullivan to Council re Policy dated October 28, 2024

Motion by

THAT correspondence from Mike Sullivan dated October 28, 2024 be received.

Motion by

THAT Mike Sullivan, Jane Marie Mitchell and Sharon Collingwood, be heard.

Dear Mayor and Council

I would urge you to reject the proposed amendments to policies designed to permit the banning of citizens from the city for specious and unwarranted reasons, and ask that staff remove elements which permit capricious, unwarranted denial of rights to speak freely to you as elected representatives, and to freely criticize decisions and underlying proposals.

As you well know, I and others were banned earlier this year. In my case it is still unclear what I did. The complaints were never revealed, nor were the findings of the investigator hired by the city. I was critical of council. But I did not use abusive language, violence, vandalism, harassment, discrimination, or threaten. Nor was I frivolous, and I did not refuse to follow any policy or law. In point of fact, I was stating that council had been found on numerous occasions to have violated provincial law.

Despite this, the mayor when asked by the press about my ban stated that there were threats of violence. Other senior staff members have also stated this. One councillor wrote a letter suggesting I was behaving as a member of a mob, that I was scornful, derisive, and offensive, none of which was true. Other councillors repeated his assertions in social media.

The action of banning me is a violation of my constitutional rights to free speech, when that ban is to punish or intimidate me for exercising that right. Nothing in the proposed changes would prevent city staff from banning me or others for similarly exercising their constitutional rights. Nothing in the proposed changes would force the city to reveal the actual complaints or the findings of an appeal process, two serious flaws with the old policy. Nothing in the proposed changes would clarify the process, which currently permits one individual to act as complainant, judge, jury, executioner and appeal judge. In addition, though I gave notice of my intent to appeal the decision immediately, there was no action whatsoever on that appeal until a few days before the ban was up.

In addition, the new policy divisions seem to remove actions by councillors from the policies. In a recent exchange, the city advised a complainant that they could not complain about the actions of a councillor under the policy. Any complaints had to go to the integrity commissioner, who has already ruled that councillors could not be held to account for bullying or harassment on social media, asserting that he would not impinge on a councillor's right to free speech. The mind boggles. The revised policy seems to mean that councillors can be complainants, but not complained about. A one-way street. And the workplace policy can only apply to councillors actions 'in the workplace'. So a council member can post derisive or harassing comments on social media, and the policy won't apply.

As a member of the city's Energy and Environment Committee, I wonder just what protection I will have. The city has already stated that one cannot complain under the existing workplace policy against a councillor. The revised policy does not clarify this.

I have been, and will continue to be critical of council, not just for breaking the law, but for failing to take seriously the climate emergency. Approving giant housing projects that continue to heat with fossil fuels, and fail to provide charging stations will cost the future residents and the city. But the policy now seems to suggest that such criticism can be the source of a future ban.

Finally, the addition of the 'frivolous and vexatious' section to the policy is very worrying. According to the city, I am guilty already of being 'frivolous and vexatious', for seeking information through Freedom of Information requests. (I have appealed that decision) I have made several over the past 4 years. I sought copies of the deals signed with Xinyi. I sought the contract between the city and Chris Pigeon, though the city could not find it. More recently I have filed 2 requests for information on the bans, though the city has refused, and claims to have lost the security video. I politely asked for copies of minutes of illegally closed meetings. I was instructed by the city to file a freedom of information request, and I have now filed two. To now use those requests as justification for finding future requests as vexatious is a form of entrapment.

What the city thinks is frivolous, then is my seeking to know what work Mr. Pigeon actually did for the city, for the over \$25,000 the city paid him. The invoice for his work on a secret annexation report was not revealed. Some of the invoices revealed that he was billing the city for Xinyi work. Some suggested that he was asking the city to 'scope down' the inventory of industrial lands, to better enable the justification needed by the ministry.

As you all know, it is the position of the undersigned and others that the annexation of land for Xinyi was pre-ordained by the agreement with Xinyi, and any attempt to justify it as somehow filling a chronic shortage of industrial land is misleading at best, and fraudulent at worst. The review of the Official Plan must deal with that huge annexation, and determine what to do with it. It is class A farmland, and should be left as such. My demand for the information is hardly frivolous.

More importantly, the onus is on the city to prove it is a frivolous and vexatious request. However, if you accept the policy changes as written, the city could now ban me on the basis of the decision on my FOI request. In fact, I expect the city to do just that if you approve this.

In summary, then, while the city's staff may be well meaning, their proposal does nothing to solve the problem created this past year, whereby people were banned for merely speaking

at council. It does not deal with the needs to disclose complaints and appeals. It creates a two-tiered system whereby councillors are exempt from accusations under the policy, but are able to file complaints under it. It creates a confusing mix of policies, all of which can apply to all persons, except some of which will not apply to councillors.

Mike Sullivan

Stratford.