

Respectfully Submitted to:
Mr. King, The investigator, Council, Public;

First thank you Mr. King for your time on this investigation. I of course, as would anyone in my situation would have objections to some of the points shared within this report. I respect your position and it is your job to call balls and strikes. You have, and for that, I appreciate you.

I have several objections to this Code of Conduct, its timing, and its investigation's report and some of the results that I will break down into 3 parts:

1. The Code of Conduct against me via Councillor MacKenzie and its prepositions assumed and assigned.
2. The investigation results from the 3rd party investigator and my issues with some of the findings, word choices and false accusations made towards me and my character.
3. Rebuttal to some of the findings by the investigator

I was away on vacation and have limited time to respond to this due to circumstances involving being away, being sick and having to catch up on my day job. Please excuse my grammar and being so blunt. I am tired of this; it may be obvious in my responses and apologize I may not have the tact I normally wish to present. My comments on this are below, but not solely limited to my responses below.

Item 1. The Code of conduct against me via Councillor MacKenzie and its prepositions assumed and assigned: It is going to be obvious I am emotionally done with this. Simply, I won't shoulder or carry any water on it. The public are smart, and they can read and judge me as they will.

- a. I would like to point out, that on December 21, 2022, Council voted to hire an outside firm to investigate the process for which I was fined 6 months' pay, and giving the Mayor sole authority of what I could say or not say to my constituents, effectively giving His Worship sole control of my oversight responsibilities via email or social media. Both actions I find legally wrong and equally offensive. One against the charter of rights and freedoms, the other in a thinly veiled attempt to circumvent the will of the people in hopes I will stop asking questions or communicating with the public. I recognize past councils didn't engage the public, but I am choosing to exercise my right to. I absolutely disagree with the process used by Council where they opted to ignore our Code of Conduct By-law and Conflict Resolution policy by using an informal process to skip all our agreed upon procedures to circumvent the very checks and balances, we were afforded. Noting that the informal process of our Conflict and Resolution Policy clearly states that it is the FIRST STEP to a resolution, and not the last step forgoing all others. I recognize the CAO has told us that she received legal opinion checking with others in government and was allowed to proceed this way. The Chair of the Governance Committee, and the person who filed this code of conduct against me, Councillor

MacKenzie also agreed that the first step obviously can be the last in a chain of steps and fervently points it out, that by my objecting to us not following rules, that I caused further actions. That is a circular logic I can't get behind.

My objection is legally sound, and as with anyone accused of anything, a person has a legal right to defend oneself. I made it clear from day one I would defend myself using any legal means at my disposal, I was also clear that how we govern is of public interest, and we must ourselves be held to a higher standard. That starts with following our rules, and not in policing what I say in the political discord of my job.

The fact that Councillor MacKenzie has decided to charge me yet with another code of conduct, without even letting the motion of December 21, 2022 resolve itself shows the over zealotry of this situation. Since January I have been told that the Ombud, as she has said to me earlier, informed Council that code of conducts are not something normally used from one councillor to another outside of exceptional circumstances, but for the outside body, the public to hold us accountable. Despite these two facts Councillor MacKenzie opted to move ahead without giving time to have a professional come in as agreed to by the entirety of Council to review our process.

- b. When I received the complaint, the CAO opted to redact the name of the complainant citing RTIPPA reasons. This is flagrantly wrong and shows a lack of understanding of what RTIPPA is used for, and its functions. This is a formal accusation against a sitting Councillor and as such, we went from everyone without any documentation to secret people. Of course, it was easy to identify the Councillor based on language patterns, but again, I find people at Council are making legal assertions beyond their grasp and understanding of how due process works.
- c. Councillor MacKenzie stipulates clearly that I am wasting government time and money because I opted to defend myself against what I know to be a sham process used to silence me when I shared that **a motion was coming** forward with immediate affect to stop recording council sessions for public consumption. It had support of two Councillors. It should be noted, I will always defend myself and my constituents! To expect anything different of me would drastically miss read who I am. I would like to point out, that the Councillor(s) can send accusations at me all day long, and there is nothing I can do about it. However, to expect that I defend myself is going too far for a Councillor, and in doing so, is costing us too much money? It is not me wasting taxpayer money, in this case it is quite literally Council and specifically with this, Councillor MacKenzie. His options were to see how the motion of December 21, 2022, played out. However, to put it into words Councillor MacKenzie may appreciate, imagine Prime Minister Justin Trudeau demanded something of you that seems not only controversial, unjust, against rules rights and freedoms, does Councillor MacKenzie feel he is not allowed to fight the process? Or is his only option to cow. If I were to send a code of conduct against this Councillor, I would expect nothing less than a passionate defense. Just because one Councillor states something, or many Councillors state something doesn't make it fact. So why am I not afforded this? I received this yet another Code of Conduct just because I didn't cow to what I consider an immoral and unjust process

against me. It is NOT ME wasting taxpayer dollars and staff time, it is this very process without letting the previous motion play out first. I feel this is petty and vindictive action because I feel we know that I was right originally, and this is a preventive action against me for it. I used to wonder how President Donald Trump got elected, and I feel this Council is putting me through a master class.

- d. As a Councillor, why can I not be an activist for people and issues who need representation? Do all Councillors feel they are not allowed to advocate for issues of their community? Is not arguing for or against an issue activism?
- e. All internal communications. This goes to my point. I tend to only email leadership and the CAO's office. So why all the animosity against me with the parsed emails to convict me. Share the entire email threads to help your point! Obviously, there is a clear path of communications to certain Councillors regarding my "un-professional communications" from the CAO's office to certain Councillors. The public and Media should have an easy time RTIPPI'ing this to see for themselves my unprofessional behaviour. I would suggest full email threads and not the parsed word or sentence. The written word is not only for my defense but for prosperity. I believe this office will have to learn what political discord is, debate and what constitutes debate. I also understand that when I ask questions, I expect to get an answer. I expect to exercise my oversight role. We all should expect that at this stage as it is my constitutional role. In the words of a government agencies, it appears certain people should be a lot less sensitive.
- f. Internal communications going public: Please show me or the public any other time I shared an internal communication. I did share that there were 2 councillors who were bringing a motion with immediate effect, stopping for public consumption of Council Sessions. Without any means of the public knowing this motion would be coming forward! This is a very serious accusation and should be addressed. I didn't even on that November 4, 2022, share who was going to try to stop the recordings, and I ensured my post was not gender specific to ensure Councillors anonymity. Please share ALL EXAMPLES where I shared publicly beyond that. I am sure the investigator must have a list.
- g. Activism. Not once have I spoken or gone back to a subject after the vote. This can't be said of all! I debate an argument and try to talk to as many constituents as possible. I believe in engaging the constituents on all things when I can. Especially of matters I would like more feedback on. We are not afforded secrecy; however this body seems to insist on it. Once the vote is over it is over for me. But Councillor MacKenzie is right I will be active for issues of safety, openness and transparency. It is the tenor of why I ran.
- h. I agree, after the actions of November 10, 2022, I had my fill with the constant threats and attacks on me, internally and externally. When I told Council via email on November 5, 2022, that I would defend myself when the Mayor once again threatened me with yet another code of conduct for sharing literal truth and provable facts, I was clear I would ensure this fight wasn't just me, but the public can follow along and judge me. I didn't cause this, the CAO, Leadership and Council did. Not once reflecting on the facts I was sharing. With this action Councillor MacKenzie, and previous sham process of a code of conduct by Council, Council and Staff opted to go all the way back to June

to draft up more charges instead of just letting the November 4, 2022, email thread stand on its own.

- i. RTIPPA. I have sent out 7 RTIPPA requests, and currently only 1 place hasn't responded to my RTIPPA request. It stands as no surprise to me it is my office. I recorded my fears when talking to the RTIPPA unit and explained prior to sending what would happen. However, people requesting information should NEVER BE FROWNED UPON! I spent two hours creating over 650 pages for public consumption and happy too. Second, my small band of followers were not followers when I first shared my experience. I reject the negative connotation of the term small band as if to minimize them. NO MEMBER OF Council should ever minimize a citizen or group of citizens in our community. Second, I had no idea or way of knowing so many people would RTIPPA things, but I am thankful, as they can see for themselves what I may have said. My asking people to look for themselves should go to the very point I don't share internal communications and ask the public use their legal rights to get information they wish. Even if Councillor MacKenzie insinuating here it is an abuse by constituents, and the "SMALL BAND OF FOLLOWERS". Shame. Many seeing the same issue I am seeing, however Councillor MacKenzie in this document seems to think us all wrong and only they right!
- j. Tears. Before I was elected, I heard from some of the very people sitting on council today about these crocodile tears. (For the record not Councillor MacKenzie) Thanks to those before me, it is one of the reasons I try to keep debate recorded or public, and more over to ensure there is a paper trail. Councillors of the past council felt the very thing I am; however, I am standing my ground. I have been hit with a super-secret code of conduct in February that justifies my distrust, I still haven't seen a document to this day except I was found guilty. Thankfully I only email so the public and media can see the email threads themselves. That isn't to say, this isn't or can't get stressful. I myself have been in tears too many times, and I understand them. I myself am now medicated to help deal with what is happening. This isn't one sided, contrary to the Councillor's statement, but I will ensure we follow rules. I am looking for information in my role of oversight, that cannot be compensated by 'trust me' or 'I know what I am doing', 'its always done this way'. Do we realize how much time we would have saved if people just shared the required documents and moved on.
- k. Picking up the phone: I agree, typically this is the option, the ideal one and in so many facets of my life, people's word are their bond. I depend on it and them me. However, I need to have a record because I don't find words always match later. For instance, if it wasn't for a recording, I would never have the documentation where it was shared repeatedly that the principal was not for the sidewalk and therefore not for a crosswalk. It seems to be the contention now by the CAO that she never said he was against it, when I have heard personally on several occasions, he was against it via the CAO's office. Under deposition I assume many Councillors will have to attest to it. It is why the Mayor and Deputy Mayor voted against the sidewalk and were quoting him as their reason. But I get a code of conduct for calling him out based of our office.
- l. Solar Project: I am famous for emails. Show me the answers. Councillor MacKenzie must have them, please write them up! August, I asked for the quote after a citizen asked me about it. We budgeted \$40k but spent upwards of \$120k. I asked Leadership

and the CAO, and mentioned if we erred just say so, to which I was told repeatedly we did everything right. We can't even acknowledge when we messed up. I recognize that some Councillors may have some inside knowledge on this. However, when a citizen shows me that he can get the same system or \$50-60k, and we didn't go to RFP, we didn't ask for quotes, we sole sourced a \$120k project when Council only authorized agreeing to investigate a grant, I remain with questions: (I want to point out we did get a \$46k grant I think total from the Feds/Province)

- a. Who authorized the extra spending, expense.
 - b. What did we buy, I asked several times, and I get more code of conduct stuff like this. At one point the CAO told us it was proprietary and couldn't share. This is taxpayer money, and I am accountable, even if the Councillor here doesn't believe I am.
 - c. Were there any more expenses beyond the \$120k (whatever the total) including:
 - i. Engineering
 - ii. Electrical
 - iii. Carpentry
- m. I am causing mistrust: I would argue it isn't me causing it, I didn't go back 8 months to dredge up enough to charge me. I am defending myself as promised, and I wanted the public to know what I was being accused of. I was dealing with it internally. But it is obvious people on council want to talk about them publicly or they wouldn't be bringing them up in code of conducts. My job is not only to represent the constituents, but oversight. I recognize Councillor MacKenzie may have a lot more insight than I regarding this solar project, having gotten solar installed from the same company we did himself earlier in the year and project managing it for the community. But we didn't even ask for further quotes from any other company, so I don't have that information. But my questions are serious and sincere. I am not going to go along for the sake of going along so I ask when it comes to trust, leaving other issues aside:
- a. On the Winter edition of the Hanwell Harold the Mayor shares to our constituents that the solar project is going along well.. "The payback of the project is estimated to be between 3 & 5 years. Special thanks to Councillor Darren MacKenzie as this was his initiative, and he guided the project from start to finish."
 - b. The next page shows that we should have an estimated savings of \$500/mo.
 - c. Anyone who has bought a car would know \$500 x 3 years to 5 years is \$18,000 to \$30,000. Considering this is a \$120k project, and if we ignored the taxpayer grant of \$46k the math still doesn't even begin to make sense which further makes someone whose job it is to oversee fiscal tax revenues further question why we would say something so obviously wrong or misguided. If we screwed up, lets own it.
 - d. I am not causing mistrust, but obviously Councillor MacKenzie and Council wants to talk about it publicly, with what we all know will be public, so anyone please kindly explain the math discrepancy, and why what I see is a "conspiracy theory". All Councillors should be able to do it, explain in plain English what we bought,

what we paid and who authorised it, if it is so obviously done right. I however don't get answers, I get it added to codes of conducts because I am asking.

- n. The email is confidential. I have a legal right to share this, as the public has a right as it is about me. I think the public must learn the facts of whether I am this bad to deserve so many threats and so many code of conducts. I respect not all Councillors may want public oversight on this as I do, but it is clear I do.

Item 2: The investigation results from the 3rd party investigator and my issues with some of the findings, word choices and false accusations made towards me and my character.

My objections of this report, but not solely limited too below:

Timing:

When Mr. King of MC Advisory first met at our first meeting, I stated that I found it weird that even though on December 21, 2022, there was a motion to hire an outside consultant, that staff and council waited until then (February) to hire a consultant. Only after they came up with another 'formal' complaint in the meantime. The investigator Mr. King stated clearly that it wasn't the case that he was engaged right away! Very clear about that. This document shows that the CAO and the Councillor waited until the formal complaint was finalized before moving forward with a motion of December 2022. I stated that "they" couldn't even wait for this process to play out before trying to charge me with another code of conduct. The 3rd set for the record. The Investigator assured me he had it right away, but the dates do not pan out that way!

1. Remuneration By-Law

- a. The chronology of this is not in order. I discovered the changes to the by-law and sent an email to the Governance Committee chairs and cc'd Council for full transparency. The Assistant Clerk responded immediately and stated it was a clerical error. I accepted that response as was written and only was re-engaged in the matter when the now CAO came back at me. The changes to the by-law made after the fact were not a typo, it could be argued it was a flaw in our documentation and procedures but couldn't be a typo when 2 days after the motion passed, I was asked what I thought it was supposed to be. I would argue that changing something days later after asking me what they were to be, is deliberate. Again, though I accepted the Assistant Clerks position until the CAO re-engaged. I would have hoped that It would have created some rules to ensure such a thing won't happen going forward. Instead, it created a code of conduct 6-8 months later without ever sharing with me what steps were taken to ensure mistakes like this would never happen again. Without ever trying to rebuild the trust I would need going forward so I can pass that trust off to my constituents.

3. Closed session – Contracts

- a. You can listen to the session here:

https://www.youtube.com/watch?v=LTu8axE6WWY&list=PL05jbo90cx6CBWVYvqqa_nftC_sglo2pU&index=6 you will note that only us coming out of closed session was recorded. You would have to ask staff why my objections or going into the meeting wasn't recorded. It is true I didn't make a motion, but I did call for a point of order. I can't help we missed the recording of it. But I immediately brought up the issue. This topic of this closed session meeting was a secret to even me, a Councillor up and to 7pm. This was open only 1 year ago to the public, but this year secret even to me and I ask why! Why, when it is obvious those subject matters were of obvious concern to our constituents. But I get charged with a code of conduct for asking about being more transparent, at the very least as transparent as the year before. I reject the investigators connotation that I have no proof I said I objected, as if the onus is on me to record council sessions. I ask the investigator to answer why it wasn't recorded in this case!

4. Recording of Council Meetings

- a. Point of privilege. I did NOT SAY I lost my job because of this; I said I ***may have*** lost my job. Clearly written. And that point isn't relevant to this. I wish to have this stricken from the report out of respect to all employers of Councillors so they don't have to worry about what may happen if one of their staff members are employed or looking to be employed. Our jobs are hard enough.
- b. If we are to accept that I "threatened" council, it was to defend myself using every resource available because everything I shared was and is factual. Again, provably so via email threads.

Summary of Complainant

"Councillor MacKenzie described a situation where Councillor Septon attacked him because of a disagreement. He explained that he has been on the receiving end of disrespectful and inappropriate comments."

I famously try to only email to eliminate he said she said. This code of conduct against me even states I rely on email where the complainant believes calling would suffice. This is a very serious statement of facts made but not in the code of conduct(?). I would like to see and hear what the "attack" was? I do not ever recall speaking to any Councillor about any topic outside of debate in Council that wasn't cordial or to help someone/something. Please provide the email thread of the attack! Or I ask that we have this statement retracted. The investigator was very clear with me that if I couldn't prove what I said, it was a nonstarter though may

provide some background. This is a serious accusation, and apparently not part of this code of conduct and I would like the opportunity to defend myself. **Add the complete email thread to the appendix.**

Councillor MacKenzie believes that Councillor Septon has created an environment of distrust in the community and an irrational fear of a conspiracy with the public. He feels that the reputation of Staff, Council and individual Councillors has been harmed.

I would contend it isn't me causing the mistrust. It is our actions. Including this action. I have brought this more to light in the days since this code of conduct was sent to me in November I admit and am openly objecting to it publicly. I am afforded every right to defend myself and will do so. Thankfully almost all my communications are in email format. I believe that the voters, the public have a right to know what I am thinking and doing about topics. I would also note, I am not talking about anything that wasn't in the code of conduct. I did not bring up any other issues I have problems with and sticking solely to the issues they themselves brought up. I have a lot of issues, and I keep them to myself. Councillor MacKenzie in this case seems to think it is ok that my reputation suffers as long as Council's doesn't?

Summary of Respondent

Councillor Septon referenced several occasions where he was "given a code of conduct". When I dug into these particular circumstances it appears that if he is cautioned by the Mayor or Councillors he takes these as threats or "code of conducts".

I respectfully disagree, I referenced several times where I was "threatened" with code of conducts and only found guilty of one (prior to December 6, 2022) that was done secretly on February 11 2022. It also had formal consequences where I was summarily removed from all committee assignments. I was found guilty and punished in secret. To this day I have not seen a single bit of documentation about this, except the letter sent and there seems to be several differing stories and actions. The investigator can reference this on February 11, 2023, email Fwd: Councillor Septon Disciplinary Action.

This code of conduct brings the total to 3 sets. I would find 3 sets a lot. But my point clearly to the investigator Mr. King was the constant threats of code of conducts. **To the investigator, when a Mayor brings them up, what are they if not a threat of potential pending action to come?** I have been part of and watched threats of code of conducts including the deputy mayor threatening to file a code of conduct against the Mayor if she didn't win the deputy mayor position **prior to me being sworn in June 2021**. That in July 2021 the Mayor and Deputy Mayor threatened me with a code of conduct because of my YouTube post asking for community input on getting children safely across the 640. Stating I have no rights to reach out to the public without Council's permission. Ergo my motion made in March 2022 asking for

permission to do so, which failed. I found and still find that a code of conduct threat is used to quell or silent issues that the body as a whole doesn't want to talk about in the public or to force a situation. Whether done so purposefully or otherwise. I also since December 21, 2022 did receive more threats of code of conduct and the posts in this document show me talking about it. Every document and conversation I shared state **THREATS** and I find that the investigator rushed through the point to a summarily different argument.

Councillor Septon explained that he will continue to attack Council and Staff if Council continues to attack him. He believes that he is justified in responding to Council in this manner. He believes that he can question Council motives in public. He does not believe that he should have to challenge Council through legal means in the court although he has indicated that he will do so if Council continues to attack him with the Code of Conduct.

Again, I will have to respectfully disagree. I stated often I will continue to defend myself, never once did I use, or plan to attack someone or something. The use of the term attack is incendiary and unwarranted as I would never attack for the sake of attacking. Attacking is pre-emptive, and never once was I, nor did I ever leave the scope of the Code of Conducts against me. It is Council who if we use your phrase attacking me for sharing what we are doing. Things that are rightfully public as we are not allowed any secrecy except in Closed Session. I am however openly defending myself. I kept all conversations and debate to these subject matters, to the issues they themselves brought up and didn't move outside of their scope. I should be afforded the right to defend myself, as Council is afforded the rights to defend their position against me. I believe that in this case, after such an egregious use of the conflict and resolutions policy against me, I had no choice but to bring my issues public. I do think I should have to bring things to legal means, but in doing so, I would be required to use my own money to defend against government money and resources to keep me from sharing facts with the public. The public has a right to know if I am a good guy or a bad guy, so they can be afforded the right to know what is happening. I shared the sham code of conduct with the public as is my right, which isn't attacking, it is defending my reputation against those who used obvious and flawed processes.

Councillor Septon believes that there needs to be more transparency. He expressed the view that Council tries to hide everything from the public. He believes that it is his role to bring these concerns to light. He believes that he has an oversight role on Council.

I disagree with the word EVERYTHING. I believe Council can be incredibly open and transparent about things. I believe every member of Council and Staff bring good to the table as well. I do however refuse to be subjugated, and expect people to admit when we messed up.

Summary of other witnesses:

Most witnesses described situations where they were personally attacked. These attacks are almost always in public as Councillor Septon posts everything and puts everything in emails when often it is easier to discuss in person or by phone.

Again, this is a rather serious statement that should be able to be pointed too. They clearly state it is in email and therefore should be added to the appendix. These are generalized statements that are obviously taken as fact but without showing what those statements were. How does one defend oneself against statements like these? This is an incendiary statement made with no one pointing to these 'attacks'. Is an attack a heated debate? An email? I ask these statements to be removed or specifically pointed to for the record. I do not attack people personally and always about the subject matter. The investigator clearly must have read the statements that are outside of the code of conduct, to be adding these statements in the public finding without doing so is hearsay. Please share them for public consumption. I also suggest as stated clearly that I 'attacked in public and in email', so it is easily provably by RTIPPA for anyone questioning me. I recommend full email threads and not parsed sentences.

They described situations where Councillor Septon called on the public to file requests for information under the Right to Information and Protection of Privacy Act ("RTIPPA").

Yes, I did tell people if they wanted to see the conversation as described in the code of conduct, and to see what I actually said vs the parsed sentences, they can RTIPPA it. The emails go directly to the questions at hand. The public has every right to know if I am an "idiot" as was described to me by another Councillor. I cannot help that in the meantime I may have educated the public on what an RTIPPA is, nor could I predict so many would do it. But I wanted people to know they can RTIPPA what I said and shared. Moreover, I do not think any member serving the public should complain when the public wants to see things, to the contrary, I encourage people to see my actions and judge me based on them.

1. Item 3: Rebuttal to some of the findings by the investigator

Specific violations:

The investigator has found I have violated and not violated specific sections of the by-law.

However, this is more generalized in this document. What specifically did I do to break each one. IE, can we point to exactly what I said that offended or caused me to have been in violation. The same by-laws were used in many places.

I would also ask or remind the investigator that we live and work in a political field. Debate,

arguments, disagreements political discord, and even hot-headed passion is a trademark of the profession. It would help the public for you to share your definitions and why you consider them (my statements) to be in violation. The political vs operational. We recently just went through training put on by the province where they clearly stated that sometimes we will not say things right, or may have things read or understood incorrectly. That it is a fact of the job. That we can't focus on that one item, take a break and focus on another topic. It would seem to me, uneducatedly I admit, the Investigator feels there is a line between political discord and a breach. I do believe I acted with professionalism despite things done or said to me. I haven't used crude language unlike in this code of conduct against me. I may have been sharp, pointed, blunt. But this all started when I see us not following our own rules or by-laws. I understand everyone is upset after November particularly because I opted to defend myself and invite the public to partake in my experience. I think it is worthy, if we look at the TikTok of events that lead to my code of conduct it will clearly show that they went back in time to make the current one look or seem better, but never addressing them professionally as they happened.

I am hoping to be invited to talk or to be part of a committee that will be formed by the provincial government I am told in 2024. Your definitions of how I left political debate and discord to breaches should be afforded us all. I imagine this will be something we can share with all communities and CAO's for future references. The investigators company obviously has legal and HR skills that should be shared with all communities to show how I breached debate (when being debated against) to my having to be served a code of conduct. We are not [REDACTED] with a clear leader, chains of command, and rules. We are 6-9 Councillors and Mayor all trying to get an agenda or topic we want done with constituents and advocacy behind us. We will have many disagreements, and some very passionate disagreements. It is our role to be oversight. Obviously this investigator thinks that there are trigger words or beliefs that cannot be used in political discord, else it is an attack. Which are they? What steps does this author think should be afforded, if I can't speak to the public about my concerns or share truth? I do think we need to be respectful and professional. I am not sure respect was shared with me often. But so can be debate and discord even though I try. As was quoted to me by an official, it would appear some people need to be less sensitive, as we live in a political environment, not an office building.

I believe we debate an issue, vote on the issue and move on. Going back to June to trump up some charges goes against everything I believe.

Specific to:

Section 10 reads as follows:

“All members of Council have a duty to treat members of the public, one another, and staff **with respect and without abuse, bullying, or intimidation**, and to ensure that their work environment is free from discrimination and harassment. Members of Council must ensure compliance with the New Brunswick Human Rights Commission and WorkSafe NB.” (emphasis added)

In reviewing the specific posts and emails I am of the opinion that the Respondent was disrespectful and intimidating on several occasions. The Respondent should have reasonably known that the comments would be taken as offensive. I have concluded based on his explanation during the interviews that he does not believe he must act respectfully if he believes it to be true. Further his threats should be taken as intimidating and abusive to Council. **I have concluded that this section has been violated.**

I disagree, I **do** believe I must act respectfully. I would argue I have and professionally. All emails are for public to see themselves. The investigators statement “I don’t have to act respectfully if I believe it is true”, I find that statement an affront to my very being and factually not true! I demand he back up his statements or withdraw them. The investigator is making assumptions and frankly, I feel are slander. But I cannot defend my position unless I know specifically what you are referring too (this goes for all topics). Can one not reason that arguing against or for any topic can be construed as disrespect if people passionately argue for one situation or another? When I argue in good faith and without malice intent, how can that be then later a violation? Is the standard politically ‘if one takes offence’? I look forward to the specifics as Section 10 is in many parts of Councillor MacKenzie’s code of conduct against me. I am not threatening or intimidating, I am sharing my point of view. I understand what a threat is, and what bullying is. But to passionately defend one’s position is neither. I find this point (paraphrased another way), that if Aristotle proved a fact, I feel I can be disrespectful because it is true. I find this argument to not only be slanderous, as with many points by the investigator in this document. Demanding of me to show facts, but just adding slanderous statements from others in this document without sharing the facts he himself uncovered. IE Attacks reference he obviously knows will be in emails or public.

However, I can only glean that this was about the budget debate. I have received the RTIPPA from the Minister of Local Governance so this portion of the email can be released in its entirety attached. **2223-RTI-052 – Response.PDF** . It is not the full document however as many emails are missing. I recommend my constituents RTIPPA ME for the full thread.

So let’s all judge this, Council, Constituents and determine how Mr King determined I believe “I don’t have to act respectfully if I believe it is true”. I believe Mr. King is looking at this from a unique point of view and not from a political discord, debate point of view. If his statement stands, and becomes canon for all elected officials, I humbly ask, how does one govern going

forward? I find Mr. King's statement an affront to my very being! The investigator is making 'factual' assumptions that, frankly, are NOT TRUE.

On Oct 26, 2022, I was finally able to sit down and see the proposed budget for the New Hanwell area. I was kicked off this committee due to being found guilty of a secret code of conduct in February for bringing up to the Communications Committee safety concerns regarding our children getting to and from school in February 2022 when we talked about the upcoming busing situation on the agenda. I stated that not everyone thinks it is an issue. Votes and emails since and prior can certainly prove that point out. But I was dismissed regardless. (BTW it is a fair argument a lot of communities don't have a place for people to cross... I would argue we are different but that is another conversation).

For the record, I don't care that there was months and months of mistaken thinking, we all mess up. I resent that my catching the issue and arguing this isn't my budget is used against me in a code of conduct. Especially after I saved egg on our collective face and our constituents a hefty tax increase.

After just coming off a very successful Spookfest that I along with Councillor Hyslop Chaired, I got to look at the budget and immediately noticed a potential issue and wanted clarification. See email Oct 26, 2022 within the attached document. I noticed that our taxing plan was to raise our taxes at least 10% and arguable up to 18% depending on when a home was purchased.

The CAO went on to state that our taxes were actually coming down from years prior or at least status quo, and my constituents would be pleased. Noting the intent was to keep the same tax rate as the year prior, I imagine falsely assuming it was the same results. Again I don't care about the mistakes, but I do care that they are using me catching the issue at the 12th hour and charging me with a code of conduct for it.

There are several emails missed out of this chain: (RTIPPA ME) Where the CAO (then clerk stated):

1. It is how it is always done, and I simply don't know how it works.
2. That taxes didn't increase, the rate was the same.
3. That taxes go up every year for some homes because of property values nothing to see here.
4. Taxes didn't go up in her neighbourhood ergo it didn't here.
5. It is my budget (when I stated I had nothing to do with it) several times and I asked when the embargo was over so I can talk to our constituents.
6. The CAO re-iterated and changed my wording several times trying to pin me to this budget. I had no input, no say, couldn't vote for it and if I could I would of voted against it for multiple reasons most of all the pending tax increase but the CAO was insisting it was mine.

7. That it was my budget that even though I wasn't on the committee I had every opportunity to contribute to it.
NOTING that at this point it was this bodies' intention to raise everyone's taxes at least 10% to even 18% depending on when you bought a home in Hanwell, Kingsclear, Island view. It perhaps wasn't known that was what they were doing, but it was the result.
8. I had enough and explained that it wasn't my budget, I explained that the only thing I asked for was charitable donations be separated by Councillors so I wouldn't be put in a situation again where I chose to vote 10% of our donations budget for what I consider a private party on Yoho Lake. Where the Deputy Mayor and the CAO attended but the public couldn't. For the record I talked to some people of Yoho lake and they agree, the public can't attend, and that is the way they want it. Not all of them wanted this private party either. I was put in a situation to vote that 10% of our donations budget be used for this because at the same meeting I was hoping to get the votes to get a crosswalk for safety for kids to cross to the school. Knowing full well there was an estimated 10,000 crossings estimated a school year during school hours. I explained that it is not my budget and I would never vote for this, not that I could vote for it. I explained that all I asked for was that and didn't get it (btw that is fair). The CAO went on to restate it is my budget. Continually trying to make me conform to the budget that was obscene. (For the record during December 6, the CAO defended herself that she would have been happy to sit on the side of the highway to watch the fireworks and didn't need to be on a boat with the Deputy Mayor to enjoy. Fair point.)

We later on November 2, 2022 had to have an emergency meeting to fix the issue because of my speaking out. Later during council meeting in January (recorded) the CAO literally word for word used my initial statement that it wasn't our budget and we councillors had no control over it.

But I get a code of conduct for stating it.

Mr King, the investigator is fine with the CAO trying to force me to accept this as my budget, but not ok with me defending myself, and tell them why I wanted something, and explaining my vote in the past. A vote that was true and my reasoning true. I get a code of conduct for my part of the debate that potentially saved our community hundreds of thousands of dollars.

"I don't have to act respectfully if I believe it is true". I shared how I voted, and why I voted during a debate with the CAO who was trying to pin a Frankenstein budget on me. One she later concedes I was right all along, only after the sham code of conduct against me. My sharing a vote and question directly tied to the budget. This is Mr. King's of MC Advisory Group's Hypothesis. I expect a retraction.

RTIPPA ME for the full email thread and see for yourself. (noting again I don't share information, but will point people where to look for it for facts).

Section 12(c) reads as follows:

“No member of Council shall **maliciously or falsely harm the professional or ethical reputation** or the prospects of staff or other members of Council.”
(emphasis added)

The Respondent does not believe harming reputation with public comments is wrong. In reviewing the documents and statements made by Councillor Septon I believe that he has harmed the reputation of staff and Council. I further have concluded that it was at times malicious or false as he was provided information in many circumstances that contradicted his statements, yet he continued to make them. **I have concluded that this section was violated.**

“I further have concluded that it was at times malicious or false as he was provided information in many circumstances that contradicted his statements, yet he continued to make them. **I have concluded that this section was violated.**”

That statement needs to be clarified. I feel I didn't contradict myself at all, but again, would need to see exactly what you are referring to, as this document has many statements with the 12c item attached. There is a lot of generalizations, but no facts to point to. I stand behind all my statements and **do not concede** that I contradicted myself. **Please share specifics.**

Section 12(e) reads as follows:

“Council shall not use or attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with intent to interfere with the person's duties including the duty to disclose improper activity.”

I note that this section uses the phrase “Council shall not...” rather than “Members of Council...”. This gave rise to whether it applies only to Council or also applies to Councillors. After considering the purpose and intent of the By-Law I have determined that it must apply to Councillors.

I have considered the emails and posts and note that the Respondent has repeatedly threatened Council with further attacks. In his interview, Councillor Septon made clear that he would continue to attack Council in the public. **For these reasons I have concluded that this section has been violated.**

I never threatened to attack, I have always and only promised I would defend myself with any legal means afforded me. I believe this should be of public interest and invited the public to see what I was arguing for or against. If Council, or Councillor MacKenzie are correct in their position, I would expect them to defend the charges against me. It appears that the author of this report doesn't consider a code of conduct against me is an attack, (based on this code of conduct or the original of November 2022) but my defending myself is an attack. There is in my opinion a flawed logic in that thinking and I do not accept that defending oneself should ever be

considered an attack. I feel the language of this file to be inciteful. **Again, I would need to know specifically what you found I have violated so I can respectfully rebut it.**

Section 12(g) reads as follows:

“Members of Council are not to use indecent, **abusive, bullying, harassing, or insulting** words or expressions toward another member, any staff or the community or any member of the public.” (emphasis added)

I have considered the statements made by the Respondent during his interview. He expressed to me that he believed it is ok to be abusive or insulting if he believes the statement to be true. Given this position and reviewing the statements made, I believe he has been abusive and insulting to Council. Please note that the posts and emails provided to support items #5 and #6 are directed almost exclusively at Council. Whether he also was abusive to Staff will be considered in the broader review. **Therefore, I have concluded that this section has been violated.**

I categorically deny I think it is ok to be abusive or insulting if you believe the statements are true. I do not understand how such a strong statement could ever be made by the investigator in this official conclusion. It goes against everything I believe in. I believe during a debate you must speak the truth. I shared a reason I wanted something changed, a legitimate reason of why I asked for something. But without knowing specifics on how this statement came to be from the investigator I am at a loss. Again, I would need to see specifically what sections, sentences the investigator feels are outside political discord, reasoned feelings and in defense of my position. **I find this statement slanderous!** We are in a political environment, by this definition I can arguably bring code of conduct charges against every member of council and staff.

Section 16(c) reads as follows:

“No member shall use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.”

I have no doubt that many of the statements made in posts were unsubstantiated, offensive and disrespectful. Councillor Septon believes that he is justified in making such comments if he believes them to be true. That does not make them true. **I have concluded that this section has been violated.**

Again, I would need to see specifically what you considered “un-substantiated” what you considered “offensive” and what you considered “disrespectful”.

Moreover, what statements provided are not true? **I stand behind ALL MY STATEMENTS! FULL STOP! I ask the investigator share where he believes I lied.**

I have observed in my interviews that there is a level of distrust and lack of confidence within Council. I am not convinced that even extensive mediation would repair the current relationships and work environment for Staff or Council.

I disagree, strongly. I do not have trust. That is a fact, however, trust like anything can be rebuilt. For instance, having a true debate and talking can go a long way without fear of constant threats of code of conducts. The fact that the investigator clearly pointed out here, that as a Councillor I can speak freely as myself will alleviate a lot of my angst and anxiety, if Council and Staff agree that is to be true going forward. It is true I currently refuse to have any conversation with Leadership or the Staff that isn't recorded where I can help it. We can simply record all our meetings, then I can more freely use voice instead of email. One day we can have conversations that go outside that scope but I for the moment, do not believe we will have fair play or process if these threats constantly happen. Contrary to the investigator's insinuation, telling me that I am in violation of a code of conduct if I don't do x y or z, *is a threat!* But this can all be rectified. It starts with good will.

I will have a public statement to read into the record when we accept this document.