
❖ Speaking Out ❖

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The Truth is Mighty and Will Prevail

Who's Interest Does City Solicitor Represent???

by: Jim Tolnai

Does the solicitor hired by the city work on our behalf? Does he protect the city's interest? In light of the answers to questions we posed to Mayor and Council it seems we need some clarification from our solicitor.

According to the Mayor and Council the solicitor hired by the city working with Molson's legal council drafted the Land Transfer Agreement. But why would a lawyer working on the city's behalf put his client at financial risk. The whole document reads as if Molson's lawyers drafted it for the benefit of their client.

Here is an example: pg. 4 #8 Pt. B Orillia further agrees that it shall be responsible for the environmental circumstances of the Park Lands from after the Closing Date. To that end, Orillia shall INDEMNIFY and SAVE Molson harmless from and against ANY liabilities, actions, debts and any other obligations whatsoever relating to the Park Lands including, without limitation, any Order made by any competent authority arising out of or related to any Contaminant extant at the Park Lands, the lands contiguous to the Park Lands or any lands whatsoever that may be effected by contamination emanating from the Park Lands or any adverse effect therefrom. This indemnity is hereinafter referred to as "Orillia's Environmental Indemnity" and shall be delivered by Orillia to Molson at Closing. ORILLIA'S ENVIRONMENTAL INDEMNITY SHALL SURVIVE THE CLOSING OF THE TRANSFER OF THE PARK LANDS TO ORILLIA AND SHALL CONTINUE AND SHALL SURVIVE ANY SUBSEQUENT TRANSFER OR TRANSFERS OF THE PARK LANDS TO ANY THIRD PARTY OR PARTIES. So what does this mean? Well it means that Orillia (you and I) are on the hook for possibly millions if not tens of millions of dollars if the contaminants have leached onto other property or for damages if there are health

related problems. It is worth noting that this indemnity included contiguous lands which the contamination has leached onto????

Why would the solicitor we hired write such a clause into the agreement and recommend that the city sign it? Especially when the report of Shaheen & Peaker Limited identified PCB's, TPH, Antimony, Benso(a)pyrene Cadmium, Lead and Ethyl benzene. If the city solicitor knew this which is obvious from the documents why would he not tell the city to head for the hills? Or did he?

In speaking with a number of knowledgeable people it has come to my attention that a local business man had bought adjacent property to harvest the peat. It turned out that the peat was so contaminated that it was not allowed to be marketed. If this is true and I have no reason to believe it not to be then why was the city put at risk? At least an Environmental Assessment should have been done first before committing us to a potential financial risk.

What about the clause that gives Molsons preferred supplier status in the Brewing Industry for all events, activities

and venues that are run or managed by Orillia. It seems this clause is not site specific to the MURF but means anywhere in Orillia. Boy if you are not a Molsons drinker you will have to forego that beer at any city events. Is this legal???

I believe we are owed an explanation by the city's solicitor as to why he drafted such a one sided agreement in Molson's favour to the detriment of Orillians if indeed he did. Of course we need the Mayor and Council to explain why they accepted such a one sided agreement to the detriment of the city.

On the 12 Acres Behind Home Depot

According to the Office of the Mayor and Council the city solicitor advised the Municipality that the letter from 2002 Ventures Inc. legal counsel stating that all development charges will be paid on this development when due should be accepted as being binding. Did the city solicitor actually read the letter? Here is what it says. "However we wish to confirm that regarding any development charges PROPERLY chargeable in respect of any future development of the property, the owner will be responsible for payment. The words Properly Chargeable is the key. Because of the exemption in the contract these charges would not be proper. If indeed the city solicitor recommended that this letter is enough to force 2002 Ventures Inc. to pay development charges which is specifically excluded in the purchase and sale agreement then he should make public his reasoning. Having had the documents reviewed by lawyers our advice was that the letter is not specific nor binding. Now I would like to believe that this company or who ever buys the land if resold would voluntarily pay up to \$600,000 in development fees but Hey! I stopped believing in Santa Clause long ago .



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Jim Tolnai Editor/Publisher

Councillors Flex Their Muscle



by: Doug Peddle

We at Speaking Out have been critical of the POWER for not allowing councillors access to documents in order to make informed decisions on important matters. Our criticism started when councillor Downey under oath stated that council is not given copies of bylaws to read before they are voted on. He used this fact as an excuse for not knowing that the sign bylaw did not allow the Kiwanis club to erect their signs without permission. We continued to learn that councillors were not given copies of the offer to sell the 12 acres behind Home Depot. Not only did they not see the deal but they were not aware that the standard offer to purchase had been rewritten and protection that city land sold cheap to begin with could not be speculated and flipped. Then we were appalled to learn that councillors were not given copies of the Appraisal on the MURF site which actually stated that "To protect themselves, sophisticated purchasers have adopted liability avoidance such as obtaining representations and warranties". Nor were they given the land transfer documents which not only did not avoid liability but IN-DEMNIFIED Molsons. Councillors were also not given a copy of the Environmental study and were never told there was PCB's and other deadly chemicals on site. In fact when councillor Cipolla asked for a copy of this report from management he was told to get it from Molsons.

So after all this criticism it is refreshing to congratulate Wayne Gardy for his effort to force the Mayor and city management to supply crucial documents. Wayne first asked at a meeting but was turned down by a majority of councillors. The following Council meeting Wayne

brought a motion forward and this time he had a majority on the peoples side. In fact only the Mayor, Tim Lauer and Paul Spears voted against letting councillors see these types of documents. This says volumes about these people. Makes you wonder why they are against democracy and Knowledgeable voting. Why do they not want all councillors to know what is going on? What have they got to hide???

Now these same councillors should demand that the city solicitor come before them and explain why he prepared the land transfer papers and recommended that council accept all the liability in the Molson deal. Why would our solicitor draw up an agreement which indemnifies Molson and puts the city at a financial risk for possibly tens of millions of dollars. Was he given his orders by the Mayor and Tim Lauer who voted against Gardy's motion?? What about answering why the land deal behind Home Depot did not contain a NO SPECULATION clause as has been the case for over 25 years when ever the city sold land. Why was the clause removed that required purchasers of city owned land to start building within one year of the purchase date? Who was he directed by to draw up this agreement? Was it the Mayor, Tim Lauer or city management who were all against Gardy's motion for council to be able to see these documents.

We applaud Wayne Gardy and his fellow councillors for flexing their democratic muscle. As we wrote right here council has the power and responsibility to do the best for Orillia's citizens. Now we need council to stand up to city management and lay down the law. Council should make it clear that Senior management works for council and not the reverse. If they don't want to take direction from council and be forth coming with information and the truth council should have them hit the road. We are at the beginning of a new era. We hope these councillors are up to the job.

Council Rocks

by: Jim Tolnai

Congratulations to Councillor Tim Lauer and all councillors who voted to postpone the adoption of the city water system plan. This is a complete reversal of how councillors behaved only a short few weeks ago.

Tim Lauer asked to postpone accepting the 36 page update of the city water system report until he had a chance to read it thoroughly. Up until two weeks ago these people would most likely never have seen the document. The Mayor and city management did not feel that councillors needed to see any documents except their short encapsulated report. Because Wayne Gardy took the initiative to have documents given to councillors Tim and others who read it will be able to make an informed decision. Good for them!!

Not to be out done other councillors initiated a Special Meeting for staff to explain the report. This is great news for all Orillians. Finally we have a majority of councillors who realize that they have to be involved in not only rubber stamping the Mayor and managements request but must understand the issue. This is a huge improvement of what was going on before. Most councillors trusted staff and the Mayor and ended up with egg on their face.

Only thing that is some what disturbing is that Tim Lauer who was against releasing documents to councillors is now leading the charge to thoroughly understand the report made available. What has changed his mind? Why the turn around? Why did he vote against Wayne's motion in the first place? It's behavior like this that seeds distrust of politicians. So come on Tim let us know where you stand. If you have genuinely changed your position wonderful. If this is a political ploy then shame on you. Your constituents interest should always come first not just when you need to score Political Points..

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We Get Letters

Democracy?????

Minister of Municipal Affairs Minister John Gerretsen appeared before City of Kawartha Lakes Council this morning, to inform them that the McGuinty Government has decided to ignore the result of the referendum on de-amalgamation. Mr. Gerretsen's decision: "No, for now".

This is no longer a matter of "Yes" vs "No" on de-amalgamation. It is now a fight for democracy itself.

Welcome to dictatorship and goodbye democracy! Is this why we elected the new Provincial government? It's bad enough that so many election promises have already been broken. How appalling that something so important, something that was voted on in a supposed democratic vote, has been summarily dismissed when it was the wish of a MAJORITY of constituents that we de-amalgamate. The amalgamation was crammed down our throats without consultation in the first place and now our wishes have been thrust aside after a referendum was held which was instigated by our former Provincial representative. Can total anarchy be far behind?

Mrs. S. C. Stevens

R.R. #1

What a Load of Crap

In the March 4th. Packet Doug Lewis writes a letter to the editor headlined "Inconceivable that Martin didn't know of scandal". He says that Martins defence that "he didn't know because no one told and he wasn't in a position to know" won't be bought by Canadians.

In the same paper on the front page the headline reads "Eves says he was unaware of contracts to top Tories". Peter Kormos in the same article "flatly rejected Eve's claim he didn't know about the contracts

Should the people of Ontario not buy Eves denial for the same reason that Doug gives us as to why Canadians won't buy Martin's excuse? What about the Mulrooney government scandals. Due in part to these scandals the PC's were sent to the political wilderness. Are we to believe that Doug was not responsible for any of them because "he didn't know and no one told him and he was not in a position to know". Just what does a ministers do if they consistently Don't Know when scandals occur? It seems the kettle is calling the pot black in all these cases. Truth is, the only TRUTH is that Lewis, Eves, Martin and Kormos are all lawyers. Not one of them have the gonads to take responsibility for anything that goes wrong but they are out there criticizing as if they are lily white. What a sorry lot. Just sickens me that these people are supposed to be the cream of the crop. These people are supposed to represent the Justice system. What a Joke!!!
Jim Tolnai

Taxi Drivers

The Orillia Police Services Board met Friday Feb.27 to discuss a number of issues, one being the Taxi industry in Orillia and the need for taxi drivers to get pardons if they had a previous criminal record. Nick Montague a candidate for mayor in the last election represented a number of drivers who fell into this category. Dressed in one of his customary cartoon ties that he wore through out the election, Mr. Montague presented the case that this section of the Bylaw discriminates against drivers with previous criminal records. Chairman of the Police Services Board, Mr. Gord Pye, explained that the Bylaw was such that "an applicant's record of past conduct shall be such that it not be contrary to the public interest for a license is to be granted or renewed or transferred." Mr. Montague, armed with a petition of over 80 signatures from angered drivers, claimed that these gentlemen were just trying to make a living, and were trying to put their past behind them and get on with their lives. When asked about the number of drivers who had to get pardons and the

changes in the numbers over the year, Constable John Shropshire said the number was only 17 and it had always been 17. On a number of occasions Orillia OPP Inspector Jim Szarka stated that these things took place before he came to the detachment and could not comment on them. Mr. Montague proceeded with his case that the drivers were not being treated fairly, "What constitutes a pardon being required in the first place?" Looking to find out what criteria the Board has when asking for a pardon.

As the meeting progressed Mr. Pye stated that, "They are driving a vehicle in public." going as far as calling taxi's public transit. "I'm glad you used that term." said Montague, wanting to know how many city transit drivers were questioned on their past and if they needed pardons to which Mr. Pye said we don't deal with city transit. Later Montague would question how the Board can only deal with a section of "public transit."

Still trying to see the fairness of the Bylaw clause Mr. Montague revealed that he himself had a criminal record. "I have a criminal record, and John you know what it is, why wasn't I asked for a pardon?" Mayor Ron Stevens who was very vocal that this Bylaw should stand said, "You should count yourself lucky that you are off the hook." Mr. Montague spoke to Media while the Board went in camera to discuss the matter stating he could not believe his ears when the Mayor used such a statement.

Montague had questioned what the policy is on how far back the criminal search should go as well as type of crimes to be looked at. Many of the cabbies asked for pardons have been driving in the city for quite sometime and are being forced to get pardons for convictions dating back 5, 10 some even 20 years ago.

Mr. Montague said that this is not over and he will be contacting not only members of parliament over this but the Canadian Civil Liberties Union as well the Ontario and Federal Human Rights Commission.

Scandal After Scandal! Will it Ever Change???

So we now have another scandal in Ottawa by the Liberals. Not to be out done the scandal at Hydro One perpetrated by the Ontario PCs has come to light. So here I sit wondering like millions of other Canadians why people in power allow these things to go on. Sure if they personally benefit that would be understandable. But in neither scandal did the Prime Minister Or Premier of Ontario put money in their own pockets. So why do these people allow this type of behavior??

Upon much reflection and thought it suddenly occurred to me that individual ministers, premiers, prime ministers or MPs/MPPs don't make a hill of beans difference. The people who are really in charge and benefiting are the puppet masters of these politicians. So who really controls political life in Canada. Are they business leaders, doctors, engineers, trade unions, white or blue collar workers, farmers??? Is there a group of like minded like trained people who wield awesome power over our political leaders? So I decided to do a bit of research and find out. Here is my effort to make sense of why things really never change regardless of who wins an election.

Canada has had 21 Prime Ministers since Confederation. Seventeen of these people had as their profession Lawyer. The four who were not lawyers were some of the shortest serving Prime Ministers. Example: Alexander MacKenzie 11 months, Sir Charles Tupper two months, Joe Clark nine months etc. In fact from 1896 to 1963 all our Prime Ministers were Lawyers. Lester Pearson took the helm for six years but the lawyer chain formed again from 1968 to 2004 except for Joe Clarks nine month stint. So why do people say and believe that "it doesn't matter who gets elected things never change. They all act the same once in office." Well it seems that now we may have found the answer. It does not matter who or where their from they are lawyers.

Is it a coincidence that lawyers who's numbers represent three tenths of a percent (.003%) of the population actually control political life in Canada over eighty percent (80%) of the time???

Say! What about provincial politics? Well my research into Ontario politics led to these numbers. We have had twenty four (24) premiers since 1867. I found that thirteen of these were lawyers (could not find occupation on many) which has the profession holding power 54% of the time. There are thirty four thousand (34,000) lawyers in Ontario today. That again represents three tenths of a percent (.003) of the population. Odd that Ontario and Ottawas numbers are so similar. Could this be a coincidence??? Would we find the same numbers in other provinces?? I believe we would. Why would it be any different?

So now we have these facts, let's see how they affect democracy and governance. First of all if either of my children or yours had the inclination to enter politics and aspire to high office they would not have a snowballs chance in hell to achieve it unless they are lawyers. Without being a member of the legal profession which represents only .003% of the population it seems you have only a 20% chance of becoming Prime Minister no matter how hard you try. Just look at the party bagmen, organizers, backroom boys. I dare say a large percentage are lawyers. A lawyer has 80% chance of being chosen by either Liberal or PC party as leader according to historic fact.. Look at the PC's recent leadership race. David Orchard a farmer was not able to get enough support to win the leadership. He decided to try becoming king maker and even though he had a signed agreement was betrayed. He tried going to court to stop the merger and was not even given a hearing. Hmmm! Wonder why.

It seems to me that Canadian politics have not changed since before Confederation. Unlike the USA where individuals speak out and their political representatives actually listen our system is a benevolent dictatorship. The Premier of a province or Prime Minister of the country operate as absolute rulers. They can make or break political careers. But who do these people answer to? History speaks volumes.

The Family Compact was the small group of men who dominated the government of Upper Canada until the 1830s. They were given this nickname because many of them

were supposed to be related or connected through marriage. They included the powerful churchman John Strachan and Judge John Beverley Robinson, both of whom were close advisers of the governor and members of the Legislative and Executive councils. Members of the Compact, though they stubbornly opposed democracy, were not without ability, but their arrogance offended many citizens. By the 1830s, their opponents began to gain support for political reform. The Compact's resistance to these reformers helped provoke the Rebellions of 1837. Although the rebellions were defeated, members of the Family Compact were unable to regain their former political influence.

Certainly makes one wonder looking at the numbers and how government works and is influenced today whether anything has really changed since the 1830's. The ruling class never really gives up power without a fight.

So what do we need to do? We need to get pro active and involved. Until we take responsibility for the way we are governed nothing will change. Don't sit on your butts Speak Out. Complain and challenge the POWER. Locally it starts with Mayor and council. When a politician says trust me be suspicious and hold them responsible. Don't believe their words only their actions. Remember Power Corrupts. In a democracy it is our collective duty to make sure elected officials as well as civil servants have checks and balances to their actions and decisions. No small group should ever be allowed so much POWER. Finally judges should be elected not appointed for life. (Worth noting Mike Harris non lawyer works for a Law Firm) Hmmm!!