
❖ Speaking Out ❖

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The Truth is Mighty and Will Prevail

ACCOUNTING BLOOPER??? or IS IT????

by: Jim Tolnai

Extra! Extra! "Council raids piggy bank to fix \$530,000 accounting error". "Council committee has no questions about the error". Councillor Downey praises Bob Ripley for his excellent management (of city finances) and deserves credit for the strong work he has done. Downey says he doesn't expect council to reprimand Ripley. Downey said "there have been no closed door meetings to discuss the matter, nor does he expect one".

So let me get this straight. A 1/2 Million DOLLAR error??? is made. The person making the mistake is praised and there will be no consequences. Hmmm! Now if I were a suspicious person I believe I would question this scenario. But wait, I am a suspicious person so why don't I float a theory which council could blow out of the water if it wanted to and prove me wrong. Will they?????????

Let's go back to the Roger Tudhope firing. Roger was hot on the trail of (surprise) 1/2 Million Dollars of unpaid development charges. Roger pushed and pushed Mr. Ripley for proof that these charges were paid but never received an answer. The more Roger pushed for answers the more he became isolated by city management. He approached councillors and the mayor for answers. The mayor (Stevens) flatly refused to speak with Roger about his concerns and told him he had nothing to do with this so speak to Ian Brown. Roger approached Doug Downey who told him not to worry things were fine. BOOM!!! just like an explosion in Bagdad, Roger is blown out of his job. After being assured by Downey that everything was OK a closed door meeting was held by council????

Now about six months after Roger was removed and shortly after Roger signed a non disclosure agreement and received his severance package (amount undisclosed) Half Million Dollar Bob comes to council with a report that to this day remains unsubstantiated and claims indeed the 1/2

million dollars in development charges were paid. Roger Tudhope was wrong and city hall procedure was changed. From that day forward the engineering department would no longer be responsible for collecting Development Charges. Now folks can you believe that the engineering department was ever responsible for collecting any money? That has always been the responsibility of the treasurer and his department. Having spoken with Roger about this allegation he flatly stated "that is a lie. At no time was engineering ever responsible for collecting fees of any kind, that is the sole preserve of Bob Ripley as treasurer".

So now we come to our dilemma of today. Half Million Dollar Bob comes forward and claims to have made a Half Million Dollar MISTAKE???? Talk about a coincidence. His error wasn't four hundred thousand or six hundred thousand. why it was 1/2 Million. Now that this mistake was made are the cities books balanced?

So here is the challenge to council. If you wish to stop the controversy and misgivings let's have a Forensic Audit. We at Speaking Out have been asking for one

for quite some time. Because of all the corruption coming to light in the Federal and Provincial government why don't we prove to the tax payers of Orillia and the world that Orillia is above all this corruption that is happening everywhere else. Of course the immediate response from the people in power might be no we do not need to go to this expense as there is nothing wrong. These people always want to save us our money when it involves transparency (Thanks). Remember back when council was asked to audit the Mayor's election expenses due to his receiving illegal campaign contributions? No let's save the money nothing is wrong. Yet the Mayor turned over to the city \$2,000 (the illegal portion). Yes the mayor and council could make me eat Crow. They have the opportunity to prove me wrong and shut me up. Boy what an opportunity these people have. Shut me up and prove to the world Orillia is like no other community. Corruption just does not happen here. What a sales pitch for enticing business to move here. Instead of The Sunshine City we could be called THE SQUEAKY CLEAN CITY. Can Pro-Development councillors pass this opportunity up???

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Stonewalled Again



by: Doug Peddle

Speaking Out has aquired copies of the Sales Agreement of the old Fahramet plant on Barrie Rd. It seems the City sold the property for Two Dollars (\$2) and gave the purchaser a \$900,000 Developemrnt Charge credit to boot. So that means that this property which borders directly onto the MURF site is worth a negative -\$899,998 plus the writing off of over \$300,000 in back taxes owed to the city on the property. Yet the city claims that the Molson property which is just as polluted and toxic and may actually be leaching it's toxins onto the Barrie Rd. property is worth \$450,000 even though cleanup could cost up to \$24,000,000. How come???

In reading through the Fahramet deal the city solicitor who drew up the Molson contract and saddled us with an Envromental Indemnity forever failed to do the same on this deal. That's right there is no Environmental Indemnity protecting the city from a lawsuit.

My attempts to get copies of the Stage 2 Enviromental Study on the Barrie Rd. property was denied by Laura Lee. Initially when she was approached we were told to go see Half Million Dollar Bob Riply as he had the documents. But like Bagdad Bob who claimed that they were winning the war even as bombs were exploding a block away our Half Million Dollar Bob wanted to know why we were interested in the documents seeing that everything was just fine and we really did not need them. He refused and sent us packing back to Laura Lee. We were forced to submit a request through the Freedom of Information Act. Seems these people want to \$5 us to death. Even though the study is referred

to in the Purchase Agreement and accepted as bylaw 2003-95 making it a council document. These people still want to deny access. This is clearly in breach of the Municipal Act. But hey! we'll play their game for now. The more they hide the more we are determined to get at the TRUTH. So Laura Lee, Ian Brown, Half Million Dollar Bob, Mayor and any councillors determined to thwart our democratic efforts, WE ARE NOT GOING AWAY. The truth will come out with or without your stonewalling.

Say I have an Idea. Why don't you the councillors who passed Wayne Gardy's motion directing staff to supply you with documents demand copies and pass it along. Remember you have the Right and Power. Use it and all of Orillia will be grateful.

PC loyalists win in the Ontario Superior Court

Following the December 5, 2003 ruling by Justice R. Juriansz in the legal challenge to the merger between the Canadian Alliance and the Progressive Conservative Party (Ahenakew et al vs MacKay), the new Conservative party filed a claim with the judge for a \$200,000.00 cost award against David Orchard and the 22 other applicants (see attached). This claim included a demand for \$50,000.00 in punitive damages against Orchard and the others for speaking publicly against the merger. Accusing the applicants of litigating in the news media, the Conservative Party's lawyers argued: "*Such conduct is deserving of condemnation and ought to attract an award of substantial*

indemnity costs." Lawyers for Orchard and the other applicants replied that there should be no costs assigned.

Late Friday, April 2, 2004, the decision of Justice Juriansz was released. Justice Juriansz writes: "**completely open and free discussion of issues of politics and public affairs is essential to democracy.**" He continues, "**This was a case in which the public had great interest, and it was the duty of the media to report on these issues**" and concludes, "**I was not persuaded that I should make a cost award that would sanction or inhibit free discussion of political issues.**" Justice Juriansz's ruling represents a significant victory for all concerned with freedom of expression and universal access to the courts, and a substantial defeat for the new Conservative Party's vindictive campaign against Orchard and other Progressive Conservative party loyalists.

The question that immediately arises is: on what grounds does the Conservative Party continue to withhold \$70,000.00 of David Orchard's campaign contributions forcing Orchard to sue for his own funds? All this at the same time as Conservative MPs are hectoring Liberals about ethics in the House of Commons.

On April 27, 2004, the 23 applicants will take their case challenging the merger to the Ontario Court of Appeal.

Mayor Won't Answer Questions? Too Little Too Late

Editors Comment:

Allan Millard submitted 72 questions to Mayor Stevens regarding the Transfer of Contaminated Land from Molson to the City of Orillia. The questions were thoughtful and precis and showed Mr. Millard's keen interest in this deal. In a Packet article the Mayor was quoted as saying he had no intention of answering the questions. In the Mayors written reply to Allan he referred to the questions as detailed opinions. I can assure the readers that there were no opinions only very astute and intelligent questions that should have been answered. The following is Allan's reply to the Mayor. For any readers interested in Allans questions we would be pleased to fax the 12 page letter along with the Mayors reply.

Dear Sir:

Upon receiving your referenced letter I re-read my letter of 20 Feb. 2004 to see if I could find any basis for your characterizations of my letter as being about "how [I] would have handled the negotiations differently had [I] been in charge of them" I could not find any point in the whole 12 pages where I said what [I] would have done.

In case you or anyone else might question my objectivity, I asked two other people to read my letter in the light of your characterization. Neither found any basis for your view. Indeed, their most charitable conclusion was that you have not actually read my letter. At the risk of sounding a little less charitable, I will say that I found your letter insulting, belittling, evasive, and unworthy of the office of chief Magistrate.

Such an arrogant dismissal of every question I have raised increases my concern that the City, at both the bureaucratic and political level, is hiding something and makes me more determined to discover (via Freedom of Information legislation) what it is the City does not want the citizens to know. As I see it, when the City treats an honest enquirer as an adversary, a public enemy to be stonewalled, the City has lost sight of its function in a democratic society. This is more of a scandal than any dishonesty,

illegality, incompetence, corruption, or stupidity which could possibly be lurking in the Molson deal.

What we need is an auditor-general who can report directly to the people, through either local councils or the legislature, on whether we are getting good local governance value for our tax dollars and whether we have bureaucratic bungling.

Just to put the Molson deal into a current perspective, Orillia has one one-thousandth of Canada's population and a budget about one six-thousandth of the federal budget. People are rightly upset about the so-called sponsorship scandal in Ottawa in which questions are raised about what value, if any, the nation got from \$150 million of the \$250 million in the program. In Orillia terms, that \$150 million is \$150,000 based on population and about \$26,000 based on budget. In my earlier letter I made out a prima facie case that the City let slip at least \$326,700 on the Molson deal, and that is not even counting the cost to Orillia of soil remediation or removal. (In fiscal management, foregone revenue in any form is a "tax expenditure" which must be made up by increased taxation to cover the known costs in the spending budget.) Why and how did that happen and who has reaped the benefit? I would have thought, Mr. Mayor, that you would want to be the first "to get to the bottom" of the Molson deal and prove that the City does not have a scandal on its hands.

Yours truly
Allan Millard
Citizen

Speaking Out has been asking for a Forensic Audit of The City finances. Whether we have an auditor-general or an independent Forensic audit the taxpayers of Orillia need and want an accounting.

by Doug Peddle

There was a good turnout for Garfield Dunlop's pre budget forum on Thursday March 4, 2004. The mayors from the City of Orillia, Ramara, and Severn along with about 30 other groups and concerned citizens were there. Brian Adams started the forum talking about mental health and how our area has the lowest funding in the province. David Hewitt talked about poverty and homelessness in our community there has been a 26% increase in the food bank and the local shelter is full to capacity. Children are living in motels and more seniors are living below the poverty line. Donna from C.D.C. talked about economic development, youth at risk, training and public school board funding with co-op. Bill Dunlop from the manufacturing association said the Power debacle has crippled our economy. Our members have been extorted millions in energy cost increases over the past 3 years. (Natural Gas & Electricity) Fat, regulated "monopolies" are bleeding the system down. Remember when utilities were focused on their customers, and not their shareholders? Maurice McMillan also spoke about hydro issues that affect all segments of society. In 1997 there were 300 public utilities. The shortage arose when the government shut down 7 units of the nuclear power plant all at once. The government now wants to shut down 5 coal plants without a backup. Maurice says we should also buy back our 4 generation plants that were sold off by the last government. On reflecting after 3 1/2 hours of different speakers and concerns I was wondering why a community forum of pre-budget discussions was never held before while the conservatives were in power, only about business. Why have we put at risk and let our most vulnerable citizens namely our seniors, children, mentally challenged, homeless and working poor get left behind? Greed comes to mind and apathy of our citizens to allow injustices to prevail.

Public Meeting MURF
April 26, 9:30 a.m. Swanmore

Who is in Control at City Hall

by: Gerry Burnie

Recently it has been reported that some of our representatives on council are being forced to 'beg' access to documents that are fundamental to their role as decision makers. Furthermore it seems that even the most cursory information is being denied to this publication—Speaking Out—because the clerk of the council doesn't recognize it as 'press'. I find both disturbing.

The fact is that information is power. Those who possess it have a distinct edge over those who don't, and those who control the access to it have the most power overall. Therefore it begs the question of who is really in control at city hall?

The rationale being offered is that councillors are 'briefed' regarding the relevant issues. However the briefing process is far from foolproof. It depends on what is included in the brief, and more particularly what is excluded from it. It's called 'filtering'. There is also a very distinct risk of a bias being introduced via the process.

The municipal power structure

The model of the municipal power structure has both legislative and executive authority residing in the council. Policy is exclusively hammered out by the council and is executed through the Mayor, who is also the chief executive officer. The clerk is a statutory official, whose primary role is to record the

minutes of council (... "without note or comment"), and to safeguard the records. However he/she is *not* part of the actual policy-making process.

Everyone else, including the chief administrative officer, is there to carry out the policy directives of council, and like the clerk they are *not* part of the policy-making process.

The problem is that council is forced to rely on these various officials for feedback, and this is where the risk of a bureaucratic 'takeover' creeps in. The council continues to enact policy in substance and form, but the form is greatly influenced by a politically-immune bureaucracy.

A certain amount of bureaucratic influence is unavoidable, even beneficial at times, but it is nonetheless a distortion. However the practice of withholding, or curtailing, information goes well beyond this. It falls into the category of 'blinding' our democratically elected representatives, and I think it can be viewed as such.

The bottom line

In the final analysis it is we the people who are disadvantaged by this distortion. We don't elect bureaucrats, so our democratic control/influence over policy is shanghaied, too. Moreover, the closeting of information must inevitably lead to a less-than-informed decision. In my experience this usually means three things: 1)

cost, 2) arbitrary policy [i.e., laws], and 3) alienation of the electorate.

Understandably I am most concerned about the first two, but the third situation is troubling too.

Gerry Burnie is a retired professor of municipal government administration at Seneca College, and a former director of The Ontario Municipal Management Development Board. Gerry also is the force behind the website www.stopthebull.net, a very informative place to point your browser.

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