

September 23, 2024

Members of the Corporation of the Township of Wilmot, (including fellow citizens)

One of the last times I spoke to council, was on the topic of the Prime Ministers' Path project. I suggested a context, a way toward widespread community consultation on the PMP project. That was March 25<sup>th</sup>, 2024.

I have attached a print transcript of the section of that meeting dealing with report CAO-2024-04. The computer program, "*Whisper Transcription*" only cost me \$50. The only adjustments I have made to the computer's transcript is paragraphing, names' spelling corrections.

I have inserted some personal observations that are identified in bold font within square brackets. The Youtube video of this section is over an hour in length and it takes 32 pages for transcription. It, and my remarks, will be submitted to the clerk for addition to the Sept/23/24 meeting's minutes, as I only got notice of this agenda item, at 4:30 last Wednesday, less than the 5 days required for submitting documents for inclusion as attachments on the agenda.

The transcript includes all participants' contributions – people around this table, plus the CAO at that date, and delegations.

I have reviewed the questions by the council, and the responses by the senior staff person. I have compared the comments / answers provided by staff to the councilors and mayor. I have compared the contents of this report, CAO-2024-49, to the verbal commitments made to council by staff on March 25<sup>th</sup>.

It is my observation that:

- 1 There are reasons why this report is before us tonight:
  - a) A previous council passed a By-law that created highly emotional concern about its lack of "valid", unbiased citizen consultation, and unacceptable decision-making processes.
  - b) Candidates running for re-election in 2022 were refused by citizens because they were perceived as still not listening to Wilmot citizens and were making decisions without valid, "community engagement and consultation processes". That's a quote from the First Peoples Group report.

- c) During the election campaign candidates, now sitting in this chamber, were told to fix the flawed decision-making process on a significant project – The Prime Ministers Path Project, which one *might be led to think* is being addressed tonight.
- d) Now sitting candidates heard that citizens wanted a “do-over” of the entire process so that the community would decide 1) why and how to display the statues in an educational context OR 2) why and how to dispose of them. Council decides **after** valid consultation.
- e) This report’s assumptions and implementing actions are in opposition to that direction from voters to councilors and I will explain why - again.

In the transition from one council to another there are By-laws passed by previous councils that continue “on the table”. A new council comes into office with a mandate to do things differently than a previous council and to amend, delete, substitute, (whatever) one or more By-laws with the “new way” of doing things.

**Let’s now talk in general principles, applicable anywhere in Ontario.** In any municipality, anywhere in Ontario, there may occur the situation where you have an entire replacement of a council. Those seeking re-election have, in effect, been fired! Nobody’s been returned. Everybody’s new. The only folks left in that corporation are the carry-over hired staff.

The new council comes in with a mandate to change things, turn it around, reverse policies and procedures from the past. The citizens have given the new councilors specific directions of what to fix, and they got elected on those conditions. Councilors come into office with great expectations, their eyes on the key items to address and come face-to-face with bureaucracy.

The carry-over staff have developed over the many years, during the many councils that have come-and-gone, a ‘corporate culture’ build partly on municipal legislation, but also on “That’s the way I / we have always done it.” The culture puts pressure onto councilors to “go along to get along” because staff can, in spite of professional competence in their skill areas, be very resistant to a change in corporate culture, and can set up roadblocks or diversions by presenting reports and *recommendations that do not include options compliant with* the “new direction / new way of doing things”. It might

be called “legislation by omission”. This can happen in any municipality in Ontario.

That staff may ignore the political realities of a new incoming staff. That staff may pretend, or intentionally claim through their actions, ignorance of the political context in which the new/replacement council arrives in their chambers. The staff can, in effect, *ignore* the “new direction” and *neglect* to provide recommendations compatible with the new direction.

The new council indicates to the staff that they want to “fix” an issue. The council asks staff for recommendations how to change things from the By-law written by a previous council. One approach staff might take in a municipality is to start with what exists on the books. The options that are presented to council may include a few seemingly reasonable ways to approach an issue, BUT any options that would describe a process to implement the change that the council was elected to do, may not be one of the options included and thus ineligible for consideration. Omission.

The proposed options may be worded so as to appear to address the issue, but in fact contains ***wording that may be interpreted in more than one way***. When a person reads it, it may be interpreted in the way they want it to be. But another person, maybe a staff person, could interpret it and implement it entirely differently. Actions that a councilor thought would be part of a recommended process, turn out to be entirely absent and the intent of council, reflecting the will of their electorate, goes astray – and in effect nothing changes.

OK. My mind wanders. I digress. That’s just a theoretical, imaginary scenario. Let’s get to reality in Wilmot.

It is my opinion that, during the process of council’s discussions, and staff reports, there are potentially distracting wordings. These distractions cause council to lose track of where it originally intended to go. Council has allowed itself to go “off the track”, and now **council has lost its way**.

Why has council lost its way? Because it consists of people, and people get distracted and lose focus. It happens. Councilors are busy, loaded-down with paper (like this) and don’t always stay attentive to details. I’ll explain. Madame Mayor, I would appreciate it if you would bear with me, permit some

flexibility, to let me set the context because complex issues cannot be explained in bumper sticker phrases.

When this council took office, it was, pardon the phrasing, “pretty wet behind the ears”, had not yet ‘bonded’ as a cohesive group, operating with coordinated confidence. It came in with a piece of legislation hanging over you, like the sword of Damocles, from the previous council – the one of interest is from July 5, 2021, which is described with just 3 words, “**Maintain Current Direction**”.

At various times, councilors have asked questions of staff leading toward how the various options presented would facilitate community input toward addressing the issue of the Prime Ministers Project. One councilor is quoted on page 28 of transcript, as saying,

*“There’s the working group, but there will be citizen engagement because there’s certainly many, many citizens that did not feel that they had their voices heard.*

*So, I appreciate a working group and I think that’s great. But I just want to make sure that it goes out to everybody so that they have a variety of different viewpoints so that we can make sure that when we do get to a decision, it actually encompasses the entire Township or as much of it as we can get. Ev-er-y-body!”*

This councilor is one of 5, that I have first-hand-knowledge of, who have publicly stated that they were advocating during the election campaign for a complete “do-over” of the PMP project decision-making process.

If you are a citizen sitting at home watching the March 25<sup>th</sup> meeting on Youtube, you would possibly conclude, just as I trust the councilor intended, that their words, “*there will be community engagement because there’s certainly many, many citizens that did not feel that they had their voices heard*”, meant that the councilor wants a complete do-over as their constituents wanted, that the old decision does not necessarily stand, that council’s going to do it over again from the beginning, and everybody’s going to have an opportunity to have a say.

I trust their words meant, specifically, we’ll keep the working group, we’ll implement next steps centred in community cohesion and healing. We’ll transform community engagement and consultation processes, and develop strategies resulting in greater openness, accountability and citizen participation in decision-making. And we’ll do that as a “starting over”

process for citizens and deciding whether the Township should decide **why and how do we dispose of the statues and the PMP project, OR why and how do we display the statues in an educational program context?** The citizens will tell council their recommendations of which choice they prefer. Then council decides. The citizens will know that they had full opportunity for consultation on the choices and they then leave it to council in making a choice.

However, **that is not what this report does**. And **the CAO**, in their report CAO-2024-03, and in following comments on March 25<sup>th</sup> **told you so**.

The CAO disclosed the 3 options, and that none of them facilitated a choice of keeping, displaying the statues or an educational component. Council lost sight of the ball. Council lost track of what the citizens sent you to do, and you got distracted in verbiage.

I too told you so. On March 25<sup>th</sup>, during answers to councilors about “train-the-trainers” in practice when I said, and I quote from the transcript page 22, **“Our task tonight is to make a decision, no, it is to get information about these things. And here you're going to do these things. And you've got the ten different groups, and they might all be doing the same thing. Or you might have five say, we're going to discuss why and how you're going to dispose of the statues. The other five might be saying, we're going to discuss why and how we're going to display the statues.”**

Council heard me state what, I believe, they understand what the citizens want. **you might have five say, we're going to discuss why and how you're going to dispose of the statues. The other five might be saying, we're going to discuss why and how we're going to display the statues.” But I don't think it sank in and registered**. Maybe it registered as, “Yes, that's the choice I want for the citizens.” Maybe you think that's what the CAO's and COR's reports contain? **NOT!**

The CAO heard exactly what I said, and understood the implications of my advice if council was to pick up on it and “change directions”. The CAO heard something that did not comply with the option wording they had presented. The CAO knows that the words, **“Maintain Current Direction”** mean something entirely different from what I was describing as process. It's transcribed on pages 25 & 26. The **CAO told you** when they said,

*I would also if, through you Mayor, if you don't mind just want to provide some clarification for Council about exactly what the direction was from the Council of the day so that you can understand whether what you heard tonight from the delegates [me] fits within that box and requires a change in direction because as I said if you're doing anything other than what was approved by the previous Council then that requires a reconsideration so I'm just going to read that motion for you and you can understand then if what you heard tonight around engagement, changing the engagement processes, things that the working group could be tasked with doesn't fit within this window of current direction.*

*So, if you'll indulge me, Mayor. The motion said, and I'll go straight to the part related to this, “that staff be directed to report back to Council with an implementation plan for the incorporation of **the remaining recommendations** from First Peoples Group including creating a working group comprised of a balanced representation of the individuals and communities within Wilmot Township to discuss, develop and suggest plans for the implementation of next steps centered in community cohesion and healing. Commitment to transforming community engagement and consultation processes in Wilmot Township in a way that encouraging greater openness, accountability and citizen participation in decision making.*

*So that is the **current direction** of Council.*

*So, I would suggest that that is option one that is on the table which is continuing with the current direction of Council. You've heard some suggestions this evening of what could be incorporated into the work of the working group as well as what could form part of an RFP that would deliver on that.*

*So, I would suggest to you that a lot of what you heard tonight fits within that framework and doesn't require a change in direction.”*

The CAO told you so. “**the remaining recommendations**” **PLUS get rid of the statues.**” They just didn't do it with clarity, with a fulsome description, and full transparency I suggest.

The key phrase is this. The CAO says, “*I would suggest to you that a lot of what you heard tonight fits within that framework and doesn't require a change in direction*”. She said, “*a lot of*”. But **NOT ALL**. What the CAO has not said is to specify what parts of the rest of what you heard do not fit within the “framework” and therefore would require a change of direction. They don't tell you clearly. What was left out?

I'll tell you what was left out. It's the part that I used in my example of groups discussing **two options, to dispose of or display the statues**. That's part-of-the-part that does NOT fit the staff's original 3 options, and does not fit the staff's wording of the present option #1.

It's the part in the 2<sup>nd</sup> and 3<sup>rd</sup> “THATs” in the July 5<sup>th</sup> By-law. (see above) The part about storing the statues, discontinuing any further expansion or investment in the PMP as it exists today, and the termination of the contract with Createscape. (That's the delegation at the March 25<sup>th</sup> meeting which said that Createscape and its president Don Bourgeois were ready and willing to discuss how the project could be resurrected and financed.)

[Online Video Presentation](#)

**4.1.1 REPORT NO. CAO2021-03**

**Presentation of Findings and Recommendations**

**First Peoples Group**

**Prime Ministers Path Community Engagement**

**Resolution No. 2021-141**

**Moved by: Councillor A. Hallman      Seconded by: Councillor J. Pfenning**

THAT the report from First Peoples Group dated June 30, 2021, be endorsed,

THAT staff arrange for the immediate removal and temporary storage of the four remaining statues on the Prime Ministers Path and discontinue any future expansion or investment in the Prime Ministers Path as it exists today;

THAT staff work with the Township solicitor to activate the termination clause in the agreement with Createscape;

AND FURTHER, THAT staff be directed to report back to Council with an implementation plan for the incorporation of the remaining recommendations from First Peoples Group, including:

- a) Creating a working group comprised of a balanced representation of the individuals and communities within Wilmot Township to discuss, develop and suggest plans for the implementation of next steps centred in community cohesion and healing.
- b) Committing to transforming community engagement and consultation processes in Wilmot Township in a way that encourages greater openness, accountability and citizen participation in decision making.

CARRIED. UNANIMOUSLY.

The following individuals appeared as delegations, if a prepared written statement was provided, it is noted.



The report before us tonight, COR-2024-49, is a result of that meeting.

**I am going to point out contents of this report that:**

- a) **do not match** with what the electorate directed you to do, “complete do-over from the beginning”,
  - b) state clearly that **this is not about the PMP PROJECT**, but about **THE STATUES’ DISPOSAL**,
  - c) the Terms of Reference and Mandate and objectives, scope and responsibilities of the consultant and working **do not match** what was part of the persuasive remarks on March 25<sup>th</sup>,
  - d) **can be amended if council has the intention of fulfilling commitments made during the election campaign**, and of building trust and regaining integrity with the citizens. These items, a lack of trust in the corporation, a lack of honest, fulsome, forthright, two-way communication have been discussed during the strategic plan review process by council, senior staff, staff, and citizens. You can start tonight on the path toward addressing those corporate culture concerns.
- a) The **report does not match** with what the electorate directed you to do, “complete do-over from the beginning”

The report says that it will “**Maintain Current Direction**”.

The first three “THATs” will remain. Statues in storage. No future expansion or investment. Termination of Agreement with Createscape stays terminated.

Working group process goes ahead.

Transforming community engagement and consultation processes goes ahead.

Encouraging greater openness, accountability and citizen participation indecision-making goes ahead.

The only dangling detail is, “How do we get rid of the statues?”

Answer: The working group will tell us how to get rid of them. That way the citizens did it to themselves. Staff and council are off the hook.

The only problem is, the citizens are expecting a process where “Ev-er-y-body” gets a say in whether they are disposed of OR displayed.

On page 2, last paragraph of the transcript the CAO says, *“If council chooses to go in a different direction, then we do recommend that there be additional community consultation to confirm the direction so that you're receiving that feedback from the community about the approach.”* The thing is, council does not need additional community consultation to go in a different direction. If you all recall, you heard that at the doors, and elsewhere during the campaign! Councilors, as candidates, committed to it.

On page 4, 2<sup>nd</sup> paragraph of the transcript, the CAO says, *“And just as a reminder, if council does choose not to proceed with the working group, this would be a reconsideration of the previous decision of council and would require a two-thirds vote of council to overturn.”*

That's easy, just vote to change direction, takes only 4 votes. Should be unanimous if trustworthiness is a personal value. The only problem with that is it would require probably 2 to 3 motions, procedurally, to finally change direction, then to get it finally done with a new RFP award. With the clerk's help it could be done in 10 minutes if council gets its act together and does what I describe as, “The right thing!”

The other benefit, maybe, would be council that is demonstrating, in consequential action, that it is “listening” to citizens, is “consulting” citizens, is moving slowly toward “regaining trust”.

- b) The report states clearly that **this is not about the PMP PROJECT**, but about **THE STATUES' DISPOSAL**.

Page 2, paragraph 2 of COR-2024-49,

*“Further, this option advances the work done by the First Peoples Group on behalf of the Township, using a collaborative approach to help to determine a path forward for the Prime Ministers Path **statues**.”*

This does not say, Prime Ministers Path Project. That would mean the entire project was being addressed. NO! It states, **statues** only. The phrase “a path forward” means, “How do we get rid of them?” For, after all, “Who would want those statues around here anyway?”

It is easy to understand why council may be ill-informed about what the actual scope of this recommendation is. The CAO's office is using the word **project** in their verbal presentation to Council on March 25th, but is using the real intent, **statues** in the actionable written report tonight

Please refer to what the CAO said in their comments to council when providing rationale for their report's recommendation. Look at the transcript, page 1, CAO's 2<sup>nd</sup> paragraph;

*“Council passed a motion on January 15th, directing staff to report back on actions taken since the First People's Group report was presented and to present options for **next steps for the Prime Minister's PATH project**, including information about a potential referendum.”*

“**project**” on March 25th in spoken words, “**statues**” on September 23<sup>rd</sup> when it's in actionable writing.

Page 2, 1<sup>st</sup> paragraph;

*“Option number two was to **engage further on the Prime Ministers Path project** to assess community support for establishing the working group or to explore alternative approaches for citizen engagement and decision-making,”*

“**project**” on March 25th in spoken words, “**statues**” on September 23<sup>rd</sup> when it's in actionable writing.

Page 2, 2<sup>nd</sup> last paragraph;

*“So, undertaking that strategic planning work allows us to focus on that. And then once that is complete, then we can take on the additional work of engaging on the **Prime Minister's PATH project**.”*

“**project**” on March 25th in spoken words, “**statues**” on September 23<sup>rd</sup> when it's in actionable writing.

**My Scottish grandma used to say, “Believe what they do, not what they say, laddie!”**

- c) The Terms of Reference and Mandate and objectives, scope and responsibilities of the consultant and working group in the COR-2024-49, **do not match** what was part of the persuasive remarks on March 25<sup>th</sup>

COR-2024-49, page 2, sub-heading 2, states;

***“Terms of Reference and Mandate: The firm can assist in crafting clear and comprehensive terms of reference for the Working Group. These documents outline the group’s objectives, scope, and responsibilities.”***

The consultant will be assisting the working group, not using council’s assistance.

This does not align / comply with the CAOs commitment remarks on March 25<sup>th</sup>.

Transcript, page 5, Councilor Wilkinson asks, “...for the sake of clarity and just sort of understanding again, option one establishes a working group. If a working group is established, what you're suggesting is through option one, ***council is unable to then further determine sort of what the future engagement process would look like post-forming of that working group. Is that accurate?***”

The CAO’s reply regarding action is, “Through you, Mayor, ***I think the consultant could actually work with the working group and council to develop a mandate for the working group and really set out what council is tasking that working group to do.***”

The written terms of reference and mandate, and objectives, and scope, and responsibilities no longer permits council to, “*further determine sort of what the future engagement process would look like post-forming of that group*”.

In any case, what would be the point? The consultant has already done that (probably in consultation with the senior administrator) and the horse has left the barn. It is clear in the wording that the most critical factors for determining what, when, where, why, how and who “controls” the process becomes the consultant’s.

Page 6, 2<sup>nd</sup> paragraph of the transcript, regarding option #2, reads “So, I would suggest that there would be a reporting back on the findings as the engagement occurs so that ***council is aware of what the working group is doing. But it does create that separation that you are essentially tasking the working group with developing an engagement***

*plan and deciding and making recommendations as to how we move forward in terms of any activities related to this project”.*

Notice page 3 of COR-2024-49, 2<sup>nd</sup> last paragraph, “*Council will not be able to provide direction via these emails, this is for information purposes only. If Council feels the need to provide direction they would need to bring it to a Council meeting for debate and consideration.*” **OR DO IT UP FRONT IN THE TERMS OF REFERENCE AND MANDATE SECTION!**

This relegating of authority to a senior staff person and a hired consultant further emphasizes the need to get all council’s input upfront - now.

It has been included in the draft “outcomes” arrived at during the strategic planning review process among senior staff and council, to “*Achieve common ground between Council and staff and build momentum for positive change.*” Which is fancy talk for there’s an internal battle for who is in control of setting policy, direction and their implementation in this corporation? My vote’s with the Mayor and council. I can help fire a Mayor and councilor. Only council can control the CAO position.

There is an expression, “trust but verify”. There is also an expression, “Don’t necessarily believe what they say, believe what they do.” I have said before in this chamber; “History instructs the present, and the present predicts the future.

For example, on page 4 of the transcript, 1<sup>st</sup> paragraph, the CAO indicated that, “*In terms of additional actions, we have hired our strategic planning consultant. So, Linton Consulting has been awarded that work, and they’ve started meeting with staff and council, and **we’ll be holding some community town halls and focus group sessions starting in April.***”

In actual fact, the contract with Linton Consulting did not include the process requirement for town halls. They never happened. 2 hours of focus groups were scheduled.

- d) During the strategic plan review several items of concern have been discussed. Council and staff have identified 4 draft goals. The 1<sup>st</sup> was financial stability, and the 4<sup>th</sup> was trustworthiness. I suggest that #4 should be #2 in priority.

I think that the lack of trust by citizens in the corporation is a cumulative result of a lack of honest fulsome, forthright, two-way communication process by council, senior staff, staff, with citizens, and a lack of fulfilling what councilors committed to during an election.

Trust is a result of, not what one says, but what one does. Action speaks louder than words. Council can start tonight on the path toward addressing those corporate culture concerns. Council can recognize that it is off track from the direction citizens elected you to follow.

**Council needs to change direction** from the previous council's unacceptable decision-making process. To get back on track by facilitating a process that lets all Wilmot citizens decide which way they want to go on the PMP project: to dispose of the statues OR to display the statues with the educational component.

This motion is lip-stick on a pig's muzzle. It appears to be attractive on the surface, but in reality, you're going to get bitten by the resulting fall-out afterwards.

An analogy might be a situation where a group in power has decided that one leg of each and every person in the target group must lose one leg, so that they will be forced to hop around on one leg in circles and be a threat to the power group no longer. To implement the task the power group selects a small group of the targeted audience and asks the sub-group to recommend which, when and how a leg will be cut off. Blame now goes onto the target audience because their own members made the recommendation. At no time was it considered that an option might be to not cut off a leg at all. It wasn't an option.

Council, so far, has decided that it's going to cut off a leg (dispose of the statues) and is not permitting an alternative to be considered by Wilmot citizens (potentially display them). This decision, this choice, to dispose or to display must be made by Wilmot citizens now. This decision cannot be made by a previous council and imposed on this

council after being directed by voters in the last election to conduct a complete “do-over” of the entire decision-making process.

**The solution requires a minimum of actions, which can be implemented starting tonight:**

- 1 Change directions. Council admits that it has gone off track, and needs do a PMP project do-over with an improved consultation process that facilitated valid citizen input on all options regarding the project, including why and how to dispose of the statues, and why and how to dispose of the statues, with a valid report to council for review and decision-making.
- 2 Receive this report for information.
- 3 Serve Notice of Motion, tonight, that staff is directed to come back to council by (fill in a date) with a comprehensive report on suggested steps, without recommendations of preferred options, required to implement council's intent in #1 above.
- 4 I suggest that the Notice of Motion may include wording such as the following:

**It is the intention of council to: “Change directions and create a Working Group comprised of a balanced representation of the individuals and communities within Wilmot Township to a) discuss, develop and suggest plans for transforming community engagement and consultation processes so as to provide greater openness, accountability and citizen participation in decision-making, and b) to restart the engagement and decision-making process for the Prime Ministers Path Project in its entirety.”**

This will require a 2/3 majority vote, to do “the right thing” toward rebuilding trust in the community.

The RFP will have to be withdrawn and re-written with the added responsibilities of a consultant to propose a process that includes the option of potentially displaying the statues. That is, the consultant will have to consider 2 options: why and how to dispose of the statues AND why and how to display the statues with an educational component.

Council will have to participate in the revision of the RFP such that the Terms of reference and Mandate are defined, up front, as was committed to by the CAO, on page 5 of the transcript, when they

said, “*Through you, Mayor, I think the consultant could actually work with the working group and council to develop a mandate for the working group and really set out what council is tasking that working group to do.*” The CAO indicated that it would be possible, and I suggest might fall under “best practice” going forward.

If council moves forward with any steps that involve, “**Maintain Current Direction**”, then:

- it has intentionally decided to go back on individuals’ commitment to voters during an election campaign.
- it has intentionally decided to ignore the carefully constructed advice from this citizen, who has “done his homework” and provided council with factually accurate information, compiled into knowledgeable form, analyzed and synthesized, and evaluated in the context of “values” commonly espoused by the corporation in its strategic plan and other documents.
- It is neglecting to consider that the “**current direction**” process is in contradiction of its draft stated goals to “fix the trust issue”.
- It is ignoring the possibility of adding another example to confirm that two-way communication can be proven with action confirming that, “This council has heard you, and this is how we’re starting to prove it.”

I am giving council advice, which I believe is better than what you’ve been getting so far. Do the right thing. It’s easy. Consider the action steps above.

Thank you.

Questions, comments?