

To: Mayor Latham
From: Bruce Barrett
Re: ORV Process
Date: April 5, 2021

Dear Mayor Latham

I am writing to you as a gesture of concern and good faith regarding the manner in which the CKL Council is operating with respect to the ORV issue it has before them.

As an administrator with Trillium Lakelands District School Board for over twenty years there are significant problems with process that Council is currently engaged in. Problems that are so fundamental to effective decision making that I feel compelled to address them with you, and urge you to share this email with all Council members.

As a resident of Lindsay for 32 years and have always felt that, no matter the issue, the Council of the day made decisions based on the its stated vision for the town, aligned with Council's strategic directions document. Tough decisions that didn't have an emergency status took considerable time. They incorporated careful and thoughtful consideration for those most likely to be negatively impacted, sought voice from residents and taxpayers, and used comprehensive studies with data from town departments, police services, the health unit, and other regulatory agencies.

To that end, I offer the following perspective on what I see unfolding and the exposure that accompanies it.

As Mayor and CEO of the city, you are ultimately responsible for the conduct of Council and for any breaches in process. You are also responsible for any actions that oppose to the Strategic Directions 2020-2023 document authored by Council; specifically, your guiding principle to be *Open/Transparent* and your strategic priority for *Good Government*.

The urgency and hurried approach that Council has adopted is the first of these process breaches. The speed of this motion does not reflect the thorough, comprehensive approach of past practice. This departure is a significant, and contributing, factor to residents who feel ill-informed and blindsided. When past practice changes so abruptly, people ask why.

Perhaps it's best if I follow the theme of "Why?" to point out some of the many areas of exposure I think are most striking in this case. These "Why?" questions address the process your Council has followed to date. A process which has implicates the Mayor and Council in 3 important tests; the test of transparency, the test of conduct beyond reproach, and the test of thorough, effective communication. The questions are intended to cause both personal and collective reflection. They may also resonate with some staff and councilors who have been uneasy with the process but, for whatever reason, have yet to speak out.

The Test for Transparency:

1. **Why** was the Initial motion of the December 15 Council the very last item on a very busy holiday agenda (13.3.1)?
2. **Why** would a matter so important to public safety publicize its search for community Task Force Members in Lindsay This Week on December 24th on the very last page (51) of the paper, and close the search January 8th? That's an awfully busy time of the year and even more stressful this past year. However, it is apparent that the Kawartha ATV Association was both aware, and anticipating, the search because on January 4th a "looking for your voice to be heard" rallying cry to members was posted. A post outlining the impending creation of Task Force and the imperative need for KATVA get representation on the Task Force to ensure "ATVers views (need to be heard)".

The Test for Conduct:

3. **Why** does a Task Force charged with creating a balanced view of an issue create a committee that is so blatantly skewed? I reference the personal introductions of the inaugural Task Force meeting of February 5th
https://www.youtube.com/watch?v=Y_Z99O2f22A

Five of the seven committee members own ATVs. All four of the community members own ATVs. One community member (D. Mitchell) recounts for the public record (min 8:17) that he has actually previously worked with two of the other three community members (S. Lane and C. Richards) to achieve similar ATV access in the municipality of Trent Lakes. One of those of those two with whom he worked to the same end is Carolyn Richards, who is the President of the Kawartha ATV Association.

Any quick analysis reveals the following: Four community members were to be selected through the interview process by Councilors Dunn, Richardson, and Seymour-Fagan. How did this process result in appointing three members who, by their own admission, had previously worked together to achieve the very thing the Task Force is supposed to be deliberating on without prejudice? And, how is it possible that with four community members there is no corresponding voice for the opposing view? Not one. The only other community member is also an ATV owner and "avid" snowmobiler. A new resident to rural CKL, hired just five months earlier in August of 2020, after transferring from Toronto.

4. **Why**, in that same meeting of Feb 5th, when Director of Works Brian Robinson, asks (min 0:55) for Task Force members to declare any pecuniary interest does Councilor Seymour Fagan not declare? The Councilor is clear that her intention is to bring ATV visitor traffic to the area by opening up municipal road access (whether or not trails exist) because it

helps the local tourism in her ward and in particular that of the community of Bobcaygeon. A community where the “bio” section of her webpage <https://www.kathleenseymour-fagan.com/> explains she is the owner of the Kawartha Coffee Company and its three locations which are “popular gathering spots for our community ... and visitors.

5. **Why** has the Chair of the Task Force been allowed to maintain his position on the committee? During the virtual public deputations of the March 19th he behaved in a manner unbecoming an elected official? The video evidence <https://www.youtube.com/watch?v=N7ORUhrq59A> clearly shows a female resident who is having obvious difficulty with the audio of the meeting. She and the committee trade moments when they are unable to hear one another. Rather than suggest that the committee would come back to her at a later point in the que (and have staff work with her remotely to address the issue), the Chair instructs staff (min 57:37) “can you mute her”. The entire exchange illustrates exactly the kind of misogynistic, bullying behaviour being highlighted and addressed throughout Western world. It’s the very kind of conduct that quickly finds its way off the YouTube platform and into the twitter-sphere, Instagram world to bring pressure for change in such unacceptable behaviour. The fact that neither of the other councilor intervened is also telling.

The Test for Communication:

6. **Why** is the social media page of the Chair of the Task Force devoid of any mention to the ward 5 constituents he serves? Councilor Dunn has posted twice since the October inception of the proposed ATV access to the streets of Lindsay and Ward 5. The first was February 20th, three weeks after the Task Force had already met. The second was on March 10, nine days before the public meeting. At no time did he reach out to his constituents to inform them of what was at the council table. Not phone calls, not flyers, not social distance (masked) door knocking. All of which he found time for during the election campaign. The social media pages of the other two Councilor’s are similarly thin on the topic and information, although Councilor Richardson’s does contain a letter from the CKL outlining the poor condition of the trails in her area as a result of ATV use and behaviour.
7. **Why** not consider your own Strategic Directions 2020-2023 document. The opening statement celebrates the inclusive process followed for the Plan. In fact, “Open and Transparent” is one of the four guiding principles, and yet there is only veiled language as it pertains to the opening and connecting of trails with no mention of what multipurpose actually means. The headings of “Quality of Life” and “Healthy Environment” do show several large photos of beautiful scenery, a person on the trail walking a dog, cyclists, and paddleboard yoga. However, there is not a single word about ORV use. In fact, the only motorized object in any picture within the entire document is a waste disposal truck and moored houseboats.

I have a deep appreciation for how challenging the job is, and how difficult it is when vocal special interest groups lobby for change. The goal of pleasing everyone all the time is a certain impossibility. What isn't impossible is the fair, impartial deliberation of the leadership team, support staff and elected officials to do follow process and be above reproach.

I fear, for whatever reason, that you and council have somehow lost sight of this, and I urge you to reconsider the current course of action.

On the balance of the evidence provided the smart political move would be to slow this process down significantly, and put a moratorium on any further action by the current Task Force, until such time as these observations submitted as evidence of process breach can be fully investigated and acted upon.

The more decisive, and morally responsible Council move would be, as mayor to acknowledge the perception of general deceit, impropriety, and behaviour unbecoming public officials, and bring a motion to Council. A motion that is referenced in the Task Force Report RD2020-012 from the December 15th, 2020: Terms of Reference (page 535) which states, "At the discretion of Council the Task Force may be dissolved by resolution of Council." Such motion is further supported by the *Municipal Conflict of Interest Act*, the *City Code of Conduct Act for Task Force Members (CP2018-018)*, and the guiding principle of *Open and Transparent* and your strategic priority of *Good Government* from the *Strategic Directions 2020-2023*.

At least then, if interest remained in pursuing ORV access, there would be an opportunity to establish a group/committee/task force consisting of Councilors who are free from pecuniary interest, residents most impacted by the change, and specialists who will listen to the presentations and concerns of the two opposing sides in this case to come to an informed decision. That would put you in a much better position to withstand the test of prejudicial bias to which you and Council are currently exposed.

The facts involving both procedural speed, and Task Force composition alone would attract the attention of any number of provincial watchdog and advocacy groups.

On a different, but equally important note, I have included the inset maps of the three major towns in the Muskoka's; Gravenhurst, Bracebridge, and Huntsville. Tourism in the Muskoka's is the engine that drives the community, yet not one of those towns allow ORVs inside the town limits. Visitors or residents must trailer their ORVs to connecting trailheads as per the bylaws set out and maintained by those mayors and their municipal councils.

Similarly, if you talk to your mayoral colleagues in the south you will find that neither Port Hope nor Cobourg allow ORVs in residential roads in their towns.

Comparing the town of Lindsay with a population of over 20,000 and growing to ORV access hamlets like Dorset or Buckhorn is simply irresponsible.

I trust you will share these observations and concerns for procedural fairness with Council in the good faith intended. I wish you and your Council sound deliberations moving forward.

With respect,

Bruce

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