

**Subject:** [Fwd: Rules of Public Input]  
**From:** Brian Platts <bplatts@shaw.ca>  
**Date:** Mon, 22 Jan 2007 22:28:06 -0800  
**To:** Corrie Kost <kost@triumf.ca>

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**Subject:** Rules of Public Input  
**From:** Bill Maurer <billm@millsoft.ca>  
**Date:** Mon, 22 Jan 2007 21:02:11 -0800  
**To:** "Richard Walton, Mayor" <mayorwalton@dnv.org>  
**CC:** 'Mayor and Council - DNV' <Council@dnv.org>, 'Ron Payne' <ronpayne@telus.net>, Don Smith <don\_smith@wcbc.ca>, Nancy Van Insberghe <nancy@kpwood.com>, 'michael' <reywal@shaw.ca>, fonvca@fonvca.org, 'David Marley' <dmarley@uniserve.com>, 'Sandra Severs' <ssevers@wvuc.bc.ca>, 'Agnes Hilsen' <Agnes\_Hilsen@dnv.org>, 'Shana Burrows' <Shana\_Burrows@dnv.org>, 'James Ridge' <James\_Ridge@dnv.org>

Mayor Walton,

You seem to be very confused about the rules of public input. The reputation of "individual members of council" may not be maligned. That does not mean that the public does not have a right to say negative things about "council" in a generic sense. If an election had just occurred, there may be a completely different set of individuals sitting on council than the ones that made the decision in the first place. The public still has a right to make negative comments about "council". You were completely out of order in the way you were shutting down the speakers on the purchase of the Nancy Van Insberghe property, especially when most of the things they were saying were true.

You as a council have to take responsibility for the actions of staff and previous councils and instead of shutting people down, you should be paying close attention to what they're saying so that you have an opportunity to correct them. One of purpose for public input is to allow citizens to criticize the operation of government. If we can't criticize individual staff members, and we can't criticize departments, and we can't criticize individual council members, and we can't criticize the mayor, and now we can't criticize council as a whole who's left? I guess we should just take out the incense candles and chant happy thoughts!

I searched the district's website for "Public Input" to locate the document on the rules of public input but can't find it. I know there is one. Maybe you could let me know where it is? I'll also ask FONVCA for it. I know they too have a copy as it comes up from time to time at their meetings. If you have a specific format in which you would like criticisms to be made then you should spell it out. Traditionally such criticisms have been directed at "council".

Coincidentally, the issue came up at the last FONVCA meeting in reference to a recent case in Ontario where the The Corporation of the Town of Halton Hills sued Al Kerouac for just such a defamation. They lost and the defendant was awarded costs.

Here are some of the key findings of that case:

[30] *Unlike public officials, local governments do not have private reputations. Their sole existence is public: they exist to conduct public business, and have no other purpose. In this respect they are unlike other corporations, and unlike "natural persons", and instead are more akin to the democratically elected governments of the provinces and the federal government.*

[31] *The authority and respect now accorded to local governments brings them closer to constitutionally recognized legislative bodies. And while local governments remain subordinate to the governments that created*

*them, they are subject to the same public law values that constrain the Provinces and the federal government, at least in respect to democratic values.*

*[32] In a democracy, it is essential that the government be in the public domain, and be available for criticism of all kinds. Individual members of government, whether elected representatives or public servants, do not, by virtue of their offices, have all of their private interests subordinated to their public service. They maintain private reputations, which may be damaged, and which may be vindicated in defamation proceedings. Here the legal terrain may be murky. American jurisprudence favours a large and robust territory for criticism of public officials.<sup>[16]</sup> To date, Canadian courts have not accorded as much deference to freedom of speech at the expense of the private reputations of public servants.<sup>[17]</sup>*

*[33] Unlike public officials, governments have no private interests, no private reputations. They exist wholly in the public domain, and it is in this arena that their reputations may be attacked and defended. There may be some circumstances where a statement made about a public body irreducibly tarnishes the reputation of specific individuals. Such was the case in *Kenora Police Services Board v. Savino*. In that case, a First Nations person died in an altercation with police. In the aftermath, a solicitor for the deceased's family blamed police and called them racist. In a small community of 10,000 persons, in connection with a well-publicized incident, the general statement about the police could be understood to refer to specific police officers.*

The link to the detailed disposition is: <http://www.canlii.org/on/cas/onsc/2006/2006onsc10892.html>

Regards,

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<b>Rules of Public Input</b>	<b>Content-Type:</b> message/rfc822 <b>Content-Encoding:</b> 7bit
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