

NO QSL-5-515196
QUESNEL REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

SYLVIA BATTLE, WADE BATTLE, LARRY DUNN,
JEAN GELINAS, JAN MCKINNEY, WALLY MCKINNEY AND LINDA BUXTON

PETITIONERS

AND

MARY SJOSTROM, MICHAELCAVE, JOHN BRISCO, ED COLEMAN, SCOTT ELLIOTT, and
LAURIE – ANNE ROODENBURG

RESPONDENTS

AFFIDAVIT

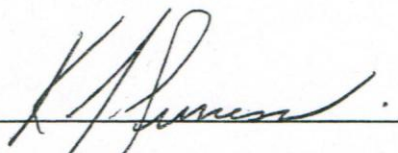
I, Kenneth E Butchard, Retired Federal Government Auditor, of 829 Reynard Street Quesnel, British Columbia MAKE OATH AND SAY AS FOLLOWS:

1. The mayor and some members of city council authorized a News Release dated 01 May 2012 that stated Stecyk resigned for personal reasons; in which case no severance would be payable. A copy of that News Release is attached as Exhibit "A".
2. In accordance with the Community Charter Sec. 172, on July 11, 2012, I sent a letter to the City Auditor questioning the administration of public funds relative to the severance payment to the former city manager John Stecyk. I did not receive what I considered an adequate response to my letter. The auditor was obliged to forward his report in accordance with the Community Charter (CC) s172 to the same people that the complaint was against; the mayor and some members of City council. See Exhibit "B".
3. In view of the foregoing on September 06, 2012, I forwarded my complaint to the Deputy Minister of Community Sport and Cultural Development, Mr. Julian Paine, in accordance with Local Government Act 1021 (b). A copy of that letter, with exhibits attached, is at Exhibit "C". A copy of the reply to my complaint dated October 23, 2012 is attached as Exhibit "D". It states in part **"It is the courts that decide whether or not a council member acted contrary to legislative requirement."** Unfortunately, in cases like this it appears under current regulations, the only

route available for a citizen to question the financial decisions of a Mayor and Councillors is by court action.

4. On July 16, 2012 subsequent to a council meeting a question period was conducted by the mayor where citizens were allowed to ask her one question. The question and answer were broadcasted to all in the gallery. My question was **"Did John Stecyk resign for personal reasons?"** The mayor replied: **"I stand by the News Release."** I believe the mayor gave me a dishonest answer because if she believed the statement in the News Release that stated in part; **"who is resigning for personal reasons"** she would know, no severance payment under the CC or John Stecyk's contract, would be payable.
5. An email from the Director of Finance, Kari Bolton, was sent to all council members as follows: **"Hi all, Just a reminder that you are all bound by your oath, the community charter, and the confidentiality agreement to not say anything beyond what was written in the press release regarding John's departure. We have already been advised by our lawyer and John's lawyer is reminding us of our obligation to keep the details of John's departure confidential. See Exhibit "E".** I contend the News Release was a lie. Otherwise, the Director of Finance would not have considered the retirement for personal reasons subject to secrecy and possible legal consequences.
6. This is further supported by item 10 of Murdy & McAllister response to the first petition which states **"There is no evidence that Mr. Stecyk was going to voluntarily resign from his employment with the City unconditionally. Thus, the City faced liability for payment of the full value of the Severance. Council allowed the City and Mr. Stecyk to avoid a potentially protracted and uncertain termination process, was determined by council to be in the public interest, and is subject to the highest degree of deference by the courts."** Exhibit "F" refers. That statement would not apply if a person retires for personal reasons.
7. The Mayor lied to me and the public at large.

SWORN BEFORE ME at the City of
Quesnel, in the Province of British Columbia
This 11th day of June 2013.



A Commissioner for taking Affidavits
In the Province of British Columbia



Kenneth E. Butchard



FILE

CITY OF QUESNEL NEWS RELEASE

City Council to seek new City Manager

For Immediate Release
May 1, 2012

Quesnel, B.C. – Quesnel City Council has announced that it has accepted the resignation of City Manager John Stecyk, effective immediately. Stecyk, who is resigning for personal reasons, came to the City in January 2011.

The City of Quesnel wishes Mr. Stecyk well in his future endeavours.

The City will now begin the process of recruiting a new City Manager, which is expected to take several months to complete. The City will provide updates to the community when appropriate.

In the interim, Council has appointed two senior managers to oversee the City's operations and assist Council in the transition period. Those two are Director of Finance Kari Bolton and the Director of Public Works and Engineering, Ken Coombs.

-30-

Editor's Note: This release is available online at www.quesnel.ca

For further information, please contact:

Matt Wood, Communications Supervisor

Phone: 250.991.7475

Cell: 250.255.1170

E-mail: mwood@quesnel.ca

SALARY	125,000.00 PER ANNUM
SEVERANCE PAY	170,469.12
	<hr/>
	295,469.12

JOHN STECYK 04 JAN 2011 TO 01 MAY 2012
EMPLOYED FOR 452 DAYS AT \$652,692.7654 PER D
INCLUDING (LUCRATIVE??) SEVERANCE PAY

EMPLOYED 04 JAN 11 TO 30 APR 12 - 16 MONTHS &
03 DAYS.

A REQUEST FOR VERIFICATION OF THE 170,469.12 AMOUNT WAS
MADE BY COUNCILLOR SUSHIL THAKUR UNDER THE FOI WAS DENIED,
REQUEST WAS MADE AUG 21, AND FOR A COPY OF A CANCELLED CHECK
ELECTRONIC TRANSFER COPY OF REQUEST AND REPLY IS ATTACHED

This is exhibit "A" referred to in the
affidavit of KENNETH E. BUTCHER
sworn before me at Quesnel, British
Columbia this 11th
day of JUNE, 2013

(A)



CITY OF QUESNEL

410 KINCHANT STREET
QUESNEL B.C V2J 7J5
PHONE: 250-992-2111
FAX: 250-992-2206

K.E. Butchard
829 Reynard Street
Quesnel, B.C.
V2J 3M4

Aug 20th, 2012

Dear K.E. Butchard

Re: Letter to R.E. Rasmussen July 11th, 2012

Thank you for copying me on the letter you sent to our Auditor on July 11th, 2012. As required under Section 172 of the *Community Charter* our Auditor will give notice and report on the subject matter of the complaint to Council.

In regards to the payment to our former City Manager, as reported our former City Manager submitted his resignation, which was accepted by Council. The final remuneration paid to him was part of the agreement Council had with him and was released through a FOI request. Any other information related to this issue relates to legal and personnel issues and is confidential and cannot be disclosed as per the *Freedom of Information and Protection to Privacy Act*. For your information, municipal employees are not part of the B.C. Public Service. If you have any further questions related to this issue please contact the City's Solicitor, Murdy & McAllister. *NO KIDDING.*

In regards to the potential temporary employee relocation loan to our new City Manager, I must note that at this point we have not provided this employee benefit to our new City Manager. When and if we do provide it, the City will advertise the loan as required by Section 24 of the *Community Charter*. Providing this employee benefit, as negotiated in the employment contract, will not require the City to borrow any funds.

I hope this clarifies some of the issues you were concerned about.

Sincerely,

Kari Bolton
Director of Finance
(250) 991-2111
kbolton@quesnel.ca

cc: R.E. Rasmussen, City Auditor

*PROJECTED
PROHIBITORY NOTE ?
\$50,000.*

This is exhibit *B* referred to in the affidavit of *KENNETH E. BUTCHARD* sworn before me at Quesnel, British Columbia this *11th* day of *JUNE*, *2012*

REPLY FROM JUNE 11 2013 AT 11:11

REGISTERED MAIL
WITHOUT PREJUDICE

This is exhibit C referred to in the
affidavit of KENNETH E. BUTCHARD
sworn before me at Quesnel, British
Columbia this 11th
day of JUNE, 2013.

829 Reynard Street
Quesnel, B.C.
V2J 3M4

September 06, 2012

Julian C Paine
Inspector of Municipalities
P.O. Box 9490 Stn. Prov Covt B.C.
Victoria, B.C.
V8W 9N7

Complaint – to Inspector of Municipalities (IOM) Re: Local Govt Act 1021 (b)
Regarding Questionable administration of public funds by
Mayor Siostrom and some City Councillors, City of Quesnel BC

- Ref: (a) Complaint to the City Auditor re: Marginally noted d/July 11, 2012.
(b) City Auditor Letter acknowledging receipt of complaint. d/July 16 2012.
(c) Letter in response to my complaint d/Aug 20th 2012.
(d) My email requesting a copy of auditors report and refusal by Director of Finance.
(e) Community Charter Sec 172 (1)
(f) Request/refusal for Cancelled cheques or EFT for \$170,469.13 and \$50,000.00.
(g) Email relating to with out just cause firing of employee Meriel Wild.
(h) City of Quesnel News Release d/01 May 2012.
(i) Email regarding qualifications of new Human Resource Advisor.
(j) Human Resource Advisor Job description: City of Quesnel.

For your convenience and confirmation, all references to reference (a) and this complaint, have been included either in reference (a), this letter or both.

As is evident by reference (c) the submission of my complaint in accordance with reference (e) was a complete exercise in futility. After his review, the city auditor must have reconsidered his stated intention to respond to me. His silence in this matter has been deafening, but speaks volumes. The letter of response indicates there was a secret agreement between council and Mr. Stecyk and apparently, he accepted a payout of \$170,469.13 to resign for personal reasons. The City Auditor and the Director of Finance investigated my complaint and reference (c) in essence states, the results of their investigation were sent to the mayor and council for their secret action in accordance with reference (e) Para (3). That action could compare to sending a chicken to the fox den. The mayor, the Director of Finance and some members of council were possibly complicit in causing the possible unauthorized use of taxpayer money.

In reference to the \$50,000.00 debenture loan to the new city manager, the Director of Finance states it was not provided to the city manager. Reference (b) of reference (a) is a copy of the Promissory Note signed June 5, 2012. A request was made under the Freedom of Information Act (FOI) for copies of cancelled cheques or Electronic Funds

(C)

Transfers (EFT) for confirmation of amounts of, \$170,469.13 and the Promissory Note payout of \$50,000.00. The request was refused stating, "there were no records available" for the loan. Reference (f) refers. In accordance with generally accepted accounting principals, even if the promissory note was cancelled, a record of the issuance and cancellation, if that is the case, should be on record.

Subsequent to my complaint, it is reported this mayor fired a long-term employee without just cause. This again is going to result in thousands of dollars in severance payout and the loss of a loyal experienced employee. In addition, it is reported, the person hired to fill that position does not have the necessary qualifications for the job. References (g) (i) and (j) refer.

It appears the only member on council asking questions but getting nothing but abuse from the mayor and council is councillor Sushil Thapar. Councillor Thapar is a ten-year veteran councillor in the city of Quesnel. He is dedicated to open and honest government. The exhibits included give a small example of the abuse he has undergone and undergoing to this day.

Councillor Thapar has been censured three times by the mayor and council and not in one case have they proven the allegations leading to the restrictions placed on him. The latest being the pretense of a vote by the mayor and city council to allow him to attend the Union of BC Municipalities conference (UBCM). It was a split vote because a junior councillor stayed home making it a tie vote that was automatically defeated. It appears the mayor voted for councillor Thapar to attend for optic purposes. Editorial Exhibits 18, 19 refer. Consequently, local citizens are raising funds to send Councillor Thapar to the conference.

Councillor Thapar is an intelligent, financially independent, family man with two university degrees. He has served Quesnel well over the past decade. Many people with less dedication would have thrown up their hands in disgust and quit at the way he has been and continues to be treated for standing up for the taxpaying citizens of Quesnel.

OBJECTIVES

- (1) My objectives in filing this complaint are for the IOM to conduct an onsite public review by his office relative to the questions raised in this complaint. To investigate the methods used in the financial control of our city and also to determine if they meet generally accepted accounting principals.
- (2) If malfeasance is evident in relation to the concerns in this complaint that the provisions of Local Government Act 1021 (5) (c) be enforced.
- (3) If unauthorized use of taxpayer money is used for paying severance pay to an employee who has retired for personal reasons that CC section 191 (1) and (3) be invoked by the IOM.
- (4) That the IOM conduct and investigation into the reasons Ms. Wild was fired without just cause. To determine the employee hired qualified for the position of Human Resource Advisor in accordance with the job description at reference (j).

(5) That the mayor and council be required to provide documentary proof to the IOM and to the public to validate their 3 times censure of councillor Thapar. If not, the mayor and council should make a written public apology and full reinstatement of councillor Thapar with no restrictions. Exhibit 16 refers.

(6) That the IOM investigate the possibility that the Director of Finance, also the head of the FOI for the city in dealing with financial matters may be in a conflict of interest position.

(7) That the IOM investigate the reason for the mayor's failed attempt to secure a legal confidentiality agreement regarding the departure of John Stecyk and why lawyers would be involved in a resignation for personal reasons. Exhibits 12,13.

(8) That the IOM investigate any area of the organization that he deems necessary for the good governance of the taxpaying citizens of Quesnel.

The exhibits are chronologically sorted, and numbered from 01 to 21 inclusive. They provide overview of the problems taxpaying citizens have encountered, and their expressed opinions, not only from the citizens point of view but also frequently from the Editor of the Quesnel Observer. In exhibit (7) pages 1-3, is an in-depth article by at that time Councillor Ron Paull. Councillor Paull was a long-term councillor in a three-way race for mayor in the last election. He lost to the current mayor by approximately one hundred votes. Pat Morton who was referred to in an editorial in exhibit 10 is the spouse of Ron Paull. She is a respected upstanding businessperson in Quesnel. She is known in the community for her business and social acumen, and takes serious view of political incongruities.

The complainant's contributions to the exhibits are identified by the name Ken Butchard.

It can be seen by the information in the Exhibits that there is a lot of concern in the City of Quesnel. Problems have progressed from the mayor's penchant for secrecy as described in exhibits to the possible unauthorized mishandling/spending of hundreds of thousands of taxpayer dollars for reasons not necessarily beneficial to our community. I request your assistance in the form of an onsite review.

I would appreciate a reply to my complaint as to whether you will grant or deny my complaint request within fourteen days of the date on this letter. Should you decide to deny my request for an on site public review, will you kindly return this package to me with your letter of denial.

Yours truly,



Ken Butchard

R.E. RASMUSSEN
CHARTERED ACCOUNTANT
(incorporated professional)

July 16, 2012

Mr. K. E. Butchard, CD
829 Reynard Street
Quesnel, BC V2J 3M4

Dear Sir:

Re: **Your letter of July 11, 2012**
City of Quesnel

I have received your letter dated July 11, 2012 discussing questionable administration of public funds by the Mayor and certain members of City Council. Thank you for the comments and observations you raised in that letter.

I spoke on Friday, July 13, 2012 with Ms Kari Bolton, CMA, Acting City Manager to set plans to deal with your concerns. Ms Bolton advised that she is away from City Hall until July 23, 2012. I have some client meetings and vacation that will take me out of town until approximately August 7, 2012.

Ms Bolton and I will be meeting sometime during the week of August 7 through 10, 2012 to commence the review of your concerns. Subsequent to my meetings with her and the completion of my investigation into your concerns, I shall respond to you.

I trust that will be satisfactory. Once again, thank you for bringing your concerns to my attention.

Yours truly,
R. E. Rasmussen, Chartered Accountant

R. E. Rasmussen

Ronald E. Rasmussen, CA

Cc: Ms Kari Bolton, CMA
Acting City Manager

B

Ken Butchard

To: Kari Bolton
Subject: RE: complaint Filed July 11, 2012.

Dear Ms. Bolton:
Thank you for your reply to my request. My request and your reply will be included in due process.

Thanks again:

KE. Butchard CD

-----Original Message-----
From: Kari Bolton [mailto:kbolton@quesnel.ca]
Sent: Tuesday, August 28, 2012 7:11 AM
To: keb23@telus.net
Subject: RE: complaint Filed July 11, 2012.

Dear Mr. Butchard,

As I indicated in my letter to you, these issues relate to human resources, and any further information cannot be released as per the Freedom of Information and Protection of Privacy Act. Any discussions occurring regarding these issues with Council have been and will be held in-camera. There is no further information that can be provided to the public or to you as the complainant.

Thanks,

Kari Bolton
Director of Finance
City of Quesnel
P: (250) 991-7458
F: (250) 992-1512
kbolton@quesnel.ca

Please consider the environment before printing this email.

-----Original Message-----
From: Ken Butchard [mailto:keb23@telus.net]
Sent: Sunday, August 26, 2012 2:06 PM
To: Kari Bolton
Subject: complaint Filed July 11, 2012.

Dear Ms. Bolton:
Thank you for your letter dated Aug 20, 2012 regarding the complaint I filed with Mr R.E. Rasmussen on July 11, 2012. A formal letter of reply will be forwarded to you in the near future. Meanwhile as the complainant, will you please provide me with a copy of the report made to council, as a result of the investigation you and Mr Rasmussen conducted.

Thank you,

K.E. Butchard CD
keb23@telus.net

REF D

Division 2 – Audit

Municipal auditor

- 169** (1) A council must appoint an auditor for the municipality.
- (2) A municipal auditor must be a person who is authorized to be the auditor of a company under section 205 of the *Business Corporations Act*.
- (3) A municipal auditor has the power and duty to conduct the examinations necessary to prepare the reports required under this Division and, for these purposes, has the same authority in relation to the municipality as the auditor of a company under the *Business Corporations Act*.
- (4) A municipal auditor who receives information from a person whose right to disclose that information is restricted by law holds that information under the same restrictions respecting disclosure that govern the person from whom the information was obtained.

Audit committee

- 170** (1) As a limitation on section 154 [*delegation of council authority*], a council may only delegate its powers, duties and functions under this Division to a committee comprised of council members.
- (2) Reports submitted by the municipal auditor to a committee under this section are deemed to have been submitted to council.

Auditor's reports

- 171** (1) The municipal auditor must report to the council on the annual financial statements of the municipality.
- (2) The report under subsection (1) must be in accordance with the form and the reporting standards recommended by the Canadian Institute of Chartered Accountants.
- (3) In addition to the report under subsection (1),
- (a) the council or the inspector may require further reports from the municipal auditor, and
 - (b) the municipal auditor may, on the auditor's own initiative, make further reports.
- (4) On request by the inspector, the municipal auditor must forward to the inspector copies of
- (a) reports under subsections (1) and (3), and

E

(b) recorded communications in relation to those reports from the auditor to the council, a council committee or a municipal officer.

Complaints to council or auditor about financial affairs

172 (1) A person may complain in writing to the council or to the municipal auditor, if the person considers that

(a) a disbursement, expenditure, liability or other transaction is not authorized under this or another Act, or

(b) there has been a theft, misuse or other defalcation or irregularity in the funds, accounts, assets, liabilities and financial obligations of the municipality.

(2) If a complaint is made under subsection (1) to the council, the council must give notice of the matter to the municipal auditor.

(3) If a complaint is made under subsection (1) to the municipal auditor, the auditor must give notice of the matter to the council and must report to the council on the subject matter of the complaint.

Division 3 — Expenditures, Liabilities and Investments

Limit on expenditures

173 (1) A municipality must not make an expenditure other than one authorized under subsection (2) or (3).

(2) A municipality may make an expenditure that is included for that year in its financial plan, so long as the expenditure is not expressly prohibited under this or another Act.

(3) A municipality may make an expenditure for an emergency that was not contemplated for that year in its financial plan, so long as the expenditure is not expressly prohibited under this or another Act.

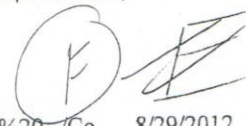
(4) The following apply in relation to the authority under subsection (3):

(a) the council must establish procedures to

(i) authorize expenditures under that subsection, and

(ii) provide for such expenditures to be reported to the council at a regular meeting;

(b) if an expenditure is made under that subsection, as soon as practicable, the council must amend the financial plan to include the expenditure and the funding source for the expenditure;



FILE

Gina Albers

Subject: FW: Copies of check

-----Original Message-----

From: Sushil Thapar [<mailto:thaparguesnel@gmail.com>]

Sent: Tuesday, August 21, 2012 12:32 PM

To: Kari Bolton

Subject: Copies of check

Hello Ms. Bolton please under FOI provide the following.

1. copy of cancelled check for Mr. Stecyk 's severance. Also electronic copy of showing withdrawal on check listing.
2. Provide a copy of loan issued to Mr. Jhonston Byron for \$50000.00 electronic copy of check and copy of check listing.

Thanks Sushil Thapar

(1) REQUEST

F



August 22, 2012

Your Request File No. 08-12-01

Via: thaparquesnel@gmail.com

Dear Mr. Thapar:

Re: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")

Further to your request dated Tuesday, August 21, 2012 at 12:32 p.m., a copy of which is enclosed for your records) requesting the following information:

John Stecyk

1. Copy of cancelled severance Cheque, electronic copy showing withdrawal on cheque listing;

Byron Johnson

1. Copy of \$50,000 loan issue to Byron Johnson, electronic copy of Cheque and copy of cheque listing;

I have enclosed a copy of your original request for your records.

Your request for John Stecyk's severance information, as per Item 1 above, has been denied as per Section 22(3)(f) of the Act as follows:

- 22(3)(f) – the personal information describes the third party's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness.

In response to your request for Byron Johnson's \$50,000 loan information, there are no records available. *THE PROMISSORY NOTE INCLUDED IN REF (A) + REF (B) SHOULD BE ON RECORD EVEN IF CANCELLED.*

Under Section 52 of the Act you may ask the Information and Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 days from the date you receive this notice to request a review by writing to:

Office of the Information and Privacy Commissioner
P.O. Box 9038, Stn. Prov. Govt.
Victoria, B.C. V8W 9A4
Telephone: 250.387.5629 Fax: 250.387.1696

REQUEST DENIED

F



If you request a review, please provide the Commissioner's office with:

1. The request number assigned to your request (08-12-01).
2. A copy of this letter;
3. A copy of your original request for information;
4. Detailed reasons or grounds on which you are seeking the review.

Please contact the undersigned to discuss any concerns or questions you may have at 250.991.7458.

Sincerely,

Original Signed By Kari Bolton

Kari Bolton
Head of FOIPPA

KB/gla

Encl: Copy of original request dated August 21, 2012 at 12:32 p.m.

E

Ken Butchard

From: Sushil Thapar [thaparquesnel@gmail.com]
Sent: Thursday, June 07, 2012 8:12 AM
To: Sushil Thapar
Subject: Re: Termination

Hi Kari complaint made directly to council is not confidential as it is sent externally. Word is on the street .please provide the buyout \$ figure underFOI.Financial implications are public knowledge. If you are delaying or denying I will file complaint FOI Commissioner.i am disappointed at city,s open,honest and transparent government.

Thanks Sushil Thapar

On 2012-06-06, at 8:33 PM, Sushil Thapar <thaparquesnel@gmail.com> wrote:

Hi kari/ken please under FOI provide the buyout (\$ figure) paid to ms wild and reason for termination. ASAP This one takes priority over other FOI requests I have. Your professionalism will be appreciated .

Thanks Sushil Thapar

On 2012-06-06, at 3:51 PM, Kari Bolton <kbolton@quesnel.ca> wrote:

Hi all,

Just to let you all know that I have forwarded this email to our lawyer and he is drafting a response.

Thanks,

Kari Bolton
 Director of Finance
 City of Quesnel
 P: (250) 991-7458
 F: (250) 992-1512
kbolton@quesnel.ca

Please consider the environment before printing this email.

From: meriel [mailto:m_wild@shaw.ca]
Sent: Wednesday, June 06, 2012 2:31 PM
To: Mary Sjostrom; John Brisco - External; Mike Cave - External; Ed Coleman - External; Scott Elliott - External; Laurey-Anne Roodenburg - External; Sushil Thapar - External
Cc: Kari Bolton; Ken Coombs
Subject: Termination
Importance: High

I am shocked that after almost ten years of loyal service to the organization, the City has decided to terminate me. I am particularly disappointed that the City failed to meet its own obligations under the Process laid out for resolution of

G



FILE

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-30-

Editor's Note: This release is available online at www.quesnel.ca

For further information, please contact:

Matt Wood, Communications Supervisor

Phone: 250.991.7475

Cell: 250.255.1170

E-mail: mwood@quesnel.ca

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	295,469.12

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REQUEST WAS MADE AUG 21, 2012 FOR A COPY OF A CANCELLED CHECK
OR A ELECTRONIC TRANSFER COPY OF REQUEST AND REPLY IS ATTACHED

PRECEDENT SETTING ??

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FILE**Ken Butchard**

From: Sushil Thapar [thaparquesnel@gmail.com]
Sent: Tuesday, September 04, 2012 2:44 PM
To: Pat Morton; Ken Butchard Butchard; ronbetcampbell@shaw.ca
Subject: Fwd: Nancy Coe hiring

Every body should read how mr Johnson conducts his business. Threat for what

Thanks Sushil Thapar

Begin forwarded message:

From: Byron Johnson <bjohnson@quesnel.ca>
Date: 4 September, 2012 1:27:50 PM PDT
To: Sushil Thapar - External <thaparquesnel@gmail.com>
Subject: FW: Nancy Coe hiring

Good afternoon Councillor Thapar,

I understand that former City employee Meriel Wild has been communicating with you regarding personnel matters. These discussions are inappropriate to the extent they involve personnel or in camera items and so you should be very careful to not in any way publish or pass on this information. Some of the statements I have heard from Ms. Wild are quite possibly in contravention of the FOI Act as well as being potentially actionable in a claim for damages in defamation. Please consult with me before you release any information that you receive so that we can review and discuss any concerns in this regard.

Thank you,

Byron Johnson

From: meriel [mailto:m_wild@shaw.ca]
Sent: August 31, 2012 9:00 AM
To: Byron Johnson
Cc: Sushil Thapar - External
Subject: Nancy Coe hiring

Cllr. Thapar has told me you have reported to him that I hired and trained Nancy. I confirm that she was hired within our available FTE. In fact, when I started there, I had a .5FTE assistant shared with Mayor and Council. When Nate was elected, Dawn Bowman then decided she had no time available for HR, and I never had a replacement provided until Nancy was hired. So I guess Council increased the FTE for themselves, but I don't know if that was ever done formally or not.

The reason I required Nancy was because we were posting around 60+ competitions per year at that time. That in itself is a full time job in some municipalities. Nancy was hired and trained to assist with staffing. I would consider her competent in this function, although I am not sure she yet has sufficient experience to be able to create suitably weighted and probing questions, and I doubt she can yet write a good job description. She has always worked off stuff that I created. I will state for the record, that I think Nancy is totally unqualified for the position at this time. Because she was cut back to 2 mornings per week she received no training in the key functions for the position - there simply was not enough time. When she worked full time, I was not there to train

(1)

0/5/2012

her. That is why she was contacting me all the time when I was off sick. She has no training in interpretation of collective agreements, handling grievances, bargaining, benefits, writing policies and reports, WCB claims, training, strategic planning etc etc. In fact, there are probably many union members who I would consider to have more relevant experience for the key functions of this job. That is not to say that Nancy could not have been trained in these functions. Had John ever got round to doing any succession planning, then we would have identified whether or not Nancy would be moving in to HR or Sandy's position. The Executive Committee were told that I intended to remain for another three years in order to ensure good succession planning. When I offered to negotiate a fair severance, they lied to my face and told me they needed my knowledge and skills at this key time, and did not want me to leave.

Nancy did undertake a lot of the small project work for me (what Maureen Murray calls the fou fou stuff) – eg retirement parties, Xmas party, long service award presentations, career leap, wellness events etc. These were time consuming for me and she was good at doing them when I explained exactly what was required.

However, Nancy's lack of knowledge and understanding has also landed the City in some trouble – she did not contact me with regard to John removing the mitigation clause from his contract – that has cost the City his full severance. In addition, she has failed to carry out certain tasks related to my severance – in fact she doesn't even know what she is not doing, and neither does anyone else. This has created a liability for the City you are not even aware of.

I am sure the other senior directors are happy with her – that is because they have no idea what the job requires, and whether or not she is doing the work correctly – you will only know when it goes wrong.

I am disappointed that the position was not posted so that you could hire the very best person for the job. Carol was denied Gina's position even though she met the education requirement – however we did at least post the position and give her an opportunity to compete for it. Nancy is known to be a friend of the Mayor, and has been given a position where she does not meet the education, knowledge or experience. It is too bad for the organization that you are not hiring the very best qualified applicants you can find. This has simply reinforced the message sent by the Mayor through my firing. She surrounds herself with the people she thinks will do her bidding rather than do the job right.

Meriel
m_wild@shaw.ca

(1)

9/5/2012

my harassment complaint (namely, appointment of an outside third party investigator), and also has failed to meet the legal timelines regarding payment of my outstanding salary and vacation pay following my termination.

Your letter refers to Section 14(b) of my contract. Section 14 of my contract talks about termination without just cause in accordance with the *Community Charter*. For your information, I am not appointed as an Officer under the Community Charter, and therefore this condition does not apply to me.

In accordance with common law, severance is decided on based upon

- <!--[if !supportLists]-->a) <!--[endif]-->my job title and duties
- <!--[if !supportLists]-->b) <!--[endif]-->length of service
- <!--[if !supportLists]-->c) <!--[endif]-->age
- <!--[if !supportLists]-->d) <!--[endif]-->availability of similar employment within the community

Based upon the above factors, should I decide to pursue a case for unfair dismissal, I believe I would be entitled to a severance of 18 months (possibly with additional legal costs).

I am sure that neither one of us wishes to spend money on significant legal costs, and I am willing to compromise to conclude this matter amicably. Nevertheless, your current proposal does not reflect the likely outcome if this case were to proceed to court. May I suggest that you reconsider your position. I await your response at your early convenience.

Meriel
m_wild@shaw.ca

8/28/2012

G



August 22, 2012

Your Request File No. 08-12-01

Via: thapquesnel@gmail.com

Dear Mr. Thapar:

Re: **Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

Further to your request dated Tuesday, August 21, 2012 at 12:32 p.m., a copy of which is enclosed for your records) requesting the following information:

John Stecyk

1. Copy of cancelled severance Cheque, electronic copy showing withdrawal on cheque listing;

Byron Johnson

1. Copy of \$50,000 loan issue to Byron Johnson, electronic copy of Cheque and copy of cheque listing;

I have enclosed a copy of your original request for your records.

Your request for John Stecyk's severance information, as per Item 1 above, has been denied as Section 22(3)(f) of the Act as follows:

- 22(3)(f) – the personal information describes the third party's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness.

In response to your request for Byron Johnson's \$50,000 loan information, there are no records available. *THE PROMISSORY NOTE INCLUDED IN REF A + REF (b) SIGNED BY HIM EVEN IF CANCELLED.*

Under Section 52 of the Act you may ask the Information and Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 days from the date you receive this notice to request a review by writing to:

Office of the Information and Privacy Commissioner
P.O. Box 9038, Stn. Prov. Govt.
Victoria, B.C. V8W 9A4
Telephone: 250.387.5629 Fax: 250.387.1696

REQUEST
REPLY D.

Mr. Ken Butchard

Page 2

The decision made by council to "censure" one of the members of council by limiting their involvement with committees or conferences is a decision for which council is ultimately accountable to the public at the time of election or through the courts if the councillor affected wishes to challenge the decision.

There are provisions in the *Community Charter* that deal with allegations of conflict of interest involving decisions made by members of council. There are no similar provisions that apply to City staff such as the Director of Finance although there may be rules under employment contracts or City policy. Concerns about the duties performed by a municipal employee should be addressed to the municipal council which has the authority to decide whether any action needs to be taken with regard to the matter.

The package of information that you sent to me is attached as you requested.

Sincerely,

A handwritten signature in black ink that reads "Julian C. Paine". The signature is written in a cursive style with a large initial 'J' and a distinct 'P'.

Julian Paine
Assistant Deputy Minister

Attachments

This is exhibit "D" referred to in the affidavit of KENNETH E. BUTCHARD sworn before me at Quesnel, British Columbia this 11th day of JUNE, 2013.



October 23, 2012

Ref: 15151

Mr. Ken Butchard
829 Reynard Street
Quesnel, BC V2J 3M4

Dear Mr. Butchard:

Thank you for your letter of September 6, 2012, regarding your concerns about the City of Quesnel (City). Please accept my apology for the delayed response.

I appreciate the comprehensive research you have undertaken with regard to your various concerns about the actions taken by some of the council members for the City. However, I am not in a position to hold a public inquiry into a matter that does not involve the financial viability of a local government, or the local government system as a whole. As well, I am not in a position to determine whether the City has followed generally accepted accounting principles.

I understand from your letter that you made a complaint in writing to the City's auditor. Under Section 172 of the *Community Charter*, the auditor must give notice of the matter to the council and must report to the council on the subject matter of the complaint. In addition, it should be noted that a council member who votes for a bylaw or resolution authorizing the expenditure, investment or other use of money contrary to the legislation is personally liable to the municipality for the amount. It is the courts that decide whether or not a council member acted contrary to a legislative requirement.

Council has the authority to dismiss an employee and to determine whether an applicant for a position has the necessary qualifications. These are matters within the authority of council to decide and it would be inappropriate for me to comment on or take any actions that would interfere with this process. If an employee has concerns with the nature or process of their dismissal by a local government, they have potential legal remedies through the courts under employment law rules.

- Manages information and records related to the human resources functions including storage, retention and disposal of same.

Qualifications

Education

- Graduation from a recognized university with acceptable specialization in human resource management, labour or industrial relations, psychology, public or business administration or any other field relevant to the work to be performed.
- Preferred: in addition to above, completion of Conflict Resolution Certificate and/or Coaching Program

Experience

- Experience in providing consultative services to Senior Management in staffing (recruitment); staff relations, labour relations and organizational development.

Knowledge, Skills and Abilities

- Well developed conceptual skills and the ability to identify and analyse issues and develop innovative and appropriate solutions.
- Experience in undertaking a wide range of human resources management consultancy projects including the provision of advice to executive management with particular experience in developing cooperative partnering relationships with all stakeholders.
- Demonstrated strong written and oral communication skills with demonstrated ability in writing effective reports, presentations and facilitation skills, negotiation and consultation skills and interpersonal skills beneficial to providing service to clients.
- Demonstrated ability to investigate and evaluate human resource management and administrative systems and to contribute to the development of appropriate policies and procedures.
- Demonstrated ability in all facets of multidisciplinary project team management with proven ability to manage projects within agreed priorities and accountabilities.
- Demonstrated skills and achievements in planning and managing organizational and human resource development that lead to a decentralized service delivery model.
- Demonstrated understanding of and commitment to the provision of effective and timely customer service and maintaining high morale in the workplace.
- Knowledge of or the ability to rapidly acquire a sound knowledge of, relevant legislation standards, policies and procedures appropriate to the City of Quesnel and their implications for human resource management functions, including a sound knowledge of workplace health and safety.

her. That is why she was contacting me all the time when I was off sick. She has no training in interpretation of collective agreements, handling grievances, bargaining, benefits, writing policies and reports, WCB claims, training, strategic planning etc etc. In fact, there are probably many union members who I would consider to have more relevant experience for the key functions of this job. That is not to say that Nancy could not have been trained in these functions. Had John ever got round to doing any succession planning, then we would have identified whether or not Nancy would be moving in to HR or Sandy's position. The Executive Committee were told that I intended to remain for another three years in order to ensure good succession planning. When I offered to negotiate a fair severance, they lied to my face and told me they needed my knowledge and skills at this key time, and did not want me to leave.

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However, Nancy's lack of knowledge and understanding has also landed the City in some trouble – she did not contact me with regard to John removing the mitigation clause from his contract – that has cost the City his full severance. In addition, she has failed to carry out certain tasks related to my severance – in fact she doesn't even know what she is not doing, and neither does anyone else. This has created a liability for the City you are not even aware of.

I am sure the other senior directors are happy with her – that is because they have no idea what the job requires, and whether or not she is doing the work correctly – you will only know when it goes wrong.

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Meriel
m_wild@shaw.ca

FILE

City of Quesnel

Position Title: **Human Resource Advisor**

Position Objective

To provide an effective and efficient client focused service and to ensure the integrity of the human resource functions within the organization.

Reporting Relationship

Incumbent directly reports to the Deputy City Manager and functionally to the members of the Senior Management Team.

Key Duties

- Lead and undertake quality and innovative HR and organizational development solutions that reflect contemporary best practices and are closely aligned with individual departmental issues and the overall strategic direction of the City.
- Research and advise on contemporary human resources and organizational development principles, trends and initiatives.
- Provide accurate, timely and authoritative advice, coaching and support to all levels of the organization on the management of human resources including labour and employee relations, performance management; training and development, recruitment and orientation; classification; reward and recognition and resource planning.
- Achieve project or task outcomes through effective planning, management and application of best practices.
- Effectively manage relationships including consultation, negotiation and communication with internal and external customers, networks, stakeholders and service providers.
- Contributes to the development, implementation and review of systems, policies and procedures which support effective human resource management and contribute positively to a high level of overall service delivery.
- Contributes to the identification, development and implementation of human resource management practice and service delivery options.

- Manages information and records related to the human resources functions including storage, retention and disposal of same.

Qualifications

Education

- Graduation from a recognized university with acceptable specialization in human resource management, labour or industrial relations, psychology, public or business administration or any other field relevant to the work to be performed.
- Preferred: in addition to above, completion of Conflict Resolution Certificate and/or Coaching Program

Experience

- Experience in providing consultative services to Senior Management in staffing (recruitment); staff relations, labour relations and organizational development.

Knowledge, Skills and Abilities

- Well developed conceptual skills and the ability to identify and analyse issues and develop innovative and appropriate solutions.
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- Demonstrated ability in all facets of multidisciplinary project team management with proven ability to manage projects within agreed priorities and accountabilities.
- Demonstrated skills and achievements in planning and managing organizational and human resource development that lead to a decentralized service delivery model.
- Demonstrated understanding of and commitment to the provision of effective and timely customer service and maintaining high morale in the workplace.
- Knowledge of or the ability to rapidly acquire a sound knowledge of, relevant legislation, standards, policies and procedures appropriate to the City of Quesnel and their implications for human resource management functions, including a sound knowledge of workplace health and safety.

This is exhibit D referred to in the affidavit of KENNETH E. BUTCHARD sworn before me at Quesnel, British Columbia this 11th day of JUNE, 2013.



October 23, 2012

Ref: 151515

Mr. Ken Butchard
829 Reynard Street
Quesnel, BC V2J 3M4

Dear Mr. Butchard:

Thank you for your letter of September 6, 2012, regarding your concerns about the City of Quesnel (City). Please accept my apology for the delayed response.

I appreciate the comprehensive research you have undertaken with regard to your various concerns about the actions taken by some of the council members for the City. However, I am not in a position to hold a public inquiry into a matter that does not involve the financial viability of a local government, or the local government system as a whole. As well, I am not in a position to determine whether the City has followed generally accepted accounting principles.

I understand from your letter that you made a complaint in writing to the City's auditor. Under Section 172 of the *Community Charter*, the auditor must give notice of the matter to the council and must report to the council on the subject matter of the complaint. In addition, it should be noted that a council member who votes for a bylaw or resolution authorizing the expenditure, investment or other use of money contrary to the legislation is personally liable to the municipality for the amount. It is the courts that decide whether or not a council member acted contrary to a legislative requirement.

Council has the authority to dismiss an employee and to determine whether an applicant for a position has the necessary qualifications. These are matters within the authority of council to decide and it would be inappropriate for me to comment on or take any actions that would interfere with this process. If an employee has concerns with the nature or process of their dismissal by a local government, they have potential legal remedies through the courts under employment law rules.

.../2

Ministry of Community,
Sport and Cultural
Development

Assistant Deputy Minister
Local Government

Mailing Address:
PO Box 9490 Stn Prov Govt
Victoria BC V8W 9N7

Location:
6th Floor 800 Johnson Street
Victoria

Phone: 250 356-6575
Fax: 250 387-7973

www.gov.bc.ca/cscd

(P)

Mr. Ken Butchard
Page 2

The decision made by council to "censure" one of the members of council by limiting their involvement with committees or conferences is a decision for which council is ultimately accountable to the public at the time of election or through the courts if the councillor affected wishes to challenge the decision.

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The package of information that you sent to me is attached as you requested.

Sincerely,



Julian Paine
Assistant Deputy Minister

Attachments

This is exhibit ^{"E"} E referred to in the affidavit of KENNETH E BILWAK sworn before me at Quesnel, British Columbia this 11th day of JUNE, 19 2013.

Ken Butchard

From: Sushil [thaparquesnel@gmail.com]
Sent: Wednesday, May 02, 2012 3:00 PM
To: Kari Bolton
Subject: Re: City Manager

Hello acting city manager thanks for reminder also corporation is bound by charter.lying or misleading to the public will be dealt accordingly.here is my request under FOI please provide information on total financial implications on this news release on the departure of Mr.Stecyk matter.also where is the money coming from.

Thanks Sushil Thapar

On 2012-05-02, at 3:14 PM, Kari Bolton <kbolton@quesnel.ca> wrote:

Hi all,

Just a reminder that you are all bound by your oath, the community charter, and the confidentiality agreement to not say anything beyond what was written in the press release regarding John's departure.

We have already been advised by our lawyer that John's lawyer is reminding us of our obligation to keep the details of John's departure confidential.

Thanks,

Kari Bolton
Director of Finance
City of Quesnel
P: (250) 991-7458
F: (250) 992-1512
kbolton@quesnel.ca

Please consider the environment before printing this email.

KG/E

7/14/2012

This is exhibit E referred to in the affidavit of KENNETH BURZAKO sworn before me at Quesnel, British Columbia this _____ day of _____, 19 _____

4

10. There is no evidence that Mr. Stecyk was going to voluntarily resign from his employment with the City unconditionally. Thus, the City faced liability for payment of the full value of the Severance. Council allowed the City and Mr. Stecyk to avoid a potentially protracted and uncertain termination process, was determined by Council to be in the public interest, and is subject to the highest degree of deference by the Courts.

Catalyst Paper Corporation v. District of North Cowichan 2010 BCCA 199 at paras. 37- 38.

Community Charter s. ss. 1, 3, 4, 7, 8

Jack's Towing Ltd. v. Abbotsford (City) 2007 BCSC 93

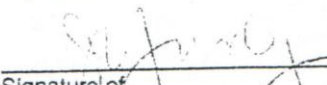
11. The Respondents ask that this Petition be dismissed, with special costs payable to the Respondents.

Part 6: MATERIAL TO BE RELIED ON

1. Affidavit No. 1 of Scott Elliott sworn April 26, 2013
2. Affidavit No. 1 of Michael Cave sworn April 26, 2013
3. Affidavit No. 1 of Laurey-Anne Roodenburg sworn April 26, 2013
4. Affidavit No. 1 of Ed Coleman sworn April 26, 2013
5. Affidavit No. 1 of John Brisco sworn April 26, 2013
6. Such further material as counsel may advise and This Honourable Court allows.

The petition respondents estimate that the application will take one day.

Dated: April 26, 2013



Signature of
 petition respondent
 lawyer for petition respondents
James G. Yardley

Petition respondent's address for service: Murdy & McAllister, 1155-555 Burrard St., PO Box 49059, Vancouver, B.C. V7X 1C4

Fax number address for service (if any): 604 689-9029

E-mail address for service (if any): jgy@murdymcallister.com

Name of the petition respondent's lawyer, if any: James G. Yardley

