

Question of confidentiality raises eyebrows at Council

By Brock Weir

Before Councillors went into a closed session meeting last week to discuss the ins and outs of former mayor Phyllis Morris' \$250,000 lawsuit against the Town of Aurora launched June 7, members had some hesitation discussing the matter while the cameras were not rolling.

The concerns, argued by Councillors Paul Pirri and Evelyn Buck, were whether information discussed behind closed doors would ultimately stay behind closed doors.

Councillor Pirri was first to voice his concerns, saying he didn't feel "comfortable" going in-camera to discuss the latest lawsuit.

"I have grave concerns that what is being discussed in closed session is leaking out," he said. "I wouldn't want other members of council to have a false sense of security on this matter. I think if we're going to be discussing this, discuss it in such a manner that Mr. Mar is here to stop us in saying anything that could be damaging to the municipality in case it does leak out."

In response, Mayor Geoffrey Dawe said Councillor Pirri's concerns were "very serious" and pressed for specifics. Councillor Pirri agreed at the severity, and said his concerns were passed on "what has happened in the past", and his belief that what is said is leaving the confines of the closed room.

Speaking to whether or not his report could be discussed in public, Mr. Mar said his preference is to always go into closed session when it concerns litigation or other legal matters. He added he would not be providing Council with any details regarding litigation advice, but simply what's next on the matter.

"If we are in open session, that will limit my conversation at this stage," he said. "[In the open] I will answer questions to the best of my abilities if I feel comfortable with it, depending on how the nature of the conversation goes."

Councillor Evelyn Buck, however, said she did not believe it was fair to put Mr. Mar in this position to answer to whether or not he could speak to discussions that might take place because he would have no idea of the questions that might be asked behind closed doors. Nevertheless, she said she shared Councillor Pirri's concerns about closed session confidentiality.

"I find myself between a rock and a hard place," she said of the origins of the lawsuit, which can be traced back to the now infamous closed session meeting in September 2010 which authorised Council to take "any and all" measures to address anonymous comments made on the Aurora Citizen blog which Ms. Morris claimed were defamatory. This decision ultimately led to the aborted \$6 million suit against three local bloggers, among others.

"This problem started not in this [Council] term but in the previous term when matters that had no business being discussed by Council were taken behind closed doors [and] were none of the Town's business, yet were taken behind closed doors and decisions were made. We now have two Councillors who participated in making a decision, which, in my opinion, they had no authority to make.

"They are now part of the whole Council and I have no confidence that what gets discussed stays behind closed doors."

Of the three remaining Councillors left standing from the previous term, including Councillor Buck, only Councillors Wendy Gaertner and John Gallo participated in the September 2010 closed session. Although Councillor Buck did not mention any of her fellow Councillors by name, the implication was clear to Councillor Gaertner, who called a point of privilege to her comments.

Mayor Geoffrey Dawe said Councillor Buck "expressed a general concern", but she disagreed.

?She expressed a very specific concern that Councillors who were on the last Council and she therefore does not trust them to keep information confidential,? said Councillor Gaertner. ?I find that completely insulting.?

?I have been insulted many times, Mr. Mayor,? said Councillor Buck to Mayor Geoffrey Dawe. ?And I don't have a solution to offer. I share Councillor Pirri's concerns.

Mayor Dawe found in favour of Councillor Gaertner, saying that was not a comment for the table, but Councillor Gaertner pressed on, asking for an apology.

?Councillor Buck, I feel, disparaged my character, my honour, and I want an apology,? she said. ?That question cannot just be left like that.?

Mayor Dawe once again found in favour of Councillor Gaertner and, with Councillor Buck refusing to apologise or withdraw her words, was not recognized for the rest of the evening. She had one parting comment.

?There isn't any neat and tidy way of stating what my concern is and it is not a reflection on Councillor Gaertner's integrity,? she said. ?They made a decision, they stuck with a decision, they persistently have held to that decision. We have gone in a different direction. It is a concern I have. I am certainly not going to apologise for being concerned.?