

Blogger suffers another loss in court cases against councillors

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By Scott Dunn

A Superior Court Justice in September ordered outspoken blogger Craig Gammie to pay South Bruce Peninsula council members' court costs of more than \$8,000 and dismissed his claim they violated the Municipal Conflict of Interest Act when they passed an indemnification bylaw late last year.

This month the court also dismissed on consent a separate claim under the conflict of interest act by Gammie against SBP Mayor John Close, which questioned his police board participation.

"This was sort of a tip of the hat to the councillors," Close said in an interview about the judge's decision concerning the indemnification bylaw. Councillors' work on the bylaw, which covers them against financial loss stemming from the performance of their duties, was well considered, he said.

"They certainly do do their homework and they know where they stand on these issues."

Gammie is "surrendering all claims against me and that's a vital point . . . for me" and, to his knowledge, has no other claims against him outstanding, Close said.

Close said he thought the separate action against him alone concerned his position with the SBP police board and the town's dynamic beach bylaw.

Gammie alleged the indemnification bylaw gave councillors a benefit because otherwise they would potentially faced paying for a legal defence out of their own pockets. His application named SBP Mayor John Close and councillors Jim Turner, Paul McKenzie, Jay Kirkland and Karen Klages, who voted on the bylaw.

But Justice L. L. Snowie dismissed that case and ordered Gammie to pay costs Sept. 19. Snowie's handwritten endorsement said members of council may discuss and vote upon indemnification bylaws at any time.

"The bylaw in question provides a 'benefit' to the (SBP council members) which is meant to protect their personal financial interests as members of council," the judge wrote. The law also says receipt of council pay and benefits are "not to be a 'pecuniary interest' for the purposes of the Act."

And so, Snowie wrote in the endorsement, "It is clear here that despite the acknowledged direct 'pecuniary interest' there is no contravention of the Act when read as a whole."

She ordered Gammie, who represented himself in court, to pay \$7,294.60 and disbursements of \$811.63 within 30 days.

Gammie's application to remove Close from the police board was dismissed in Superior Court Oct. 10 on consent of the parties without costs.

Gammie's affidavit filed with the court suggested the mayor's conduct related to an allegation he was "interfering with enforcement of the TSBP Dynamic Beach Bylaw"

Close, who as a paid police board member had a pecuniary interest, participated in discussions about conduct, Gammie alleged.

"I submitted that he should have declared his interest and sat out the discussion" at board meetings Aug. 8 and Sept. 19, 2012, Gammie wrote in an emailed response to questions.

A Crown attorney in March withdrew a privately brought obstructing justice charge against Close concerning allegations he directed town bylaw officials not to enforce on a section of private beach the town's dynamic beach bylaw, which limits activities such as driving on the public beach.

Asked what court actions or appeals are outstanding against South Bruce Peninsula, staff and councillors, Gammie wrote Friday: "I have only one outstanding proceeding, a request for the court to quash the TSBP resolution R- 423- 2013 of August 20, 2013, which banned me from all public meetings and from town hall."

Council first banned Gammie in late 2012 after he taped a closed meeting which he said he did inadvertently after having been warned not to record council meetings. In May, a judge temporarily lifted the ban, but council banned him again Aug. 20.

This summer a judge also dismissed Gammie's application for a ruling on whether SBP councillor and Wiarton businessman Jim Turner was in a conflict of interest when he voted for an annual \$50,000 grant to the chamber of commerce to promote tourism. The court found no conflict.

Gammie said he would appeal but that appeal was dismissed and the judge ordered Gammie to pay costs to the town, Turner said Friday. Details about those costs weren't immediately available.