



February 13, 2025

**CONFIDENTIAL**

The Honourable Ravi Kahlon  
Minister of Housing and Municipal Affairs  
Province of British Columbia  
PO Box 9056, Stn. Prov. Govt.  
Victoria, BC V8W 9E2  
Via email: HMA.minister@gov.bc.ca

Dear Minister Kahlon:

RE: Response to your letter of December 24, 2024

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On behalf of the City of Kamloops, we would like to extend our sincere congratulations on your recent re-election and appointment as Minister of Housing and Municipal Affairs. We wish you every success as you assume this important role and look forward to your leadership in addressing the pressing challenges faced by local governments across British Columbia.

We thank you for your letter of December 24, 2024, and we write, as requested, to advise you of the current state of affairs in the City of Kamloops.

In September 2024, at the Union of BC Municipalities Convention, we shared with then Minister Anne Kang the ongoing and deeply troubling situation we face with one of our elected officials, Mayor Reid Hamer-Jackson. As we expressed during our meeting with Minister Kang, the Mayor's ongoing conduct has caused significant and persistent harm to the City's staff, governance, and operations, resulting in widespread disruption, excessive costs, and public concern.

Specifically, the ongoing issues caused by Mayor Hamer-Jackson include, but are not limited to, the matters listed below.

- **Ongoing mistreatment of City staff** – This includes twenty-four substantiated complaints of workplace misconduct with findings by independent investigators (external investigators engaged by the City, many, if not all, of whom are practising lawyers) that the Mayor has engaged in "bullying and harassing", "disrespectful", "offensive", "demeaning", "insulting", "abusive", "aggressive" and "threatening" treatment of multiple staff. This also includes multiple WorkSafeBC claims arising out of his conduct, which we are statutorily barred from detailing. The Mayor's ongoing misconduct has created a toxic work environment, negatively impacted staff morale, and caused multiple business and operational challenges (some of them particularly serious, e.g. his arbitrary and seemingly retaliatory suspension of a very senior City manager). It has also exposed the City to constructive dismissal/wrongful

termination claims that could certainly exceed one million dollars in potential damage awards and associated costs.

- **Repeated Privacy Breaches** – The Mayor has committed numerous privacy breaches in flagrant contravention of his statutory duties under the *Freedom of Information and Protection of Privacy Act* (FIPPA). To date, the Mayor's twenty-one confirmed privacy breaches have caused and will continue to cause direct and serious harm to staff and members of the public. Notably, the Office of the Information and Privacy Commissioner has stated in several of its privacy breach investigation closing letters that:

"...it remains unclear whether [*additional privacy training for Mayor Hamer-Jackson*] will prevent similar breaches from occurring in the future, given what appears to be a willful disregard of the legislation" by Mayor Hamer-Jackson.

The OIPC has also stated that "breaches of this nature may continue, if the Mayor does not follow the City's training and policies."

- **Repeated Breaches of Confidentiality** – The Mayor has engaged in repeated and ongoing breaches of municipal confidentiality in contravention of section 117 of the *Community Charter*. This unlawful conduct not only compromises sensitive municipal information and exposes the City to loss and damage, it also undermines trust in City governance. As noted by an independent investigator:

"In this case, it was clearly Council's will that the Report and the Resolution remain confidential documents. They took steps to ensure the confidentiality of both, and took steps to ensure that Mayor Hamer-Jackson knew that they were confidential. Mayor Hamer-Jackson was either willfully blind to those steps, or he intentionally disregarded them. Either way, the Mayor's behaviour is a substantial departure from the standard to be expected of a mayor."

The above-cited Investigation Report concerns the Mayor's unlawful possession and dissemination of a privileged and confidential workplace investigation into his mistreatment of City staff. His actions constitute a clear contravention of his statutory duties under both FIPPA and the *Community Charter*. In our opinion, his actions also constitute a breach of his Oath of Office, a breach of his fiduciary duty to act in the best interests of the City, and a conflict of interest (prioritizing his personal interests over those of the City). Despite numerous demands from the City's Privacy Officer and Council, the Mayor refused to return the records and instead chose to disseminate them to the media. He also states publicly that he intends to use the records for his own purposes—an act that would constitute a separate breach of FIPPA and speaks to the obvious conflict of interest in which he finds himself.

The Attorney General has now intervened in an effort to protect the individuals whose privacy the Mayor has breached from suffering further harm. The Honourable Attorney General Niki Sharma is presently exercising her authority under FIPPA by seeking a mandatory injunction compelling the Mayor to return all copies of the

records. Once again, the cost of the Mayor's reckless and harmful actions will be borne by the taxpayers—this time, both locally *and* provincially.

- **Ongoing violations of the Council Code of Conduct Bylaw** – Despite Council imposing formal processes, sanctions, and corrective measures to curtail the Mayor's behaviour, his inappropriate conduct continues. In fact, in *Code of Conduct* Investigation Report No. 2024-0020, the independent investigator stated that:

"Mayor Hamer-Jackson has shown no willingness to take any responsibility for his actions and Council must proceed on the assumption that he is likely to continue to disclose confidential documents either through lack of care or simply when it suits him." (emphasis added)

In addition, *Code of Conduct* Complaints against Mayor Hamer-Jackson have been withdrawn due to the complainants' stated fears that the Mayor would retaliate against the very staff alleged to have been mistreated by him in the first place—fears that are not unreasonable given the Mayor's mistreatment of certain staff members known to have complained about his behaviour. These fears are also amplified by the fact—by now, obvious to all staff—that Council simply does not have the legal ability and tools and resources to adequately protect them.

- **Distracting personal lawsuits** – Mayor Hamer-Jackson has also launched what, in our opinion, is a misguided lawsuit against his own Council colleague, alleging she defamed him by reading a public statement on behalf of Council. The particulars of the suit can be viewed in the attached pleadings at Appendix 3. Recently, the Mayor launched a second defamation lawsuit against a local businessman, Joshua Knaak, the particulars of which can also be viewed in the attached pleadings at Appendix 4.
- **Conflicts of interest** – Mayor Hamer-Jackson has engaged in conduct that—at best—demonstrates a misunderstanding of the conflict of interest prohibitions in the *Community Charter*, despite having served over half his term. In one such instance, the Mayor—having received a conflict caution—refused to recuse himself from a Council vote on whether to impose protective measures to shield staff from his very own conduct. This in turn calls into question the integrity of Council's decision-making processes. Indeed, as noted by Ministerial Advisor Braun:

"I have observed that the Mayor does not understand policies and legislation regarding declaration of conflicts."

- **Disregard for his Mayoral Duties** – In our view, Mayor Hamer-Jackson continues to disregard his mayoral duties and his responsibilities as an elected official, as well as his sworn Oath of Office. Among other things, he has not attended a closed meeting of Council since August 13, 2024, from which he recused himself without declaring a conflict and did not return for the remainder of the meeting. In fact, since taking office, he has missed almost 50% of the closed or special council meetings, many times without any explanation at all.

In addition, he has declined to participate in several independent investigations into his conduct, which undermines the cornerstone principles of transparency and accountability to which all local elected officials are bound.

- **Escalating Cost to the Taxpayers** – The City has faced substantial, escalating legal costs as a direct result of Mayor Hamer-Jackson's conduct and the City's efforts to mitigate the legal risk to which he has exposed it. Unfortunately, these costs continue to be borne by Kamloops taxpayers who have no ability to monitor or control the financial harm caused by Mayor Hamer-Jackson.

Attached as appendices to this letter are the following documents that outline, in detail, Mayor Hamer-Jackson's troubling conduct:

1. Appendix 1 – Ministerial Advisor Braun's April 22, 2024, report;
2. Appendix 2 – Petition and supporting affidavits filed by the Attorney General seeking an injunction compelling Mayor Hamer-Jackson to return a privileged and confidential report containing personal information;
3. Appendix 3 – Notice of Civil Claim, Response to Civil Claim, Notice of Application, and supporting Affidavits in the defamation claim filed by Mayor Hamer-Jackson against Councillor Neustaeter;
4. Appendix 4 – Notice of Civil Claim and Response to Amended Civil Claim in the defamation claim filed by Mayor Hamer-Jackson against Joshua Knaak;
5. Appendix 5 – *Code of Conduct* Investigation Report No. 2023-0001 in which an independent investigator found Mayor Hamer-Jackson breached his obligations under section 3.11(a) of the *Code of Conduct* by making public statements he knew or ought to have known would mislead the public;
6. Appendix 6 – *Code of Conduct* Investigation Report 2024-0019 in which an independent investigator found Mayor Hamer-Jackson breached section 3.15(a) of the *Code of Conduct* and section 25.1 of FIPPA when he collected and forwarded sensitive photographs of street-entrenched individuals to the Kamloops Chamber of Commerce Executive Director, purportedly for use in a slideshow at a public event; and
7. Appendix 7 – *Code of Conduct* Investigation Report of 2024-0020 in which an independent investigator found Mayor Hamer-Jackson breached section 3.15(a) of the *Code of Conduct* and section 117(1)(a) of the *Community Charter*, when he disseminated to media outlets both a privileged and confidential report and a closed council resolution.
8. Appendix 8 – October 2024 Submission Notes in response to UBCM's Discussion Paper: *Potential For Change – Responsible Conduct Framework For Local Government Elected Officials*.



## Update on Implementing Ministerial Advisor Braun's Recommendations

In your December 24, 2024, letter you requested an update on the work Council has completed to implement Ministerial Advisor Braun's recommendations.

In his April 22, 2024, Report, as delivered to Council in May of that year, Ministerial Advisor Braun made 13 "Council Recommendations", which are comprised, in summary, of amendments to the *Code of Conduct* and Remuneration Policy, additional training/mentorship for the Mayor and Council, lobbying the provincial government for effective legislative changes, and cooperation with WorkSafeBC Investigations to deal with workplace safety issues.

As a direct result of Ministerial Advisor Braun's report, Council has enacted the measures listed below.

- To address the Mayor's numerous privacy breaches, Council has restricted his access to personal information by enforcing strict document viewing protocols and denying him access to versions that can be unlawfully disseminated. City staff also have been working closely with the Office of the Information and Privacy Commissioner to minimize the harm to individuals as a result of the Mayor's numerous and ongoing privacy breaches.
- To address the Mayor's numerous confidentiality breaches, Council has likewise restricted his access to privileged and confidential City information by enforcing strict document viewing protocols and denying him access to versions that can be unlawfully disseminated.
- To address the Mayor's failure/refusal to sign official City instruments and records, Council has enacted protocols which authorize the deputy mayor to sign the documents whenever Mayor Hamer-Jackson has, within 48 hours of being asked to execute them, neglected or refused to do so.
- To remind the Mayor of his legal and ethical commitments, a councillor distributed a copy of their Oath of Office to keep at their Council Chambers seat. In addition, members of Council have read components of the Oath of Office aloud in open meetings, which includes the following:
  - I will carry out my duties with integrity;
  - I will be accountable for the decisions that I make, and the actions that I take, in the course of my duties;
  - I will be respectful of others;
  - I will demonstrate leadership and collaboration; and
  - I will perform the duties of my office in accordance with the law.

- Regarding *Code of Conduct* breaches: Ministerial Advisor Braun recommended amendments to the *Code of Conduct* to include structured remuneration penalties for repeated offences. The *Council Code of Conduct Bylaw* and Council's Remuneration Policy already provide Council with full discretion to impose remuneration penalties for such misconduct. To date, Council has reduced the Mayor's remuneration by a combined total of 40% as a result of three (3) separate *Code of Conduct* breaches. Unfortunately, these sanctions appear not to have deterred the Mayor and he refuses to participate in investigations concerning his conduct, contrary to his obligations of transparency and accountability. More to the point, he refuses to acknowledge wrongdoing, despite several different independent investigators having found misconduct.
- Regarding adjustment of remuneration: Despite Ministerial Advisor Braun's recommendation that Council increase the remuneration payable to councillors and the deputy mayor to account for the increased workload they are carrying as a result of the Mayor's conduct, the councillors have thus far declined to increase their remuneration in this regard.
- Regarding the recommendations that Mayor Hamer-Jackson receive basic education and coaching on his roles and responsibilities, and that Council as a whole participate in conflict resolution training, leadership and communication skills training, and governance coaching: Regrettably, Council fears there is little to be gained from this training if Mayor Hamer-Jackson continues to refuse to participate. He is the chief instigator of the ongoing chaos at City Hall. Yet, Council has no faith that he will attend or participate in any training. He has repeatedly refused to attend training sessions and team building events organized or directed by Council. In one case, the City spent several thousand dollars arranging for expert training in governance, ethical responsibilities, and respectful workplace communications, as recommended by an independent investigator in a report concerning Mayor Hamer-Jackson's conduct. However, he refused to attend. In addition, Council has directed the Mayor to undertake training on his obligations regarding personal information under FIPPA, also at the recommendation of an independent investigator. However, he has thus far failed to comply. As noted by Ministerial Advisor Braun in his Report:

"The Mayor's position has consistently been that he has done nothing wrong, made no mistakes and has nothing to apologize for. This makes for a difficult working environment..."

- Regarding the Mayor's lack of governance skills: Council removed Mayor Hamer-Jackson as Council spokesperson until he demonstrates that he has improved his governance skills by, in good faith, complying with the recommendations made by Municipal Advisor Henry Braun in his Report under "Section 5 - Mayor Recommendations. In addition, Council rescinded Mayor Hamer-Jackson's appointments to both the Thompson-Nicola Regional District Board of Directors and the Kamloops Airport Authority Society, likewise until he demonstrates a commitment to improving his governance skills as recommended by Ministerial Advisor Braun.

- Regarding Council's obligation to protect staff from the Mayor's conduct, and in accordance with Ministerial Advisor Braun's recommendation: Council has maintained and extended various protective measures to safeguard City staff and shield them from harmful interactions with Mayor Hamer-Jackson. This includes, without limitation, protocols that limit direct interactions between the Mayor and specified staff as well as protocols that protect staff from certain retaliatory behaviour by the Mayor and allow them to disengage from abusive and disrespectful communications from him. In addition, Council relocated the Mayor's office to protect staff from unescorted interactions with the Mayor.
- Regarding Ministerial Advisor Braun's recommendation to discuss changes to provincial legislation "to assist municipal councils experiencing extreme dysfunction, which may include a legislative process for removing a member of the council": Council has engaged in the following:
  - April 2024 – submitted a resolution to the Southern Interior Local Government Association (SILGA): Bullying and Harassment by Local Elected Officials, seeking amendments to the *Workers Compensation Act* and adoption of statutory provisions by the Government of British Columbia to effectively safeguard municipal and regional district staff and elected officials against bullying, harassment, and other inappropriate treatment at the hands of a local elected official. Resolutions are available at <https://silga.ca/wp-content/uploads/2024/10/2024-SILGA-RESOLUTIONS-Voted.pdf>; Resolution 39, Page 19.
  - April 2024 – participated on the UBCM Responsible Conduct Focus Group and provided input into the Framework for Local Government Elected Officials.
  - September 2024 – met with the Honourable Anne Kang, Minister of Municipal Affairs, at the UBCM convention to request backing from the Province on implementing many of the recommendations in Ministerial Advisor Braun's Report.
  - September 2024 – met with the Honourable Harry Bains, Minister of Labour, at the UBCM convention as part of a delegation from SILGA to discuss how to clarify and improve processes related to labour relations, specifically regarding the involvement of elected officials in WorkSafeBC claims and coverage, since politicians are not classified as workers.
  - September 2024 – attended the Responsible Conduct Forum at the UBCM convention and provided feedback on the Framework for Local Government Elected Officials.
  - October 2024 – provided a submission in response to UBCM's Discussion Paper: Potential For Change – Responsible Conduct Framework For Local Government Elected Officials, providing comments on UBCM's requests for provincial legislation regarding the implementation, administration, and enforcement of municipal codes of conduct. A copy of the submission is attached as Appendix 8.

- Regarding Ministerial Advisor Braun's recommendation to continue working with WorkSafe BC Investigations "to use their office and powers to the fullest extent possible to deal with workplace health and safety issues", the City's senior management continues in its efforts to work with WSBC staff (especially on the prevention side) but action and responses from WSBC have regrettably generally been slow and ineffectual, with WSBC expressing doubt about its jurisdictional ability to intervene. As noted elsewhere, we are not permitted statutorily to discuss any of the numerous WSBC claims arising out of the Mayor's conduct.

Ministerial Advisor Braun identified three broad categories of improvement for Mayor Hamer-Jackson and made ten recommendations, all of which were focused on improving the Mayor's conduct and communication issues as well as his governance and leadership skills. In our view, the Mayor has not undertaken any meaningful work toward any of the ten recommendations.

In fact, Mayor Hamer-Jackson has not, at any time, accepted the findings or Report of Ministerial Advisor Braun, and instead, has publicly denounced the entire process and called into question Ministerial Advisor Braun's credentials and qualifications.

As a result, the governance measures implemented by Council have been done entirely without cooperation from Mayor Hamer-Jackson.

The cumulative impact of Mayor Hamer-Jackson's misconduct cannot be overstated. The City's ability to govern effectively has been severely hindered, and our residents—the very electorate we serve—are effectively powerless to rein in the misconduct of one bad actor. While the City is grateful for the assistance that the Provincial Government has provided thus far, Council is respectfully requesting additional intervention. Without further action, we are concerned that Mayor Hamer-Jackson will continue unabated in his mistreatment of staff and his seeming disregard for his mayoral duties and responsibilities.

This untenable situation has highlighted the limited ability of current legislation to address such scenarios, leaving municipalities with insufficient tools to protect their operations, staff, and taxpayers from the harmful and expensive actions of one rogue elected official. We are only half-way through the term, and we estimate that Mayor Hamer-Jackson's actions have cost the taxpayers in excess of \$1 million dollars in additional staff time, resources, and legal fees. The Mayor's misconduct is far beyond anything the City has ever seen from an elected official. This is simply unacceptable, and completely unsustainable for our community.

Despite our continued efforts working with the Office of the Information and Privacy Commissioner and WorkSafeBC, it is clear that both organizations are of the view that their governing legislation prevents them from taking direct action against the Mayor for his misconduct.

Minister Kahlon, you have the unique opportunity and authority to introduce legislative amendments that would provide municipalities with much-needed tools to address the conduct of rogue elected officials. It is imperative that safeguards exist to ensure municipalities can protect their staff, and function effectively when faced with extreme cases

such as ours. We urge you to turn your attention to this critical issue and work toward legislative reforms that will empower municipalities to uphold governance, protect public trust, and safeguard the well-being of staff and taxpayers. Your leadership on this matter will provide municipalities with the tools needed to navigate challenges like the one we currently face and will ensure that no community is left vulnerable to similar harm, disruption, and excessive costs in the future.

We appreciate your time, consideration, and commitment to supporting municipalities across British Columbia. Please do not hesitate to reach out should you require further details regarding our situation or wish to discuss potential solutions in greater depth. We look forward to your response and remain hopeful that under your guidance, meaningful change can be achieved.

Sincerely,



Councillor Bepple, on behalf of  
Council for the City of Kamloops

Enclosures



**To:** City of Kamloops Council

**From:** Henry Braun, Municipal Advisor

**Date:** April 22, 2024

**Subject:** Municipal Advisor's Report

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## EXECUTIVE SUMMARY

The writing of this report commenced after the Mayor's suspension of the Acting CAO and subsequent Council reversal by an 8-0 vote, with the Mayor being absent. Dysfunction at the local government level has increased during the last several years in a number of B.C. communities, including the City of Kamloops.

The Mayor is the "first among equals" and sets "the tone at the top". As the former Mayor of the City of Abbotsford, my involvement as a Municipal Advisor has reminded me that how we lead, what we do, what we say matters. It sets a tone – whether it's positive or negative. It shapes a team, an organization, and ripples through the community.

The City of Kamloops (City) is the 10<sup>th</sup> largest city in British Columbia by population. Based on my experience with this project, Councillors are engaged and working well with an administration that understands its role and is doing good work in challenging circumstances.

To find a way forward has been much more difficult than I envisaged at the onset. I found that when asked a specific question, the Mayor has a tendency to shift the focus/discussion away from the question. I have found that he avoids taking responsibility for his own actions or inaction, while expressing his opinions on a completely different topic.

Absent a commitment from the Mayor to make significant changes in how he interacts and treats Council colleagues and administrative staff, I am not aware of any legislative levers that Council has at its disposal. A possible avenue to explore is to amend the city's Code of Conduct to include additional sanctions, part of

which could be a financial penalty by way of a graduated reduction in salary (Recommendation 3).

I write this Report on an “in camera” and confidential basis recognizing the sensitivity of the matters discussed and concerns of personal privacy.

The dates and summary of information provided in this Report are a repetition of the information presented to me, of which I have confirmed to the best of my ability and which I believe to be accurate and true. They are not bare allegations.

My findings and suggestions outlined later in this Report are based upon the compelling information available to me, corroborated by personal observations and interviews, and with reference to documents and records where available.

## **SECTION 1 – Key Dates**

1. On March 8, 2022, Info News Kamloops article reads, “Kamloops business owner announces intention to run for mayor.” (The owner referenced is Reid Hamer-Jackson). The first sentence in the article states, “A Kamloops business owner wants to hold B.C. Housing and City staff to account if he wins the mayors job in the fall municipal election.”
2. Candidate Hamer-Jackson’s campaign material included, “The majority of other mayoral candidates this year are all current or former city councillors that have overseen the mismanagement of our city – we don’t need more politicians.” The next bullet reads, “Reid is asking for your vote if you are tired of ineffective bureaucracy and failed leadership getting in the way of solving our keys issues and getting back to a Kamloops, we all can be proud of again.”

Goals identified in the campaign material:

#1 Safety, community safety.

#2 Accountability & Transparency, hold government officials accountable, and

#3, Prosperity, make a Kamloops we can all be proud of again.

3. October 15, 2022, with 31 per cent of the vote, Reid Hamer-Jackson is elected as the next mayor of Kamloops on a platform of community safety,

accountability for city hall and for contract social service providers. Joining the Mayor were five (5), new councillors and three (3) incumbents.

4. November 1, 2022, Council is sworn in.
5. November 8, 2022 – Council Orientation (**Mayor did not attend**).
6. December 6, 2022 – Mayor recuses himself from entire public council meeting on the basis of two agenda items that were a conflict for him: a variance on a property that involved a close friend, and a report dealing with housing, safety and security that involved ASK Wellness.
7. December 8, 2022 – In an open Council meeting, Mayor opposed a motion to move into a closed meeting where Council was to receive advice from the City's lawyers about the **S.14 information protected by privilege**  
[REDACTED]
8. January 10, 2023 – Mayor fails to attend a follow-up governance session (initially a team building exercise), focused on council dynamics.
9. January 26/27 and February 11, 2023 – Strategic Planning Session with Mayor, Council and Staff.  
During one of my discussions with the CAO, he shared that the Mayor made some good points during the Strategic Planning sessions.
10. February 23 – April 3, 2023, Mayor is under investigation concerning allegations of negative or adverse treatment of **S.22(1) Personal Information** and three other city employees.
11. March 17, 2023 – Eight Councillors hold public event in council chambers at which a Joint Statement is read regarding the Mayor's behaviour.
12. June 12, 2023 – Mayor files a Notice of Civil Claim in B.C. Supreme Court against Councillor Neustaeter alleging defamation.
13. June 19, 2023 – Mayor and Council release 2023 – 2026 Strategic Plan, unanimously approved. Directionally, Mayor and Council are not misaligned when it comes to the Strategic Plan and this is an example of success.
14. September 26, 2023 – Council unanimously passed a motion requesting assistance from the Ministry of Municipal Affairs (MUNI) to address urgent governance concerns.
15. November, 2023 – Ministry staff, including the Inspector of Municipalities, met with City staff and council to understand the common concerns.

16. There have been multiple breaches of privacy and confidentiality.

- i) A private citizen was invited by the mayor to attend a meeting to take notes dealing with sensitive issues.
- ii) The Mayor refused to return a confidential employee performance review.
- iii) November 14/15, 2022, there is a media leak regarding matters related to BC Housing and Canadian Mental Health Association Kamloops.
- iv) March 16 & 24, 2023, there is a media leak regarding the Mayor's internal memos concerning changes to the standing committees.
- v) July, 2023, there is a media leak regarding a document related to Council's February approval to investigate the Mayor's conduct towards city staff.
- vi) The Mayor released a "Privileged & Confidential Investigation Report". to the media on April 5, 2024, as confirmed by the Mayor in a CFJC News interview.  
Note: A "Privileged & Confidential Investigation Report", was leaked to local media on June 19, 2023.
- vii) The Mayor requested that a city employee to witness the suspension of Deputy CAO. The employee refused and Councillor Middleton subsequently attended the suspension meeting as a witness.
- viii) The Mayor released a Closed Council Resolution to the media, which laid out restrictions on the mayor's ability to suspend staff.

### **Engagement of Municipal Advisor**

1. On September 26, 2023 City Council passed a council resolution to request support from the Ministry of Municipal Affairs to help address governance challenges. In conjunction with the Ministry's procurement process, January 23, 2024, MUNI ADM reached out to ask if I would consider potential work as a Municipal Advisor for the City of Kamloops. After considering the request, I agreed and entered into a four (4) month contract dated February 7, 2024.
2. February 9, 2024 – Municipal Advisor work commenced.
3. February 12, 2024 – 1-hour introductory Teams meeting with eight (8), Councillors, ADM, Ministry of Municipal Affairs and ED Governance and Structure.

4. February 12, 2024 – a half-hour introductory Teams meeting with the Mayor and ADM, Ministry of Municipal Affairs and ED Governance and Structure.
5. February 13, 2024 – 3-hour in-person meeting with the Mayor in Abbotsford.
6. February 15, 2024 – a 45-minute introductory Teams meeting with CAO.
7. February 16, 2024 – a 45 minute in-person meeting with CAO, and a separate 1-hour in-person meeting with the Mayor.
8. February 27/28, 2024 – 1 hour breakfast meeting with the Mayor, followed by Agenda Review, all Council Meetings, including Closed and Public Hearing.  
Eight (8), 1-hour, in-person meetings with each of the Councillors.  
In addition to the formal interview times, I received many text messages and e-mails from the Mayor. Additionally, Councillors and Staff also provided relevant e-mails, text messages and correspondence.
9. March 6, 2024 – 1-hour Teams meeting with one (1), administrative staff member.
10. March 11, 2024 – 1-hour, one-on-one in person meetings with four (4) administrative staff.
11. March 11, 2024 – 5-hour in person meeting with the mayor.
12. March 12, 2024 – attended Agenda Review and all Council meetings, including Closed (with the exception of 1 agenda item).
13. March 26, 2024 – Mayor suspends Acting CAO. Subsection 151(1) of the *Community Charter* states that the mayor may suspend a municipal officer or employee if the mayor considers this necessary. Subsection 151(2) requires that the suspension be reported to council at its next meeting and the council may reinstate the officer or employee, confirm the suspension, confirm and extend the suspension or dismiss the officer or employee. This suggests that the power to suspend is only to be used for urgent matters, subject to the final decision of Council. I would not support its use for matters that extend back in time, such as removing a campaign sign.
14. March 28, 2024 – Council reverses suspension of CAO in an 8-0 vote.
15. April 4, 2024 – 3-hour in person meeting in Kamloops with the Mayor.
16. April 4/5, 2024 – Mayor delivers a complete unredacted copy of a “Privileged & Confidential Investigative Report” to multiple media outlets dealing with an external investigation conducted into alleged breaches of the City’s Code of Conduct.



17.April, 2024 – Mayor releases Closed Council Resolution dealing with additional Protective Measures against the Mayor.

## **SECTION 2 – Process**

1. Since the October 2022 election, Mayor and Council and Mayor and Staff have struggled to become a cohesive team.
2. September 26, 2023, Mayor and Council unanimously passed a motion requesting assistance from the Ministry of Municipal Affairs (MUNI) to address urgent governance concerns.
3. November, 2023, Ministry staff, including the Inspector of Municipalities, met with City staff and council to understand the common concerns.
4. February 7, 2024, a contract was agreed to between Henry Braun and MUNI, which allowed work to commence on February 9, 2024.  
My work was to listen, ask questions and assess what the issues and challenges are, provide advice, coaching and mentorship to both Mayor and Council, and to provide a report to be delivered to MUNI and Council with recommendations and next steps to work on after the Municipal Advisor is no longer in place.
5. Background reading included articles posted by local news outlets for the period beginning in March, 2022 (before the civic election), up to and including April 19, 2024.
6. Initial meetings were held with the Chief Administrative Officer (CAO), the Mayor, eight Councillors and various administrative staff (6), to assess issues and challenges, all of which provided context in order to gain a better understanding of the state of affairs at city hall. My work was not investigative, i.e., not to find where the media leaks were coming from, nor did it involve any inquiry into local government matters.
7. Following the initial interviews, a number of lengthy follow-up one-on-one meetings took place with the Mayor, in addition to e-mail and text exchanges, which also provided opportunities to coach and mentor.
8. Individuals interviewed – The Mayor (multiple meetings), 1-hour, one-on-one in-person meetings with each of the eight (8), Councillors and six (6), 1-hour, one-on-one in person meetings with administrative staff.

9. February 27, 2024 – Municipal Advisor attended Agenda Review, all Council Meetings, including Closed & Public Hearing.
10. March 12, 2024 – Municipal Advisor attended Agenda Review, all Council Meetings, including Closed Council, with the exception of one agenda item, a Privileged & Confidential matter.
11. Documents received from the city:
  - i) Oath of Office,
  - ii) 2022 – 2026 Strategic Plan,
  - iii) Council Procedure Bylaw,
  - iv) Code of Conduct Bylaw,
  - v) Council Minutes,
  - vi) Bullying and Harassment Policy.
  - vii) Three (3), archived Council Meetings links; March 14, 2023, June 13, 2023 and September 5, 2023.
12. Correspondence received:
  - i) Many text messages (100 plus), from both of the Mayor's city and personal cell phones, multiple times per day but not every day. The earliest copies of texts forwarded go back to December of 2021.
  - ii) E-mail strings sent from the Mayor to Councillors.
  - iii) E-mail strings from Councillors to the Mayor.
  - iv) A few text messages periodically sent from Councillors.
  - v) A handful of e-mails directed only to me from individual Councillors.
  - vi) E-mails and/or text messages from staff providing information that I requested.
13. Ongoing engagement and interactions:
  - i) The Mayor and Municipal Advisor have been very engaged from the onset and interacted many times per day/week, throughout this process.
  - ii) During my interactions in-person or electronically, I often suggested a way to 'build bridges' or do things differently (Chamber Speech as an example). Based on my observation, it appeared to me that the Mayor was not pleased with my suggestion regarding his approach to the Chamber presentation. I did not observe that he was interested in my feedback or perspective.

## **SECTION 3 – Context**

### **1. Council Performance and Dynamics**

- i) **Unity Among Councillors:** Despite initial unfamiliarity, Councillors have unified, showing leadership in challenging circumstances.
- ii) **Respectful Dialogue:** On the whole, Councillors (not including the Mayor) have maintained respectful and cordial dialogue despite disagreements with one another, as I have personally observed and in various e-mail exchanges.
- iii) **Team Effort Required:** Local government is seen as a team effort with the Mayor expected to lead effectively.

### **2. Mayor's Conduct and its Impact**

- i) **Behavioral Issues:** In my opinion, the Mayor's reluctance to change behaviour or admit errors has significantly contributed to the issues.
- ii) **Communication Challenges:** Protective measures make communication with the Mayor cumbersome and increases workload on Councillors.

**3. Desire for Improvement:** I have observed that Councillors are willing to support the Mayor, but contingent on behavioral change towards administrative staff.

**4. Contributions to the Problem:** Responsibility Allocation: Based on the compelling evidence before me, in my opinion, the Mayor's approach is largely responsible for the issues, with minor contribution by Councillors in reaction.

**5. Strained Relationships:** There is significant strain between Mayor, Council, and Senior Staff.

**6. Legislative Powers:** Council has limited levers at its disposal to deal with the Mayor's actions.

## SECTION 4 – Top Challenges

**1. Resistance to Accept Responsibility or Feedback:** In my opinion, the Mayor has shown inflexibility in acknowledging his part in the existing dysfunction within city hall. I have observed the Mayor exhibiting a dismissive and condescending attitude towards constructive criticism or the suggestion of apologies, which exacerbates the strained staff relations. The information I have indicates that the Mayor has dismissed suggestions or opinions that do not align with his views.

Although the Mayor reached out to me (Municipal Advisor), for advice and guidance, I detected a resistance to accepting any feedback provided in response. This has been an ongoing concern for me throughout the process.

**2. Poor Communication and Distrust:** In my view, the Mayor's has not communicated effectively with staff, and his evident distrust of the Kamloops' administrative team hampers constructive dialogue and teamwork.

**3. Disregard for Administrative Relationships:** The Mayor has exhibited contempt for authority structures, including senior staff like the CAO and Deputy CAO. This undermines the professional respect and collaboration necessary for effective city governance.

**4. Significant Staff Turnover and Stress:** The Mayor's confrontational style and public disparagement of city staff have led to a workplace environment where S.22(1) Personal Information staff have resigned or taken stress leave.

**5. Lack of Awareness of Potential Consequences:** The Mayor's actions and statements suggest a significant underestimation of the implications of his behaviour, including potential legal and reputational damage to the council and the city.

**6. Resistance to Resolution and Openness:** The Mayor appears to prefer fighting disagreements without an openness to resolving issues amicably. This suggests a preference for a combative stance over constructive dialogue.

**7. Inconsistent Statements on Receipt of Important Documents:** By acknowledging receipt of an essential report to the media after denying knowledge of it in official discussions, the Mayor demonstrated a concerning discrepancy between his private admissions and public statements.

**8. Understanding of Written Correspondence:** The Mayor should be seeking the advice of staff and ask questions if he doesn't understand the content of emails and written communications. It does not appear that the Mayor looks to staff or Council for advice or guidance.

**9. Communication Difficulties:** A Mayor should be seeking to clarify with staff if there are issues or he is confused about operational issues. In my observation, the Mayor has not demonstrated those behaviours

**10. Ignoring Confidentiality Protocols:** The Mayor has admitted to sharing privileged information outside of Closed meetings, disregarding the confidentiality protocols and risking legal repercussions.

**11. Misinterpretation of Roles:** The Mayor has not exhibited a clear understanding of his role and its limitation – as evidenced by interactions with Council, staff and the community.

**12. Conflicts of Interest:** I have observed that the Mayor does not understand policies and legislation regarding declaration of conflicts.

**13. Statements to the Public:** The Mayor has made a number of public statements and allegations, particularly in media interviews, that could be harmful and potentially legally damaging to the City.

**14. Awareness Regarding Official Report and Complaints:** Mayors should operate with transparency and openness so that council and staff know where they stand. While in possession of the "privileged and confidential investigation report", the Mayor denied knowledge of the contents and the complaints against him.

**15. Failure to Engage with the Investigative Process:** The Mayor has apparently failed or refused to participate in the investigation of complaints against him, which suggests a disinterest or avoidance of accountability mechanisms.

**16. Unwillingness to Act Upon Guidance:** The Mayor reached out multiple times to the Municipal Advisor for advice and guidance. Unfortunately, I did not observe that the Mayor acted on that advice even once. I have observed the Mayor avoiding responsibility for his actions or inactions.



## SECTION 5 – Mayor Recommendations

I would counsel the Mayor to consider the following recommendations and principles:

### 1. Behavioral

- a) **Openness to Constructive Criticism:** Actively seek and respond positively to constructive criticism from council members, staff and the community.
- b) **Admit Mistakes and Misunderstandings:** Acknowledging past errors and misunderstandings would demonstrate humility and a willingness to learn and grow from these experiences.
- c) **Enhanced Communications:** Improve the quality and frequency of communication with council members, staff and the public.
- d) **Seek Feedback and Constructive Criticism:**
  - i) Regularly requesting and valuing feedback from colleagues, staff and constituents could lead to significant personal and professional development.
  - ii) Periodically assess personal leadership style and its impacts, and be open to making necessary adjustments.
- e) **Let Go of Perceived Slights:**
  - i) Continuing to hold on to (and raise) perceived slights months and years later hampers the city moving forward and is unproductive.
  - ii) Engage earnestly in conflict resolution and mediation efforts to address and rectify underlying tensions.

### 2. Expertise and Context

- a) **Improve Understanding of Official Documents:** Dedicate sufficient time to comprehend written communications, reports and official documents, which will allow well-informed decisions.
- b) **Respect Confidentiality and Protocols:** Adhering strictly to confidentiality agreements and council protocols would prevent potential legal issues and protect the integrity of council proceedings.
- c) **Engage in Conflict Resolution Training:** Participating in conflict resolution or communication skills training could enhance the mayor's ability to navigate disagreements constructively.

### **3. Future Focus**

- a) **Continue to Focus on the Shared Strategic Direction:** Collaboratively set and work towards shared objectives in the unanimously adopted 2023 – 2026 Strategic Plan that benefit the community.
- b) **Proactive Leadership:** Show a willingness to address issues before they escalate and demonstrate a commitment to solving problems collaboratively.

### **Section 6 – Council Recommendations:**

I would counsel the Council as a whole to consider the following recommendations:

**Recommendation 1:** Documentation Management – Have staff assess Closed & Special Council document management and report findings to Council for potential adjustments.

It is my understanding that the city has already undertaken a process to assess the causes and prevention of documentation confidentiality breaches.

**Recommendation 2:** Oath of Office Reminder – Encourage Mayor and Council members to periodically review their oath of office as a commitment reminder.

**Recommendation 3:** Code of Conduct Amendments – With legal input, amend the Code of Conduct to include sanctions for repeated offences, with a structured remuneration penalty. For example: first infraction, 10% reduction in salary, second infraction 25%, third infraction 50%, fourth infraction, 75% reduction.

**Recommendation 4:** Council Dynamics Session – Proposed a day-long, off-site activity for Mayor and Council, annually or biannually, where participants with differing perspectives are encouraged to engage creatively. High functioning councils choose to behave as a team, despite having divergent views.

**Recommendation 5:** Review Council Remuneration Bylaw – Examine the Remuneration Bylaw for adjustments due to increased workload for Councillors and the Deputy Mayor, payable retroactively from the workload's starting point.

**Recommendation 6:** Leadership and Communications Training – Enroll in workshops or seminars focused on enhancing leadership, conflict resolutions, and communication skills.

**Recommendation 7:** Mentoring: Seek out a consultant experienced in municipal governance or leadership who can provide guidance, and mentoring advice and constructive feedback. Provide basic education and coaching for the mayor on their roles and responsibilities.

**Recommendation 8:** Regular Governance Check Ins – Hire a consultant on retainer for ad hoc governance coaching and assistance. Participate in governance sessions/retreats with council members and staff to enhance trust, mutual respect, and collaboration.

**Recommendation 9:** Educational Courses: Take courses in municipal governance, ethics, and public administration to deepen understanding of the responsibilities and challenges in public office.

**Recommendation 10:** Feedback Mechanisms: Implement regular, anonymous feedback mechanisms to gauge satisfaction and areas for improvement continuously.

**Recommendation 11:** Legislation: Discuss the potential need for changes to provincial legislation to assist municipal councils experiencing extreme dysfunction, which may include a legislative process for removing a member of the council.

**Recommendation 12:** Although the restrictions on the Mayor's dealing with individual employees is unusual and have created a cumbersome environment, my view is that they are appropriate given some of the Mayor's conduct and I recommend that they be maintained for the time being.

**Recommendation 13:** Continue work with WorkSafe BC Investigations to use their office and powers to the fullest extent possible to deal with workplace health and safety issues.

**Final Observations:**

As a former Mayor, it has been frustrating for me personally that I could not find an effective way to counsel the Mayor, or to find additional ‘tools’ for Council to remedy the dysfunction between Mayor and Council and between Mayor and the Administrative Staff.

Absent significant change in how the Mayor interacts with others, I’m not optimistic that there will be any improvement during the remainder of this term.

On a more positive note, and despite the issues and challenges outlined in this report, the Mayor and Council are unusually aligned when it comes to the 2023 – 2026 Strategic Plan. When it comes to what matters most, all nine members of Council agree on the ‘big picture’. I found Councillors to be highly motivated and there is good work taking place between Council and the administration.

Absent legislative changes, my encouragement to Council and the administration is to keep doing what you’ve been doing, which is to advance the 2023 – 2026 Strategic Plan that was unanimously adopted.

The Mayor’s position has consistently been that he has done nothing wrong, made no mistakes and has nothing to apologize for. This makes for a difficult working environment. Council can explore amending the Council Code of Conduct, to include financial penalties as suggested in Recommendation 3. This is something that at least one other community has already done (Squamish in 2022), while others are contemplating similar options.

If the Council or one of its members believes that there are breaches of the conflict of interest provisions in the *Community Charter*, that legislation allows for an application to the Supreme Court.

## SECTION 7 – Appendices

### Appendix A – B.C. Community Charter, Council Roles and Conduct

#### Mayor responsibilities

The mayor is the head and chief executive officer of the municipality. The mayor has all the responsibilities of a councillor plus a number of additional responsibilities. Under the *Community Charter* the mayor **must**:

- Provide leadership to council including by recommending bylaws, resolutions and other measures that may assist in the peace, order and good governance of the municipality.
- Reflect the will of council and carry out other duties on behalf of council, such as attending ceremonies and meetings of other bodies.
- Communicate information to council, for example from the chief administrative officer or from meetings with other bodies.
- Chair council meetings, including overseeing their conduct, maintaining order and knowing the rules of governing meetings.
- Establish standing committees and appoint people to those committees.
- Provide, on behalf of council, general direction to municipal officers about implementation of municipal policies, programs and other council directions.
- Suspend municipal officers and employees if the mayor believes this is necessary, subject to confirmation by council under section 151 of the *Community Charter*.

#### Councillor responsibilities

Under the *Community Charter* a municipal councillor **must**:

- Consider the well-being and interests of the municipality and its community.
- Contribute to the development and evaluation of municipal policies and programs respecting its services and other activities.



- Participate in council and committee meetings and contribute to decision making.
- Carry out other duties as assigned by the council, such as heading committees or being the liaison to a particular neighbourhood in the municipality.
- Follow the rules in legislation, bylaws and council policies that establish any additional duties and set how council members exercise their authority.

### **Municipal council responsibilities**

Municipal councils are empowered to address the existing and future needs of their community by making collective decisions that are recorded in bylaws or resolutions. Each member of council, including the mayor, is entitled to one vote on matters that come before them for discussion and decision. Such matters are wide-ranging--for example, regulatory bylaws such as animal control, services such as fire and police, land use regulation such as zoning, fees and property tax bylaws, and key plans such as the official community plan and five-year financial plan (budget).

Ultimately, municipal councils are responsible for the delivery of local services to their community and the actions taken by the municipality. As municipalities are legislatively recognized by the B.C. government as an order of government within their jurisdiction, these responsibilities are undertaken largely independently with limited oversight by other levels of government. Certain decisions made by council are not effective until they are approved or authorized by the provincial government, such as long-term borrowing bylaws or municipal boundary changes.

### **Oath of Office**

Once elected or appointed to the municipal council, each council member must complete an oath (or solemn affirmation) of office. If a council member fails to complete their oath of office within a specified period of time, they can be disqualified from holding office. The municipality may create its own oath of office or use the one prescribed in the Local Government Elections Regulation.

NOTE: The Oath of Office for the Mayor and Councillor's is the same (attached).



Form No. 16-1  
CC s.120(3)/ VC s.140(6)  
BC Reg. 137/2022

OATH OF OFFICE

CANADA )  
PROVINCE OF BRITISH COLUMBIA )

I, Reid Hamer-Jackson, do solemnly affirm that:

I am qualified to hold the office of Mayor for the City of Kamloops to which I have been elected;

I have complied with the provisions of the *Local Government Act* in relation to my election to this office;

I will abide by all rules related to conflicts of interest under the *Community Charter*;

I will carry out my duties with integrity;

I will be accountable for the decisions that I make, and the actions that I take, in the course of my duties;

I will be respectful of others;

I will demonstrate leadership and collaboration;

I will perform the duties of my office in accordance with the law.

AFFIRMED by the above-named Mayor  
Before me at Kamloops,  
British Columbia the 1st day of  
November, 2022.

  
Honourable Joel Robin Groves

  
Reid Hamer-Jackson



Form No. 16-2  
CC s.120(3)/ VC s.140(6)  
BC Reg. 137/2022

**OATH OF OFFICE**

CANADA )  
PROVINCE OF BRITISH COLUMBIA )

I, Michael O'Reilly, do solemnly affirm that:

I am qualified to hold the office of Councillor for the City of Kamloops to which I have been elected;

I have complied with the provisions of the *Local Government Act* in relation to my election to this office;

I will abide by all rules related to conflicts of interest under the *Community Charter*;

I will carry out my duties with integrity;

I will be accountable for the decisions that I make, and the actions that I take, in the course of my duties;

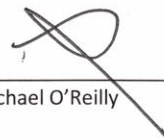
I will be respectful of others;

I will demonstrate leadership and collaboration;

I will perform the duties of my office in accordance with the law.

AFFIRMED by the above-named Councillor  
before me at Kamloops,  
British Columbia the 1<sup>st</sup> day of  
November, 2022.

  
Honourable Joel Robin Groves

  
Michael O'Reilly

## **Appendix B – Basic Principles of Elected Office**

George B. Cuff, is a well-known name in the world of local government. The following 15 Basic Principles, and the “Ten Commandments”, were informative during the Municipal Advisor’s term of office.

### **Basic Principles of Elected Office – George B. Cuff**

1. The whole notion of elected office is based on two fundamental points: the rule of democratic representation, and the principle of accountability. The former speaks to the right of residents to expect their elected members to reflect and represent their views on the issues; the latter speaks to the notion that those elected are accountable for their actions to those by whom they were elected.
2. The role of an elected official is unique: It is distinct and different from any other role. It needs to be learned and consciously applied if a council member is to be successful.
3. The public is, and always will be, the key to success. They alone determine the success and failure of political leaders.
4. Communicating out to the public is as important as receiving input from the public; both should to be valued.
5. Council is the servant of the public; and holds office at the pleasure of the public.
6. The will of the majority (as perceived by council), must be the most significant consideration in any decision making.
7. The opinions of the minority should be considered carefully before decisions are made.
8. Council and the administration should serve as a team, each with distinct roles, yet working together in the interest of the public.
9. Criticism of the administration, particularly on an individual basis, should never be tolerated by a council.
10. Council deals with the organization through one employee – the chief administrative officer (CAO). Any other course of action in attempting to guide the work of the administration should not be tolerated.
11. Council and its members cannot rest on their laurels. Each election campaign must be addressed as vigorously as the last campaign.

12. Each new council should determine its own priorities based on the input received during the campaign and subsequently (and supplemented by the advice of the administration), and should effectively communicate those priorities to the public.
13. Each council, regardless of the size of the community, needs to find ways of communicating its messages to the public, and should not rely exclusively on the media to perform that function.
14. Council members need to respect their colleagues on council as being the duly elected choices of the voters. While unanimous agreement need not be the case, respect for the opinions and votes of these colleagues is essential to the functioning of council.
15. Even leaders need a leader. All members of council are encouraged to uphold the office of head of council (or chief elected officer), even if they are in opposition to a particular statement or position taken by that official. Respect for each other is the hallmark of a mature council.

#### **Appendix C – The “Ten Commandments” – George B. Cuff**

1. Thou shall not attempt to convey to others the impression that you have the power to decide issues that are not allocated to you by legislation or bylaw.
2. Thou shall not attempt to gain employment for a family member or for anyone else in the community. Let everyone follow the normal recruitment process and ensure everyone understands that such matters are the purview of the administration.
3. Thou shalt not attempt to gain an advantage or favor for any company or organization in which you have any form of pecuniary interest, including a former role as an employee, shareholder or owner.
4. Thou shalt not attempt to coerce or convince the administration to undertake any action, program or initiative for which you do not have prior formal approval of council.
5. Thou shalt not commit the municipality to any course of action for which you do not have a formal prior approval of council.
6. Thou shall not, in response to an inquiry from a member of the public, commit to any action other than, “I will look into that and get back to you.”

7. Thou shall not leak information to friends, neighbors or the media if it has arisen in a closed meeting setting, wherein confidentiality of all such matters is required. Being privy to confidential information is an onerous responsibility. It is confidential for a good reason. Having loose lips because of some desire to be seen to be either “in the know” or powerful, or because “the public has a right to know” is never appropriate.
8. Thou shall not seek to undermine the authority of the CAO, nor do or say anything that would cause others to question the legitimate power and authority of the CAO.
9. Thou shall not develop a close personal friendship with any member of the administration, so that you will always be in a solid position to evaluate their performance. Do not travel on holidays together, or take fishing trips together; or encourage your spouses to become best friends. When you have stepped down from public life, make your own choices in this regard.
10. Thou shall not presume that the public “owes” you the next term because of your diligence and personal sacrifices this term. Each term requires that you seek the public’s endorsement, not they yours.



## APPENDIX 2

No. *Court File No.* **KAM-S-S-63922**  
Kamloops Registry

In the Supreme Court of British Columbia

Between

Attorney General of British Columbia

Petitioner

and

Reid Hamer-Jackson

Respondent

### PETITION TO THE COURT

ON NOTICE TO: Mayor Reid Hamer-Jackson

The address of the registry is: 223 – 455 Columbia Street, Kamloops, BC

The petitioner estimates that the hearing of the petition will take **2 hours**.

This matter is not an application for judicial review.

**This proceeding is brought for the relief set out in Part 1 below by the person named as petitioner in the style of proceedings above.**

If you intend to respond to this petition, you or your lawyer must

- (a) file a response to petition in Form 67 in the above-named registry of this court within the time for response to petition described below, and
- (b) serve on the petitioner(s)
  - (i) 2 copies of the filed response to petition, and
  - (ii) 2 copies of each filed affidavit on which you intend to rely at the hearing.

**Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response.**

### Time for response to petition

A response to petition must be filed and served on the petitioner,

- (a) if you were served with the petition anywhere in Canada, within 21 days after service,
- (b) if you were served with the petition anywhere in the United States of America, within 35 days after that service,
- (c) if you were served the petition anywhere else, within 49 days after that service, or
- (d) if the time for response has been set by order of the court, within that time.

|     |   |
|-----|---|
| (1) | <p>The ADDRESS FOR SERVICE of the petitioner is:</p> <p>1301 - 865 Hornby Street<br/>Vancouver, British Columbia, V6Z 2G3</p> <p>Fax number for service of the petitioner: (604) 660-3567</p> <p>E-mail address for service of the petitioner:<br/><a href="mailto:Michael.Kleisinger@gov.bc.ca">Michael.Kleisinger@gov.bc.ca</a></p> |
| (2) | <p>The name and office address of the petitioner's lawyer is:</p> <p>Michael J. Kleisinger, Lawyer<br/>Ministry of Attorney General<br/>1301 - 865 Hornby Street<br/>Vancouver, British Columbia, V6Z 2G3</p>   |

### CLAIM OF THE PETITIONER

#### Part 1: ORDERS SOUGHT

1. An order pursuant to s. 73.2(2) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 ("FOIPPA") requiring the Respondent, Mayor Reid Hamer-Jackson (the "Mayor") to:
  - a. Return to the City of Kamloops (the "City") all copies of the workplace investigation report containing personal information dated May 31, 2023 (the "Report") in his possession or control;



- b. Destroy any copies of the Report in his possession or control;
  - c. Permanently delete any electronic copies of the Report in his possession or control; and
  - d. Within 72 hours of the pronouncement of the order, disclose to counsel for the Attorney General of British Columbia the name of any person or persons to whom the Mayor has disclosed the Report.
- 2. If necessary, an interim order pursuant to s. 73.2(3) of *FOIPPA* that the Mayor surrender the Report and any copies of it in his possession or control to the City's Corporate Officer until the Court reaches a decision on this Petition.
  - 3. An order sealing any exhibit containing the Report or portions of the Report.
  - 4. Such further or other orders as this Honourable Court considers appropriate.
  - 5. Costs.

## **Part 2: FACTUAL BASIS**

### *The Parties*

- 1. The Attorney General is the official legal advisor of the Lieutenant Governor as is the Legal Member of the Executive Council. Pursuant to s. 73.2(1) of *FOIPPA*, she may petition the Court for an order requiring the return of "personal information" in the possession of a person not authorized by law to possess that information.

*Attorney General Act*, RSBC 1996, c. 22, s. 2

2. The City is a municipality located within the Thompson-Nicola Regional District with a population of approximately 97,000. The City is incorporated pursuant to the authority of the *Community Charter*, SBC 2003, c. 26 and the *Local Government Act*, SBC 2015, c. 1. Pursuant to Schedule 1 of *FOIPPA*, the City is a “public body.”
3. Pursuant to s. 116 of the *Community Charter*, the Mayor is the Chief Executive Officer of the City. For the purposes of *FOIPPA*, he is an “officer” of a public body.

*Affidavit #1 of Colleen Quigley (Quigley Affidavit #1) at paras. 3 & 4  
R. v. Skakun, 2014 BCCA 223 (“Skakun”) at para. 32*

#### *The Report*

4. In or about December 2022 and January 2023, municipal council for the City (“Council”) and the City’s Human Resources and Safety Department received complaints about the Mayor’s conduct in the workplace.

*Quigley Affidavit #1 at para. 5*

5. The City’s legal counsel retained an independent external investigator to investigate the complaints and provide the City with a confidential workplace investigation report. The City sought the report for its use in managing its workplace.

*Quigley Affidavit #1 at para. 6*

6. Between February and May 2023, the investigator investigated the complaints, prepared the Report containing his findings, and provided it to the City’s legal counsel on June 7, 2023.

*Quigley Affidavit #1 at paras. 7 & 8*

7. The Report contains:

- a. The names of all persons interviewed for the Report, including those who complained about the Mayor's conduct, those who witnessed the conduct, and others who the investigator interviewed;
- b. The names of others, including employees, who were not interviewed but referenced or implicated in the incidents or investigation;
- c. The details of personal interactions and experiences of those interviewed;
- d. The employment histories of those interviewed and not interviewed; and
- e. The personal views and opinions of those interviewed.

(collectively, the "Reported Personal Details")  
*Quigley Affidavit #1* at para. 9

8. On June 13, 2023, Council formally received and considered the Report in a closed council meeting (also known as *in-camera*). The City provided all members of Council with an electronic copy of the Report with various security features to prevent the Report from being printed, saved, and shared. The City did not provide the Mayor with a copy of the Report as it considered him in a conflict of interest among other reasons.

*Quigley Affidavit #1* at paras. 10 - 13

9. At the June 13, 2023 meeting - after reviewing the Report - Council approved various measures adopted to protect City staff from the Mayor's conduct.

*Quigley Affidavit #1* at paras. 16 & 17

10. The City asserts and maintains *in-camera* confidentiality and solicitor-client privilege over the Report.

*Quigley Affidavit #1* at para. 15

*The Mayor Receives the Report*

11. On April 5, 2024, the Mayor stated to a media outlet that he received a copy of the Report in his mailbox from an unknown sender in Tofino.

*Quigley Affidavit #1* at para. 16  
*Affidavit #1 of Stephanie Nichols ("Nichols Affidavit #1")*  
at para. 13, pp. 16, 35 & 36

12. The Mayor provided copies of the Report to several media outlets. He has also repeatedly stated his intention to use the Report to "clear his name."

*Quigley Affidavit #1* at para. 18  
*Nichols Affidavit #1* at pp. 16, 17, 35, 40, 50 & 51

*The City Demands the Report's Return*

13. Beginning on April 5, 2024 - pursuant to s. 73.1 of *FOIPPA* - the City sent letters to the Mayor demanding the return or destruction of the Report in the Mayor's possession. To date, the Mayor has not returned the Report to the City nor confirmed his destruction of the Report in his possession.

*Nichols Affidavit #1* at paras. 13 – 16, pp. 21, 22, 30, 31 & 33

14. Beginning November 6, 2024, the Attorney General has requested that the Mayor return or destroy the Report in his possession. To date, the Mayor not done so.

*Affidavit #1 of Raveen Pauls ("Pauls Affidavit #1")* at pp. 1-3 & 7-10

15. The Mayor continues to inform the media his intention to use the Report for various purposes in the future.

*Nichols Affidavit #1* at para. 17

### Part 3: LEGAL BASIS

#### *Overview*

16. In *Skakun*, Madam Justice Smith gave the following overview of *FOIPPA*'s scope and purpose at para. 1:

In an open and democratic society, protection of personal information in the control of public bodies is an essential counterbalance to the right of access to information from public bodies. Legislation that ensures these dual objects has long been recognized as “quasi-constitutional” and is generally interpreted in a manner that advances its broad underlying policy objectives. [citations omitted] In this province, those objectives are encompassed in [*FOIPPA*].

17. As noted in s. 2(1)(d), one of *FOIPPA*'s purposes is to prevent the unauthorized collection, use or disclosure of personal information by public bodies. Schedule 1 broadly defines personal information as meaning recorded information (other than business contact information) about an identifiable individual.

18. Under *FOIPPA*, the City is a public body that is obligated to protect personal information in its custody or control (s. 30). Employees, officers, and directors of public bodies must not disclose personal information except as specifically authorized (s. 26.1). Those that collect, use, or disclose personal information without authorization commit punishable privacy offences under s. 65.4.

*British Columbia (Attorney General) v. Fuller*  
2018 BCSC 1981 (“*Fuller*”) at para. 3

19. Additionally, the statute provides for the Attorney General to petition the court for the return of personal information from those unauthorized to possess it through ss. 73.1 and 73.2.

*Sections 73.1 and 73.2*

20. *FOIPPA* provides a process for public bodies to recover personal information from those who are not authorized by law to possess it. First, the head of the public body must issue a written demand in the appropriate form (s. 73.1). If the demand goes unheeded, the public body may request the Attorney General to petition the court for an order (s. 73.2).

21. If the Attorney General establishes the following factors an order under s. 73.2 must follow:

- a. The material in question must be “personal information;”
- b. The personal information must be “in the custody or under the control” of a “public body;”
- c. The personal information must be in the possession of a person or entity “not authorized by law” to possess it;
- d. A demand in writing for the return of the personal information (or destruction in the case of electronic records) must be issued; and
- e. The recipient of the demand for return or destruction must fail to comply adequately.

*Fuller* at para. 6  
*British Columbia (Attorney General) v. Gondor*,  
2024 BCSC 1077, at para. 8

*a. The information at issue is “personal information”*

22. “Personal Information” means recorded information about an identifiable individual other than business contact information. As Justice Thompson stated in *Fuller* at para. 13:

...Whether documents record private, personal, confidential or embarrassing information, on the one hand, or anodyne and perfectly mundane on the other, if information is record about identifiable individuals then the documents contain “personal information.” ...

23. The Reported Personal Details – including names, employment history, and witness views and opinions - easily fall within the broad ambit of *FOIPPA*-protected personal information.

*b. The personal information is under the custody or control of the public body*

24. As noted above, the City is a “public body” as defined in *FOIPPA*.

25. The City commissioned, possesses, and owns the Report. In accordance with s. 26 of *FOIPPA*, the investigator collected the personal information of those interviewed at the City’s behest to assist the City manage its workplace. The City maintains its solicitor-client privilege and *in-camera* confidentiality over the Report.

26. That someone leaked the Report to the Mayor who subsequently leaked the Report to the media does not detract from the City’s custody and control of the personal information contained within the Report.

27. In the Attorney General’s view, the appropriate perspectives are those whose personal information is within the Report. They provided the City with their personal information, not the Mayor nor those to whom the Mayor leaked the Report.

28. As found in *Fuller*, that the Mayor and others have copies of the Report “does not detract from the City’s custody of the documents and the personal information contain in them.”

*Fuller* at para. 14

*c. The Mayor is “not authorized by law” to possess the personal information*

29. While the City’s original collection of the personal information was lawful, the Mayor’s possession of the Report is not. The City maintains that the Mayor – whose behaviour forms the subject of the Report – is in a conflict of interest and was not entitled to view or discuss the Report at the *in-camera* meeting.

30. The Mayor did not obtain the Report and its personal information in a manner that the law authorizes (i.e. via *FOIPPA* request or court order). Rather, he received a leaked copy of the Report anonymously in his mailbox. That he is only in possession of the Report – over which the City maintains privilege - through such means satisfies this factor.

31. The Mayor is not specifically authorized to possess the personal information contained in the Report. In fact, the City only allowed the Council to view to Report at an *in-camera* meeting with security features to prevent Council members from possessing the Report. Further, the Mayor does not need to know this personal information to perform his duties as Mayor as set out in ss. 115 and 116 of the *Community Charter*. These points confirm that the Mayor is not in lawful possession of the Report.

*d. The City demanded return of the personal information*

32. On April 5 and 7, and June 12, 2024, the City sent s. 73.1 demands to the Mayor and his counsel.

*Nichols Affidavit #1 at pp. 20 – 22 & 29 - 45*

*e. The Mayor has failed to comply with the 73.1 demand*

33. The Mayor has not complied with any of the s. 73.1 demands for the return and/or destruction of the Report. Further, the Mayor has not complied with the Attorney General's requests for him to do so in advance of this petition.

*Nichols Affidavit #1 at paras. 12 – 17*

*Pauls Affidavit #1 at pp. 1 - 37*



f. *Additional considerations not forming part of the test*

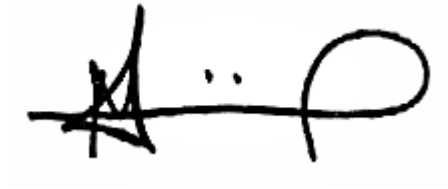
34. Ancillary to the statutory test - but noteworthy nonetheless - is the fact the Mayor cannot do anything with the Report without offending the law.
35. Section 25.1 of *FOIPPA* prohibits an officer of a public body from collecting, using or disclosing personal information except as authorized by *FOIPPA*. The Mayor's stated intention is to use the Report and the personal information therein for purposes of "clearing his name." This is not an authorized use of personal information. Further, the Mayor will commit a privacy offense under s. 65.4 of *FOIPPA* if he uses or discloses the personal information again.
36. Even if the Mayor was entitled to possess the Report (which he is not), he still could not use or disseminate it without offending the *Community Charter*. Section 117 requires the Mayor, as a council member, to keep in confidence any record held in confidence by the municipality and any information considered in any part of a council meeting that was lawfully closed to the public. The Report was shared and discussed with the Council in confidence at an *in-camera* meeting. If the Mayor continues to use the Report, he does so contrary to s. 117 of the *Community Charter*.

*Conclusion*

37. Having satisfied the statutory test, the Attorney General asks that the Court require the Mayor to return the Report, destroy electronic copies in his possession, and to advise the Attorney General, in writing, of those to whom he has disseminated the Report. Such orders mirror those granted in *Fuller* and *Gondor*.
38. The Attorney General seeks her costs.

**Part 4: MATERIAL TO BE RELIED ON**

1. Affidavit # 1 of Colleen Quigley, made January 21, 2025
2. Affidavit #1 of Stephanie Nichols made January 17, 2025
3. Affidavit #1 of Raveen Pauls made January 23, 2025



Date: January 28, 2025

\_\_\_\_\_  
**Michael J. Kleisinger**  
Signature of lawyer for petitioner

***To be completed by the court only:***

Order made

☐ in the terms requested in paragraphs ..... of Part 1 of this petition

☐ with the following variations and additional terms:

.....  
.....  
.....

Date: .....[dd/mmm/yyyy]..... . \_\_\_\_\_

Signature of ☐ Judge ☐ Associate Judge



This is the 1<sup>st</sup> affidavit of  
Colleen Quigley in this case and  
was made on January 21, 2025

Court File No. **KAM-S-S-63922**

No. \_\_\_\_\_

Kamloops Registry

In the Supreme Court of British Columbia

Between

Attorney General of British Columbia

Petitioner

and

Reid Hamer-Jackson

Respondent

### **AFFIDAVIT**

I, Colleen Quigley, Director of Human Resources & Safety for the City of Kamloops, 7 Victoria Street West, Kamloops, British Columbia, AFFIRM THAT:

1. I am the Director of Human Resources & Safety for the City of Kamloops (the "City"). As such, I have personal knowledge of the matters deposed to except where such are stated to be based on information and belief, in which case I verily believe them to be true.
2. In my role as Director of Human Resources & Safety, I am responsible for the planning, development, and implementation of the City's human resources policies and management of City staff.

### *Background*

3. On October 15, 2022, the electors of Kamloops elected the City's current council consisting of Mayor Reid Hamer-Jackson and eight councillors (collectively, the "Council"). On November 1, 2022, the new Mayor and Council were sworn in at an inaugural meeting.
4. The Mayor and councillors are not employees of the City and so are not managed in the same way the City's employees are managed.

### *The Report*

5. In and around December 2022 and January 2023, my department received a complaint alleging the Mayor acted inappropriately in the workplace. After several others raised additional allegations concerning other incidents of inappropriate workplace conduct, legal counsel for the City recommended that the City conduct a privileged and confidential independent investigation into all allegations.
6. The City, through its legal counsel, retained an external third-party investigator to investigate the allegations and provide the City with a privileged and confidential workplace investigation report for the City's use in discharging its duty to provide a safe workplace for its employees in accordance with the *Workers Compensation Act*, the *Occupational Health and Safety Regulation*, the WorkSafe Occupational Health and Safety Guidelines, and the common law.
7. Between February and May 2023, the investigator investigated the allegations of the Mayor's inappropriate workplace conduct.
8. On June 7, 2023, the investigator provided the results of his investigation findings to the City's legal counsel within a privileged and confidential report dated May 31, 2023 (the "Report").
9. I have read the Report. The Report contains personal information, including:
  - a. the names of all persons interviewed for the Report: those who complained about the Mayor's conduct, those who witnessed the conduct, and others who the investigator interviewed for his investigation (the "Interviewees");

- b. the names of others, including employees, who were not interviewed but referenced or implicated in the incidents or investigation;
- c. the details of personal interactions and experiences of the Interviewees;
- d. the employment histories of the Interviewees and others not interviewed; and
- e. the Interviewees' personal views and opinions.

#### *Council's Receipt of the Report*

10. On June 13, 2023, in accordance with section 90 of the *Community Charter*, Council held a closed (also known as *in-camera*) council meeting to formally receive and consider the Report. Prior to the meeting, the City provided all members of Council (excluding the Mayor) with an electronic copy of the Report for them to review. The electronic copies had various security protections intended to prevent the Report from being printed, shared, or saved.
11. The Report was brought forward to Council because:
  - a. Council directed the investigation and Report in its January 31, 2023 closed Council meeting;
  - b. as an elected official, Mayor Hamer-Jackson is not a "worker" under the *Workers Compensation Act* and therefore WorkSafeBC had no meaningful authority over Mayor Hamer-Jackson;
  - c. given Mayor Hamer-Jackson's status as an elected official, only Council could address his conduct and impose any restrictions and requirements to protect staff; and
  - d. only Council has the authority to decide whether to pursue Mayor Hamer-Jackson personally for any loss or damage the City suffers because of Mayor Hamer-Jackson's conduct.
12. At the June 13, 2023 closed Council meeting, Mayor Hamer-Jackson was advised that he would not receive a copy of the Report because, among other things:

- a. as the subject of the investigation and Report, he had an inherent conflict of interest that prohibited him from participating in matters concerning the content of the Report;
  - b. the City has a legal obligation to protect its workers from reprisal and retaliation by Mayor Hamer-Jackson; and
  - c. the City has a legal obligation to protect the personal information of the Interviewees.
- 13. The City has never provided a copy of the Report to Mayor Hamer-Jackson or the Interviewees. The City did not provide a copy of the Report to Mayor Hamer-Jackson because:
  - a. Mayor Hamer-Jackson refused to participate in the investigation;
  - b. as the subject of the investigation, Mayor Hamer-Jackson holds a personal conflicting interest in respect of the Report pursuant to sections 100 to 109 of the *Community Charter* and is therefore prohibited from: remaining in any meeting where the matter is under consideration; participating in any discussion of the matter; voting on a question in respect of the matter; or attempting in any way to influence the voting on any question in respect of the matter;
  - c. the City was concerned that Mayor Hamer-Jackson would retaliate against the Interviewees; and
  - d. the City was concerned that Mayor Hamer-Jackson would unlawfully disclose the Report contrary to his obligations under section 117 of the *Community Charter* and the *Freedom of Information and Protection of Privacy Act*.
- 14. Between June 2023 and April 2024, Mayor Hamer-Jackson and his former legal counsel repeatedly requested a copy of the Report. After most, if not all, such requests, Mayor Hamer-Jackson was informed that he would not receive a copy of

the Report because it remained privileged and subject to *in camera* confidentiality, and it contained personal information that could not be disclosed to him.

15. The City maintains *in-camera* confidentiality and solicitor client privilege over the Report.

*Mayor Received Leaked Report and Further Disseminated Report to Others*

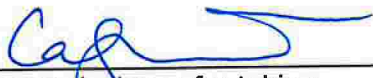
16. On April 5, 2024, Paul James interviewed Mayor Hamer-Jackson on RadioNL. I listened to the interview. During this interview, Mayor Hamer-Jackson told Mr. James that he had received a copy of the Report "in his mailbox." Mayor Hamer-Jackson and Mr. James stated that the Mayor had since provided a copy of the Report to RadioNL.
17. The April 5, 2024 RadioNL interview was the first time I learned that Mayor Hamer-Jackson possessed an unauthorized copy of the Report. I do not know how Mayor Hamer-Jackson obtained this copy of the Report.
18. I am aware, due to my review of local media both in print and audio recordings, that in the days following his April 5, 2024 RadioNL interview, Mayor Hamer-Jackson provided a copy of the Report to various additional news outlets, including:
  - a. CFJC;
  - b. CBC Radio-Canada;
  - c. InfoNews/InfoTel;
  - d. Castanet; and
  - e. Mel Rothenburger.

*Protective Measures*

19. At its June 13, 2023 closed Council meeting, Council imposed various protective measures to protect staff from mistreatment by Mayor Hamer-Jackson (the "Protective Measures").

20. Since June 2023, Council has expanded the Protective Measures to include additional City staff members and has extended the Protective Measures to January 2025.

AFFIRMED BEFORE ME  
at Kamloops, British Columbia  
on January 21, 2025



A commissioner for taking  
affidavits for British Columbia

**CALEIGH TREISSMAN**  
BARRISTER & SOLICITOR  
300 - 350 LANSDOWNE STREET  
KAMLOOPS, BC V2C 1Y1  
Telephone: 250.372.5542

---

COLLEEN QUIGLEY



This is the 1<sup>st</sup> affidavit of  
Stephanie Nichols in this case and  
was made on January 17, 2025

No. 63922  
Kamloops Registry

In the Supreme Court of British Columbia

Between

Attorney General of British Columbia

Petitioner

and

Reid Hamer-Jackson

Respondent

### **AFFIDAVIT**

I, Stephanie Nichols, CIPP/C, Privacy Officer of the City of Kamloops, 7 Victoria Street West, Kamloops, British Columbia, AFFIRM THAT:

1. I am the Privacy Officer of the City of Kamloops (the "City"). As such, I have personal knowledge of the matters deposed to except where such are stated to be based on information and belief, in which case I verily believe them to be true.
2. In my role as Privacy Officer, my responsibilities include implementing and maintaining the City's privacy management program, conducting privacy training, responding to requests for information, and managing any privacy breaches.
3. The City's general policy, and my practice, is that information relating to a privacy breach is seen only by those individuals who need to see it so as not to exacerbate the harm to the affected individuals.

### *The Report*

4. In accordance with the above-noted policy, I have not read the Report that is the subject of the Petition for which I swear this Affidavit.
5. I have read the front page of the Report and therefore know the identities of the complainants. The complainants are my colleagues and supervisors.
6. In or around June 2023, the City's Human Resources & Safety Director, Colleen Quigley, informed me that:
  - a. the Report summarizes a confidential and privileged workplace investigation into allegations of unlawful and/or inappropriate conduct by Mayor Hamer-Jackson;
  - b. the Report contains:
    - i. the names of the witnesses in the investigation;
    - ii. the names of the complainants in the investigation; and
    - iii. witness and complainant statements, including their personal interactions and experiences.
7. Based on Director Quigley's description of the Report, despite not having read the Report in full myself, I am satisfied that the Report contains personal information of the complainants and witnesses interviewed.

### *Mayor's Prior Privacy Breaches*

8. As part of my role, I facilitate privacy training for City employees and elected officials. I initiated various training opportunities for the members of City Council, including Mayor Hamer-Jackson, on their privacy and confidentiality obligations under the *Freedom of Information and Protection of Privacy Act* ("FOIPPA") and the *Community Charter*.
9. Since taking office in November 2022, Mayor Hamer-Jackson's conduct has resulted in my office having to report numerous privacy breaches to the Office of the Information and Privacy Commissioner ("OIPC").

10. Following Mayor Hamer-Jackson's various privacy breaches (not including those subject to this Petition), I sent 16 privacy breach notices to him, five of which (dated February 22, April 12, May 10 and June 13, 2023, and February 13, 2024) specifically included the following paragraph about his obligations under FOIPPA:

*We take this opportunity to remind you of the protection of privacy and record handling obligations imposed on all Council members. All records received in your capacity as a Council member are considered property of the City of Kamloops and must be handled and protected in accordance with our bylaws, policies, and procedures. Council members have statutory duties under the Freedom of Information and Protection of Privacy Act to protect personal information, as well as a statutory duty to maintain confidentiality over City records and information as stated in section 117 of the Community Charter..."*

11. Attached hereto as **Exhibit "A"** are true copies of the privacy breach notices I sent to Mayor Hamer-Jackson on February 22, April 12, May 10 and June 13, 2023, and February 13, 2024.

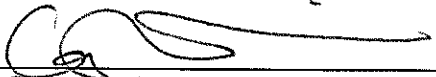
*The City's Section 73.1 Demand Notices to Mayor Hamer-Jackson and His Former Legal Counsel*

12. On the morning of April 5, 2024, I read an April 4, 2024 RadioNL article titled "Mayor, RadioNL, obtain copy of internal City Hall 'Integrity Report' connected to work place harassment allegations." This was how I learned that Mayor Hamer-Jackson had obtained a copy of the Report. Attached as **Exhibit "B"** is a copy of the April 4, 2024 RadioNL article.
13. On April 5, 2024, on behalf of the City, I sent a section 73.1 Demand Notice to Mayor Hamer-Jackson demanding that he return the Report and destroy any electronic copies. Attached as **Exhibit "C"** is a copy of the April 5, 2024 Demand Notice sent to Mayor Hamer-Jackson.
14. On May 14, 2024, I sent another letter to Mayor Hamer-Jackson setting out his ongoing privacy breaches. Attached as **Exhibit "D"** is a copy of the letter sent to Mayor Hamer-Jackson on May 14, 2024.

15. On April 7, 2024, the City's legal counsel wrote to Mayor Hamer-Jackson's former legal counsel, Daniel Coles, to advise that Mayor Hamer-Jackson is not entitled to possess the Report, the Report is protected by solicitor client privilege and demanding the return of all copies of the Report in the Mayor and Mr. Coles' possession. I received a copy of this letter. Attached as **Exhibit "E"** is a copy of the April 7, 2024 letter to Mayor Hamer-Jackson's former legal counsel.
16. On June 12, 2024, the City's legal counsel sent a letter to Mayor Hamer-Jackson's former legal counsel, Daniel Coles, informing him of the City's intention to make a request to the Attorney General under section 73.2 of *FOIPPA* and once again requesting he and Mayor Hamer-Jackson return all copies of the Report in his possession. I received a copy of this letter. Attached as **Exhibit "F"** is a copy of the June 12, 2024 letter to Mayor Hamer-Jackson's former legal counsel.
17. On multiple occasions, Mayor Hamer-Jackson has told local media that he intends to use the Report for an improper purpose in the future. For example:
  - a. April 6, 2024 – Castanet, "Hamer-Jackson says he's out to clear his name while releasing copies of confidential City Report". Attached as **Exhibit "G"** is a copy of the April 6, 2024 Castanet article.
  - b. October 23, 2024 – InfoNews, "Next Move Unclear as Kamloops Mayor Learns Councillor Secretly Recorded Argument". Mayor Hamer-Jackson stated that his use of the Report to redeem his reputation is "on its way". Attached as **Exhibit "H"** is a copy of the October 23, 2024 InfoNews article.
  - c. October 30, 2024 – CFJC, "Unhappy with City Hall Office move, Kamloops Mayor sets up shop at his West Victoria Car Lot." I watched the video clip attached to this media story and observed at approximately the 1:29 minute mark, Mayor Hamer-Jackson showing a page of the Report to the camera. Attached as **Exhibit "I"** is a copy of the October 30, 2024 CFJC article.
  - d. November 4, 2024 – InfoNews, "Defiant and controversial: Kamloops Mayor Digs in with half of term left." Mayor Hamer-Jackson stated that his use of

the Report to "clear his name" is "on its way". Attached as **Exhibit "J"** is a copy of the November 4, 2024 InfoNews article.

AFFIRMED BEFORE ME )  
at Kamloops, British Columbia )  
on January 17, 2025 )

  
A Commissioner for taking )  
Affidavits for British Columbia )

**CALEIGH TREISSMAN**  
BARRISTER & SOLICITOR  
300 - 350 LANSLOWNE STREET  
KAMLOOPS, BC V2C 1Y1  
Telephone: 250.372.5542

  
STEPHANIE NICHOLS

THIS IS EXHIBIT "A" REFERRED TO IN THE AFFIDAVIT  
OF STEPHANIE NICHOLS, AFFIRMED BEFORE ME  
AT THE CITY OF KAMLOOPS, IN THE PROVINCE OF  
BRITISH COLUMBIA, THIS 17 DAY OF JANUARY,  
2025.



A COMMISSIONER FOR TAKING AFFIDAVITS FOR  
BRITISH COLUMBIA

**CALEIGH TREISSMAN**  
BARRISTER & SOLICITOR  
300 - 350 LANSDOWNE STREET  
KAMLOOPS, BC V2C 1Y1  
Telephone: 250.372.5542

\* **CONFIDENTIAL CORRESPONDENCE** \*

February 22, 2023

Mayor Hamer-Jackson  
[mayor@kamloops.ca](mailto:mayor@kamloops.ca)  
 Hand Delivered

Dear Mayor Hamer-Jackson:

RE: Incident Resulting in Breach of Privacy

On February 14, 2023, we were notified that a member of the public, [REDACTED], was in possession of a voicemail message received from a member of the public in your capacity as Mayor. The voicemail message contains personal information pertaining to a member of the public. Release of this record to a non-City of Kamloops representative has resulted in a breach of privacy.

An analysis of the situation was conducted to determine how the record came to be in the possession of a non-City of Kamloops representative. A summary of the analysis is outlined below:

- Voicemail received by Mayor Hamer-Jackson from member of the public on an undetermined date
- Voicemail contained personal information related to a member of the public
- Mayor Hamer-Jackson intended to share this voicemail with another member of Council
- Voicemail audio file was sent to member of Council by [REDACTED] from a personal email account on February 11, 2023

Our analysis has concluded that a City record containing personal information was used and disclosed by an outside party without authorization. This constitutes a privacy breach as defined in Section 36.3(1) of the *Freedom of Information and Protection of Privacy Act* (the Act) and is also in contravention of the collection and handling of information expectations outlined in Section 4 of the Council Code of Conduct Policy GGL-29.

[REDACTED] will be contacted to request secure destruction of any copies of the record in their possession to prevent further privacy concerns.

We believe this un-authorized access was the result of misjudgement and that harm to the member of the public whose personal information is involved in the breach would be minimal. As such, we have determined that notification to the individual and the BC Office of the Information and Privacy Commissioner is not required at this time.

We take this opportunity to remind you of the protection of privacy and record handling obligations imposed on all Council members. All records received in your capacity as a Council member are considered property of the City of Kamloops and must be handled and protected in accordance with our bylaws, policies, and procedures. Council members have statutory duties under the Freedom of Information and Protection of Privacy Act to protect personal information, as well as statutory duty to maintain confidentiality over City records and information as stated in section 117 of the Community Charter. The City of Kamloops Council Code of Conduct Policy also includes the following requirements pertaining to collection and handling of information by Council members:

"4. Collection and Handling of Information

4.1 Council members must:

- a) Collect, use and disclose personal information in accordance with the British Columbia Freedom of Information and Protection of Privacy Act and the policies and guidelines as established by the City;
- b) Protect information that is specifically marked confidential, that is personal information, and any other material identified or understood to be confidential in nature;
- c) Refrain from discussing or disclosing confidential information with staff, or with persons outside the organization, except as authorized;
- d) Refrain from discussing or disclosing any personal information with or to other Council members, staff, or with persons outside the organization except in a manner consistent with the duty to protect personal information under the British Columbia Freedom of Information and Protection of Privacy Act.
- e) Take reasonable care to prevent the examination of confidential material or access to personal information by unauthorized individuals;
- f) Not use confidential information except for the purpose for which it is intended to be used;
- g) Only access information held by the City as required for City business;
- h) Not disclose decisions, resolutions or reports forming part of the Council agenda for or from a closed meeting of Council until a corporate decision has been made for the information to become public;
- i) Not disclose details on Council's Closed meeting deliberations or specific detail on whether individual Council members voted for or against an issue;
- j) Not alter City records unless expressly authorized to do so; and,
- k) Adhere to the requirements outlined in this Section when they are no longer a Council member."

Protection of privacy is of the utmost importance to the City of Kamloops as required by legislation. All City of Kamloops representatives are expected to protect personal information received in the course of their duties and are made aware of these requirements via information and training provided on a regular basis. If you have specific questions regarding this incident or protection of privacy in general, please do not hesitate to contact me at [snichols@kamloops.ca](mailto:snichols@kamloops.ca) or 250-828-3455 to discuss.

Yours truly,



Stephanie Nichols  
Privacy Officer

cc: David Trawin, Chief Administrative Officer, City of Kamloops



**\* CONFIDENTIAL CORRESPONDENCE \***

April 12, 2023

Mayor Hamer-Jackson  
[mayor@kamloops.ca](mailto:mayor@kamloops.ca)  
Hand Delivered

Dear Mayor Hamer-Jackson:

RE: Situation Resulting in Breach of Privacy

On April 11, 2023, a news article was published on infonews.ca titled "Kamloops mayor and councillor's feud a family affair" available here: <https://infotel.ca/newsitem/kamloops-mayor-and-councillors-feud-a-family-affair/lt97756>. In this article, the following quote was attributed to you:

*"She told me she didn't want me to meet with her dad because he's a sick man," Hamer-Jackson said. "So I didn't do nothing."*

This quote contains personal information pertaining to a member of the public. As it relates to personal medical information, it is deemed sensitive personal information.

Release of this information to the media has resulted in a breach of privacy as defined in Section 36.3(1) of the Freedom of Information and Protection of Privacy Act (the Act) and is also in contravention of the collection and handling of information expectations outlined in Section 4 of the Council Code of Conduct Policy GGL-29.

We believe that harm to the member of the public whose personal information is involved in the breach would be minimal. As such, we have determined that notification to the individual and the BC Office of the Information and Privacy Commissioner is not required at this time.

We take this opportunity to remind you of the protection of privacy and record handling obligations imposed on all Council members. All records received in your capacity as a Council member are considered property of the City of Kamloops and must be handled and protected in accordance with our bylaws, policies, and procedures. Council members have statutory duties under the Freedom of Information and Protection of Privacy Act to protect personal information, as well as statutory duty to maintain confidentiality over City records and information as stated in section 117 of the Community Charter. The City of Kamloops Council Code of Conduct Policy also includes the following requirements pertaining to collection and handling of information by Council members:

"4. Collection and Handling of Information

4.1 Council members must:

- a) Collect, use and disclose personal information in accordance with the British Columbia Freedom of Information and Protection of Privacy Act and the policies and guidelines as established by the City;
- b) Protect information that is specifically marked confidential, that is personal information, and any other material identified or understood to be confidential in nature;
- c) Refrain from discussing or disclosing confidential information with staff, or with persons outside the organization, except as authorized;
- d) Refrain from discussing or disclosing any personal information with or to other Council members, staff, or with persons outside the organization except in a manner consistent with the duty to protect personal information under the British Columbia Freedom of Information and Protection of Privacy Act.
- e) Take reasonable care to prevent the examination of confidential material or access to personal information by unauthorized individuals;
- f) Not use confidential information except for the purpose for which it is intended to be used;
- g) Only access information held by the City as required for City business;
- h) Not disclose decisions, resolutions or reports forming part of the Council agenda for or from a closed meeting of Council until a corporate decision has been made for the information to become public;
- i) Not disclose details on Council's Closed meeting deliberations or specific detail on whether individual Council members voted for or against an issue;
- j) Not alter City records unless expressly authorized to do so; and,
- k) Adhere to the requirements outlined in this Section when they are no longer a Council member."

Protection of privacy is of the utmost importance to the City of Kamloops as required by legislation. All City of Kamloops representatives are expected to protect personal information received in the course of their duties and are made aware of these requirements via information and training provided on a regular basis. If you have specific questions regarding this situation or protection of privacy in general, please contact me at [snichols@kamloops.ca](mailto:snichols@kamloops.ca) or 250-828-3455 to discuss.

Yours truly,



Stephanie Nichols  
Privacy Officer

cc: David Trawin, Chief Administrative Officer, City of Kamloops

## \* CONFIDENTIAL CORRESPONDENCE \*

May 10, 2023

Mayor Hamer-Jackson  
[mayor@kamloops.ca](mailto:mayor@kamloops.ca)  
 Hand Delivered

Dear Mayor Hamer-Jackson:

RE: Incident Resulting in Breaches of Privacy

On May 5, 2023, we were notified that:

- (a) You left a closed Council meeting with sensitive personnel records in the form of [REDACTED] 2023 performance review ("2023 Personal Record") in your possession;
- (b) You removed the 2023 Personal Record from City premises without authorization, and transported it to an unknown location with unknown security protections;
- (c) You also have in your possession historical personal information belonging to City employees, previous employees, and employment candidates, including resumes, employee candidate evaluations, and historical performance reviews ("Historical Personal Records");
- (d) You have refused to return either the 2023 Personal Record or the Historical Personal Records (collectively, the "Personal Records") to Director Quigley so that they can be safely stored in accordance with the City's statutory obligations and its Corporate Policies; and
- (e) You have advised that you intend to use the Personal Records for purposes other than that for which the personal information was originally collected and without the individuals' consent; namely, for your use in an ongoing workplace investigation into your conduct (the "Unauthorized Use").

The Personal Records contain highly sensitive personal information belonging to current employees, former employees, and employment candidates. The unauthorized removal of those records from City premises, the unauthorized storage of them, the refusal to return them, and the Unauthorized Use each constitutes a breach of privacy within the meaning of Section 36.3(1) of the Freedom of Information and Protection of Privacy Act (the "Act") and is also in contravention of the collection and handling of information expectations outlined in Section 4 of the Council Code of Conduct Policy GGL-29 and the provisions of the Council Code of Conduct Bylaw No. 53, 2023. Any disclosure to a non-City of Kamloops representative would constitute an additional privacy breach.

We are of the view that this unauthorized access, removal, storage, and use of personal information could reasonably be expected to result in significant harm to the individuals whose personal information is involved in the breach. As such, we have determined that notification to all involved individuals and the BC Office of the Information and Privacy Commissioner is required under the Act.

In addition, the Act requires the City to take all reasonable steps to contain the breach and keep the affected individuals and the Office of the Information and Privacy Commissioner apprised of these efforts. **As such, we again request that you immediately:**

- 1. Return the Personal Records to Director Quigley, together with any and all hardcopy and electronic format duplicates you made or directed be made;**
- 2. If you are unable or unwilling to return the Personal Records and all duplicates, confirm the location of each and the security in place to protect them from further unauthorized access, use, and disclosure; and**
- 3. Confirm whether and to whom you have disclosed the Personal Records.**

We confirm that your response will be forwarded to the Office of the Information and Privacy Commissioner.

We take this opportunity to remind you of the protection of privacy and record handling obligations imposed on all Council members. All records received in your capacity as a Council member are considered property of the City of Kamloops and must be handled and protected in accordance with our bylaws, policies, and procedures. Council members have statutory duties under the Freedom of Information and Protection of Privacy Act to protect personal information, as well as a statutory duty to maintain confidentiality over City records and information as stated in section 117 of the Community Charter.

The City of Kamloops Council Code of Conduct Policy also includes the following requirements pertaining to collection and handling of information by Council members:

"4. Collection and Handling of Information

4.1 Council members must:

- a) Collect, use and disclose personal information in accordance with the British Columbia Freedom of Information and Protection of Privacy Act and the policies and guidelines as established by the City;
- b) Protect information that is specifically marked confidential, that is personal information, and any other material identified or understood to be confidential in nature;
- c) Refrain from discussing or disclosing confidential information with staff, or with persons outside the organization, except as authorized;
- d) Refrain from discussing or disclosing any personal information with or to other Council members, staff, or with persons outside the organization except in a manner consistent with the duty to protect personal information under the British Columbia Freedom of Information and Protection of Privacy Act.
- e) Take reasonable care to prevent the examination of confidential material or access to personal information by unauthorized individuals;
- f) Not use confidential information except for the purpose for which it is intended to be used;
- g) Only access information held by the City as required for City business;
- h) Not disclose decisions, resolutions or reports forming part of the Council agenda for or from a closed meeting of Council until a corporate decision has been made for the information to become public;
- i) Not disclose details on Council's Closed meeting deliberations or specific detail on whether individual Council members voted for or against an issue;
- j) Not alter City records unless expressly authorized to do so; and,

- k) Adhere to the requirements outlined in this Section when they are no longer a Council member."

Likewise, the Council Code of Conduct Bylaw No. 53, 2023 stipulates as follows:

"General Conduct

- 3.1 A Member shall not:
- (a) contravene this Bylaw;
  - (b) contravene any other City bylaw or policy;
  - (c) contravene a law of British Columbia or Canada, including the *British Columbia Human Rights Code* and *Freedom of Information and Protection of Privacy Act*;
  - (d) Bully or Harass another person; or
  - (e) defame a Member, Staff, or Volunteer.

...

- 3.5 A Member must not interfere with, hinder, or obstruct Staff, Volunteers, or other Members in the exercise or performance of their roles, responsibilities, powers, duties, or functions or in their efforts to implement Council decisions, nor shall a Member impair the ability of Municipal Officers or Staff contrary to section 153 of the *Community Charter*.

...

Collection and Handling of Information

- 3.15 A Member must:
- (a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and all policies and guidelines established by the City;
  - (b) comply with section 117 of the *Community Charter*, including by protecting, and not disclosing, Confidential Information;
  - (c) only access information held by the City for City business, and not for personal purposes; and
  - (d) not alter, destroy, or conceal City records unless expressly authorized to do so by Council in accordance with applicable laws."

Protection of privacy and the discharge of its statutory duties is of the utmost importance to the City of Kamloops. All City of Kamloops representatives are expected to protect personal information received in the course of their duties and are made aware of these requirements via information and training provided on a regular basis. If you have specific questions regarding this incident or protection of privacy in general, please do not hesitate to contact me at [snichols@kamloops.ca](mailto:snichols@kamloops.ca) or 250-828-3455 to discuss.

Yours truly,



Stephanie Nichols  
Privacy Officer

cc: Colleen Quigley, Human Resources & Safety Director, City of Kamloops  
Jen Fretz, Acting Chief Administrative Officer, City of Kamloops

## \* CONFIDENTIAL CORRESPONDENCE \*

June 13, 2023

Mayor Hamer-Jackson  
[mayor@kamloops.ca](mailto:mayor@kamloops.ca)  
 Hand Delivered

Dear Mayor Hamer-Jackson:

RE: Situation Resulting in Breach of Privacy

Two recent media articles have been published regarding information discussed in a Closed Council meeting relating to a privacy breach involving Personal Records that you were informed of on May 10, 2023.

The first article published here <https://www.castanetkamloops.net/news/Kamloops/431278/Kamloops-mayor-opposes-beefed-up-records-policy-after-taking-confidential-document-home#431278> by Castanet on June 11, 2023, entitled "Kamloops Mayor opposes beefed up records policy after taking 'confidential' document home" did not reveal personal information to constitute a privacy breach.

The second article, published here <https://www.kamloopsthisweek.com/local-news/kamloops-council-adopts-new-confidentiality-policy-7134802> by Kamloops This Week on June 12, 2023, entitled "Kamloops council adopts new confidentiality policy" states:

*"Hamer Jackson said, he received a new performance report on a city staffer from a third-party contractor. Hamer-Jackson did not wish to name the staff member, but said he took the document home to read and review..."*

*According to Hamer-Jackson, he refused to return the report as he felt he was entitled to keep it. He said in his office, there were past performance reviews and other confidential documents in a file that previous mayor Ken Christian had shown him when Hamer-Jackson took office last fall. He said some of the documentation dated back to 2012."*

Although no names were mentioned, the depth of information you provided allows readers to determine which City personnel may be the subject of the privacy breach and the related records.

Release of this information to the media has resulted in a continuation of the privacy breach you were informed of on May 10, 2023, as defined in Section 36.3(1) of the *Freedom of*

*Information and Protection of Privacy Act* (the Act) and is also in contravention of the provisions of the Council Code of Conduct Bylaw No. 53, 2023.

We are of the view that this unauthorized disclosure could reasonably be expected to result in significant harm to the individuals whose personal information was involved in the privacy breach you were informed of on May 10, 2023. As such, we have determined that notification to the affected individuals and the BC Office of the Information and Privacy Commissioner is required under the Act.

We take this opportunity to remind you of the protection of privacy and record handling obligations imposed on all Council members. All records received in your capacity as a Council member are considered property of the City of Kamloops and must be handled and protected in accordance with our bylaws, policies, and procedures. Council members have statutory duties under the Freedom of Information and Protection of Privacy Act to protect personal information, as well as a statutory duty to maintain confidentiality over City records and information as stated in section 117 of the Community Charter.

The Council Code of Conduct Bylaw No. 53, 2023 stipulates as follows:

"General Conduct

- 3.1 A Member shall not:
- (a) contravene this Bylaw;
  - (b) contravene any other City bylaw or policy;
  - (c) contravene a law of British Columbia or Canada, including the *British Columbia Human Rights Code* and *Freedom of Information and Protection of Privacy Act*;
  - (d) Bully or Harass another person; or
  - (e) defame a Member, Staff, or Volunteer.

...

- 3.8 A Member must not publish, share, or otherwise reveal, on social media or otherwise, any Personal Information belonging to Members, Staff, or Volunteers, or any of their respective families or other personal relations, nor make any statements attacking Members, Staff, or Volunteers, or any of their respective families or other personal relations.

...

Collection and Handling of Information

- 3.15 A Member must:
- (a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and all policies and guidelines established by the City;
  - (b) comply with section 117 of the *Community Charter*, including by protecting, and not disclosing, Confidential Information;
  - (c) only access information held by the City for City business, and not for personal purposes; and
  - (d) not alter, destroy, or conceal City records unless expressly authorized to do so by Council in accordance with applicable laws."

Protection of privacy and the discharge of its statutory duties is of the utmost importance to the City of Kamloops. All City of Kamloops representatives are expected to protect personal information received in the course of their duties and are made aware of these requirements via information and training provided on a regular basis. If you have specific questions

regarding this incident or protection of privacy in general, please do not hesitate to contact me at snichols@kamloops.ca or 250-828-3455 to discuss.

Yours truly,



Stephanie Nichols  
Privacy Officer

cc: Jen Fretz, Acting Chief Administrative Officer, City of Kamloops



City of Kamloops



**\* CONFIDENTIAL CORRESPONDENCE \***

February 13, 2024

Mayor Hamer-Jackson  
[mayor@kamloops.ca](mailto:mayor@kamloops.ca)  
Hand Delivered

Dear Mayor Hamer-Jackson:

RE: Situation Resulting in Breach of Privacy

On February 12, 2024, a media article titled "Meddling at City Hall? Mixed reviews for ground rules put in place following Kamloops city hall investigation" was published containing quotes attributed to you as follows:

*(a) Hamer-Jackson told Castanet Kamloops he wanted to know details about the allegations before deciding whether to sit down with the investigator. Honcharuk wanted him to make an appointment first due to the sensitive and confidential nature of the allegations.*

...

*Hamer-Jackson, who said he still hasn't seen the report, dismissed the information as "all allegations."*

*"People continue to make these allegations, and guess what? Someday, they're going to get proven wrong," he said.*

*(b) Hamer-Jackson has denied multiple times he ever said "I'll bury you" to Trawin when asked by Castanet Kamloops.*

...

*When asked to respond to allegations that he threatened Trawin's job security, Hamer-Jackson claimed Trawin agreed to "retract" those allegations but never did.*

*(c) Hamer-Jackson said he has had a difficult time communicating through the new process put in place.*

*"It's not working very good at all," he said.*

*He said he's asked certain questions of the deputy mayors since the process has been implemented and still doesn't have answers.*

*"We've got a lawyer in Vancouver that's basically made the City of Kamloops, of 100,000 people, make the mayor who was elected by the citizens of Kamloops have to respond and have to communicate with the person that is supposed to be your number one employee — he's supposed to be your only employee," Hamer-Jackson said.*

*"And that's working good for him? Well, that's because, guess what? He didn't want me to be the mayor, obviously."*

By [REDACTED] is the subject of Council-imposed protective measures, and referring to his personal political preferences, you have breached [REDACTED] privacy. As the information relates to an employment matter, it is deemed sensitive personal information.

Release of this information to the media has resulted in a breach of privacy as defined in Section 36.3(1) of the Freedom of Information and Protection of Privacy Act (the Act) and is also in contravention of the General Conduct and Collection and Handling of Information expectations outlined in Council Code of Conduct Bylaw No. 53, 2023.

We are of the view that unauthorized disclosure of this personal information could reasonably be expected to result in significant harm to the individual to which the information pertains. As such, we have determined that reporting this privacy breach to the BC Office of the Information and Privacy Commissioner is required under the Act.

In addition, the Act requires the City to take all reasonable steps to contain the breach and keep the affected individuals and the Office of the Information and Privacy Commissioner apprised of these efforts. **As such, we request that you immediately cease and desist such public statements.**

We take this opportunity to remind you of the protection of privacy obligations imposed on all Council members. All records and confidential information received in your capacity as a Council member is considered property of the City of Kamloops and must be handled and protected in accordance with our bylaws, policies, and procedures. Council members have statutory duties under the Freedom of Information and Protection of Privacy Act to protect personal information, as well as statutory duty to maintain confidentiality over City records and information as stated in section 117 of the Community Charter. Further, the City of Kamloops Council Code of Conduct Bylaw No. 53, 2023 stipulates as follows:

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...

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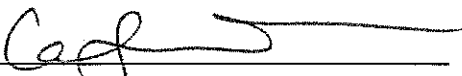
Protection of privacy is of the utmost importance to the City of Kamloops as required by legislation. All City of Kamloops representatives are expected to protect personal information received in the course of their duties and are made aware of these requirements via information and training provided on a regular basis. If you have specific questions regarding this situation or protection of privacy in general, please contact me at [snichols@kamloops.ca](mailto:snichols@kamloops.ca) or 250-828-3455 to discuss.

Yours truly,



Stephanie Nichols  
Privacy Officer

THIS IS EXHIBIT "B" REFERRED TO IN THE AFFIDAVIT  
OF STEPHANIE NICHOLS, AFFIRMED BEFORE ME  
AT THE CITY OF KAMLOOPS, IN THE PROVINCE OF  
BRITISH COLUMBIA, THIS 17 DAY OF JANUARY,  
2025.



A COMMISSIONER FOR TAKING AFFIDAVITS FOR  
BRITISH COLUMBIA

**CALEIGH TREISSMAN**  
BARRISTER & SOLICITOR  
300 - 350 LANSDOWNE STREET  
KAMLOOPS, BC V2C 1Y1  
Telephone: 250.372.5542

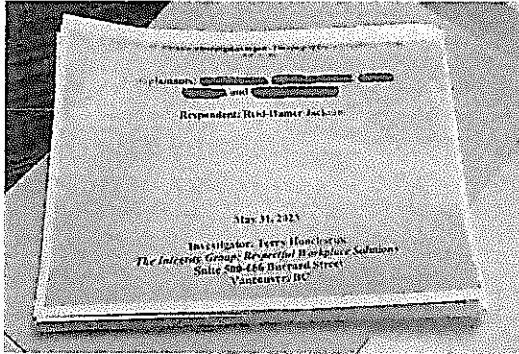
610 AM

## Local News Now

### Mayor, Radio NL, obtain copy of internal City Hall "Integrity Report" connected to work place harassment allegations

Paul James

Apr 4, 2024 | 11:46 PM



Front cover of a copy of the Integrity Report on City Hall workplace harassment allegations against Mayor Reid Hamer-Jackson/via Paul James

Kamloops Mayor Reid Hamer-Jackson says he intends to defend himself, now that he's been able to obtain a copy of the Integrity Group report into allegations of workplace harassment against him.

Hamer-Jackson says a photocopied version of the report — of which Radio NL now has a copy as well — ended up in his personal mailbox at his home on Tuesday.

He says he has no idea who sent it to him.

In it, the report by investigator Terry Honcharuck with the Vancouver-based Integrity Group, details 12 separate instances in which Mayor Hamer-Jackson broke City Council's Code of Conduct rules against three of four members of senior staff who are listed as Complainants in the report.

Due to privacy concerns, Radio NL is not going to publicly name the four complainants detailed in the report at this time.

"In addition to reviewing policies, codes of conduct, other documentation, and the applicable law, I interviewed the Complainants (via Zoom) between February 28, 2023 and May 29, 2023. Mr. Hamer-Jackson declined to participate in the investigation," said Honcharuck in the Executive Summary of his report. "I found all of the Complainants to be credible and accepted their evidence regarding the material allegations."

In the report, Honcharuck says he was able to determine 8 separate incidents in which the Mayor violated the Code of Conduct in connection with one of the complainants.

"Specifically, I found that Mr. Hamer-Jackson's conduct was in violation of Section 3(b) of the Code as it was variously (1) disrespectful to [complainant], (2) offensive, demeaning, insulting or abusive to [complainant], and (3) aggressive action that was threatening to [complainant]'s job security," said the report.

The report goes on to cite an instance where the Mayor was "disrespectful" to another complainant, while also variously disrespectful, offensive, or demeaning to another complainant on three different occasions.

A fourth complaint filed as part of the report found the Mayor did not break the Code of Conduct connected to allegations put out by that individual.

The bulk of the 66 page report includes details of the various allegations laid out by the complainants, including internal emails and conversations the complainants said they had with the Mayor.

*[Editors Note: This story will not include specific details of the allegations made by the complainants until such time as Radio NL has had an opportunity to consult with legal counsel, as the specifics of the allegations would involve providing the identity of the complainants.]*

#### Mayor to push back

Mayor Reid Hamer-Jackson says he's glad he's finally able to read the allegations laid out against him in the Integrity Report.

He says he's been waiting months to get his hands on it.

"You know, it's been a long time. At least now, with this report, I can defend myself. That's the way the process is supposed to work. You're not supposed to have allegations against you, and then not even know what they are," Hamer-Jackson said in a sit-down interview with Radio NL after providing a copy of the report he received.

Asked about what he feels are false in the report, the Mayor points to the launch of the investigation itself, which he notes was connected to a tense conversation between himself and Councillor Bill Sarai.

"What sparked the investigation was Councillor Sarai coming to my office, and we're having a discussion and he starts screaming at me," said Hamer-Jackson. "There was probably seven employees there, and if you read the report, you'll find the Safety Officer did an investigation, and it didn't affect a lot of people, just a few."

The Mayor argues the investigator only took into account the comments from those listed as Complainants in the report connected to the blow-up between himself and Councillor Sarai, and did not include any secondary discussions with other City staff who were present at that moment, suggesting a bias toward the Complainants point of view.

The report, submitted to the City of Kamloops on May 31, 2023, includes a section labelled as "Advice."

"As the Mayor is an elected official, the remedial measures available to the City to address his misconduct are quite limited as compared to a situation where employee-to-employee relationships are involved," states the report. "In light of this, and in light of the Mayor's apparent disposition not to accept direction from City staff or [City] Council, I advise that the City should focus its efforts on protecting its employees from bullying, harassment, an other inappropriate behaviour (in keeping with its statutory obligations) as opposed to attempting to educate Mr. Hamer-Jackson (such as through one-on-one Respectful Workplace training).



Mayor Reid Hamer-Jackson in a sit-down interview with Radio NL after being provided a copy of the Integrity Report/via Paul James

The report concludes with four recommendations:

1. Council institutes a policy whereby the Mayor's communication with the Complainants will be restricted.
2. This policy will direct that there will be not telephone calls or face-to-face meeting between the Mayor and any of the Complainants unless a third party approved by the Complainant(s), and who is appropriate to hear that communication, is present for the call or meeting.
3. This policy will direct that all written communication from the Mayor to Any of the Complainants will first go through a Councillor appointed as a liaison who will vet communication. This Councillor will have the authority not to forward that communication if it contains inappropriate or offensive language or material.
4. City Hall staff, Council, and the Mayor will complete comprehensive Respectful Workplace training with an external facilitator which covers bullying, harassment, discrimination, and poisoned work environment with an equal emphasis on conflict resolution and diffusion techniques for bullying and harassing behaviour.

These recommendations have now been implemented, with the Mayor unable to have one-on-one meetings with the complainants involved in the report.

Despite the report's findings, and the sanctions he's been under since, the Mayor suggests that now he's been able to review the allegations, he'll be able to defend himself.

"Let's call it the TSN Turning Point," said Hamer-Jackson. "I've been asking for it [the Integrity Group report] for a long time. I've been asking right from the get-go. Mr. Honcharuck, I asked him what the allegations are, and I just found out a couple of days ago in my mailbox."



Radio NL Local First News

Paul James - Reid Hamer - Jackson - April 4

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#### Trending News



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23h ago

48 Views

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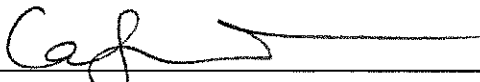
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THIS IS EXHIBIT "C" REFERRED TO IN THE AFFIDAVIT  
OF STEPHANIE NICHOLS, AFFIRMED BEFORE ME  
AT THE CITY OF KAMLOOPS, IN THE PROVINCE OF  
BRITISH COLUMBIA, THIS 17 DAY OF JANUARY,  
2025.



A COMMISSIONER FOR TAKING AFFIDAVITS FOR  
BRITISH COLUMBIA

**CALEIGH TREISSMAN**  
BARRISTER & SOLICITOR  
300 - 350 LANSDOWNE STREET  
KAMLOOPS, BC V2C 1Y1  
Telephone: 250.372.5542

**\* CONFIDENTIAL CORRESPONDENCE \***

Dated this 5<sup>th</sup> day of April, 2024

**IN THE MATTER OF A PRIVACY BREACH within the meaning of the *Freedom of Information and Protection of Privacy Act*,  
[RSBC 1996], c. 165 (the "Act")**

**DEMAND FOR SECURE DESTRUCTION OF RECORDS  
Pursuant to section 73.1 of the Act**

Issued by: City of Kamloops Privacy Officer  
Respondent: Mayor Hamer-Jackson  
Delivered: Via Email: [mayor@kamloops.ca](mailto:mayor@kamloops.ca) -and- Via Hand Delivery

**TAKE NOTICE THAT:**

**A. ON APRIL 5, 2024, THE CITY'S PRIVACY OFFER WAS NOTIFIED THAT:**

1. You have obtained confidential City records that contain highly sensitive information belonging to third parties, including without limitation, a workplace investigation report which remains privileged and confidential (the "Confidential Records").
2. You have distributed the Confidential Records to numerous media outlets and discussed the contents of the records publicly.

**TAKE NOTICE THAT, IN ACCORDANCE WITH THE AUTHORITY SET FORTH IN SECTION 73.1 OF THE ACT:**

**B. THE PRIVACY OFFICER HAS CONCLUDED THAT** you are not authorized by law to possess the Confidential Records that are properly in the custody or under the control of the City;

**C. THE PRIVACY OFFICER HEREBY DIRECTS THAT:**

1. No later than seven (7) calendar days from receipt of this notice:
  - (a) Return the Confidential Records to the Privacy Officer, or in the case of electronic duplicates you may have made, securely destroy all those duplicates that exist on all devices including your City-issued cell phone,

City-issued laptop or computer, and all personal devices, phone numbers and email addresses, all under the watch of and witnessed by the Privacy Officer, as the designated City representative for this purpose; and

- (b) Confirm whether and to whom you have disclosed the Confidential Records.
- 2. A statement on its own from you indicating the Confidential Records have been destroyed will **not** be accepted by the OIPC. Confirmation must also come from the Privacy Officer as a witness to the secure destruction.
- 3. If you fail to comply with this Section 73.1 Demand Notice, you may be subject to additional enforcement actions by the OIPC, including the imposition of financial penalties for which you will be personally liable.
- D. **THE PRIVACY OFFICER CONFIRMS THAT the City may undertake legal action to recover the Confidential Records if you fail to comply within the required time, or if you do not adequately demonstrate in writing that:**
  - (a) the Confidential Records were not in the custody or under the control of the City when you acquired possession of them, or
  - (b) you are authorized by law to possess the Confidential Records,

and such legal action may include, without limitation, a request that the Attorney General petition the British Columbia Supreme Court for an order requiring the return of the Confidential Records, all in accordance with section 73.2 of the Act.

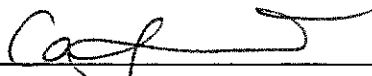
Yours truly,



Stephanie Nichols  
Privacy Officer

cc: David Hallinan, Director of Corporate Services

THIS IS EXHIBIT "D" REFERRED TO IN THE AFFIDAVIT  
OF STEPHANIE NICHOLS, AFFIRMED BEFORE ME  
AT THE CITY OF KAMLOOPS, IN THE PROVINCE OF  
BRITISH COLUMBIA, THIS 13 DAY OF JANUARY,  
2025.



A COMMISSIONER FOR TAKING AFFIDAVITS FOR  
BRITISH COLUMBIA

**CALEIGH TREISSMAN**  
BARRISTER & SOLICITOR  
300 - 350 LANSDOWNE STREET  
KAMLOOPS, BC V2C 1Y1  
Telephone: 250.372.5542

May 14, 2024

Mayor Hamer-Jackson  
[mayor@kamloops.ca](mailto:mayor@kamloops.ca)  
 Hand Delivered

Dear Mayor Hamer-Jackson:

RE: Multiple Situations Resulting in Breach of Privacy

This letter is to inform you of your continued privacy breaches. You have been alerted to these breaches multiple times in the past. As a reminder to you:

1. **At no time may you publicly discuss any personnel matters involving any City staff members, or any of their personal information.**
2. **You must immediately cease and desist all such public statements.**

An appendix is enclosed listing all previous privacy breaches and notifications issued to you, as well as all training opportunities you have participated in or that have been offered to you.

We most recently notified you on April 12, 2024, by email not to discuss personal information of individuals named in the confidential workplace investigation report. We also reminded you of **your statutory obligation to protect personal information.**

Prior to that, on February 13, 2024, we informed you of statements you made to the media that breached the personal information of a City staff member and demanded that you cease and desist public statements about the City staff member.

At the Open Committee of the Whole Meeting on May 7, 2024, you made reference to a personnel matter and City staff advised you in the meeting you were not permitted to discuss personal information in a public setting as doing so is contrary to the *Freedom of Information and Protection of Privacy Act* (FIPPA).

During media interviews conducted since the May 7, 2024, meeting, you have publicly referenced City personnel matters and a confidential workplace investigation report multiple times, which is deemed sensitive personal information, all of which are a breach of personal information.

At the Regular Council Meeting on May 14, 2024, during your Mayor's Report, you made reference to the personnel matter you had mentioned at the May 7<sup>th</sup> meeting. City staff again

advised you in the meeting that you were not permitted to discuss personal information in a public setting.

You have repeatedly invited members of the public to meet with you so you can provide more detail or explanation related to a confidential workplace investigation report that you are not authorized to possess nor discuss.

All of these instances have resulted in breaches of privacy as defined in Section 36.3(1) of the Freedom of Information and Protection of Privacy Act (the Act). These breaches are also in contravention of the General Conduct and Collection and Handling of Information expectations outlined in Council Code of Conduct Bylaw No. 53, 2023.

We are of the view that unauthorized disclosure of this personal information could reasonably be expected to result in significant harm to the individual to which the information pertains. As such, we have determined that reporting this privacy breach to the BC Office of the Information and Privacy Commissioner is required under the Act.

In addition, the Act requires the City to take all reasonable steps to contain the breach and keep the affected individuals and the Office of the Information and Privacy Commissioner apprised of these efforts.

**We take this opportunity to remind you, once again, of the protection of privacy obligations imposed on you and all Council members.**

All records and confidential information received in your capacity as a Council member is considered property of the City of Kamloops and must be handled and protected in accordance with our bylaws, policies, and procedures. Council members have statutory duties under the Freedom of Information and Protection of Privacy Act to protect personal information, as well as statutory duty to maintain confidentiality over City records and information as stated in section 117 of the Community Charter. Further, the City of Kamloops Council Code of Conduct Bylaw No. 53, 2023 stipulates as follows:

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- 3.1 A Member shall not:
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  - (e) defame a Member, Staff, or Volunteer.

Collection and Handling of Information

- 3.15 A Member must:
- (a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and all policies and guidelines established by the City;
  - (b) comply with section 117 of the *Community Charter*, including by protecting, and not disclosing, Confidential Information;
  - (c) only access information held by the City for City business, and not for personal purposes; and
  - (d) not alter, destroy, or conceal City records unless expressly authorized to do so by Council in accordance with applicable laws."

Protection of privacy is of the utmost importance to the City of Kamloops as required by legislation. All City of Kamloops representatives are expected to protect personal information received in the course of their duties and are made aware of these requirements via information and training provided on a regular basis.

Yours truly,



Stephanie Nichols  
Privacy Officer

Enclosure

## Appendix A – Summary of Privacy Breaches and Training – Mayor Reid Hamer Jackson

| Date Breach Discovered | General Description of Breach   | Notes  |
|------------------------|---|--|
| February 11, 2023      | Confidential voicemail containing personal information of member of the public recorded by non-City representative – access provided by Mayor   | Notice of Privacy Breach issued February 22, 2023  |
| March 24, 2023         | Statement made by Mayor to media re: unsuccessful job candidate   | Email to all of Council on March 24, 2023, reminding them of their obligations to protect personal information   |
| April 11, 2023         | Statement made by Mayor to media re: Councillor's family  | Notice of Privacy Breach issued April 12, 2023   |
| May 2, 2023            | Staff Performance review and other personnel records removed from City premises by Mayor and refusal to return  | Section 73.1 Demand Notice issued to Mayor   |
| June 11, 2023          | Mayor discussed confidential privacy breach matter (removal of personnel records) with the media-continuation of breach discovered on May 2, 2023   | Notice of Privacy Breach issued June 13, 2023  |
| August 2, 2023         | Confidential records (workplace investigation report) appear to have been viewed by the media, Mayor made statements related to records (protective measures) resulting in privacy breach | Notice of Privacy Breach issued August 8, 2023, as well as breach of Mayor's own privacy   |
| February 12, 2024      | Confidential records (workplace investigation report) appear to have been obtained by the media, Mayor and staff member made statements related to records resulting in privacy breach    | Notice of Privacy Breach issued February 13, 2024  |
| March 13, 2024         | Photos of individuals collected without consent, disclosed by and at the direction of the Mayor with a third party for the purpose of a public presentation                               | Section 73.1 Demand Notice issued to Mayor   |
| March 26, 2024         | Employee personnel information discussed by the Mayor in public and with third-parties  | Notice of Privacy Breach issued March 27, 2024; privacy obligations reminder email notification sent to Mayor on April 8, 2024   |
| April 2, 2024          | Mayor obtained a confidential workplace investigation report that he was not privy to and proceeded to provide unredacted copies to multiple media outlets                                | Section 73.1 Demand Notice issued to Mayor; privacy obligations reminder email notification sent to Mayor on April 12, 2024, advising not to discuss personal information relating to the report |
| May 7-14, 2024         | Continuation of previously reported privacy breaches  | Notice of Privacy Breach issued May 14, 2024   |



## Appendix A – Summary of Privacy Breaches and Training – Mayor Reid Hamer Jackson

### FIPPA Training and Awareness Provided to Elected Officials

- November 2022- Council Orientation- FOI and Confidentiality Obligations presented by Legal Counsel
- February 2023- Privacy Officer email to all Council Members outlining FIPPA statutory duties under FIPPA and *Community Charter* confidentiality obligations
- February – April 2023- FOI Project – provided Council members with temporary access to view redacted FOI records related to 3 FOI requests as a learning opportunity
- May 2023- City of Kamloops “Protecting Privacy and Access to City Records” online course, mandatory for City staff, access provided to all Council members
- November 2023- mandatory Privacy Obligations for Elected Officials Training session conducted by Privacy Officer and Legal Counsel
- April 2024- Privacy Officer extended invitation to Mayor to meet with Privacy Team to discuss privacy protection obligations and answer questions

All correspondence issued informing the Mayor of privacy breaches reiterates the duties and obligations of Elected Officials in accordance with FIPPA, the City's Code of Conduct bylaw, and confidentiality obligations under the *Community Charter*. Links are also provided to access the legislation and bylaw.

THIS IS EXHIBIT "E" REFERRED TO IN THE AFFIDAVIT  
OF STEPHANIE NICHOLS, AFFIRMED BEFORE ME  
AT THE CITY OF KAMLOOPS, IN THE PROVINCE OF  
BRITISH COLUMBIA, THIS 17 DAY OF JANUARY,  
2025.



A COMMISSIONER FOR TAKING AFFIDAVITS FOR  
BRITISH COLUMBIA

**CALEIGH TREISSMAN**  
BARRISTER & SOLICITOR  
300 - 350 LANSDOWNE STREET  
KAMLOOPS, BC V2C 1Y1  
Telephone: 250.372.5542

# Fulton.

April 7, 2024

Owen Bird Law Corporation  
2900 – 733 Seymour St., P.O. Box 1,  
Vancouver, B.C. V6B 0S6  
Via Email: [dcoles@owenbird.com](mailto:dcoles@owenbird.com)

*In reply refer to*  
Denise McCabe, Partner  
E: [dmccabe@fultonco.com](mailto:dmccabe@fultonco.com)  
File: 2734-24

Attention: Daniel Coles

**Re: City of Kamloops and Mayor Reid Hamer-Jackson  
Unlawful Possession and Dissemination of Privileged and Confidential Records**

We understand that your client has come into possession of a privileged and confidential report belonging to the municipal corporation of the City of Kamloops – a document he is absolutely not entitled to have. Despite knowing that he is not authorized to possess or view that report, he has apparently disseminated copies to you and to numerous media outlets in violation of the law and the obligations owed by him to the City. We direct your attention to the following:

<https://www.radionl.com/2024/04/04/mayor-radio-nl-obtain-copy-of-internal-city-hall-integrity-report-connected-to-work-place-harassment-allegations/>

<https://cfjctoday.com/2024/04/05/leaked-report-finds-kamloops-mayor-committed-12-code-of-conduct-violations-hamer-jackson-denies-all-allegations/>

<https://www.castanetkamloops.net/news/Kamloops/480592/Hamer-Jackson-says-he-s-out-to-clear-his-name-while-releasing-copies-of-confidential-city-report>

<https://cfjctoday.com/2024/04/05/false-allegations-and-innuendos-mayor-reid-hamer-jackson-defends-his-position-on-code-of-conduct-report/>

[https://soundcloud.com/user-965676831/brett-mineer-editorial-rhjs-big-day-april-5?in=user-965676831/sets/talk-to-the-experts&si=d3596907219d4b09a808f98a6227c674&utm\\_source=clipboard&utm\\_medium=text&utm\\_campaign=social\\_sharing](https://soundcloud.com/user-965676831/brett-mineer-editorial-rhjs-big-day-april-5?in=user-965676831/sets/talk-to-the-experts&si=d3596907219d4b09a808f98a6227c674&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

See also:

April 4, 2024 CBC Kamloops morning show with reporter Doug Herber in which Mayor Hamer-Jackson confirms he delivered a copy of the report to the local CBC station in a “brown envelope”; and

April 4, 2024 RadioNL interview with reporter Paul James in which Mayor Hamer-Jackson confirms he delivered a copy of the report to the local RadioNL station.

The report and its contents are both privileged and confidential within the meaning of section 117 of the *Community Charter*. The record also contains highly sensitive personal information

- 2 -

within the meaning of the *Freedom of Information and Protection of Privacy Act* (FIPPA). Your client's possession and dissemination of the report and its contents is unlawful. He has conducted and continues to conduct himself improperly and inappropriately, and the City's legal team will be contacting you in the coming days to discuss the matter.

In the meantime, the City is focussed on containing the Mayor's numerous privacy breaches and confidentiality contraventions. We confirm that the City's Privacy Officer has issued a notice pursuant to section 73.1 of FIPPA, a copy of which is enclosed for your reference. We direct your attention to the *Skakun* line of cases in this regard:

- <https://www.canlii.org/en/bc/bcca/doc/2014/2014bccca223/2014bccca223.html?autocompleteStr=skakun&autocompletePos=1&resultId=a6b9bfef8e9446d9b5ad51ee2d030604&searchId=2024-04-05T20:26:30:915/093ae720439941ffa8018030b0c92991>
- <https://www.canlii.org/en/bc/bcsc/doc/2012/2012bcsc1103/2012bcsc1103.html>
- <https://www.canlii.org/en/bc/bcpc/doc/2011/2011bcpc108/2011bcpc108.html>
- <https://www.canlii.org/en/bc/bcpc/doc/2011/2011bcpc98/2011bcpc98.html>

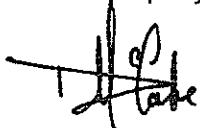
We ask that you immediately:

1. Return to the writer all copies of the privileged and confidential report that are in your possession or under your control, and in the case of electronic duplicates you may have received or made, securely and irretrievably delete all those duplicates that exist on all devices or in the cloud;
2. Confirm whether you or anyone in your office has viewed, used or disclosed the contents of the privileged and confidential report, and if so, provide particulars of who has viewed, used or disclosed the report and when that occurred and the circumstances of any such viewing, use or disclosure; and
3. Confirm whether your client has fully complied with the requirements of the notice under section 73.1 of FIPPA, and if not, when he will do so. Confirm as well that he will make no further use or disclosure of the privileged and confidential report or its contents whatsoever. We direct your attention to the *British Columbia (Attorney General) v Fuller* decision in this regard:

<https://www.canlii.org/en/bc/bcsc/doc/2018/2018bcsc1981/2018bcsc1981.html?resultIndex=1&resultId=16e5dc12c0094de989e01306cedc2589&searchId=2024-04-07T14:32:41:090/05b3643aa8594dde89f019af62761966>

Yours very truly,

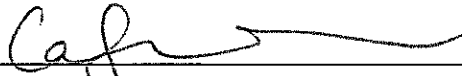
Fulton & Company LLP



Per: DENISE MCCABE

DEM/dem

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BARRISTER & SOLICITOR  
300 - 350 LANSDOWNE STREET  
KAMLOOPS, BC V2C 1Y1  
Telephone: 250.372.5542

June 12, 2024

BY E-MAIL

Owen Bird  
Vancouver Centre II  
2900-733 Seymour St  
PO Box 1  
Vancouver, BC, V6B 0S3  
[dcoles@ownebird.ca](mailto:dcoles@ownebird.ca)

*In reply refer to*  
Denise McCabe, Partner  
E: [dmccabe@fultonco.com](mailto:dmccabe@fultonco.com)  
File: 2734-41

**Attention: Daniel Coles**

**Re: Unlawful Possession and Dissemination of Privileged and Confidential Record  
Containing Sensitive Personal Information**

---

Having not received a response to our letter of May 24, 2024, we have formally requested that the Attorney General petition the BC Supreme Court for an injunction compelling the return of the privileged and confidential report to the City in accordance with section 73.2 of the *Freedom of Information and Protection of Privacy Act*. As previously noted, this will be exercised in addition to and not in substitution of any and all other legal remedies available to the City.

In the meantime, we once again demand that you immediately:

1. Return to the writer all copies of the privileged and confidential report in your possession or under your control, and in the case of electronic duplicates you may have received or made, securely and irretrievably delete all those duplicates that exist on all devices or in the cloud;
2. Confirm whether you or anyone in your office has viewed, used, or disclosed the contents of the privileged and confidential report, and if so, provide particulars of who has viewed, used or disclosed the report and when that occurred and the circumstances of any such viewing, use or disclosure; and
3. Confirm whether your client has fully complied with the requirements of the notice under section 73.1 of FIPPA, and if not, when he will do so. Confirm as well that he will make no further use or disclosure of the privileged and confidential report or its contents.

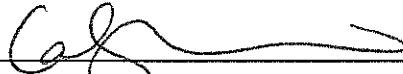
Yours very truly,

Fulton & Company LLP

Per: 

Denise E. McCabe

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## MAYOR'S MYSTERIOUS DELIVERY

# Hamer-Jackson says he's out to clear his name while releasing copies of confidential city report

Michael Potestio - Apr 6, 2024 / 4:00 am | Story #60592

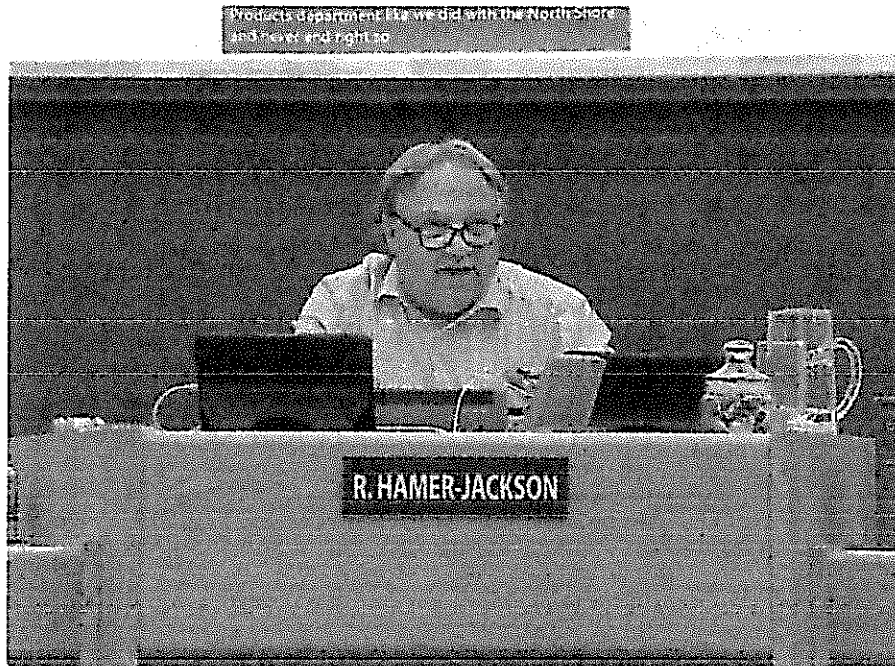


Photo: KTW file  
Kamloops Mayor Reid Hamer-Jackson

Kamloops Mayor Reid Hamer-Jackson says he plans to "defend" himself after a copy of a confidential report detailing the findings of a third-party investigation into allegations he was a bully in the workplace at city hall mysteriously wound up in his mailbox.

The mayor spent much of Friday on a press tour, meeting with reporters from various Kamloops news outlets and giving them copies of the sensitive document.

The investigator, Terry Honcharuk of the Integrity Group, looked into allegations of "unlawful and/or inappropriate conduct" on the part of Hamer-Jackson, made by four city employees, among them city CAO David Trawin.

Hamer-Jackson had not been allowed to review Honcharuk's report, which was completed last summer. The mayor has been requesting copies from council, staff, lawyers and reporters ever since — to no avail.

He said the first time he saw it was when it showed up in his mailbox earlier this week.

'I'm not that guy'

Prior to the surprise mail delivery, the mayor said he had not known the details of the allegations against him.

"Now I know what they are and I can defend myself," he said.

Hamer-Jackson described the allegations as false and containing innuendo.

The mayor said he hoped to see the complainants in the probe detailed in the report recant and apologize.

He said he provided the report to media in an effort to protect himself from the allegations within.

Asked if he plans to reach out to the complainants in the report and clear the air now that he's aware of the allegations, Hamer-Jackson said he worried that might prompt another workplace investigation.

Castanet Kamloops also asked the mayor whether the complainants should be concerned he may seek payback for their allegations. Hamer-Jackson said he would only defend himself.

"I'm not that guy," he said.



1/13/25, 11:27 AM Hamer-Jackson says he's out to clear his name while releasing copies of confidential city report - Kamloops News - CastanetKaml...

#### **Mysterious mailbox delivery**

Hamer-Jackson said he found a hard copy of the report in his mailbox on Tuesday.

In an interview on Friday, he said he has since reviewed the 100-page document, but only "scanned" it so far, not having read it over multiple times.

The mayor said the document arrived in a plastic envelope and it was from someone in Tofino. He said the envelope also had a name on it, which he could not recall when speaking with Castanet.

"I got to look at it — I can't recall the name, but it comes from Tofino," he said. "I will have to go and look at it."

#### **Mayor disciplined after report**

The mayor did not participate in the Integrity Group investigation.

Hamer-Jackson told Castanet Kamloops he wanted to know details about the allegations before deciding whether to sit down with the investigator. Honcharuk wanted him to make an appointment first due to the sensitive and confidential nature of the allegations.

No appointment was set and no details were shared.

The confidential report, which was obtained independently by [Kamloops This Week](#) and [Castanet Kamloops](#) months before Friday's press tour, concluded [Hamer-Jackson's behaviour violated city council's code of conduct](#) on a number of occasions in interactions with Trawin and two other staff members, and his communication with them was restricted as a result.

The mayor must now have a third party present for any meetings with those individuals, and any emails sent from him to them are reviewed before being delivered.

#### **It wasn't us**

In mid-March, Hamer-Jackson suggested in an interview with Castanet Kamloops that it would be "great" if someone from Castanet left a copy of the confidential report in his mailbox.

"If it ends up in my mailbox, I wouldn't know who put it in," he said.

Castanet Kamloops did not provide the report to the mayor.

### **More Kamloops News**

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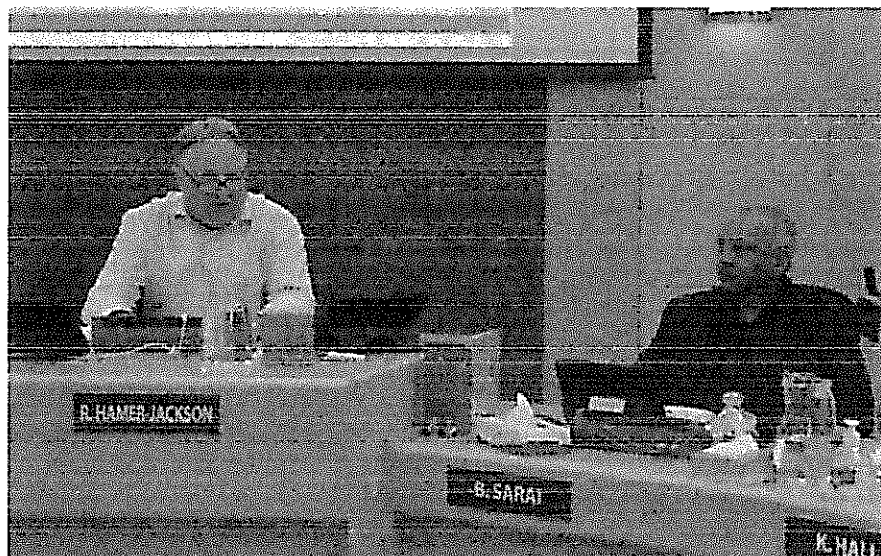
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**Kamloops News**

## Next move unclear as Kamloops mayor learns councillor secretly recorded argument

*Levi Landry*

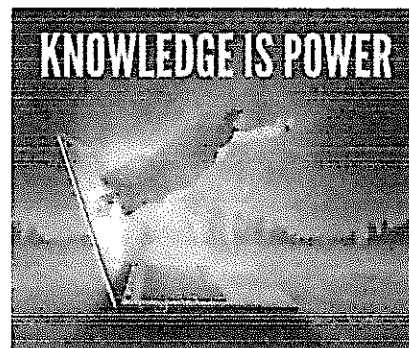


FILE PHOTO - Mayor Reid Hamer-Jackson (left) and Coun. Bill Sarai (right) at a Kamloops city council meeting. (LEVI LANDRY / iNFOnews.ca)

October 23, 2024 - 7:00 AM

**CONTENT ADVISORY**

The mayor of Kamloops still wants to clear his name from the first code of conduct investigation implicating him in bullying at city hall.



**Popular Pentiction News**

'Only' a touch is no defence for distracted driving in BC, even for delivery drivers

January 11, 2025 4:00 PM

Veteran BC lawyer who ignored court orders gets suspended

January 11, 2025 7:00 PM

Minister backs Kamloops council advisor despite mayor's criticism

January 10, 2025 6:00 PM

iN PHOTOS: Deer and bighorn sheep shenanigans in Kamloops, Okanagan

January 10, 2025 6:00 AM

Kamloops steam train fanatic works to pass 'magical' experience to future generations

January 12, 2025 6:00 AM

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Mayor Reid Hamer-Jackson's way through the multiple council decisions rebuking his behaviour and measures against him isn't clear, but he plans to use what he said might be new evidence to help his case: the audio recording of an argument between himself and another councillor nearly two years ago.

It was a January 2023 spat between Hamer-Jackson and councillor Bill Sarai that led to the Integrity Group investigation, which led to restrictions on the mayor's interactions with multiple staff members, including city manager David Trawin. Unbeknownst to Hamer-Jackson, the exchange was recorded.

"What's that got to do with sparking an investigation into me?" he said, going on to question why Sarai wasn't also implicated.

Sarai sent the recording to Hamer-Jackson in late September, the mayor said. Sarai initially claimed it was sent to him by someone else, but it later became apparent the audio was Sarai's own recording, later verified independently by iNFOnews.ca. It captures just 45 seconds of their argument.

It's the second known incident of a secretly recorded conversation among city officials. The first was a phone conversation between Trawin and the mayor, which Hamer-Jackson said his wife recorded. Nearly six months later, Hamer-Jackson attempted to have the transcript read aloud in a council meeting.

In September 2023, that recording prompted an internal investigation, a new policy restricting councillors from recording conversations and Hamer-Jackson was rebuked by council.

Sarai's recording of the mayor earlier that same year has prompted no such investigation or concern from other councillors.

**READ MORE:** Mayor Hamer-Jackson leaked documents in April; investigation ruled it unlawful

Asked whether he intends on filing a code of conduct complaint, Hamer-Jackson wouldn't say, but he did criticize previous code of conduct investigations as being rigged against him.

"They hire a lawyer to get the results they want," he said, repeating a common refrain he uses when questioning their legitimacy.

Asked whether they are concerned about Sarai's secret recording, councillors Kelly Hall, Nancy Bepple and Margot Middleton did not respond. Councillors Katie Neustaeter and Sarai refused to comment.

Councillor Stephen Karpuk did not say whether he has concerns about the recording. Instead, he said the council policy that prohibits council members from making secret recordings did not exist at the time of the argument between Sarai and the mayor.

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Deputy mayor for the month, Mike O'Reilly, similarly said the policy now has everyone "playing by the same rules," but that it came into place later. He also said he had "no idea" where the recording came from and only learned about it through media reporting last week. No investigation was on the table and there were no formal complaints as of Oct. 19, O'Reilly said.

Councillor Dale Bass was the only one who answered the question directly, comparing Sarai's recording to Hamer-Jackson's recorded phone call with Trawin.

"This was a conversation between supposed friends and it got heated," she said. "Whereas the other thing was city work. And the other point I would include was everyone at city hall heard the fight, but David (Trawin) had no idea that there was another person in the car listening in."

She said the recording of Trawin might have included confidential information while in the presence of the mayor's wife, but he wouldn't have known while on the phone.

"So the circumstances are completely different," she said.

**READ MORE:** Vernon poet John Lent immortalized in poetry collection 'Molecular Cathedral'

Bass said she didn't know whether the conversation between Sarai and Hamer-Jackson, two men who have been friends since before this term, falls under the human resources policy, instead pointing to staff to have that answer.

"That would have to be assessed through (human resources) because it's a new policy," she said. "Was that a conversation between two co-workers, colleagues and friends about an issue between the two of them only, or did it have an impact on city work because it then traumatized other people in city hall?"

The recording captures part of a conversation between Hamer-Jackson and Sarai in the mayor's office. According to Hamer-Jackson, Sarai wanted an apology because the mayor called him a "snake" in reaction to an incident the month before. He didn't get the apology. The details leading to the exchange were previously reported by iNFOnews.ca this spring.

The 45-second clip is not related to a demand for an apology and instead starts with Sarai taking issue with last-minute requests for councillors to appear at public events on the mayor's behalf. Hamer-Jackson played the recording for iNFOnews.ca, which he claims was selectively edited to reflect poorly on him.

#### Top News

No indication Trump will back down on tariffs, but retaliating not the answer: Smith

January 13, 2025 10:01 AM

U.S. benefits from Canadian trade at least as much as Canada: report

January 13, 2025 8:47 AM

Terminally ill Salmon Arm grandmother leaving legacy of love, family and nursing

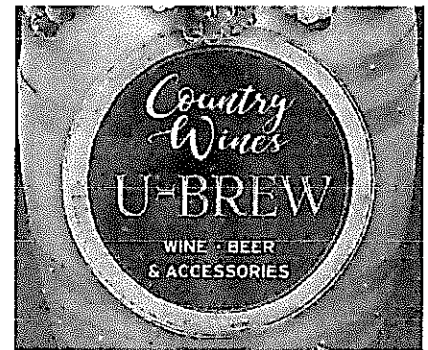
January 13, 2025 7:00 AM

IN PHOTOS: Winter birds fluff up for warmth in Kamloops, Okanagan

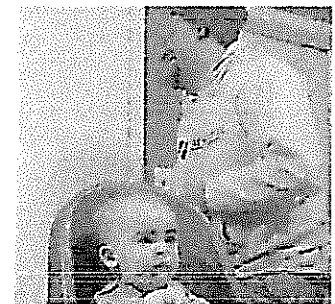
January 13, 2025 6:00 AM

Weekend announcements narrow field of high-profile Liberal leadership prospects

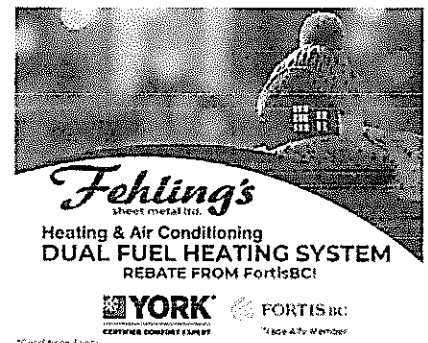
January 13, 2025 1:00 AM



#### Trending Now



TRENDING NOW: A strong eyebrow game



"You can't throw things out and then expect us to catch your rebound. If you don't want to go to things, that's fine. Just give us a heads up and we'll cover for you," Sarai says in the recording.

"You know what your problem is, Bill?" Hamer-Jackson responds. "You don't fucking listen."

At this, Sarai returns to the "snake" insult and asks if the mayor will address it, then, as the exchange sounds like it will get more heated, the recording ends.

**READ MORE: [What happens after British Columbia's indecisive election?](#)**

According to the internal investigation that followed, Hamer-Jackson left the office to apologize to staff for Sarai's behaviour. A city employee responded to say there were two people involved in the argument. Some had considered calling 9-1-1 and others looked for Sarai to check on his well-being after the incident.

While the investigation found no staff members were directly affected or at risk, it prompted council to stop all one-on-one meetings with the mayor and administration and to contract the Integrity Group after finding the mayor to be at the centre of arguments with several people less than three months into his term. During the argument with Sarai, Hamer-Jackson was also considered to be the aggressor in the Integrity Group investigation and he appears to be the aggressor in the recording.

It's not clear whether a longer recording of the argument exists or whether human resources knew of it. Hamer-Jackson has asked but received no answers.

He did make a report to Kamloops RCMP upon Sarai's denial that he recorded the argument. Hamer-Jackson said Sarai's denial that he had recorded it led him to report a suspected hidden recording device within his own office. Police later dismissed the complaint and Hamer-Jackson said Sarai must have told police "the truth."

INFOnews.ca has not received a call back from the city's human resources director Colleen Quigley nor city manager Byron McCorkell.

The bullying and harassment investigation contracted to The Integrity Group, one that he refused to take part in, would be the first report finding the mayor breached code of conduct policies with at least three employees. Initially leaked to Kamloops This Week last summer, the mayor himself would later release it in an effort to clear his name. A recent investigation following his release of that report found he not only breached the city's own conduct policies, but he also breached the Community Charter.

How he plans to use the report to clear up investigations into his behaviour still isn't clear, but he said the only "sensitive information" inside scathing report are "lies" by staff.

"I would say it's on its way," he said when asked if he has redeemed his reputation through the leaked report.

To contact a reporter for this story, [email Levi Landry](#) or call 250-819-3723 or [email the editor](#). You can also submit [photos, videos or news tips to the newsroom](#) and be entered to win a monthly prize draw.

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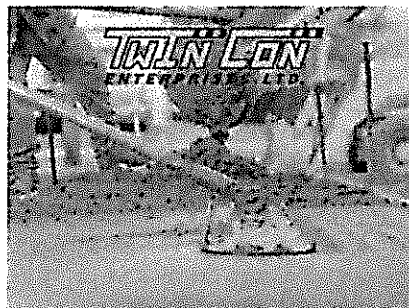
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PROVINCE OF  
BRITISH COLUMBIA, THIS 17 DAY OF JANUARY,  
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MAYOR'S OFFICE

By Sydney Chisholm

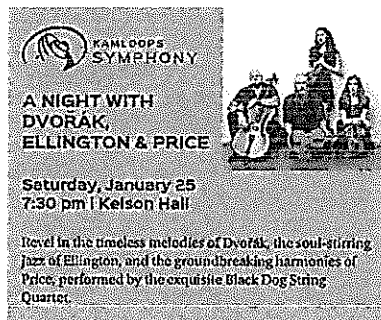
## Unhappy with City Hall office move, Kamloops mayor sets up shop at his West Victoria car lot

Oct 30, 2024 | 5:30 PM

KAMLOOPS - The mayor of Kamloops has officially been locked out of his office.

Earlier this month, city council ordered Mayor Reid Hamer-Jackson's office moved to an unused boardroom in the basement of city hall, citing multiple open worksafe investigations against Hamer-Jackson.

"He bullies and harasses, and staff does not feel safe. We have staff off on medical leave because of his presence," said deputy mayor Dale Bass. "We have an obligation to provide a safe working environment for our staff. That means ensuring the mayor does not have access to staff."





Bass added that the boardroom was renovated and provided a larger and updated space.

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ONE MAN'S OPINION

**COLLINS: Can we stand four more years of The Donald? Lord, give me strength**

*Jan 12, 2025*

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TWO AND OUT

**PETERS: You know what? Maybe the U.S. annexing Canada isn't such a bad idea after all**

*Jan 10, 2025*

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ONE MAN'S OPINION

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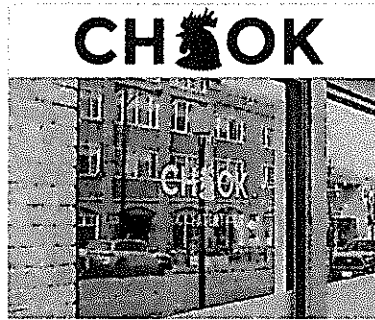
*Jan 09, 2025*

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"I told them not to spend a nickel of taxpayers' dollars on doing a big renovation and making an office," Hamer-Jackson told *CFJC Today*.  
"That's just not necessary."

Hamer-Jackson has been vocally against moving from his office, denouncing the four open WorkSafe BC investigations against him.

"I'm not even working near people to bully or harass," he said. "[For] 30 years I've had an account with WorkSafe BC, and I've never had one [complaint] in 30 years or better."



Earlier this week, city staff restricted his access within city hall.

Instead of operating out of his new digs, Hamer-Jackson has been using his commercial property to meet with constituents against the city's wishes.

"He wants to meet in an empty building that he owns across from the shelters that he has been complaining about on a site that he has said is not safe. It is ridiculous," said Bass.

"He has an office here. He won't use it. He should be using it. He demeans the city by doing what he's planning on doing. I hope he realizes and listens to what I said in the email that I sent to him last week as deputy mayor, which is, 'This is not allowed.'"

Hamer-Jackson has stated that his relocated City Hall office is not wheelchair accessible and that is why he is encouraging people to meet him at his Victoria Street West property.

"He's complaining now that it's not accessible, but he has been told that if someone comes in to meet with him with mobility issues, he can come up to this floor and use the counsellor's office. It's accessible," said Bass. "He's jumping around with reasoning, but basically he just doesn't want to do it."

The mayor's office has been locked with many of his documents still inside.

The mayor is able to access his office with an escort from council.

"Someone will escort him in to get his things and move into his new office. He's ignored that message so far," said Bass. "We are at a standstill, and it will be up to staff to decide what we need to do next."

by Sydney Chisholm

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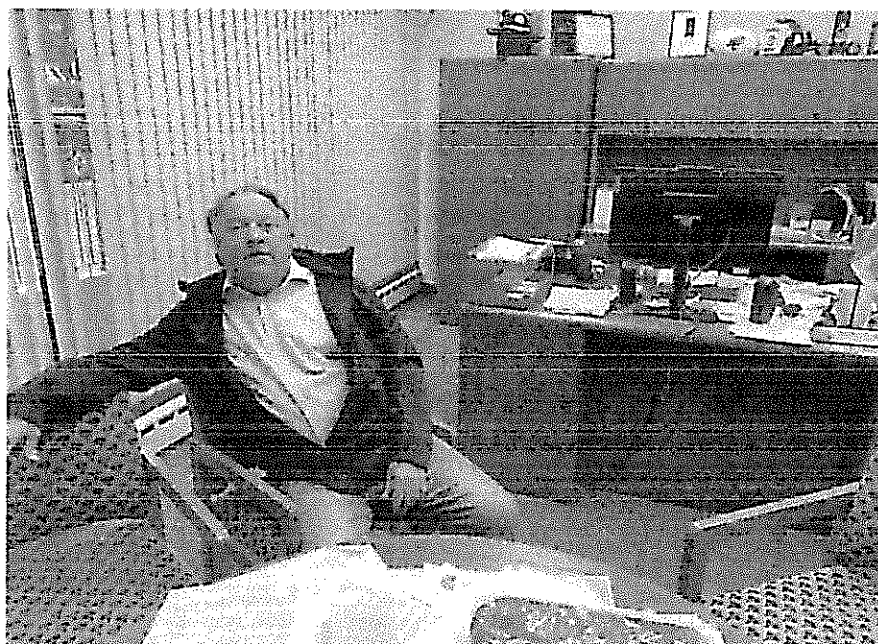
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Kamloops News

## Defiant and controversial: Kamloops mayor digs in with half of term left

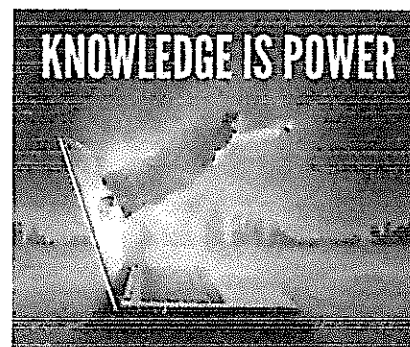
*Levi Landry*



Kamloops mayor Reid Hamer-Jackson in his office on Oct. 21, 2024, a day before his deadline to move to a newly-built basement office. (LEVI LANDRY / INFOnews.ca)

November 04, 2024 - 7:00 AM

There are few signs in the Kamloops mayor's office that he spent time personalizing it as Reid Hamer-Jackson's workspace.



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January 12, 2025 6:00 AM



1/13/25, 11:31 AM

Defiant and controversial: Kamloops mayor digs in with half of term left | iNFOnews | Thompson-Okanagan's News Source

It was supposed to be his last day before being forced to the basement, but it looked unfinished with no signs he was packing up to move. There was art on a chair waiting to be hung, a smattering of plaques and sports memorabilia behind his desk, and little sign of an organizational structure for the material he's collected two years after his election.

Nearly every surface is covered with stacks of paper. There are city reports, brochures, old newspapers and letters, both opened and unopened. On one table there's also an unopened set of Kamloops Blazers oven mitts and, on another, are two unopened gifts.

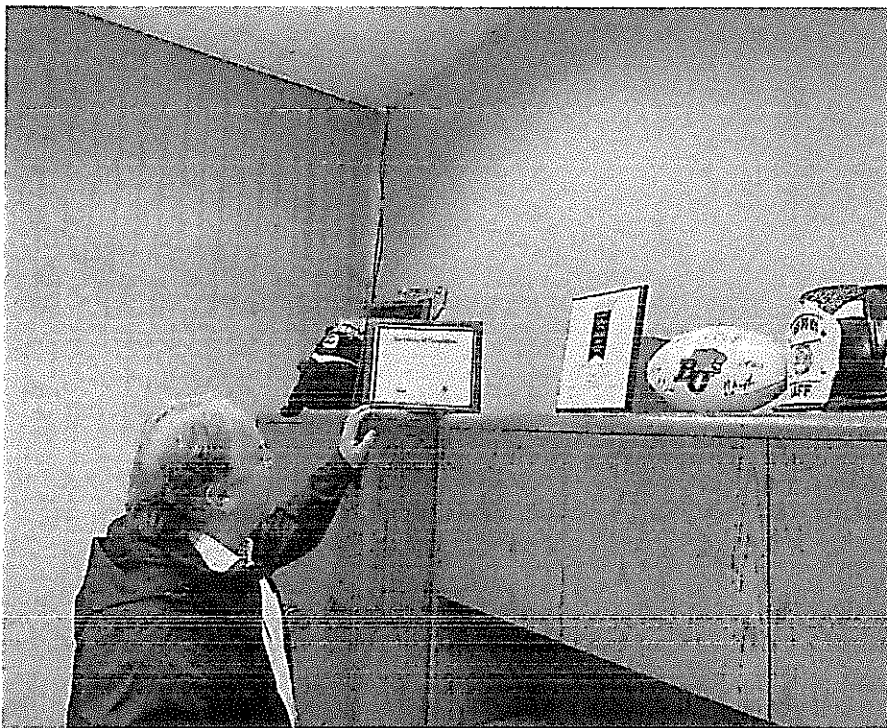
"These are from our sister city in Japan," Hamer-Jackson said.

Delegates from Uji were last in Kamloops more than a year ago.

Though it appears chaotic, Hamer-Jackson said he knows where everything is. The office at his car dealership is similar. If it's something important, presently or in the future, it's available in a moment — once he sifts through the stack.

On a bookcase near the door he keeps a pile for confidential reports, the ones detailing council resolutions on his salary reductions or pulling him from outside boards, for example. They're often slipped under his door and the envelopes are unopened. Another pile at the corner of his desk is mostly organized into a stack of closed council meeting notices.

His first item to highlight during an Oct. 21 interview is a plaque behind his desk proving he completed bullying and harassment course. For Hamer-Jackson, it shows he did what council voted he do months ago, just not the way they wanted.



Hamer-Jackson points to a plaque displaying his completion of a workplace conduct course. (LEVI LANDRY / iNFOnews.ca)

It's one of a few requirements placed on him by council that he argues he followed through with, but after multiple retaliations against him, investigations and council resolutions, one demand he won't cave to is an apology.

"I'm 65 years old. I've led companies, I've led sports teams and I've actually been very successful at it," he said. "But, it's similar to what (provincially appointed advisor) Henry Braun said to me: what's it going to take to get this council to work together? First it's going to take councillor Neustaeter to tell the truth... And I also said David Trawin is going to have to step up and tell the truth."

It's two years into his term and despite a massive pay cut, legal bills mounting, three lawsuits, restrictions on who he can contact at city hall, and a removal of his role as the city's official spokesperson, he keeps digging in his heels. He frequently repeats the refrain "refuse to be blocked." It's a philosophy derived from football that he applies to his work, and it's his unrelenting attitude that both seems to keep him in office and land him in trouble.

Hamer-Jackson struck a populist chord in Kamloops when he ran in the 2022 election.

He owns a downtown used automotive dealership, which opened in the early 1990s. In recent years, he reduced the inventory kept on site due to vandalism and he pointed the blame at a supportive housing site and shelters across the street. He often touts his role as the former representative for businesses on West Victoria Street, which is next door to the Mustard Seed shelter and support centre, the Rosethorn supportive housing site and the Emerald Centre shelter.

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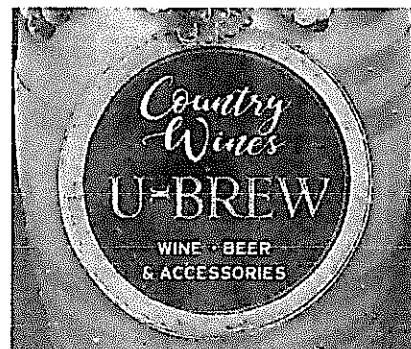
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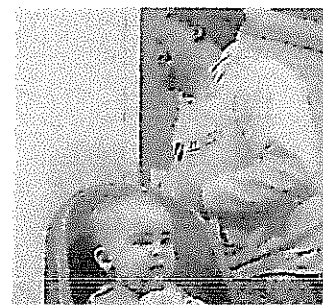
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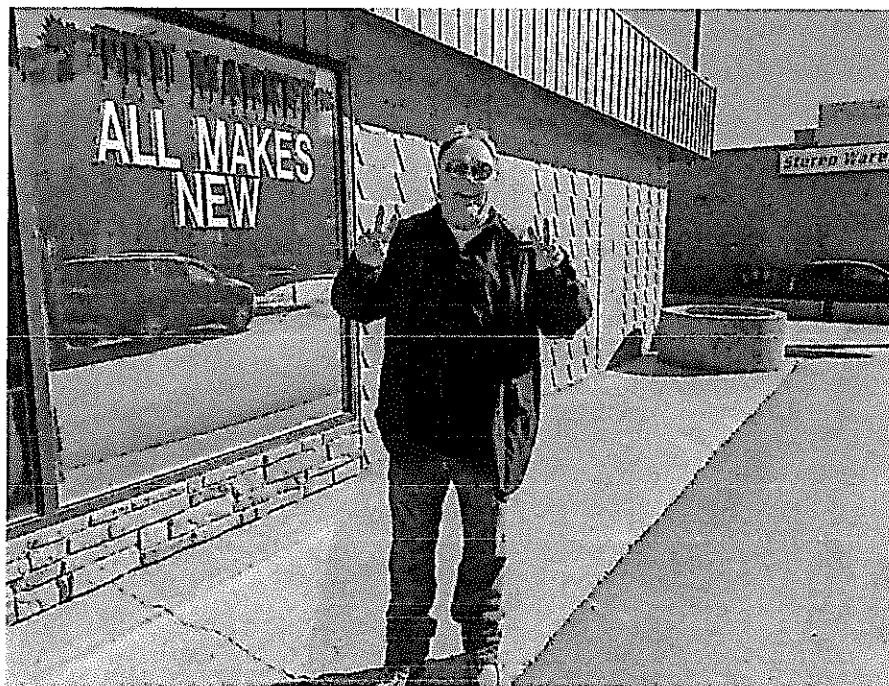
## Trending Now



TRENDING NOW: A strong eyebrow game

Along with taking his concerns up with the city, provincial agencies and non-profits, he would also spend time with people on the streets. He got to know many, and some have died over the years, sometimes in the cold or by overdose. Some told him they'd come from other cities and he'd say they should be given help to go back, while he'd also pitch his idea for a drug recovery centre outside the city centre.

It was largely the rise in homelessness, public drug use and petty crime that led to his mayoral campaign. But it's on that issue he was largely restricted from taking part in at the outset of his term, and he's seen himself as the victim ever since.



FILE PHOTO - Hamer-Jackson seen in front of his downtown Kamloops dealership in March 2022 when he announced his candidacy mayor.  
(LEVI LANDRY / iNFOnews.ca)

His mayoral campaign included two major planks: accountability and public safety.

One of his targets on the accountability front was the bylaw department overhaul and Byron McCorkell, who has since been promoted to acting chief administrative officer in David Trawin's absence. Hamer-Jackson's efforts to suspend McCorkell in the spring not only resulted in a reinstatement but a restriction on his ability to suspend McCorkell again.

Another target was social housing projects and shelters for which he has long called for a "third-party review" to assess their effectiveness. Council deflated his efforts soon after the election, sending a letter to BC Housing that confirmed there was no interest to pursue such a review.

**READ MORE:** [How Kamloops councillors and staff have leashed the mayor](#)

"You cannot lead a team that's backstabbing you right from the get-go," he said. "Real hard to lead a team that, again, it's obvious they didn't vote for me, but they're controlling everything now."

In Hamer-Jackson's view, his conduct leading to the litany of investigations and council resolutions against him have all been in response to past wrongs. An investigation found he threatened to fire city manager David Trawin, but Hamer-Jackson said that was his response to a threat, to seek disqualification. He tried sharing details of a secretly recorded conversation with Trawin in a council meeting. He intimated he would share details about a councillor's family situation, later revealed in court documents.

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When provincially-appointed advisor tried to help council find ways to resolve differences and work through dysfunction, he pointed to the mayor as the common denominator in its issues. One of his suggestions for the mayor was to let go of "perceived slights." Braun said the mayor holds on to grudges over months, or years, and recommended he find ways to let them go.

It's advice the mayor wouldn't accept at the time, and he still won't now.

"The reason we're here is because of what happened in the past," Hamer-Jackson said.

During interviews, he will often return to incidents with city staff even during the 2022 election that he views as a concerted effort to interfere with his appointment as mayor. He claims Byron McCorkell, while in charge of the bylaw department, improperly had some of his election signs removed and took away his

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"exemption" for unsightly graffiti at his car dealership. At least some of those signs were returned upon appeal after convincing the bylaw department they were on land approved for election ads.

Despite winning the election, he clings to the incidents as, according to Hamer-Jackson, they set the tone for his tenure in the mayor's chair. More than a year later, he would cite the incidents as some of his reasons for trying to suspend McCorkell.

In one of the most recent episodes in the two-year saga, an investigation concluded Hamer-Jackson breached not only Kamloops council's code of conduct bylaw but also the Community Charter, provincial legislation that governs local governments across BC.

Hamer-Jackson is quick to deflect blame for both.

"I don't even know if it was the real document," he said of the workplace bullying investigation centred around his behaviour.

**READ MORE:** [City of Kamloops being sued over failed counter petitions to borrow \\$275M](#)

Although he has never officially been given a copy of the investigation findings, and iNFOnews.ca has only received his version, there's no indication the one he said was mailed from Tofino was a fabrication. Even if it is, in fact, the Integrity Group report, he isn't willing to accept blame as it was previously leaked to the former newspaper Kamloops This Week.

The source of that leak was never determined and an investigation absolved councillor Bill Sarai of an initial suspicion, but Hamer-Jackson took its findings as proof of Sarai's guilt. Hamer-Jackson isn't willing to accept wrongdoing for releasing a closed council in April 2024 either, pleading ignorance and claiming he wasn't properly told it was confidential. He sent a photo of the closed council decision to iNFOnews.ca that afternoon.

He criticized the workplace investigations as rigged against him and brushed off any concerns of being disqualified from office over a Community Charter breach.

"I've been threatened for disqualification from right out of the chute," he said.

The next day would be the deadline initially given for him to vacate the office traditionally held by the mayor of Kamloops.

City staff were at work renovating a new basement office meant for Hamer-Jackson, keeping him separated from staff. Hamer-Jackson was already restricted from accessing most staff areas at city hall without an escort, he cannot on his own speak directly to some administrative staff and the mayor's executive assistant doesn't often use the workspace outside his office, if at all.

The newer decision that he move to a different office arose, at least in part, due to four active Worksafe investigations, councillor Mike O'Reilly said. Hamer-Jackson himself couldn't get WorkSafeBC to confirm whether he's being investigated and he later said he intends to tell WorkSafeBC that the complaints are fraudulent.

Despite his reluctance to vacate his office, he's suspicious of intruders and secret recording devices inside the room.

He learned in September that an argument between himself and councillor Bill Sarai nearly two years ago was recorded.

When Sarai denied making the recording, Hamer-Jackson reported it to police suspecting that, if Sarai was being truthful, there may have been a microphone in the room. It seemed to affirm an earlier suspicion that grew after learning of electrical work that in the room while he was away. Kamloops RCMP would later dismiss the report, which Hamer-Jackson deduced to mean Sarai told police he recorded the argument himself.

Sarai wouldn't comment on the recording when reached by iNFOnews.ca, but he told Castanet Kamloops Hamer-Jackson is "paranoid" and "delusional."

**READ MORE:** [Killer who strangled his pregnant Kamloops girlfriend granted day parole](#)

Hamer-Jackson showed iNFOnews.ca his trick to detect intruders who go into his office while he's away: a tissue box pressed to the back of the door. Coming and going, Hamer-Jackson only opens the door as far as necessary to squeeze through. If the box is nearer to the wall than it should be upon his return, it's confirmation someone else was inside. He didn't say whether the box revealed any intrusions so far and wouldn't make any accusations when asked if anything was missing.

"I think at some point I got a message that was sent that I've been looking for. I can't find it," he said. "I'm not going to say that, but I've requested it."

The mayor's computer was moved from the new basement office at the end of October, but in typical Mayor Hamer-Jackson fashion, he's digging in his heels. He said it prompted him to start taking meetings outside of city hall to Tru Market, his dealership a block to the west.

"People want to meet with me, they phone city hall, ask for the mayor. The deputy mayor is supposed to put it on my calendar. I'll meet people at 260 Victoria Street West," he said. "Maybe I'll even have town halls there."

He no longer uses the mayor's office, he's not considered the City's official spokesperson and he's not trusted with confidential documents. He skipped a major local government conference in September and

1/13/25, 11:31 AM

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said ministers have stopped taking his phone calls. He's been asked to sign apology letters and take courses on workplace conduct courses in response to bullying allegations, along with a course on confidentiality. Braun's advisory report listed ten recommendations to improve his relations at city hall, but there's no indication he has fulfilled any. Council has slashed 25 per cent from his salary, removed him from outside boards and won't allow him into closed committee meetings — committees they formed in defiance of those created by Hamer-Jackson last year and which he refused to join.

He launched defamation lawsuits — one against a councillor and the other a developer. His former lawyer is taking him to court over \$35,000 in allegedly unpaid bills. Hamer-Jackson's his current lawyer is no longer representing him for code of conduct investigations, while he put his business property and a boat up for sale to help pay legal bills.

Despite the setbacks, he affirms his commitment to the "goals" he made on the campaign trail. Asked how he plans to push his own efforts through, with the restrictions on his role as mayor and inability to court council's support, he said, "I'm working on it."

Hamer-Jackson said he often hears complaints from the public, meets with people who have concerns and often encourages them to bring their issues up with the rest of council. His advice is often to both email council and to make their voice heard at council meetings, an opportunity that may be taken away because of worsening behaviour by some audience members in council chambers.

In the wake of continued limitations on his role at Kamloops city hall, an early investigation that found he bullied top-level staff and a later one that found he illegally leaked confidential documents, Hamer-Jackson continues to ask for "proof" of his wrongdoing, especially with regard to mistreatment of staff. He released the Integrity Group report, which details bullying and harassment claims against him, in April in a supposed effort to clear his name and defend himself.

Asked whether he felt it paid off, he said "it's on its way."

"If whatever document I received in the mail is anything close to the original, then I'm glad it got sent to me, because if it is, the only sensitive information in there is people not telling the truth," Hamer-Jackson said.

Entering the third year of his term, there's no sign that the Hamer-Jackson Show is near its finale.

This year included such highlights as the Braun report and a unanimous call for his resignation, then a "resignation related" news conference weeks later that became a rally for his 2026 mayoral campaign. A business gala speech this spring nearly went sideways when city officials caught wind of the photos he considered using in a slideshow. He filed his second defamation lawsuit, bringing to light previously unpublished allegations that he groped a developer's wife at a bar.

The final chapter for the year came as he appeared in court against his former lawyer David McMillan who claims Hamer-Jackson owes him \$35,000, while the mayor was also attempting to resist the city's move to oust him from his office.

His hearings against McMillan and Neustaeter are each expected to start by January.

One question still left unclear in the wake of past investigations is whether his Community Charter breach over leaked documents could also land him in court. But Hamer-Jackson doesn't seem to question whether he will end up in court with the city in some way.

Sitting in his office, he points to the stack envelopes on his bookshelf marked as confidential.

"I don't open those," he said. "Moving down the road, if you open those, there's a chance they can't be used outside this theatre."

[Go here for more of our Mayor Reid Hamer-Jackson coverage.](#)

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Page 1



# APPENDIX 3

12JUN23 2301935 RISS 200.00  
47814 SC 62241

Form 1 (Rule 3-1(1))

062241

NO.

KAMLOOPS REGISTRY



IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

Reid Allen Hamer-Jackson

PLAINTIFF

AND:

Keturah Neustaeter, also known as Katie Neustaeter

DEFENDANT

## NOTICE OF CIVIL CLAIM

**This action has been started by the plaintiff for the relief set out in Part 2 below.**

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

**JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.**

**Time for response to civil claim**

A response to civil claim must be filed and served on the plaintiff(s),

(a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,

(b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,

(c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or

(d) if the time for response to civil claim has been set by order of the court, within that time.

### **Claim of the Plaintiff**

## **Part 1: STATEMENT OF FACTS**

### **THE PLAINTIFF**

1. The Plaintiff, Reid Allen Hamer-Jackson, is a businessman and a resident of the City of Kamloops, British Columbia. The Plaintiff is sixty-four (64) years of age, has been married for the past thirty-five (35) years, and has three (3) adult children.

2. On October 15, 2022, the Plaintiff was duly elected as the Mayor of the City of Kamloops.

### **THE DEFENDANT**

3. The Defendant resides in the City of Kamloops and is an employee of the United Way of Canada.

4. On October 15, 2022, the Defendant was duly elected as a member of the Kamloops City Council.

5. The Defendant is the daughter of Kevin Krueger ("Mr. Krueger"). Mr. Krueger is a former senior employee of the Insurance Corporation of British Columbia and was, for a period of seventeen (17) years, a duly elected member of the Legislative Assembly of the Province of British Columbia representing the City of Kamloops.

### **THE PLAINTIFF'S INTERACTIONS WITH MR. KRUEGER**

6. Prior to October, 2022, the Plaintiff had never met Mr. Krueger, and knew of him only by reputation as a respected citizen of the City of Kamloops.

7. During the municipal election campaign and prior to October 15, 2022, Mr. Krueger attended at one or more campaign events, on which occasions he expressed his strong support for the Plaintiff's candidacy for the office of Mayor. Mr. Krueger's endorsement of the Plaintiff was not solicited by the Plaintiff or anyone on his behalf, and his public comments were made voluntarily.

8. On December 15, 2022, the Plaintiff's wife received a text message from a family friend, indicating that Mr. Krueger had approached him with an offer to extend his guidance and support to the Plaintiff in his new role as Mayor of Kamloops. Mr. Krueger provided his personal telephone number and requested that the Plaintiff be asked to make contact with him.

9. The Plaintiff attempted to respond to Mr. Krueger's invitation on December 15, 2022, but did not make verbal contact with him. Later on December 15, 2022, the Plaintiff received a text message from Mr. Krueger, again soliciting a telephone conversation with the Plaintiff. No further contact took place at that time.

10. On January 13, 2023, the Plaintiff received a voice mail message from Mr. Krueger, in which he again solicited a meeting with the Plaintiff. Mr. Krueger also expressed his disapproval of the then-recent behavior of members of Kamloops City Council, and his hope that his daughter (the Defendant) was not involved in such behavior. Prior to his receipt of Mr. Krueger's message, the Plaintiff had no direct knowledge that Mr. Krueger was the Defendant's father. The Plaintiff did not respond immediately to Mr. Krueger's message.

11. On January 15, 2023, while enroute between Vancouver and Kamloops in his vehicle with a companion, the Plaintiff received a telephone call from Mr. Krueger. Mr. Krueger described personal issues that he was experiencing with family members of his, including the Defendant, and requested an in-person meeting with the Plaintiff. The Plaintiff suggested that Mr. Krueger should contact City of Kamloops staff to schedule any meeting regarding municipal business or any official functions of the Plaintiff as Mayor.

12. The Plaintiff resolved to discuss Mr. Krueger's overtures in confidence with the Defendant, in order to assist in determining how to properly address his requests. The Plaintiff sought the participation of Councillor Stephen Karpuk ("Karpuk"), in a discussion for this purpose. On January 19, 20 and 21, 2023, the Plaintiff exchanged text messages with Karpuk, who then advised the Plaintiff that the Defendant was unwilling to discuss the matter.

13. On February 4, 2023, the Plaintiff received another voice mail message from Mr. Krueger, in which Mr. Krueger expressed his frustration with his failed attempts to schedule a meeting with the Plaintiff through City of Kamloops staff. The Plaintiff responded by text message, suggesting that Mr. Krueger direct his request to the Executive Assistant for the Mayor and Council. Mr. Krueger did so, and arranged for a lunch meeting with the Plaintiff to take place on February 8, 2022.

14. On February 7, 2023, Mr. Krueger cancelled the lunch meeting that was to have taken place the following day.

15. The Plaintiff has no knowledge of the facts or circumstances that motivated Mr. Krueger to seek a meeting with him, nor any knowledge of the facts or circumstances that influenced Mr. Krueger's decision to cancel the meeting that he had arranged. The Plaintiff has not sought out or initiated any contact or communication with Mr. Krueger whatsoever, except to endeavor to respond to him in the manner set out above.

#### THE DEFENDANT'S DEFAMATORY STATEMENTS

16. On February 11, 2023, the Defendant addressed the Plaintiff, the other seven (7) members of Kamloops City Council, and City staff verbally. The Defendant purported to forbid the Plaintiff from having any form of communication with Mr. Krueger, and falsely accused the Plaintiff of having pursued interactions with Mr. Krueger for political gain. The Defendant conveyed, and intended to convey, the false impression on every person present that the Plaintiff had conducted himself inappropriately or unlawfully in relation to Mr. Krueger.

17. On February 13, 2023, the Defendant wrote and published to all members of Kamloops City Council an e-mail in which she stated, inter alia, "Mr. Mayor, Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again. This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so..." The Defendant went on to accuse the Plaintiff of using her family in an attempt to influence her or city business, and stated "the fact that you continue to try and do so against my will, behind my back, and without my knowledge proves nefarious intent"...

18. The Defendant's statements, as set out in paragraph 17 above, were false. They were intended to convey, and did convey, the false impression that the Plaintiff had harassed or solicited contact with family members of the Defendant, that he had violated the Defendant's "personal boundaries", and that in so doing he had conducted himself maliciously with "nefarious intent". The Defendant's statements were intended to attack the Plaintiff's personal integrity and diminish his reputation the eyes of all those to whom her e-mail was directed.

19. On March 5, 2023, the Plaintiff requested that the Defendant provide the e-mails, text dialogues and meeting places that the Defendant relied upon for her accusations. In lieu of a substantive response, the Defendant wrote and published to all members of Kamloops City Council a further e-mail in which she stated, inter alia, "Mayor Reid Hamer-Jackson, Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again. This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so. Keep colleagues' children, parents, spouses, and other loved ones out of your politicking. There is no excuse for these repeated behaviours". In doing so, the Defendant repeated verbatim the false allegations that she had published in the e-mail referred to in paragraph 17 above, and embellished these statements by falsely alleging

that the Plaintiff had continued or persisted in conduct that was inappropriate, unlawful and malicious. The Defendant's statements were intended to repeat her attack on the Plaintiff's personal integrity and further diminish his reputation in the eyes of all those to whom her e-mail was directed.

20. On March 16, 2023, and into the early morning hours of March 17, the Defendant drafted the text of a public statement that she intended to deliver before the media, the citizens of Kamloops, and the general public the following day (the "March 17 Statement"). In the course of drafting the March 17 Statement, the Defendant adopted and repeated the false allegation contained in her e-mails dated February 13 and March 5, 2023, that the Plaintiff had violated her personal boundaries in relation to the Plaintiff's interactions with Mr. Krueger.

21. On March 17, 2023, the Defendant delivered the March 17 Statement in a staged, public forum, ostensibly to respond to the Plaintiff's proposed changes to standing committees. The occasion was neither a regular nor a special meeting of the Kamloops City Council, and the Plaintiff was not present. Purporting to speak on behalf of all members of Kamloops City Council, the Defendant accused the Plaintiff of lying, belittling members of Council and, again, of "violating personal and professional boundaries". The Defendant delivered the March 17 Statement with the full intent and knowledge that it would be broadcast to the general public through news and social media.

22. The Defendant has, knowingly, willfully and maliciously, allowed and encouraged the public to speculate, and to draw inferences and conclusions, with respect to the specific nature of the misconduct that she alleged the Plaintiff to have inflicted on her and/or others.

23. Since March 17, 2023, on the basis of the innuendo inherent in the March 17 Statement, various members of the public have inferred or concluded that the Plaintiff has physically or sexually harassed, abused or assaulted the Defendant and/or others.

24. The March 17 Statement was false and was defamatory. The allegation that the Plaintiff was guilty of unspecified misconduct of a personal and scandalous nature, involving the violation of the Defendant's "personal boundaries", was made willfully and maliciously. It was intended to damage the Plaintiff's personal reputation in the eyes of the public, and has done so.

25. On March 23, 2023, the Plaintiff again requested that the Defendant provide him with her justification for having made the March 17 Statement. The Plaintiff notified the Defendant, in writing, of the damaging effects that the March 17 Statement was having on him, his family, friends and contacts.

26. On March 31, 2023, the Plaintiff formally demanded that the Defendant provide any factual basis that she had, or believed that she had, for the March 17 Statement. In lieu of a response to the Plaintiff, the Defendant immediately scheduled a special closed meeting

of the Kamloops City Council for the sole purpose of invoking a veil of privilege over any further discussion concerning the March 17 Statement.

27. The Defendant has no factual basis for having made the March 17 Statement. Nonetheless, the Defendant has refused to retract the March 17 Statement, and has willfully permitted the damaging effects of the March 17 Statement to continue to harm the Plaintiff and his family.

## **Part 2: RELIEF SOUGHT**

1. General damages.
2. Aggravated and punitive damages.
3. Costs.

## **Part 3: LEGAL BASIS**

1. In her written statements dated February 13 and March 5, 2023, the Defendant libeled the Plaintiff.
2. In her oral statements made on February 11 and March 17, 2023, the Defendant slandered the Plaintiff.
3. The Defendant's defamatory statements have caused, and continue to cause, damage to the Plaintiff.
4. The Defendant's conduct is reprehensible and deserving of the rebuke of the Court in the form of punitive damages.

Plaintiff's address for service: 101 Pearse Place, Kamloops, B.C. V2C 4V5

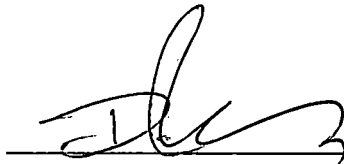
Fax number address for service (if any): n/a

E-mail address for service : dmcmillanlaw@gmail.com

Place of trial: Kamloops, B.C.

The address of the registry is: 455 Columbia Street, Kamloops, B.C.

Dated:

  
\_\_\_\_\_  
Signature of lawyer for the Plaintiff  
David A. McMillan

Rule 7-1(1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

- (a) prepare a list of documents in Form 22 that lists
  - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
  - (ii) all other documents to which the party intends to refer at trial, and
- (b) serve the list on all parties of record.

#### APPENDIX

##### **Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:**

1. Defamation

##### **Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:**

A personal injury arising out of:

- ☐ a motor vehicle accident
- ☐ medical malpractice
- X Another cause

A dispute concerning:

- ☐ contaminated sites

- ☐ construction defects
- ☐ real property (real estate)
- ☐ personal property
- ☐ the provision of goods or services or other general commercial matters
- ☐ investment losses
- ☐ the lending of money
- ☐ an employment relationship
- ☐ a dispute about a will or other issues concerning the probate of an estate
- X a matter not listed here

**Part 3: THIS CLAIM INVOLVES:**

- ☐ a class action
- ☐ maritime law
- ☐ aboriginal law
- ☐ constitutional law
- ☐ conflict of laws
- X none of the above
- ☐ do not know

**Part 4:**

N/A





No. 062241  
Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE NEUSTAETER

DEFENDANT

**RESPONSE TO CIVIL CLAIM**

*FORM 2 (RULE 3-3(1))*

FILED BY: Keturah Neustaeter, aka Katie Neustaeter (the "defendant" or "Neustaeter")

**Part 1: RESPONSE TO NOTICE OF CIVIL CLAIM FACTS**

**Division 1 – Defendant's Response to Facts**

1. The facts alleged in paragraphs 2-5 of Part 1 of the notice of civil claim are admitted.
2. The facts alleged in paragraphs 6-27 of Part 1 of the notice of civil claim are denied.
3. The facts alleged in paragraph 1 of Part 1 of the notice of civil claim are outside the knowledge of the defendants.

**Division 2 - Defendants' Version of Facts**

1. The defendant denies each and every allegation set out in the notice of civil claim, except as specifically admitted in this response to civil claim.

## **The Parties**

### ***The Plaintiff***

2. In response to paragraphs 1 and 2 of the notice of civil claim, the defendant admits that the plaintiff Reid Allen Hamer-Jackson (the “plaintiff” or “Hamer-Jackson”) is the Mayor of the City of Kamloops, having been elected on October 15, 2022.

### ***Councillor Neustaeter***

3. In response to paragraphs 3 and 4 of the notice of civil claim, the defendant admits she is one of eight City Councillors elected to the City of Kamloops City Council (“City Council”), having been elected on October 15, 2022.
4. The defendant further admits, in response to paragraph 5 of the notice of civil claim, that Kevin Krueger (Krueger) is her father, and that Krueger is a former member of the Legislative Assembly of the Province of British Columbia.

## **Background**

5. In response to the whole of the notice of civil claim, and in specific response to paragraph 10 of the notice of civil claim, the defendant says that the plaintiff was aware that Krueger was the defendant’s father, at the latest, by October 18 of 2022.
6. Immediately following the October, 2022 municipal election, the defendant reached out to the plaintiff to congratulate the plaintiff on his victory in the municipal election and expressed a desire to meet and work together. These overtures were not returned by the plaintiff.
7. On or about October 18, 2022, the plaintiff encountered the defendant and the defendant’s mother at a public event. At this time, the defendant learned that the plaintiff had placed a call to Krueger congratulating Krueger on the defendant’s election to City Council and requested a meeting.
8. On or around October 24, 2022, the plaintiff met with the defendant. At this meeting, the plaintiff made unsolicited personal comments about Krueger to the plaintiff. In response, the defendant indicated she was not comfortable discussing her family member’s health or providing personal information about her family, and requested that the plaintiff

refrain from involving Krueger in the future and instead work with her directly, a request which the plaintiff acknowledged and advised he would respect.

***Boundary Violations Relating to City Council***

9. Beginning in October of 2022 and continuing through to March of 2023, the plaintiff repeatedly made statements relating to family members of City Councillors, inappropriately sought information about city staff, and shared information about and with family members of City Councillors, including the defendant, with City Council and staff.
10. The plaintiff's boundary violations and disruptive behavior relating to City Council and staff include, but is not limited to:
  - (a) the plaintiff initially refused to place one City Councillor on the deputy mayor rotation and refused committee appointments on the basis that the Councillor's spouse had published something critical of the plaintiff on social media, and only relented when media inquired as to why this councillor was not on the deputy mayor rotation and City Council protested;
  - (b) the plaintiff repeatedly and inaccurately suggested that another City Councillor was in a conflict of interest due to the Councillor's spouse being a city employee;
  - (c) the plaintiff repeatedly brought up another City Councillor's son, who was a city employee, despite repeated requests to refrain from doing so, suggested impropriety in relation to the son's employment, and sought to interfere with his employment;
  - (d) the plaintiff disclosed a death in the family of a member of City staff on live radio;
  - (e) the plaintiff implied that another City Councillor was in a conflict of interest relating to his spouse and referred to closed and confidential discussions relating to this issue in public;
  - (f) such other particulars as will be provided by counsel for the defendant.
11. On or about January 20, 2023, the plaintiff advised he wished to meet with the defendant. When the defendant requested the nature and topic of the meeting, the plaintiff refused to provide the requested information. Given ongoing tension between the plaintiff and City Councillors, including the defendant, the defendant declined to meet without first knowing the topic to be discussed.

12. With respect to the defendant, despite agreeing in October of 2022 to refrain from contacting Krueger, on or about January 23, 2023, during the course of a zoom meeting involving all City Councillors and the City Administrative Officer, the plaintiff made remarks toward the defendant which implied that she would not like the topic of the meeting he had proposed. When challenged, the defendant made comments suggesting he had important personal information relating to the defendant, and advised the defendant and City Council that he had “set up a meeting with your dad and I know a lot of stuff about your family.”
13. In response, on January 23, 2023, the defendant wrote to all Councillors and the City’s Chief Administrative Officer noting that she had previously requested the plaintiff not involve Krueger in City Council matters, expressing her regret that the plaintiff had introduced Krueger as a topic during a City Council meeting, and apologizing that this personal matter had intersected with Council business. In this email she further expressed a desire for her family not to be brought into matters relating to City business.
14. The defendant subsequently learned from Krueger that the plaintiff had spoken with Krueger about staffing issues the plaintiff perceived at City Hall, had requested that Krueger obtain the defendant’s assistant in having a staff member dismissed, and had discussed another Councillor’s family member with Krueger. In addition, Krueger advised the defendant that the plaintiff had shared information with him, information which the defendant believes originated from closed City Council sessions.
15. On or about January 31, 2023, the defendant requested to speak with the plaintiff privately about her concerns relating to his ongoing communications with Krueger and expressed a desire to have a third-party witness present for the conversation, which the plaintiff refused.
16. On or about February 11, 2023, at the conclusion of a strategic planning meeting involving City Council, the defendant raised the issue of the plaintiff’s ongoing communications with Krueger concerning City business. At this time, the plaintiff walked away from the defendant and refused to speak with her about her concerns. After initially leaving the meeting, the plaintiff returned and sought to share private information about Krueger with Council in the meeting, and made remarks about the

defendant's mother. Due to objections from the defendant and City Councillors, the plaintiff did not proceed to share private information about Krueger with Council.

17. Later on February 11, 2023, and despite City Councillors previously declining to hear private information about Krueger, the plaintiff forwarded the information from Krueger to a member of City Council from a private email address. The City Councillor did not respond.
18. On or about February 13, 2023, the plaintiff forwarded the personal information concerning Krueger to all members of City Council from his mayoral email address.
19. In response, also on or about February 13, 2023 one City Councillor emailed the plaintiff and City Council indicating she would not review the personal information as she respected Krueger's right to privacy.
20. Also on February 13, 2023, the plaintiff again wrote to City Councillors requesting they review the personal information concerning Krueger he had emailed.
21. In response, on or about February 13, 2023, the defendant wrote the following, by way of email, to the plaintiff and City Council:

Reid,

As you were unwilling to hear my concerns on Saturday and left the room, perhaps this thread would be an appropriate time to share in writing instead:

Mr. Mayor,

Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again.

This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so.

Keep colleagues' children, parents, spouses, and other loved ones out of your politicking.

This is the fourth time I have clearly communicated that you are not to use my family in an attempt to influence me or city business.

The fact that you continue to try and do so against my will, behind my back, and without my knowledge proves nefarious intent.

As does the sharing of private correspondence.

I will not tolerate this behaviour.

Katie

22. In response, on or about February 13, 2023, the plaintiff wrote an email to the defendant and City Councillors in which he stated, *inter alia*:

...

Not sure why you are telling mistruth about me approaching you 4 times when it was actually once I actually was trying to keep this on the down load and have a meeting with yourself, councillor karpuk and myself as you're father called me after the message that he left on my phone. The conversation was quite lengthy and there was another person in my vehicle that could hear the conversation. I was shocked of the behaviour of what I had heard of your mother and yours behaviour of a man that sounded perfectly fine to myself, but I am not a doctor. I spoke with counsel member karpuk about this and he had also spoken to Mr Krueger on the campaign run for about a hour and a half I believe he said with school trustee candidate. Councillor karpuk felt Mr Krueger was of sound mind also. When trying to set up a meeting on the down load on zoom you appeared to believe I was threatening yourself in some way. You then said you would meet with myself if I submitted a agenda again I did not want this family issue to expose any one.

...

23. Also on February 13, 2023, another City Councillor wrote an email to the plaintiff, copying City Council, indicating he would not review the personal information about Krueger, that he respected the defendant's wishes not to be in contact with her father, and requesting that the plaintiff do so as well.
24. On or about March 1, 2023, the defendant wrote an email to the plaintiff, copying City Councillors, in which she stated, *inter alia*:

Thanks for the opportunity to serve as Deputy Mayor this month. It was a privilege to engage with the public on your behalf and a tremendous learning opportunity.

That said, Your Worship, I'm disappointed that it wasn't more peaceful and that I was never afforded the opportunity to speak with you in any meaningful or supportive capacity about anything during the entire month. I certainly did not feel supported by you, nor has it been a collaborative or respectful environment to function in. I would like to note that I never received an acknowledgement that:

1. families are off limits in politics.
2. you made widespread accusations to staff about me that were unfounded and untrue.
3. withholding pertinent information from Council from senior levels of government will not happen in the future.

25. In response, on or about March 2, 2023, the plaintiff wrote an email to the defendant and City Council in which he stated, *inter alia*:

As for your family problems and issues you have with your father are not my issues to deal with. I didn't even know you but met you through the campaign trail and had no idea you were the daughter of Kevin Krueger. After a forum at TCC grand hall where there were about 200 people, Kevin Krueger walked up to the stage and introduced himself to me I did recognize him as he was a well respected citizen of the community and respected politician. He wanted to let me know that he supported me and my goals and wanted to help me. I will be writing a dialogue of what took place from then until now. So please don't confuse these issues we have a job to do for our citizens and communities so please don't drag your family issues weather they are mental health issues or not.

26. Later on March 2, 2023, the defendant wrote back to the plaintiff the following email, again copying City Council:

My Mayor,

In your documentation please be sure to include the number of times I have requested that you keep our families out of your politicking, beginning on Oct 24th and up to today.

Please also note the number of times you have unnecessarily commented on and shared your personal and unqualified opinion

about the specific health of a family member of mine, along with hurtful and uninformed dialogue about my family history, with this group (or members of this group) without my (or their) consent or participation, beginning on Oct 24th and up to today.

This is to say nothing of what you have shared outside of this closed loop with members of our wider community, or other violations of privacy related to this subject.

This is unacceptable.

Please also note again that the same is true about the family members of others you work with.

27. In further response, also on March 2, 2023, another member of City Council wrote to the plaintiff and City Council noting that the plaintiff had shared information about his son with city staff and continued to insert himself into the Councillor's son's employment.
28. On or about March 5, 2023, in the context of an email thread between City Councillors and the plaintiff relating to an inquiry from a member of the public regarding a bus exchange, the plaintiff wrote an email to City Councillors in which he stated, *inter alia*, the following:

... Or the Katie Kevin mom story. I will be responding in due course. As always there are many different sides to stories. I do have one question for Katie as I'm doing a little investigating myself. Could you please send me all the emails, texts dialogue's and meeting places that I was involved in trying to reach your family members that would be great for when I respond to your (THIS NOT FOR DISCUSSION PRESENTATION). I believe you wrote radio commentary this is not a radio commercial. If you could send to all that would be great as I will do the same. I tried my hardest to keep this out of the wider scope to protect your family's issues but you wanted to be the broadcaster.

29. In response to the above email, on or about March 5, 2023, the defendant wrote the following email to the plaintiff and City Council:

Mayor Reid Hamer-Jackson,

Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again.



This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so.

Keep colleagues' children, parents, spouses, and other loved ones out of your politicking.

There is no excuse for these repeated behaviours.

Katie

***General Boundary Violations and Disruptive Behavior***

30. In addition to the above issues relating to members of City Council, prior to March 17, 2023, City Councillors including the defendant experienced the following behavioral issues with the plaintiff relating to his actions as mayor:

- (a) Publicly announcing a confidential program relating to Interior Health;
- (b) Communicating confidential information from closed City Council meetings with individuals who were not City Councillors or staff;
- (c) Attending operational City staff meetings at which his attendance is not required and detracting from the work of City staff;
- (d) Publicly criticizing City Councillors in local media;
- (e) Misstating the positions of City Councillors in statements to the public;
- (f) Announcing sweeping changes to committee make-up without consulting City Councillors;
- (g) Attempting to place political allies in City staff positions;
- (h) Refusing to support the hiring of City staff who were not his political allies;
- (i) Behaving in a disruptive manner in City meetings, including abruptly leaving meetings while they were ongoing;
- (j) Failing to attend public events despite commitments to do so;
- (k) Refusing to support initiatives that have the support of City Council;
- (l) Disruptive behavior relating to City staff and City business;
- (m) Belittling City Councillors in communications with members of the public;
- (n) Refusing to attend a team-building session he voted for, and then publicly criticizing counsel for the expenses associated with the team-building exercise;

- (o) Repeatedly sending emails to City staff between the hours of 12am and 5am, despite being requested not to do so unless it was urgent;
- (p) Engaging in public disputes with social agencies and their Executive directors (Ask Wellness and CMHA) and with important partners, including BC Housing and School District 73;
- (q) Disrespectful conduct toward Councillors and City staff, including yelling, belittling and name-calling;
- (r) Withholding information provided by senior levels of government from City Council, and refusing to communicate with City Councillors;
- (s) Other such conduct to be particularized by the defendant.

### **Allegedly Defamatory Statements**

#### ***February 11, 2023 Statement***

- 31. In response to paragraph 16 of the notice of civil claim, the defendant says this paragraph fails to set out the allegedly defamatory words spoken by the defendant, and therefore lacks the material facts necessary to give rise to a claim in defamation.
- 32. In the alternative, the defendant denies that the words set out in paragraph 16 of the notice of civil claim, in their plain and ordinary meaning or by innuendo or inference have or are capable of having the defamatory meanings pleaded by the plaintiff.
- 33. In the further alternative, the words set out a paragraph 16 of the notice of civil claim meant and were understood to mean, in their natural and ordinary meaning or by inference, that:
  - (a) The plaintiff repeatedly attempted to involve Krueger in City business and invoked Krueger and the plaintiff's family members in communications with City Councillors, despite repeated requests not to do so;
  - (b) The plaintiff had, prior to February 11, 2023, disclosed confidential information to the public relating to family members of City Councillors and staff;
  - (c) The plaintiff had, prior to February 11, 2023, made derogatory statements about City Councillors and staff;
  - (d) The plaintiff had disrespected the clearly stated boundaries relating to contact with Councillor's family members that the defendant had repeatedly requested he respect;

- (e) It was the defendant's opinion that such ongoing conduct, despite repeated requests to refrain, suggested that this conduct was deliberate and intended to influence the defendant politically.
34. The defendant says that to the extent, if any, the February 11 Statement or any portion thereof is defamatory of the plaintiff, such meanings are true or substantially true and justified in substance and fact.
35. In the further alternative, in the event the February 11 Statement is defamatory of the plaintiff, which is denied, then the defendant had an interest or duty in publishing the February 11 Statement and the recipients of the February 11 Statement had a corresponding interest or duty in receiving them, and as such the February 11 Statement was published on occasions or in circumstances of qualified privilege, in particular;
- (a) The defendant had an interest in communicating with City Councillors and City staff her concerns about the plaintiff's conduct as mayor; and
  - (b) City Councillors and City staff had a corresponding reciprocal interest in hearing the defendant's concerns respecting the plaintiff's conduct.
36. In the further alternative, if the February 11 Statement is defamatory of the plaintiff, which is denied, then the defamatory meanings associated with the February 11 Statement consists of expressions of opinion, they represent fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, as the words were comments containing an opinion that a person could honestly hold concerning a matter of public interest, and are based upon true or privileged facts, including the following facts;
- (a) The defendant and other City Councillors had expressed concerns with the plaintiff about his conduct, including repeated communications relating to the defendant's family members;
  - (b) The defendant and other City Councillors had expressed concerns relating to the plaintiff's conduct relating to the disclosure of confidential information, disparaging comments about City staff and City Councillors, and ongoing communications and actions relating to family members of City Councillors, including the plaintiff;
  - (c) As mayor of the City of Kamloops, the actions of the plaintiff were of public interest to City Councillors and City staff who work with the mayor on a daily basis.

*February 13, 2023 Email*

37. In response to paragraphs 17-18 of the notice of civil claim, the defendant admits she authored an email to the plaintiff and City Council (the "February 13 Email") including the words set out at paragraph 17 of the notice of civil claim.
38. The defendant denies that the words set out in paragraph 17 of the notice of civil claim, in their plain and ordinary meaning or by innuendo or inference have or are capable of having the defamatory meanings pleaded by the plaintiff, and pleads and relies on the entire February 13 Email and the entire email thread.
39. In the further alternative, the words set out a paragraph 17 of the notice of civil claim meant and were understood to mean, in their natural and ordinary meaning or by inference, that:
  - (a) The plaintiff repeatedly attempted to involve Krueger in City business and invoked Krueger and the plaintiff's family members in communications with City Councillors, despite repeated requests not to do so;
  - (b) The plaintiff had, prior to February 13, 2023, disclosed confidential information to the public relating to family members of multiple City Councillors and staff;
  - (c) The plaintiff had, prior to February 13, 2023, made derogatory statements about City Councillors and staff;
  - (d) The plaintiff had disrespected the reasonable boundaries relating to contact with family members that the defendant had repeatedly requested he respect;
  - (e) It was the defendant's opinion that such ongoing conduct, despite repeated requests to refrain, and the plaintiff's secrecy surrounding these communications, suggested that this conduct was deliberate and intended to influence the defendant politically.
40. The defendant says that to the extent, if any, the February 13 Email or any portion thereof is defamatory of the plaintiff, such meanings are true or substantially true and justified in substance and fact.
41. In the further alternative, in the event the February 13 Email is defamatory of the plaintiff, which is denied, then the defendant had an interest or duty in publishing the February 13 Email and the recipients of the February 13 Email had a corresponding

interest or duty in receiving them, and as such the February 13 Email was published on occasions or in circumstances of qualified privilege, in particular;

- (a) The plaintiff had sought to share personal information concerning Krueger in a strategic planning meeting;
- (b) The plaintiff had shared personal information from Krueger with City Council;
- (c) All City Councillors had indicated they did not intend to review the personal information from Krueger, including one councillor expressly indicating so in writing;
- (d) The defendant had an interest in communicating with City Councillors her concerns about the plaintiff's conduct as mayor, including his repeated communications relating to Krueger despite requests not to involve Krueger in City business; and
- (e) City Councillors had a corresponding reciprocal interest in hearing the defendant's concerns respecting the plaintiff's ongoing conduct.

42. In the further alternative, if the February 13 Email is defamatory of the plaintiff, which is denied, then the defamatory meanings associated with the February 13 Email consists of expressions of opinion, they represent fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, as the words were comments containing an opinion that a person could honestly hold concerning a matter of public interest, and are based upon true or privileged facts, including the following facts;

- (a) The defendant and other City Councillors had expressed concerns with the plaintiff about his conduct, including repeated communications relating to the defendant's family members;
- (b) The defendant and other City Councillors had expressed concerns relating to the plaintiff's conduct relating to the disclosure of confidential information, disparaging comments about City staff and City Councillors, and ongoing communications and actions relating to family members of City Councillors, including the plaintiff;
- (c) As mayor of the City of Kamloops, the actions of the plaintiff were of public interest to City Councillors who work with the mayor on a daily basis; and
- (d) The plaintiff had forwarded personal information concerning Krueger to City Councillors, despite other Councillors and the defendant requesting that he refrain from involving her family members in City business.

43. In further response to paragraph 18 of the notice of civil claim, the defendant specifically denies that the February 13 Email was intended to attack the plaintiff's personal integrity and to diminish his reputation in the eyes of recipients, or was otherwise actuated by malice.

*March 5, 2023 Email*

44. In response to paragraph 19 of the notice of civil claim, the plaintiff admits to sending an email on or about March 5, 2023 to the plaintiff and City Council (the "March 5 Email") which included the words set out at paragraph 19 of the notice of civil claim.
45. The defendant denies that the words set out in paragraph 19 of the notice of civil claim, in their plain and ordinary meaning or by innuendo or inference have or are capable of having the defamatory meanings pleaded by the plaintiff, and pleads and relies on the entire March 5 Email and the entire email thread.
46. In the further alternative, the words set out a paragraph 19 of the notice of civil claim meant and were understood to mean, in their natural and ordinary meaning or by inference, that:
- (a) The plaintiff repeatedly attempted involve Krueger in City business and invoked Krueger and the plaintiff's family members in communications with City Councillors, despite repeated requests not to do so;
  - (b) The plaintiff had, prior to March 5, 2023, disclosed confidential information to the public relating to family members of City Councillors and staff;
  - (c) The plaintiff had, prior to March 5, 2023, made derogatory statements about City Councillors and staff;
  - (d) The plaintiff had disrespected the boundaries relating to contact with family members that the defendant had repeatedly requested he respect;
  - (e) It was the defendant's opinion that such ongoing conduct, despite repeated requests to refrain, suggested that this conduct was deliberate and intended to influence the defendant politically.
47. The defendant says that to the extent, if any, the March 5 Email or any portion thereof is defamatory of the plaintiff, such meanings are true or substantially true and justified in substance and fact.

48. In the further alternative, in the event the March 5 Email is defamatory of the plaintiff, which is denied, then the defendant had an interest or duty in publishing the March 5 Email and the recipients of the March 5 Email had a corresponding interest or duty in receiving them, and as such the March 5 Email was published on occasions or in circumstances of qualified privilege, in particular;
- (a) The plaintiff had, in the context of an email thread involving unrelated concerns raised by a resident of the City of Kamloops, brought up the defendant's family members unprompted;
  - (b) The defendant had an interest in communicating with City Councillors her concerns about the plaintiff's conduct as mayor, including his repeated communications relating to her family members; and
  - (c) City Councillors had a corresponding reciprocal interest in hearing the defendant's concerns respecting the plaintiff's conduct.
49. In the further alternative, if the March 5 Email is defamatory of the plaintiff, which is denied, then the defamatory meanings associated with the March 5 Email consists of expressions of opinion, they represent fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, as the words were comments containing an opinion that a person could honestly hold concerning a matter of public interest, and are based upon true or privileged facts, including the following facts;
- (a) The defendant and other City Councillors had expressed concerns with the plaintiff about his conduct, including repeated communications relating to the defendant's family member;
  - (b) The defendant and other City Councillors had expressed concerns relating to the plaintiff's conduct relating to the disclosure of confidential information, disparaging comments about City staff and City Councillors, and ongoing communications and actions relating to family members of City Councillors, including the plaintiff;
  - (c) As mayor of the City of Kamloops, the actions of the plaintiff were of public interest to City Councillors who work with the mayor on a daily basis; and
  - (d) The plaintiff had forwarded personal information concerning Krueger to City Councillors, despite other Councillors and the defendant requesting that he refrain from involving her family members in City business..

50. In further response to paragraph 19 of the notice of civil claim, the defendant specifically denies that the March 5 Email was intended to attack the plaintiff's personal integrity and to diminish his reputation in the eyes of recipients, or was otherwise actuated by malice.

***March 17, 2023 Council Statement***

51. On or about March 16, 2023, the plaintiff made a number of statements to media relating to his decision to add residents to standing committees, including one resident who worked on his election campaign, two residents who donated money to his election campaign, unsuccessful candidates in the October election, and some of whom were his friends. In addition, the plaintiff's changes to the committee makeup included removing City Councillors from the position of chair.
52. In his media statements, the plaintiff falsely represented, *inter alia*, that City Councillors were being removed from their committee chair positions due to overwork, lack of focus, and potential conflicts of interest. The plaintiff further represented to the media that he did not provide prior notice by City Councillors or permit deliberation as he did not want City Councillors to vote on the proposed changes in a City Council meeting.
53. In response to the media statements by the plaintiff, the defendant prepared a document outlining the ongoing concerns and challenges that all City Councillors, including the defendant, had with the plaintiff's conduct over the preceding months, including his decision to unilaterally change the composition and leadership of committee assignments, his statements to the media on March 16, 2023, and his disruptive behavior toward City Councillors and City staff.
54. Prior to publishing the statement, the defendant confirmed with City Councillors that it reflected the unanimous concerns of City Councillors relating to the plaintiff's conduct.
55. In response to paragraphs 20 and 21 of the notice of civil claim, the defendant admits that on or about March 17, 2023, she delivered to the public a statement on behalf of all City Councillors, (the "March 17 Statement") as follows:

While we, all 8 Kamloops City Councillors, would prefer to be performing the job that we have been elected to do by our citizens, we instead find ourselves again combatting the chaotic and



unpredictable behaviour of our Mayor that leads to confusion and misinformation.

This team, mostly strangers only months ago, remains united in our commitment to honest and transparent accountability to the citizens of Kamloops.

Which is why we're here today to collectively address the sudden changes made to our Committee structure and appointments.

Counter to public comments made by Mayor Reid Hamer-Jackson yesterday, no Councillor you see before you has ever expressed a desire to be "relieved" of our workload, no Councillor has ever expressed that they were "kind of overwhelmed", no Chair has shown any "lack of commitment" or has any conflict, no committee has only "2 or 3 meetings for a whole year" scheduled, nor are we making changes to the job description to "relieve the Deputy Mayor of some duties".

These are examples of blatant untruths.

Although we had heard the Mayor was considering adding members of the public to Standing Committees, and had repeatedly requested input about process or at least an overview if this was to happen, no Councillors were consulted before these unilateral changes were made. Additionally, no meetings with the Mayor have taken place where concerns about performance as Chair were discussed.

In fact, no member of this Council has been invited by the Mayor to participate in any meaningful, consultative, team building, or respectful conversation in many months.

While we, as Councillors, have been subjected to repeated disrespect, violations of personal and professional boundaries, belittling, and constantly disruptive behaviour by the Mayor, we have been willing to absorb the impact in service to our community and in an attempt to have City business compromised as little as possible.

But we must draw the line when this erratic behaviour directly obstructs our ability, as your democratically elected representatives, to do our job.

We want to make it clear that our concerns are not a reflection of our views of the individuals that the Mayor has hand-picked to serve on Committees. In addition to disrespecting Council, our great unease is primarily with a lack of an equitable application process, indifference for due diligence and best practise, a

disregard for the impact to sensitive community partner requests, an absence of reassurance around confidentiality, and the neglect of unbiased vetting.

This is all in direct opposition to the concept of transparent, accountable, and open governance and gives unfair access to select members of the public that are not available to all.

Therefore, this Council cannot remain silent.

Council will be holding a special meeting on Tuesday March 21st, 2023 to discuss a resolution to this unfortunate disruption of our work on your behalf, and hopes to remedy yesterday's troubling changes to the Committee structure. The nature of that meeting, ie whether it will proceed in Open or Closed format, will depend on legal counsel's advisement for the best interest of the City of Kamloops.

Your elected Councillors stand as diverse individuals united in our purpose to unwaveringly serve you despite the extraordinary challenge that we continue to face.

We remain committed to you, Kamloops.

Thank you.

56. The defendant denies that the words set out in paragraph 21 of the notice of civil claim, in their plain and ordinary meaning or by innuendo or inference have or are capable of having the defamatory meanings pleaded by the plaintiff, and pleads and relies on the entire March 17 Statement.
57. In the further alternative, the words set out a paragraph 21 of the notice of civil claim meant and were understood to mean, in their natural and ordinary meaning or by inference, that:
  - (a) The plaintiff falsely represented the reasons for his changes to committee structure and appointments;
  - (b) The plaintiff failed to consult with City Councillors relating to the changes to committee structures and appointments;
  - (c) The plaintiff had exhibited disrespect, a failure to adhere to personal and professional boundaries, belittling and disruptive behavior toward the defendant and members of City Council;

- (d) The plaintiff's unilateral actions in respect of committee structure and appointments interfered with the ability of City Councillors to work on behalf of their constituents;
  - (e) The plaintiff's actions demonstrated disrespect for City Council; and
  - (f) The plaintiff's changes to committee structure and appointments caused City Council unease relating to whether the application process was equitable, whether there was sufficient due diligence, whether the changes were sensitive to community partner requests, how the changes would impact confidentiality, and how committee members were vetted.
58. The defendant says that to the extent, if any, the March 17 Statement or any portion thereof is defamatory of the plaintiff, such meanings are true or substantially true and justified in substance and fact.
59. In the further alternative, if the March 17 Statement is defamatory of the plaintiff, which is denied, then the defamatory meanings associated with the March 17 Statement consists of expressions of opinion, they represent fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, as the words were comments containing an opinion that a person could honestly hold concerning a matter of public interest, and are based upon true or privileged facts, including the following facts;
- (a) The defendant and other City Councillors had expressed concerns with the plaintiff about his conduct, including repeated communications relating to the defendant's family members;
  - (b) The defendant and other City Councillors had expressed concerns relating to the plaintiff's conduct relating to the disclosure of confidential information, disparaging comments about City staff and City Councillors, and ongoing communications and actions relating to family members of City Councillors, including the plaintiff;
  - (c) As mayor of the City of Kamloops, the actions of the plaintiff were of public interest to all members of the public;
  - (d) The plaintiff's unilateral changes to committee structures and appointments negatively impacted the ability of City Council to serve its constituents;
  - (e) The plaintiff's conduct toward City Councillors was disruptive and City Councillors had unanimous concerns about the plaintiff's disruptive behavior, including his unilateral changes to committee structures and appointments.

60. In further response to paragraphs 21-24 of the notice of civil claim, the defendant specifically denies that the March 17 Statement was intended to attack the plaintiff's personal integrity and to diminish his reputation in the eyes of recipients, or was otherwise actuated by malice.
61. In response to paragraph 26-27 of the notice of civil, the defendant says that these paragraphs contain evidence in the guise of facts and inappropriate editorializing and commentary by the plaintiff, are unnecessary, scandalous, frivolous and vexatious, and ought to be struck.

### **Subsequent Communications**

62. On or about March 31, 2023, the plaintiff sent the defendant the following email, in which, *inter alia*, he stated the following:

“Councillor Neustaeter, On March 6, you sent me a text message, copied to all members of council, ordering me not to “harass” or have any contact with any family members of yours. You went on to accuse me of disclosing confidential information, slandering staff and “violating personal boundaries”. I immediately asked you to provide your basis for making and spreading these very serious but completely false allegations. You did not respond. Instead, on March 17, you repeated the allegations that I had “violated professional and personal boundaries” to the press and to the entire City of Kamloops-including my wife and family. I am now demanding that you provide me with whatever factual basis you have, or believe you have, for making these very damaging statements. Do so, in writing, by April 7, 2023. If Mr Krueger has been declared mentally incompetent and you, or anyone else, has been designated as his personal representative, send me a copy of the Court Order. Since you have chosen to take your allegation that I have violated your personal boundaries into the public, I will respond publicly if this matter is not resolved. I have tried to keep your family issues out of the public.”

63. On March 31, 2023, the defendant responded to the plaintiff via email, copying City Council, and stated, *inter alia*, the following:

While there are a number of inaccuracies (including alluding to my father being mentally incompetent when I have certainly never said any such thing) I think it most important to note that the public statement I read was not from me personally, but from all

Councillors. That statement was not mine, but Council's. I am not the only person you have crossed boundaries with.

I am very concerned that you are again threatening me and trying to take advantage of my family relationships in order to control or defame me and slander my father.

I wanted all of Council to be aware of this concerning and escalating step you have taken, further validating my original concern when you persistently pursued contact with my dad against my wishes with no valid reason.

As a response to your threat I would like to request a special Closed Meeting to discuss this on Monday April 3rd before the majority of Council leaves the city for the remainder of the week.

64. On April 1, 2023, other City Councillors responded to the above-noted email supporting the suggestion for a meeting relating to the March 17 Statement, and suggesting that a closed meeting to discuss the concerns of City Council would be appropriate. In these April 1, 2023 emails, another City Councillor noted that the plaintiff had falsely implied she was an alcoholic during the course of a recent public media interview.
65. In response, on April 1, 2023, the plaintiff emailed the defendant and City Council indicated he would not support a closed meeting and stating, *inter alia*, "due to your own personal beliefs you have already wasted enough of the resources the citizens of Kamloops, staff and others due to your personal family issues that you have involved myself and others in. ... The city of Kamloops should not have to pay for your personal issues whether family or other."
66. In accordance with the City Charter, two City Councillors called for a special closed meeting to take place on April 6, 2023.
67. On or about April 3, 2023, the defendant emailed the plaintiff and City Council and stated, *inter alia*, the following:

I will not attempt to address the many distortions of truth and events that you have made in this thread, but I would recommend that if you'd like to avoid an unnecessary use of all of our time and City resources in the future you simply refrain from threatening

your colleagues and involving our families (as previously and repeatedly requested). This, I'm sure, would be appreciated by all.

Again, the statement made that you referred to in your disturbing text was by all Councillors, not any one individual. You have requested greater clarity and we are offering an opportunity for dialogue as we continue to seek a path forward that is best for Kamloops, despite the considerable divide we seem to have when it comes to our expectations about appropriate workplace behavior and common decency.

Safe travels and see you Thursday.

68. Despite the defendant and City Council seeking a meeting with the plaintiff on April 6, 2023 to discuss the March 17 Statement and to receive legal advice in relation to the issues identified in the March 17 Statement, the plaintiff elected not to attend or participate in a dialogue relating to the concerns of City Council identified in the March 17 Statement.

### **Division 3 - Additional Facts**

1. Subsequent to the publication of the March 17 Statement but prior to the commencement of these proceedings, the plaintiff and his counsel made numerous public statements concerning the actions of the defendant and City Councillors.
2. On April 5, 2023, counsel for the mayor published an opinion piece at the URL: <https://cfjctoday.com/2023/04/05/sound-off-kamloops-councillors-should-back-up-hamer-jackson-allegations-or-resign/> in which he stated, *inter alia*, the following:

Fast forward to March 16, 2023. The mayor sent a list of proposed standing committee appointees to members of council in an email expressly intended for the recipients only and not to be distributed without consent. Within minutes, the list was leaked to the local media. Members of council were outraged that the mayor would decide on who to appoint to standing committees without prior consultation with them and were miffed that three of them were being replaced as committee chairpersons. Instead of communicating their views to the mayor, they staged a media event the next day.

On March 17, 2023, Councillor Neustaeter read aloud a prepared statement on behalf of all eight councillors. Not content with just complaining about the committee appointments, council accused the mayor of lying about his reasons for reshaping the standing committees, and of belittling and treating all of them with disrespect. Of course, anyone who has actually witnessed the conduct of these city councillors during council meetings — the snickering, sneering and condescension that they direct at the mayor — would recognize the sheer hypocrisy of such statements. But the most troublesome allegation went far beyond the ambit of petty bickering. Councillor Neustaeter stated that Mayor Hamer-Jackson had “violated the personal and professional boundaries” of one or more members of council, an accusation endorsed by the other seven. All eight councillors have refused to justify this most scandalous allegation, either to the mayor personally or to the public. Their reasons for withholding the basis for this statement are as disingenuous and cowardly as is the statement itself.

An allegation that one’s “personal boundaries” have been violated can mean many different things. It can suggest a wide range of misconduct, from cyber-bullying to verbal intimidation, from workplace harassment all the way to physical assault and, yes, even to sexual harassment and/or assault. The use of such language in the context of city council business, and the refusal to support an allegation as heavily laced with innuendo as this, is irresponsible to an extreme degree. It is also defamatory, and obviously damaging to the mayor and to his family.

I would call on all eight Kamloops city councillors to state publicly what “personal boundaries” of theirs have been violated by Mayor Hamer-Jackson, and to provide factual details of their victimization. Those who are unwilling to do so, or to be honest, forthright, transparent and accountable in relation to their scandalous statement, should resign from city council immediately. The citizens of Kamloops deserve better.

3. On April 12, 2023, counsel for the mayor published an opinion piece on the [URL://https://armchairmayor.ca/2023/04/12/letter-transparency-accountability-by-city-council-would-be-a-good-thing/](https://armchairmayor.ca/2023/04/12/letter-transparency-accountability-by-city-council-would-be-a-good-thing/) which stated, *inter alia*, the following:

On March 31, 2023, the Mayor requested that Councillor Neustaeter clarify her allegation that he had violated her personal boundaries, an allegation that she had made in writing on March 6 and repeated before the media on March 17. He asked for a written reply by April 7. She refused.

Instead, a special closed meeting of council was hastily arranged for April 6. During the brief open meeting that was required to approve the closed session, his questions were met with a warning against revealing confidential closed meeting information.

...

In reality, this closed meeting was a sham. It was not convened for the legitimate purpose of receiving legal advice. Rather, it was a clumsy attempt by council and staff to lower a cloak of “confidentiality” over communications that had been ongoing for several weeks among councillors and others, recorded in text messages, e-mails, non-closed meetings and voice mails, pertaining to accusations they had made, but were unable to justify.

Unfortunately, our eight councillors appear to lack the courage and integrity to back up their personal attacks on the mayor with facts or to even respond honestly and truthfully when asked about these matters by the mayor, by the media and by the citizens of Kamloops.

Let me suggest that any move on their part toward transparency and accountability would be good for them and for the community.

4. The notice of civil claim in this matter was filed on June 12, 2023. On June 15, 2023, in an interview with RadioNL 610 AM published online at the URL: <https://www.radionl.com/2023/06/15/kamloops-mayor-suing-councillor-for-defamation-and-libel/>, the plaintiff is quoted as stating the following, *inter alia*:

“I’ve had people call me a pervert, you know one guy saying, ‘oh my wife is coming down here, can you make sure you keep your hands off her’ and stuff like that,” Hamer-Jackson told RadioNL, saying he wants to focus on city business.

“When you make a statement in the public and you say that somebody is violating personal boundaries and professional boundaries and harassing and all that stuff. I’ve given multiple times for a person to come clean and it hasn’t happened. I ran my campaign on accountability and I think that we need to be accountable, all of us.”

As for being able to work with Neustaeter and the rest of council in the wake of the court filing, Hamer-Jackson says he believes the legal action “may actually help” with the process of getting city business done.



"I've been sitting beside Councillor Neustaeter for every council meeting since those accusations [made public by council at a joint news conference on March 17] were made in public," noted Hamer-Jackson. "I've worked with people for over 30-years in the car business. I can say I didn't like them all. I liked lots of them, but I didn't like them all, but I worked with them as long as they stuck to the truth and didn't get into any trouble. So, we'll just carry on."

5. Also on June 15, 2023, in an interview with iNFOnews.ca published online at the URL:  
<https://infotel.ca/newsitem/kamloops-mayor-launches-defamation-suit-against-councillor/it98894>

Hamer-Jackson told iNFOnews.ca he's heard people in public speculate he's engaging in sexual harassment at city hall, claiming he's been called a "pervert" since the March joint statement accused him of breaching professional and personal boundaries.

"This stuff is hard on my family too," he said.

6. On June 16, 2023, in an interview with Kamloops This Week published online at <https://www.kamloopsthisweek.com/local-news/mayors-lawyer-explains-why-defamation-suit-levied-on-lone-councillor-7157171>, counsel for the plaintiff was quoted as follows:

Hamer-Jackson's lawyer, David McMillan, told KTW that while the statement was made on behalf of all eight councillors, only Neustaeter is being sued because, legally, she is the only one for which a defamation case can be made against, as she read out the statement.

"The law makes a fine distinction that way. You actually have to make a defamatory statement, either in writing or orally to be liable for it," McMillan said.

McMillan said Hamer-Jackson opted to file a lawsuit because he felt he had no other alternative and had been on the receiving end of inflammatory comments in both closed and open council meetings. He also said Neustaeter's comments went beyond politics and had a personal impact.

"You can only put up with so much for so long," McMillan said.  
"We let it carry on for two months."

He said there were other comments made to Hamer-Jackson that McMillan thought could be the subject of the lawsuit, but they were made in closed council meetings and protected by qualified privilege.

“And as long as a discussion is a discussion over a policy issue, you have to take it,” McMillan said. “Politicians have to grow a thick skin, but when it goes to this extent where it hits at the personal integrity of a person and how he lives his life and interacts with other people on a personal level, that takes it out of the realm of politics.

Lawsuit is about reputation, not money

Asked what his expectations are for this lawsuit, McMillan said he was not sure how it would turn out and that it would depend almost entirely on what kind of response is mounted by Neustaeter. He said he was not confident it would be resolved quietly and amicably given Neustater’s previous responses to Hamer-Jackson.

“But you never know. Once someone is obliged to get good legal advice, which I hope will happen, there are easy avenues to solving cases like this,” McMillan said, adding most lawsuits never reach trial.

He said those avenues include issuing an apology and retraction, which would stop the damages of Neustaeter’s statement from occurring.

McMillan said that when a “young, attractive-looking” councillor claims personal boundaries were violated, people can infer sexual misconduct.

“When you make an inflammatory statement like that and hang it out there, people are going to draw inferences. And the way the law works, judges are just going to try to assess what a reasonable person would think,” McMillan said.

McMillan said the claims and the resulting public speculation impacted Hamer-Jackson, his wife and their three adult children.

“I’ve never seen him take a hit like this,” McMillan said of Hamer-Jackson, who he has known for 30 years. “Some of the people who have yelled at him in public places have already drawn their own conclusions.”

McMillan explained no dollar amount in damages had been specified and such a lawsuit is more about restoring reputation. He said damages in cases like these can reach seven figures, but also

be negligible, citing a similar case from Newfoundland between a councillor and mayor in which damages awarded were \$40,000.

“We’ve got a mayor going into the latter three and a half years of his term and how can he do that if all the people in front of him might think he’s a sexual predator or a bully?” McMillan said.

He said damages are always assessed as per the date of the trial, which may not occur until after this council term is up, at which point, any impact on Hamer-Jackson’s career as a mayor could be a factor in the case.

#### Alternative attempts to avoid litigation failed

Hamer-Jackson’s lawsuit claims Neustaeter made defamatory statements about him verbally in front of councillors and staff on Feb. 11, via email that included councillors on Feb. 13 and March 5 and then verbally again via the March 17 statement. The notice of claim states Neustater accused Hamer-Jackson of having interactions with her father, former Kamloops MLA Kevin Krueger, with nefarious intent for political gain and influence over her, to which Hamer-Jackson said he had only been responding to Krueger’s offers of support and advice, and admissions of family troubles with Neustater.

McMillan said Hamer-Jackson attempted to resolve the issue quietly by disregarding the Feb. 11 statement and asking Neustaeter on multiple occasions afterwards to explain the claims against him, setting a deadline to do so after she did not respond to a March 23 request. McMillan claimed Neustaeter then responded by scheduling a closed council meeting on April 6 that he believes was an attempt to hide the conversation under a confidential, privileged setting.

“That’s not how you deal with public comments,” McMillan said.

McMillan told KTW Hamer-Jackson, on his advice, let the issue percolate from there to see if it went away and when it did not, decided “enough is enough” and this legal route was taken.

...

McMillan said what will follow in the legal process is pleadings and a document discovery stage, adding he feels any document pertaining to Krueger’s mental or physical health will be relevant.

7. Also on June 16, 2023, in an interview with CBC News published online at the URL: <https://www.cbc.ca/news/canada/british-columbia/defamation-suit-reid-hamer-jackson-katie-neustaeter-1.6879336>, the plaintiff is quoted as stating the following, *inter alia*:

Hamer-Jackson told CBC News on Thursday that he has long been a respectable Kamloops citizen and that he is facing unfair scrutiny due to the emails and public statements detailed in the claim.

"I'm tired of being called a pervert and different names," he said. "I think that people need to be held accountable."

8. The defendant pleads and relies on the fact of and the content of the media statements set out at paragraphs 2-7 of Division 3 with respect to defamatory meaning, fair comment, assessment of damages, and public interest pursuant to the *Protection of Public Participation Act*, SBC 2019 c. 3

#### **Part 2: RESPONSE TO RELIEF SOUGHT**

1. The defendant consents to the granting of the relief sought in paragraphs NIL of Part 2 of the notice of civil claim.
2. The defendant opposes the granting of the relief sought in paragraphs 1-3 of Part 2 of the notice of civil claim.
3. The defendant takes no position on the granting of the relief sought in paragraphs NIL of Part 2 of the notice of civil claim.

#### **Part 3: LEGAL BASIS**

1. The defendant relies on the common law of defamation, mitigation, damages and injunctive relief, and the *Protection of Public Participation Act*, SBC 2019 c. 3.

#### **Denial of Defamatory Meaning**

2. The defendant denies the allegedly defamatory words carry the meanings alleged by the plaintiff in the notice of civil claim.

### **The Defence of Justification**

3. The defence of justification protects statements that are true or substantially true. In the alternative, the defendant pleads and relies on justification as indicated in Part 2 of the response to civil claim.

### **Lesser Defamatory Meaning**

4. The common law of defamation permits a defendant to advance an alternate or lesser defamatory meaning of the words published, and to justify such alternative or lesser defamatory meaning as true or substantially true. In the further alternative, the defendant pleads lesser defamatory meaning, and justification thereof, as indicated in Part 2 of the response to civil claim.

### **Qualified Privilege**

5. The defence of qualified privilege protects information communicated on an occasion of privilege to those that have a reciprocal interest in receiving the information. In the further alternative, the defendant pleads and relies on the defence of qualified privilege as indicated in Part 2 of the response to civil claim.

### **Fair Comment**

6. The statutory and common law defence of fair comment protects comments that a person could honestly hold on matters of public interest and based upon true facts. In the further alternative, the defendant pleads and relies on the defence of fair comment as indicated in Part 2 of the response to civil claim,

### **Plaintiffs' Reputation**

7. The common law further permits defendants to plead and prove facts related to the plaintiffs' actual reputation and conduct in mitigation of damages. The plaintiffs' reputation here includes interactions between the plaintiff and City Councillors and City staff, including the email communications set out above, as well as the public reporting, social media discussions, and public discussions relating the plaintiff's actions, reporting and discussions concerning the plaintiff's conduct, including his treatment of City

Councillors and City staff, the plaintiff's statements to the media, and the plaintiff's interactions with residents and organizations in the City of Kamloops.

WHEREFORE the defendant Keturah Neustaeter, aka Katie Neustaeter says that this action should be dismissed as against her with special costs or, in the alternative, costs.

(1) The defendant's address for service is:

**HARPER GREY LLP**  
Barristers & Solicitors  
3200 - 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: 604 687 0411  
Fax No: 604 669 9385  
Email: [dreid@harpergrey.com](mailto:dreid@harpergrey.com)  
  
Attn: Daniel J. Reid/tok/

Dated: 24 July 2023



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HARPER GREY LLP  
(Per Daniel J. Reid)  
Lawyer for the defendant, Keturah  
Neustaeter, aka Katie Neustaeter

Name and address of lawyer:

**HARPER GREY LLP**  
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Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
  - (a) prepare a list of documents in Form 22 that lists
    - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
    - (ii) all other documents to which the party intends to refer at trial, and

- (b) serve the list on all parties of record.

refrain from involving Krueger in the future and instead work with her directly, a request which the plaintiff acknowledged and advised he would respect.

***Boundary Violations Relating to City Council***

9. Beginning in October of 2022 and continuing through to March of 2023, the plaintiff repeatedly made statements relating to family members of City Councillors, inappropriately sought information about city staff, and shared information about and with family members of City Councillors, including the defendant, with City Council and staff.
10. The plaintiff's boundary violations and disruptive behavior relating to City Council and staff include, but is not limited to:
  - (a) the plaintiff initially refused to place one City Councillor on the deputy mayor rotation and refused committee appointments on the basis that the Councillor's spouse had published something critical of the plaintiff on social media, and only relented when media inquired as to why this councillor was not on the deputy mayor rotation and City Council protested;
  - (b) the plaintiff repeatedly and inaccurately suggested that another City Councillor was in a conflict of interest due to the Councillor's spouse being a city employee;
  - (c) the plaintiff repeatedly brought up another City Councillor's son, who was a city employee, despite repeated requests to refrain from doing so, suggested impropriety in relation to the son's employment, and sought to interfere with his employment;
  - (d) the plaintiff disclosed a death in the family of a member of City staff on live radio;
  - (e) the plaintiff implied that another City Councillor was in a conflict of interest relating to his spouse and referred to closed and confidential discussions relating to this issue in public;
  - (f) such other particulars as will be provided by counsel for the defendant.
11. On or about January 20, 2023, the plaintiff advised he wished to meet with the defendant. When the defendant requested the nature and topic of the meeting, the plaintiff refused to provide the requested information. Given ongoing tension between the plaintiff and City Councillors, including the defendant, the defendant declined to meet without first knowing the topic to be discussed.



12. With respect to the defendant, despite agreeing in October of 2022 to refrain from contacting Krueger, on or about January 23, 2023, during the course of a zoom meeting involving all City Councillors and the City Administrative Officer, the plaintiff made remarks toward the defendant which implied that she would not like the topic of the meeting he had proposed. When challenged, the defendant made comments suggesting he had important personal information relating to the defendant, and advised the defendant and City Council that he had “set up a meeting with your dad and I know a lot of stuff about your family.”
13. In response, on January 23, 2023, the defendant wrote to all Councillors and the City’s Chief Administrative Officer noting that she had previously requested the plaintiff not involve Krueger in City Council matters, expressing her regret that the plaintiff had introduced Krueger as a topic during a City Council meeting, and apologizing that this personal matter had intersected with Council business. In this email she further expressed a desire for her family not to be brought into matters relating to City business.
14. The defendant subsequently learned from Krueger that the plaintiff had spoken with Krueger about staffing issues the plaintiff perceived at City Hall, had requested that Krueger obtain the defendant’s assistant in having a staff member dismissed, and had discussed another Councillor’s family member with Krueger. In addition, Krueger advised the defendant that the plaintiff had shared information with him, information which the defendant believes originated from closed City Council sessions.
15. On or about January 31, 2023, the defendant requested to speak with the plaintiff privately about her concerns relating to his ongoing communications with Krueger and expressed a desire to have a third-party witness present for the conversation, which the plaintiff refused.
16. On or about February 11, 2023, at the conclusion of a strategic planning meeting involving City Council, the defendant raised the issue of the plaintiff’s ongoing communications with Krueger concerning City business. At this time, the plaintiff walked away from the defendant and refused to speak with her about her concerns. After initially leaving the meeting, the plaintiff returned and sought to share private information about Krueger with Council in the meeting, and made remarks about the

defendant's mother. Due to objections from the defendant and City Councillors, the plaintiff did not proceed to share private information about Krueger with Council.

17. Later on February 11, 2023, and despite City Councillors previously declining to hear private information about Krueger, the plaintiff forwarded the information from Krueger to a member of City Council from a private email address. The City Councillor did not respond.
18. On or about February 13, 2023, the plaintiff forwarded the personal information concerning Krueger to all members of City Council from his mayoral email address.
19. In response, also on or about February 13, 2023 one City Councillor emailed the plaintiff and City Council indicating she would not review the personal information as she respected Krueger's right to privacy.
20. Also on February 13, 2023, the plaintiff again wrote to City Councillors requesting they review the personal information concerning Krueger he had emailed.
21. In response, on or about February 13, 2023, the defendant wrote the following, by way of email, to the plaintiff and City Council:

Reid,

As you were unwilling to hear my concerns on Saturday and left the room, perhaps this thread would be an appropriate time to share in writing instead:

Mr. Mayor,

Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again.

This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so.

Keep colleagues' children, parents, spouses, and other loved ones out of your politicking.

This is the fourth time I have clearly communicated that you are not to use my family in an attempt to influence me or city business.

The fact that you continue to try and do so against my will, behind my back, and without my knowledge proves nefarious intent.

As does the sharing of private correspondence.

I will not tolerate this behaviour.

Katie

22. In response, on or about February 13, 2023, the plaintiff wrote an email to the defendant and City Councillors in which he stated, *inter alia*:

...

Not sure why you are telling mistruth about me approaching you 4 times when it was actually once I actually was trying to keep this on the down load and have a meeting with yourself, councillor karpuk and myself as you're father called me after the message that he left on my phone. The conversation was quite lengthy and there was another person in my vehicle that could hear the conversation. I was shocked of the behaviour of what I had heard of your mother and yours behaviour of a man that sounded perfectly fine to myself, but I am not a doctor. I spoke with counsel member karpuk about this and he had also spoken to Mr Krueger on the campaign run for about a hour and a half I believe he said with school trustee candidate. Councillor karpuk felt Mr Krueger was of sound mind also. When trying to set up a meeting on the down load on zoom you appeared to believe I was threatening yourself in some way. You then said you would meet with myself if I submitted a agenda again I did not want this family issue to expose any one.

...

23. Also on February 13, 2023, another City Councillor wrote an email to the plaintiff, copying City Council, indicating he would not review the personal information about Krueger, that he respected the defendant's wishes not to be in contact with her father, and requesting that the plaintiff do so as well.
24. On or about March 1, 2023, the defendant wrote an email to the plaintiff, copying City Councillors, in which she stated, *inter alia*:

Thanks for the opportunity to serve as Deputy Mayor this month. It was a privilege to engage with the public on your behalf and a tremendous learning opportunity.

That said, Your Worship, I'm disappointed that it wasn't more peaceful and that I was never afforded the opportunity to speak with you in any meaningful or supportive capacity about anything during the entire month. I certainly did not feel supported by you, nor has it been a collaborative or respectful environment to function in. I would like to note that I never received an acknowledgement that:

1. families are off limits in politics.
2. you made widespread accusations to staff about me that were unfounded and untrue.
3. withholding pertinent information from Council from senior levels of government will not happen in the future.

25. In response, on or about March 2, 2023, the plaintiff wrote an email to the defendant and City Council in which he stated, *inter alia*:

As for your family problems and issues you have with your father are not my issues to deal with. I didn't even know you but met you through the campaign trail and had no idea you were the daughter of Kevin Krueger. After a forum at TCC grand hall where there were about 200 people, Kevin Krueger walked up to the stage and introduced himself to me I did recognize him as he was a well respected citizen of the community and respected politician. He wanted to let me know that he supported me and my goals and wanted to help me. I will be writing a dialogue of what took place from then until now. So please don't confuse these issues we have a job to do for our citizens and communities so please don't drag your family issues weather they are mental health issues or not.

26. Later on March 2, 2023, the defendant wrote back to the plaintiff the following email, again copying City Council:

My Mayor,

In your documentation please be sure to include the number of times I have requested that you keep our families out of your politicking, beginning on Oct 24th and up to today.

Please also note the number of times you have unnecessarily commented on and shared your personal and unqualified opinion

about the specific health of a family member of mine, along with hurtful and uninformed dialogue about my family history, with this group (or members of this group) without my (or their) consent or participation, beginning on Oct 24th and up to today.

This is to say nothing of what you have shared outside of this closed loop with members of our wider community, or other violations of privacy related to this subject.

This is unacceptable.

Please also note again that the same is true about the family members of others you work with.

27. In further response, also on March 2, 2023, another member of City Council wrote to the plaintiff and City Council noting that the plaintiff had shared information about his son with city staff and continued to insert himself into the Councillor's son's employment.
28. On or about March 5, 2023, in the context of an email thread between City Councillors and the plaintiff relating to an inquiry from a member of the public regarding a bus exchange, the plaintiff wrote an email to City Councillors in which he stated, *inter alia*, the following:

... Or the Katie Kevin mom story. I will be responding in due course. As always there are many different sides to stories. I do have one question for Katie as I'm doing a little investigating myself. Could you please send me all the emails, texts dialogue's and meeting places that I was involved in trying to reach your family members that would be great for when I respond to your (THIS NOT FOR DISCUSSION PRESENTATION). I believe you wrote radio commentary this is not a radio commercial. If you could send to all that would be great as I will do the same. I tried my hardest to keep this out of the wider scope to protect your family's issues but you wanted to be the broadcaster.

29. In response to the above email, on or about March 5, 2023, the defendant wrote the following email to the plaintiff and City Council:

Mayor Reid Hamer-Jackson,

Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again.

This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so.

Keep colleagues' children, parents, spouses, and other loved ones out of your politicking.

There is no excuse for these repeated behaviours.

Katie

***General Boundary Violations and Disruptive Behavior***

30. In addition to the above issues relating to members of City Council, prior to March 17, 2023, City Councillors including the defendant experienced the following behavioral issues with the plaintiff relating to his actions as mayor:

- (a) Publicly announcing a confidential program relating to Interior Health;
- (b) Communicating confidential information from closed City Council meetings with individuals who were not City Councillors or staff;
- (c) Attending operational City staff meetings at which his attendance is not required and detracting from the work of City staff;
- (d) Publicly criticizing City Councillors in local media;
- (e) Misstating the positions of City Councillors in statements to the public;
- (f) Announcing sweeping changes to committee make-up without consulting City Councillors;
- (g) Attempting to place political allies in City staff positions;
- (h) Refusing to support the hiring of City staff who were not his political allies;
- (i) Behaving in a disruptive manner in City meetings, including abruptly leaving meetings while they were ongoing;
- (j) Failing to attend public events despite commitments to do so;
- (k) Refusing to support initiatives that have the support of City Council;
- (l) Disruptive behavior relating to City staff and City business;
- (m) Belittling City Councillors in communications with members of the public;
- (n) Refusing to attend a team-building session he voted for, and then publicly criticizing counsel for the expenses associated with the team-building exercise;

- (o) Repeatedly sending emails to City staff between the hours of 12am and 5am, despite being requested not to do so unless it was urgent;
- (p) Engaging in public disputes with social agencies and their Executive directors (Ask Wellness and CMHA) and with important partners, including BC Housing and School District 73;
- (q) Disrespectful conduct toward Councillors and City staff, including yelling, belittling and name-calling;
- (r) Withholding information provided by senior levels of government from City Council, and refusing to communicate with City Councillors;
- (s) Other such conduct to be particularized by the defendant.

### **Allegedly Defamatory Statements**

#### ***February 11, 2023 Statement***

- 31. In response to paragraph 16 of the notice of civil claim, the defendant says this paragraph fails to set out the allegedly defamatory words spoken by the defendant, and therefore lacks the material facts necessary to give rise to a claim in defamation.
- 32. In the alternative, the defendant denies that the words set out in paragraph 16 of the notice of civil claim, in their plain and ordinary meaning or by innuendo or inference have or are capable of having the defamatory meanings pleaded by the plaintiff.
- 33. In the further alternative, the words set out a paragraph 16 of the notice of civil claim meant and were understood to mean, in their natural and ordinary meaning or by inference, that:
  - (a) The plaintiff repeatedly attempted to involve Krueger in City business and invoked Krueger and the plaintiff's family members in communications with City Councillors, despite repeated requests not to do so;
  - (b) The plaintiff had, prior to February 11, 2023, disclosed confidential information to the public relating to family members of City Councillors and staff;
  - (c) The plaintiff had, prior to February 11, 2023, made derogatory statements about City Councillors and staff;
  - (d) The plaintiff had disrespected the clearly stated boundaries relating to contact with Councillor's family members that the defendant had repeatedly requested he respect;

- (e) It was the defendant's opinion that such ongoing conduct, despite repeated requests to refrain, suggested that this conduct was deliberate and intended to influence the defendant politically.
34. The defendant says that to the extent, if any, the February 11 Statement or any portion thereof is defamatory of the plaintiff, such meanings are true or substantially true and justified in substance and fact.
35. In the further alternative, in the event the February 11 Statement is defamatory of the plaintiff, which is denied, then the defendant had an interest or duty in publishing the February 11 Statement and the recipients of the February 11 Statement had a corresponding interest or duty in receiving them, and as such the February 11 Statement was published on occasions or in circumstances of qualified privilege, in particular;
- (a) The defendant had an interest in communicating with City Councillors and City staff her concerns about the plaintiff's conduct as mayor; and
  - (b) City Councillors and City staff had a corresponding reciprocal interest in hearing the defendant's concerns respecting the plaintiff's conduct.
36. In the further alternative, if the February 11 Statement is defamatory of the plaintiff, which is denied, then the defamatory meanings associated with the February 11 Statement consists of expressions of opinion, they represent fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, as the words were comments containing an opinion that a person could honestly hold concerning a matter of public interest, and are based upon true or privileged facts, including the following facts;
- (a) The defendant and other City Councillors had expressed concerns with the plaintiff about his conduct, including repeated communications relating to the defendant's family members;
  - (b) The defendant and other City Councillors had expressed concerns relating to the plaintiff's conduct relating to the disclosure of confidential information, disparaging comments about City staff and City Councillors, and ongoing communications and actions relating to family members of City Councillors, including the plaintiff;
  - (c) As mayor of the City of Kamloops, the actions of the plaintiff were of public interest to City Councillors and City staff who work with the mayor on a daily basis.



*February 13, 2023 Email*

37. In response to paragraphs 17-18 of the notice of civil claim, the defendant admits she authored an email to the plaintiff and City Council (the "February 13 Email") including the words set out at paragraph 17 of the notice of civil claim.
38. The defendant denies that the words set out in paragraph 17 of the notice of civil claim, in their plain and ordinary meaning or by innuendo or inference have or are capable of having the defamatory meanings pleaded by the plaintiff, and pleads and relies on the entire February 13 Email and the entire email thread.
39. In the further alternative, the words set out a paragraph 17 of the notice of civil claim meant and were understood to mean, in their natural and ordinary meaning or by inference, that:
  - (a) The plaintiff repeatedly attempted to involve Krueger in City business and invoked Krueger and the plaintiff's family members in communications with City Councillors, despite repeated requests not to do so;
  - (b) The plaintiff had, prior to February 13, 2023, disclosed confidential information to the public relating to family members of multiple City Councillors and staff;
  - (c) The plaintiff had, prior to February 13, 2023, made derogatory statements about City Councillors and staff;
  - (d) The plaintiff had disrespected the reasonable boundaries relating to contact with family members that the defendant had repeatedly requested he respect;
  - (e) It was the defendant's opinion that such ongoing conduct, despite repeated requests to refrain, and the plaintiff's secrecy surrounding these communications, suggested that this conduct was deliberate and intended to influence the defendant politically.
40. The defendant says that to the extent, if any, the February 13 Email or any portion thereof is defamatory of the plaintiff, such meanings are true or substantially true and justified in substance and fact.
41. In the further alternative, in the event the February 13 Email is defamatory of the plaintiff, which is denied, then the defendant had an interest or duty in publishing the February 13 Email and the recipients of the February 13 Email had a corresponding

interest or duty in receiving them, and as such the February 13 Email was published on occasions or in circumstances of qualified privilege, in particular;

- (a) The plaintiff had sought to share personal information concerning Krueger in a strategic planning meeting;
- (b) The plaintiff had shared personal information from Krueger with City Council;
- (c) All City Councillors had indicated they did not intend to review the personal information from Krueger, including one councillor expressly indicating so in writing;
- (d) The defendant had an interest in communicating with City Councillors her concerns about the plaintiff's conduct as mayor, including his repeated communications relating to Krueger despite requests not to involve Krueger in City business; and
- (e) City Councillors had a corresponding reciprocal interest in hearing the defendant's concerns respecting the plaintiff's ongoing conduct.

42. In the further alternative, if the February 13 Email is defamatory of the plaintiff, which is denied, then the defamatory meanings associated with the February 13 Email consists of expressions of opinion, they represent fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, as the words were comments containing an opinion that a person could honestly hold concerning a matter of public interest, and are based upon true or privileged facts, including the following facts;

- (a) The defendant and other City Councillors had expressed concerns with the plaintiff about his conduct, including repeated communications relating to the defendant's family members;
- (b) The defendant and other City Councillors had expressed concerns relating to the plaintiff's conduct relating to the disclosure of confidential information, disparaging comments about City staff and City Councillors, and ongoing communications and actions relating to family members of City Councillors, including the plaintiff;
- (c) As mayor of the City of Kamloops, the actions of the plaintiff were of public interest to City Councillors who work with the mayor on a daily basis; and
- (d) The plaintiff had forwarded personal information concerning Krueger to City Councillors, despite other Councillors and the defendant requesting that he refrain from involving her family members in City business.

43. In further response to paragraph 18 of the notice of civil claim, the defendant specifically denies that the February 13 Email was intended to attack the plaintiff's personal integrity and to diminish his reputation in the eyes of recipients, or was otherwise actuated by malice.

*March 5, 2023 Email*

44. In response to paragraph 19 of the notice of civil claim, the plaintiff admits to sending an email on or about March 5, 2023 to the plaintiff and City Council (the "March 5 Email") which included the words set out at paragraph 19 of the notice of civil claim.
45. The defendant denies that the words set out in paragraph 19 of the notice of civil claim, in their plain and ordinary meaning or by innuendo or inference have or are capable of having the defamatory meanings pleaded by the plaintiff, and pleads and relies on the entire March 5 Email and the entire email thread.
46. In the further alternative, the words set out a paragraph 19 of the notice of civil claim meant and were understood to mean, in their natural and ordinary meaning or by inference, that:
- (a) The plaintiff repeatedly attempted involve Krueger in City business and invoked Krueger and the plaintiff's family members in communications with City Councillors, despite repeated requests not to do so;
  - (b) The plaintiff had, prior to March 5, 2023, disclosed confidential information to the public relating to family members of City Councillors and staff;
  - (c) The plaintiff had, prior to March 5, 2023, made derogatory statements about City Councillors and staff;
  - (d) The plaintiff had disrespected the boundaries relating to contact with family members that the defendant had repeatedly requested he respect;
  - (e) It was the defendant's opinion that such ongoing conduct, despite repeated requests to refrain, suggested that this conduct was deliberate and intended to influence the defendant politically.
47. The defendant says that to the extent, if any, the March 5 Email or any portion thereof is defamatory of the plaintiff, such meanings are true or substantially true and justified in substance and fact.

48. In the further alternative, in the event the March 5 Email is defamatory of the plaintiff, which is denied, then the defendant had an interest or duty in publishing the March 5 Email and the recipients of the March 5 Email had a corresponding interest or duty in receiving them, and as such the March 5 Email was published on occasions or in circumstances of qualified privilege, in particular;
- (a) The plaintiff had, in the context of an email thread involving unrelated concerns raised by a resident of the City of Kamloops, brought up the defendant's family members unprompted;
  - (b) The defendant had an interest in communicating with City Councillors her concerns about the plaintiff's conduct as mayor, including his repeated communications relating to her family members; and
  - (c) City Councillors had a corresponding reciprocal interest in hearing the defendant's concerns respecting the plaintiff's conduct.
49. In the further alternative, if the March 5 Email is defamatory of the plaintiff, which is denied, then the defamatory meanings associated with the March 5 Email consists of expressions of opinion, they represent fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, as the words were comments containing an opinion that a person could honestly hold concerning a matter of public interest, and are based upon true or privileged facts, including the following facts;
- (a) The defendant and other City Councillors had expressed concerns with the plaintiff about his conduct, including repeated communications relating to the defendant's family member;
  - (b) The defendant and other City Councillors had expressed concerns relating to the plaintiff's conduct relating to the disclosure of confidential information, disparaging comments about City staff and City Councillors, and ongoing communications and actions relating to family members of City Councillors, including the plaintiff;
  - (c) As mayor of the City of Kamloops, the actions of the plaintiff were of public interest to City Councillors who work with the mayor on a daily basis; and
  - (d) The plaintiff had forwarded personal information concerning Krueger to City Councillors, despite other Councillors and the defendant requesting that he refrain from involving her family members in City business..

50. In further response to paragraph 19 of the notice of civil claim, the defendant specifically denies that the March 5 Email was intended to attack the plaintiff's personal integrity and to diminish his reputation in the eyes of recipients, or was otherwise actuated by malice.

***March 17, 2023 Council Statement***

51. On or about March 16, 2023, the plaintiff made a number of statements to media relating to his decision to add residents to standing committees, including one resident who worked on his election campaign, two residents who donated money to his election campaign, unsuccessful candidates in the October election, and some of whom were his friends. In addition, the plaintiff's changes to the committee makeup included removing City Councillors from the position of chair.
52. In his media statements, the plaintiff falsely represented, *inter alia*, that City Councillors were being removed from their committee chair positions due to overwork, lack of focus, and potential conflicts of interest. The plaintiff further represented to the media that he did not provide prior notice by City Councillors or permit deliberation as he did not want City Councillors to vote on the proposed changes in a City Council meeting.
53. In response to the media statements by the plaintiff, the defendant prepared a document outlining the ongoing concerns and challenges that all City Councillors, including the defendant, had with the plaintiff's conduct over the preceding months, including his decision to unilaterally change the composition and leadership of committee assignments, his statements to the media on March 16, 2023, and his disruptive behavior toward City Councillors and City staff.
54. Prior to publishing the statement, the defendant confirmed with City Councillors that it reflected the unanimous concerns of City Councillors relating to the plaintiff's conduct.
55. In response to paragraphs 20 and 21 of the notice of civil claim, the defendant admits that on or about March 17, 2023, she delivered to the public a statement on behalf of all City Councillors, (the "March 17 Statement") as follows:

While we, all 8 Kamloops City Councillors, would prefer to be performing the job that we have been elected to do by our citizens, we instead find ourselves again combatting the chaotic and

unpredictable behaviour of our Mayor that leads to confusion and misinformation.

This team, mostly strangers only months ago, remains united in our commitment to honest and transparent accountability to the citizens of Kamloops.

Which is why we're here today to collectively address the sudden changes made to our Committee structure and appointments.

Counter to public comments made by Mayor Reid Hamer-Jackson yesterday, no Councillor you see before you has ever expressed a desire to be "relieved" of our workload, no Councillor has ever expressed that they were "kind of overwhelmed", no Chair has shown any "lack of commitment" or has any conflict, no committee has only "2 or 3 meetings for a whole year" scheduled, nor are we making changes to the job description to "relieve the Deputy Mayor of some duties".

These are examples of blatant untruths.

Although we had heard the Mayor was considering adding members of the public to Standing Committees, and had repeatedly requested input about process or at least an overview if this was to happen, no Councillors were consulted before these unilateral changes were made. Additionally, no meetings with the Mayor have taken place where concerns about performance as Chair were discussed.

In fact, no member of this Council has been invited by the Mayor to participate in any meaningful, consultative, team building, or respectful conversation in many months.

While we, as Councillors, have been subjected to repeated disrespect, violations of personal and professional boundaries, belittling, and constantly disruptive behaviour by the Mayor, we have been willing to absorb the impact in service to our community and in an attempt to have City business compromised as little as possible.

But we must draw the line when this erratic behaviour directly obstructs our ability, as your democratically elected representatives, to do our job.

We want to make it clear that our concerns are not a reflection of our views of the individuals that the Mayor has hand-picked to serve on Committees. In addition to disrespecting Council, our great unease is primarily with a lack of an equitable application process, indifference for due diligence and best practise, a

disregard for the impact to sensitive community partner requests, an absence of reassurance around confidentiality, and the neglect of unbiased vetting.

This is all in direct opposition to the concept of transparent, accountable, and open governance and gives unfair access to select members of the public that are not available to all.

Therefore, this Council cannot remain silent.

Council will be holding a special meeting on Tuesday March 21st, 2023 to discuss a resolution to this unfortunate disruption of our work on your behalf, and hopes to remedy yesterday's troubling changes to the Committee structure. The nature of that meeting, ie whether it will proceed in Open or Closed format, will depend on legal counsel's advisement for the best interest of the City of Kamloops.

Your elected Councillors stand as diverse individuals united in our purpose to unwaveringly serve you despite the extraordinary challenge that we continue to face.

We remain committed to you, Kamloops.

Thank you.

56. The defendant denies that the words set out in paragraph 21 of the notice of civil claim, in their plain and ordinary meaning or by innuendo or inference have or are capable of having the defamatory meanings pleaded by the plaintiff, and pleads and relies on the entire March 17 Statement.
57. In the further alternative, the words set out a paragraph 21 of the notice of civil claim meant and were understood to mean, in their natural and ordinary meaning or by inference, that:
  - (a) The plaintiff falsely represented the reasons for his changes to committee structure and appointments;
  - (b) The plaintiff failed to consult with City Councillors relating to the changes to committee structures and appointments;
  - (c) The plaintiff had exhibited disrespect, a failure to adhere to personal and professional boundaries, belittling and disruptive behavior toward the defendant and members of City Council;

- (d) The plaintiff's unilateral actions in respect of committee structure and appointments interfered with the ability of City Councillors to work on behalf of their constituents;
  - (e) The plaintiff's actions demonstrated disrespect for City Council; and
  - (f) The plaintiff's changes to committee structure and appointments caused City Council unease relating to whether the application process was equitable, whether there was sufficient due diligence, whether the changes were sensitive to community partner requests, how the changes would impact confidentiality, and how committee members were vetted.
58. The defendant says that to the extent, if any, the March 17 Statement or any portion thereof is defamatory of the plaintiff, such meanings are true or substantially true and justified in substance and fact.
59. In the further alternative, if the March 17 Statement is defamatory of the plaintiff, which is denied, then the defamatory meanings associated with the March 17 Statement consists of expressions of opinion, they represent fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, as the words were comments containing an opinion that a person could honestly hold concerning a matter of public interest, and are based upon true or privileged facts, including the following facts;
- (a) The defendant and other City Councillors had expressed concerns with the plaintiff about his conduct, including repeated communications relating to the defendant's family members;
  - (b) The defendant and other City Councillors had expressed concerns relating to the plaintiff's conduct relating to the disclosure of confidential information, disparaging comments about City staff and City Councillors, and ongoing communications and actions relating to family members of City Councillors, including the plaintiff;
  - (c) As mayor of the City of Kamloops, the actions of the plaintiff were of public interest to all members of the public;
  - (d) The plaintiff's unilateral changes to committee structures and appointments negatively impacted the ability of City Council to serve its constituents;
  - (e) The plaintiff's conduct toward City Councillors was disruptive and City Councillors had unanimous concerns about the plaintiff's disruptive behavior, including his unilateral changes to committee structures and appointments.



60. In further response to paragraphs 21-24 of the notice of civil claim, the defendant specifically denies that the March 17 Statement was intended to attack the plaintiff's personal integrity and to diminish his reputation in the eyes of recipients, or was otherwise actuated by malice.
61. In response to paragraph 26-27 of the notice of civil, the defendant says that these paragraphs contain evidence in the guise of facts and inappropriate editorializing and commentary by the plaintiff, are unnecessary, scandalous, frivolous and vexatious, and ought to be struck.

### **Subsequent Communications**

62. On or about March 31, 2023, the plaintiff sent the defendant the following email, in which, *inter alia*, he stated the following:

“Councillor Neustaeter, On March 6, you sent me a text message, copied to all members of council, ordering me not to “harass” or have any contact with any family members of yours. You went on to accuse me of disclosing confidential information, slandering staff and “violating personal boundaries”. I immediately asked you to provide your basis for making and spreading these very serious but completely false allegations. You did not respond. Instead, on March 17, you repeated the allegations that I had “violated professional and personal boundaries” to the press and to the entire City of Kamloops-including my wife and family. I am now demanding that you provide me with whatever factual basis you have, or believe you have, for making these very damaging statements. Do so, in writing, by April 7, 2023. If Mr Krueger has been declared mentally incompetent and you, or anyone else, has been designated as his personal representative, send me a copy of the Court Order. Since you have chosen to take your allegation that I have violated your personal boundaries into the public, I will respond publicly if this matter is not resolved. I have tried to keep your family issues out of the public.”

63. On March 31, 2023, the defendant responded to the plaintiff via email, copying City Council, and stated, *inter alia*, the following:

While there are a number of inaccuracies (including alluding to my father being mentally incompetent when I have certainly never said any such thing) I think it most important to note that the public statement I read was not from me personally, but from all

Councillors. That statement was not mine, but Council's. I am not the only person you have crossed boundaries with.

I am very concerned that you are again threatening me and trying to take advantage of my family relationships in order to control or defame me and slander my father.

I wanted all of Council to be aware of this concerning and escalating step you have taken, further validating my original concern when you persistently pursued contact with my dad against my wishes with no valid reason.

As a response to your threat I would like to request a special Closed Meeting to discuss this on Monday April 3rd before the majority of Council leaves the city for the remainder of the week.

64. On April 1, 2023, other City Councillors responded to the above-noted email supporting the suggestion for a meeting relating to the March 17 Statement, and suggesting that a closed meeting to discuss the concerns of City Council would be appropriate. In these April 1, 2023 emails, another City Councillor noted that the plaintiff had falsely implied she was an alcoholic during the course of a recent public media interview.
65. In response, on April 1, 2023, the plaintiff emailed the defendant and City Council indicated he would not support a closed meeting and stating, *inter alia*, "due to your own personal beliefs you have already wasted enough of the resources the citizens of Kamloops, staff and others due to your personal family issues that you have involved myself and others in. ... The city of Kamloops should not have to pay for your personal issues whether family or other."
66. In accordance with the City Charter, two City Councillors called for a special closed meeting to take place on April 6, 2023.
67. On or about April 3, 2023, the defendant emailed the plaintiff and City Council and stated, *inter alia*, the following:

I will not attempt to address the many distortions of truth and events that you have made in this thread, but I would recommend that if you'd like to avoid an unnecessary use of all of our time and City resources in the future you simply refrain from threatening

your colleagues and involving our families (as previously and repeatedly requested). This, I'm sure, would be appreciated by all.

Again, the statement made that you referred to in your disturbing text was by all Councillors, not any one individual. You have requested greater clarity and we are offering an opportunity for dialogue as we continue to seek a path forward that is best for Kamloops, despite the considerable divide we seem to have when it comes to our expectations about appropriate workplace behavior and common decency.

Safe travels and see you Thursday.

68. Despite the defendant and City Council seeking a meeting with the plaintiff on April 6, 2023 to discuss the March 17 Statement and to receive legal advice in relation to the issues identified in the March 17 Statement, the plaintiff elected not to attend or participate in a dialogue relating to the concerns of City Council identified in the March 17 Statement.

### **Division 3 - Additional Facts**

1. Subsequent to the publication of the March 17 Statement but prior to the commencement of these proceedings, the plaintiff and his counsel made numerous public statements concerning the actions of the defendant and City Councillors.
2. On April 5, 2023, counsel for the mayor published an opinion piece at the URL: <https://cfjctoday.com/2023/04/05/sound-off-kamloops-councillors-should-back-up-hamer-jackson-allegations-or-resign/> in which he stated, *inter alia*, the following:

Fast forward to March 16, 2023. The mayor sent a list of proposed standing committee appointees to members of council in an email expressly intended for the recipients only and not to be distributed without consent. Within minutes, the list was leaked to the local media. Members of council were outraged that the mayor would decide on who to appoint to standing committees without prior consultation with them and were miffed that three of them were being replaced as committee chairpersons. Instead of communicating their views to the mayor, they staged a media event the next day.

On March 17, 2023, Councillor Neustaeter read aloud a prepared statement on behalf of all eight councillors. Not content with just complaining about the committee appointments, council accused the mayor of lying about his reasons for reshaping the standing committees, and of belittling and treating all of them with disrespect. Of course, anyone who has actually witnessed the conduct of these city councillors during council meetings — the snickering, sneering and condescension that they direct at the mayor — would recognize the sheer hypocrisy of such statements. But the most troublesome allegation went far beyond the ambit of petty bickering. Councillor Neustaeter stated that Mayor Hamer-Jackson had “violated the personal and professional boundaries” of one or more members of council, an accusation endorsed by the other seven. All eight councillors have refused to justify this most scandalous allegation, either to the mayor personally or to the public. Their reasons for withholding the basis for this statement are as disingenuous and cowardly as is the statement itself.

An allegation that one’s “personal boundaries” have been violated can mean many different things. It can suggest a wide range of misconduct, from cyber-bullying to verbal intimidation, from workplace harassment all the way to physical assault and, yes, even to sexual harassment and/or assault. The use of such language in the context of city council business, and the refusal to support an allegation as heavily laced with innuendo as this, is irresponsible to an extreme degree. It is also defamatory, and obviously damaging to the mayor and to his family.

I would call on all eight Kamloops city councillors to state publicly what “personal boundaries” of theirs have been violated by Mayor Hamer-Jackson, and to provide factual details of their victimization. Those who are unwilling to do so, or to be honest, forthright, transparent and accountable in relation to their scandalous statement, should resign from city council immediately. The citizens of Kamloops deserve better.

3. On April 12, 2023, counsel for the mayor published an opinion piece on the [URL://https://armchairmayor.ca/2023/04/12/letter-transparency-accountability-by-city-council-would-be-a-good-thing/](https://armchairmayor.ca/2023/04/12/letter-transparency-accountability-by-city-council-would-be-a-good-thing/) which stated, *inter alia*, the following:

On March 31, 2023, the Mayor requested that Councillor Neustaeter clarify her allegation that he had violated her personal boundaries, an allegation that she had made in writing on March 6 and repeated before the media on March 17. He asked for a written reply by April 7. She refused.

Instead, a special closed meeting of council was hastily arranged for April 6. During the brief open meeting that was required to approve the closed session, his questions were met with a warning against revealing confidential closed meeting information.

...

In reality, this closed meeting was a sham. It was not convened for the legitimate purpose of receiving legal advice. Rather, it was a clumsy attempt by council and staff to lower a cloak of “confidentiality” over communications that had been ongoing for several weeks among councillors and others, recorded in text messages, e-mails, non-closed meetings and voice mails, pertaining to accusations they had made, but were unable to justify.

Unfortunately, our eight councillors appear to lack the courage and integrity to back up their personal attacks on the mayor with facts or to even respond honestly and truthfully when asked about these matters by the mayor, by the media and by the citizens of Kamloops.

Let me suggest that any move on their part toward transparency and accountability would be good for them and for the community.

4. The notice of civil claim in this matter was filed on June 12, 2023. On June 15, 2023, in an interview with RadioNL 610 AM published online at the URL: <https://www.radionl.com/2023/06/15/kamloops-mayor-suing-councillor-for-defamation-and-libel/>, the plaintiff is quoted as stating the following, *inter alia*:

“I’ve had people call me a pervert, you know one guy saying, ‘oh my wife is coming down here, can you make sure you keep your hands off her’ and stuff like that,” Hamer-Jackson told RadioNL, saying he wants to focus on city business.

“When you make a statement in the public and you say that somebody is violating personal boundaries and professional boundaries and harassing and all that stuff. I’ve given multiple times for a person to come clean and it hasn’t happened. I ran my campaign on accountability and I think that we need to be accountable, all of us.”

As for being able to work with Neustaeter and the rest of council in the wake of the court filing, Hamer-Jackson says he believes the legal action “may actually help” with the process of getting city business done.

"I've been sitting beside Councillor Neustaeter for every council meeting since those accusations [made public by council at a joint news conference on March 17] were made in public," noted Hamer-Jackson. "I've worked with people for over 30-years in the car business. I can say I didn't like them all. I liked lots of them, but I didn't like them all, but I worked with them as long as they stuck to the truth and didn't get into any trouble. So, we'll just carry on."

5. Also on June 15, 2023, in an interview with iNFOnews.ca published online at the URL:  
<https://infotel.ca/newsitem/kamloops-mayor-launches-defamation-suit-against-councillor/it98894>

Hamer-Jackson told iNFOnews.ca he's heard people in public speculate he's engaging in sexual harassment at city hall, claiming he's been called a "pervert" since the March joint statement accused him of breaching professional and personal boundaries.

"This stuff is hard on my family too," he said.

6. On June 16, 2023, in an interview with Kamloops This Week published online at <https://www.kamloopsthisweek.com/local-news/mayors-lawyer-explains-why-defamation-suit-levied-on-lone-councillor-7157171>, counsel for the plaintiff was quoted as follows:

Hamer-Jackson's lawyer, David McMillan, told KTW that while the statement was made on behalf of all eight councillors, only Neustaeter is being sued because, legally, she is the only one for which a defamation case can be made against, as she read out the statement.

"The law makes a fine distinction that way. You actually have to make a defamatory statement, either in writing or orally to be liable for it," McMillan said.

McMillan said Hamer-Jackson opted to file a lawsuit because he felt he had no other alternative and had been on the receiving end of inflammatory comments in both closed and open council meetings. He also said Neustaeter's comments went beyond politics and had a personal impact.

"You can only put up with so much for so long," McMillan said.  
"We let it carry on for two months."

He said there were other comments made to Hamer-Jackson that McMillan thought could be the subject of the lawsuit, but they were made in closed council meetings and protected by qualified privilege.

“And as long as a discussion is a discussion over a policy issue, you have to take it,” McMillan said. “Politicians have to grow a thick skin, but when it goes to this extent where it hits at the personal integrity of a person and how he lives his life and interacts with other people on a personal level, that takes it out of the realm of politics.

Lawsuit is about reputation, not money

Asked what his expectations are for this lawsuit, McMillan said he was not sure how it would turn out and that it would depend almost entirely on what kind of response is mounted by Neustaeter. He said he was not confident it would be resolved quietly and amicably given Neustater’s previous responses to Hamer-Jackson.

“But you never know. Once someone is obliged to get good legal advice, which I hope will happen, there are easy avenues to solving cases like this,” McMillan said, adding most lawsuits never reach trial.

He said those avenues include issuing an apology and retraction, which would stop the damages of Neustaeter’s statement from occurring.

McMillan said that when a “young, attractive-looking” councillor claims personal boundaries were violated, people can infer sexual misconduct.

“When you make an inflammatory statement like that and hang it out there, people are going to draw inferences. And the way the law works, judges are just going to try to assess what a reasonable person would think,” McMillan said.

McMillan said the claims and the resulting public speculation impacted Hamer-Jackson, his wife and their three adult children.

“I’ve never seen him take a hit like this,” McMillan said of Hamer-Jackson, who he has known for 30 years. “Some of the people who have yelled at him in public places have already drawn their own conclusions.”

McMillan explained no dollar amount in damages had been specified and such a lawsuit is more about restoring reputation. He said damages in cases like these can reach seven figures, but also

be negligible, citing a similar case from Newfoundland between a councillor and mayor in which damages awarded were \$40,000.

“We’ve got a mayor going into the latter three and a half years of his term and how can he do that if all the people in front of him might think he’s a sexual predator or a bully?” McMillan said.

He said damages are always assessed as per the date of the trial, which may not occur until after this council term is up, at which point, any impact on Hamer-Jackson’s career as a mayor could be a factor in the case.

#### Alternative attempts to avoid litigation failed

Hamer-Jackson’s lawsuit claims Neustaeter made defamatory statements about him verbally in front of councillors and staff on Feb. 11, via email that included councillors on Feb. 13 and March 5 and then verbally again via the March 17 statement. The notice of claim states Neustater accused Hamer-Jackson of having interactions with her father, former Kamloops MLA Kevin Krueger, with nefarious intent for political gain and influence over her, to which Hamer-Jackson said he had only been responding to Krueger’s offers of support and advice, and admissions of family troubles with Neustater.

McMillan said Hamer-Jackson attempted to resolve the issue quietly by disregarding the Feb. 11 statement and asking Neustaeter on multiple occasions afterwards to explain the claims against him, setting a deadline to do so after she did not respond to a March 23 request. McMillan claimed Neustaeter then responded by scheduling a closed council meeting on April 6 that he believes was an attempt to hide the conversation under a confidential, privileged setting.

“That’s not how you deal with public comments,” McMillan said.

McMillan told KTW Hamer-Jackson, on his advice, let the issue percolate from there to see if it went away and when it did not, decided “enough is enough” and this legal route was taken.

...

McMillan said what will follow in the legal process is pleadings and a document discovery stage, adding he feels any document pertaining to Krueger’s mental or physical health will be relevant.



7. Also on June 16, 2023, in an interview with CBC News published online at the URL: <https://www.cbc.ca/news/canada/british-columbia/defamation-suit-reid-hamer-jackson-katie-neustaeter-1.6879336>, the plaintiff is quoted as stating the following, *inter alia*:

Hamer-Jackson told CBC News on Thursday that he has long been a respectable Kamloops citizen and that he is facing unfair scrutiny due to the emails and public statements detailed in the claim.

"I'm tired of being called a pervert and different names," he said. "I think that people need to be held accountable."

8. The defendant pleads and relies on the fact of and the content of the media statements set out at paragraphs 2-7 of Division 3 with respect to defamatory meaning, fair comment, assessment of damages, and public interest pursuant to the *Protection of Public Participation Act*, SBC 2019 c. 3

#### **Part 2: RESPONSE TO RELIEF SOUGHT**

1. The defendant consents to the granting of the relief sought in paragraphs NIL of Part 2 of the notice of civil claim.
2. The defendant opposes the granting of the relief sought in paragraphs 1-3 of Part 2 of the notice of civil claim.
3. The defendant takes no position on the granting of the relief sought in paragraphs NIL of Part 2 of the notice of civil claim.

#### **Part 3: LEGAL BASIS**

1. The defendant relies on the common law of defamation, mitigation, damages and injunctive relief, and the *Protection of Public Participation Act*, SBC 2019 c. 3.

#### **Denial of Defamatory Meaning**

2. The defendant denies the allegedly defamatory words carry the meanings alleged by the plaintiff in the notice of civil claim.

### **The Defence of Justification**

3. The defence of justification protects statements that are true or substantially true. In the alternative, the defendant pleads and relies on justification as indicated in Part 2 of the response to civil claim.

### **Lesser Defamatory Meaning**

4. The common law of defamation permits a defendant to advance an alternate or lesser defamatory meaning of the words published, and to justify such alternative or lesser defamatory meaning as true or substantially true. In the further alternative, the defendant pleads lesser defamatory meaning, and justification thereof, as indicated in Part 2 of the response to civil claim.

### **Qualified Privilege**

5. The defence of qualified privilege protects information communicated on an occasion of privilege to those that have a reciprocal interest in receiving the information. In the further alternative, the defendant pleads and relies on the defence of qualified privilege as indicated in Part 2 of the response to civil claim.

### **Fair Comment**

6. The statutory and common law defence of fair comment protects comments that a person could honestly hold on matters of public interest and based upon true facts. In the further alternative, the defendant pleads and relies on the defence of fair comment as indicated in Part 2 of the response to civil claim,

### **Plaintiffs' Reputation**

7. The common law further permits defendants to plead and prove facts related to the plaintiffs' actual reputation and conduct in mitigation of damages. The plaintiffs' reputation here includes interactions between the plaintiff and City Councillors and City staff, including the email communications set out above, as well as the public reporting, social media discussions, and public discussions relating the plaintiff's actions, reporting and discussions concerning the plaintiff's conduct, including his treatment of City

Councillors and City staff, the plaintiff's statements to the media, and the plaintiff's interactions with residents and organizations in the City of Kamloops.

WHEREFORE the defendant Keturah Neustaeter, aka Katie Neustaeter says that this action should be dismissed as against her with special costs or, in the alternative, costs.

(1) The defendant's address for service is:

**HARPER GREY LLP**  
Barristers & Solicitors  
3200 - 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: 604 687 0411  
Fax No: 604 669 9385  
Email: [dreid@harpergrey.com](mailto:dreid@harpergrey.com)  
  
Attn: Daniel J. Reid/tok/

Dated: 24 July 2023



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HARPER GREY LLP  
(Per Daniel J. Reid)  
Lawyer for the defendant, Keturah  
Neustaeter, aka Katie Neustaeter

Name and address of lawyer:

**HARPER GREY LLP**  
Barristers & Solicitors  
3200 - 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: 604 687 0411  
Fax: 604 669 9385  
Attn: Daniel J. Reid/tok/

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
  - (a) prepare a list of documents in Form 22 that lists
    - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
    - (ii) all other documents to which the party intends to refer at trial, and

- (b) serve the list on all parties of record.



Court File No.: 062241  
Court Registry: Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE NEUSTAETER

DEFENDANT

**NOTICE OF APPLICATION**

*FORM 32 (RULE 8-1(4))*

Name of applicant: The Defendant, Keturah Neustaeter, also known as Katie Neustaeter

TO: The Plaintiff, Reid Allen Hamer-Jackson

TAKE NOTICE that an application will be made by the applicant to the presiding judge at the courthouse at 455 Columbia Street, Kamloops, British Columbia, for the week of November 4 to November 8, 2024, at 10 am, for the orders set out in Part 1 below.

The applicant estimates that the application will take five days.

**X** This matter is not within the jurisdiction of an associate judge.

**PART 1: ORDERS SOUGHT**

1. That the action be dismissed as against Keturah Neustaeter, also known as Katie Neustaeter (the "defendant" or "Ms. Neustaeter"), in whole or alternatively in part, pursuant to s. 4 of the *Protection of Public Participation Act*, SBC 2019, c. 3 (the "PPPA").
2. That the plaintiff pay Ms. Neustaeter the costs of both this application and this proceeding, in each case to be assessed on a full indemnity basis pursuant to s. 7 of the PPPA.

3. That the plaintiff pay Ms. Neustaeter damages in the amount the Court considers appropriate, pursuant to s. 8 of the PPPA.
4. Such further and other relief as this Honourable Court deems just.

## **PART 2: FACTUAL BASIS**

1. This is an application to dismiss a defamation claim pursuant to the provisions of the *Protection of Public Participation Act*, S.B.C. 2019, c. 3 (the “Act”).
2. The publications at issue are statements made in the context of ongoing dysfunction and conduct relating to municipal governance. As set out below, they are clearly matters of significant “public interest”. Three of the four allegedly defamatory statements were made on clear occasions of qualified privilege, while the fourth, a public statement made on behalf of all of the councillors of the City of Kamloops, is clearly “fair comment” based on proven facts.
3. As a result, the defendant seeks an order dismissing the action against her pursuant to the Act. The defendant further seeks leave to make written submissions as to costs and damages, following the conclusion of the hearing on the within application.

### **Background**

4. The plaintiff, Mr. Reid Allen Hamer-Jackson, is the Mayor of the City of Kamloops, having been elected as such on October 15, 2022.

NOCC, Part 1, para 2.

5. The defendant applicant, Ms. Neustaeter, is one of the eight City Councillors who were also elected to Kamloops City Council on October 15, 2022.

Affidavit #1 of Ms. Neustaeter

6. As set out in detail in the first affidavit of K. Neustaeter, prior to February 11, 2023, Councillor Neustaeter had made a number of requests that the plaintiff refrain from speaking with her father, a former member of the Legislative Assembly of the Province of British Columbia, in relation to City business. Councillor Neustaeter was of the view that

it was inappropriate for the plaintiff to attempt to influence her decision-making by speaking with her father.

Affidavit #1 of Ms. Neustaeter

7. In addition, and also prior to February 11, 2023, Councillor Neustaeter witnessed conduct on the part of the plaintiff, in his capacity as mayor, which she viewed to be disruptive in relation to City Councillors and City Staff. For example, the plaintiff refused to appoint one City Councillor as deputy mayor and refused committee assignments on the basis that the Councillor's spouse had been critical of the plaintiff online.

Affidavit #1 of Ms. Neustaeter

8. The plaintiff had further made multiple public statements alleging that another City Councillor was in a "conflict of interest" due to that Councillor's spouse being an employee of the City, and had further suggested impropriety in relation to the City employment of another Councillor's son.

Affidavit #1 of Ms. Neustaeter

9. The plaintiff had further disclosed the death of a family member of City staff on love radio, and ha referred to closed and confidential discussions relating to the spouse of another Councillor in public.

Affidavit #1 of Ms. Neustaeter

10. Despite Councillor Neustaeter's repeated requests that the plaintiff not speak with her father, including multiple requests in writing, the plaintiff persisted in seeking to discuss Councillor Neustaeter's father with City Council and Staff. As a result, and after first seeking to meet directly with the plaintiff to discuss the matter, on February 11, 2023, Councillor Neustaeter expressed her concern with the plaintiff's conduct during the course of a strategic planning meeting involving City Councillors and City Staff (as well as the plaintiff).

Affidavit #1 of Ms. Neustaeter

11. This is the first statement which is alleged to be defamatory of the plaintiff.
12. Despite the defendant's statement on February 11, 2023, on February 11 and February 13, 2023, the plaintiff again attempted to share personal information relating to Krueger with City Councillors. As a result, and in direct response to the plaintiff's emails, Councillor Neustaeter wrote to the plaintiff and City Councillors (who had been included in the plaintiff's emails) requesting the plaintiff refrain from involving her family in his political dealings, and asking the plaintiff to generally respect confidentiality and personal boundaries of City Councillors and staff moving forward.

Affidavit #1 of Ms. Neustaeter

13. This is the second statement which is alleged to be defamatory of the plaintiff.
14. The plaintiff *still* persisted in pushing the issue, despite additional requests from Councillor Neustaeter, repeatedly writing to the defendant and to all City Councillors about Councillor Neustaeter's father, including on March 5, 2023 raising the issue on an email thread relating to a bus exchange.

Affidavit #1 of Ms. Neustaeter

15. In response, on March 5, 2023, Councillor Neustaeter once again wrote to the plaintiff and City Councillors (who were part of the March 5, 2023 thread in which the plaintiff again raised Councillor Neustaeter's father), again noting the plaintiff's conduct was inappropriate and requesting that the plaintiff respect boundaries and confidentiality.

Affidavit #1 of Ms. Neustaeter

16. This is the third statement which is alleged to be defamatory of the plaintiff.
17. Finally, on March 16, 2023, the plaintiff the plaintiff made a number of statements to media relating to his decision to add multiple residents to standing committees, including one resident who worked on his election campaign, multiple residents who donated money to his election campaign, unsuccessful candidates in the October election, and some of whom were his friends. In addition, the plaintiff's changes to the committee makeup included removing City Councillors from the position of Chair.



Affidavit #1 of Ms. Neustaeter

18. In his media statements, the plaintiff falsely represented, *inter alia*, that City Councillors were being removed from their committee chair positions due to overwork, lack of focus, and potential conflicts of interest. The plaintiff further represented to the media that he did not provide prior notice by City Councillors or permit deliberation as he did not want City Councillors to vote on the proposed changes in a City Council meeting. He later contradicted himself and said he was planning on getting Councillors' input.

Affidavit #1 of Ms. Neustaeter

19. Councillor Neustaeter viewed these statements, made by the mayor to the public, to be misleading and inappropriate (in as far as they appeared to be further allegations of "conflict of interest" relating to Councillor family members). Moreover, Councillor Neustaeter was concerned that the plaintiff's conduct generally toward herself, other Councillors and City Staff had been disruptive, as it included apparent instances of the sharing of personal and confidential information, discussions about Councillor family members, and generally dysfunctional interactions between the mayor and City Councillors/City Staff.

Affidavit #1 of Ms. Neustaeter

20. In response, and after consultation with other members of City Council, councillor Neustaeter made a public statement on March 17, 2023, responding to the plaintiff's political statements and actions on March 16, 2023. This is the final statement that the plaintiff alleges is defamatory.

Affidavit #1 of Ms. Neustaeter

21. Since the filing of the within notice of civil claim, multiple other parties, including an independent Municipal Advisor appointed by the Province, have confirmed that the plaintiff's conduct toward City Councillors and staff is disruptive and confrontational.

Affidavit #1 of Ms. Neustaeter

22. It is clear on the plain language of the allegedly defamatory statements and the context in which they were uttered that the first three were unquestionably made on occasions of qualified privilege – as part of an ongoing discussion between the plaintiff, City Councillors and City Staff about the plaintiff's behavior in the face of the plaintiff's repeated insistence on raising the defendant's father as part of City business.

Affidavit #1 of Ms. Neustaeter

23. Moreover, the March 17, 2023 statement is clearly political speech in response to the plaintiff's statements on March 16, 2023. It was a statement made on behalf of City Councillors outlining their opposition to the plaintiff's unilateral decision-making, misleading statements to the public, and generally disruptive behavior, which included failing to respect boundaries repeatedly communicated by Councillor Neustaeter relating to her father.

Affidavit #1 of Ms. Neustaeter

### **PART 3: LEGAL BASIS**

#### **A. Dismissal of the Claim**

1. At the core of defamation law are two competing values: freedom of expression and the protection of reputation. Each is essential to maintaining a functional democracy.
2. Section 4 of the Act provides:
  - 4 (1) In a proceeding, a person against whom the proceeding has been brought may apply for a dismissal order under subsection (2) on the basis that
    - (a) the proceeding arises from an expression made by the applicant, and
    - (b) the expression relates to a matter of public interest
  - 4 (2) If the applicant satisfies the court that the proceeding arises from an expression referred to in subsection (1), the court must make a dismissal order unless the respondent satisfies the court that
    - (a) there are grounds to believe that,
      - (i) the proceeding has substantial merit, and

- (ii) the applicant has no valid defence in the proceeding; and
  - (b) the harm likely to have been or to be suffered by the respondent as a result of the applicant's expression is serious enough that the public interest in continuing the proceeding outweighs the public interest in protecting the expression
- 3. Section 4 creates a three-part analysis: (1) the threshold requirement (s. 4(1)); (2) the merits-based hurdle (s. 4(2)(a)); and (3) the public interest hurdle (s. 4(2)(b)). The onus is on the defendant/applicant to meet the threshold requirement. The onus then shifts to the plaintiff/respondent to meet the merits-based hurdle and the public interest-hurdle. The plaintiff's claim will be dismissed if the plaintiff cannot meet its burden under either of these two stages of the analysis.

*1704604 Ontario Ltd. v. Pointes Protection Assn.*, 2018 ONCA 685  
[Pointes] paras. 51, 67, 68, 87, 99

- 4. The core feature of the Act is that it instructs courts to dismiss even meritorious claims where the public interest in protecting the defendant's freedom of expression outweighs the public interest in remedying the harm done to the plaintiff.

**Threshold Requirement: the Expression Relates to a Matter of Public Interest**

- 5. The onus is on the defendant/applicant to establish that the expression relates to a matter of public interest.

*Neufeld v. Hansman* 2018 BCSC 2028 par. 69;  
*Neufeld v. Hansman* 2023 SCC 14

- 6. "Expression" is defined in the Act as meaning "any communication, whether it is made verbally or non-verbally, publicly or privately, and whether it is directed or not directed at a person or entity".

Act, s. 1

- 7. "Public interest" has been defined by the Supreme Court of Canada:  

To be of public interest, the subject matter must be shown to be one inviting public attention, or about which the public has some

substantial concern because it affects the welfare of citizens, or one to which considerable public notoriety or controversy has attached”: Brown, vol. 2, at pp. 15-137 and 15-138. The case law on fair comment “is replete with successful fair comment defences on matters ranging from politics to restaurant and book reviews”: Simpson v. Mair, 2004 BCSC 754 (CanLII), 31 B.C.L.R. (4th) 285, at para. 63, per Koenigsberg J. Public interest may be a function of the prominence of the person referred to in the communication, but mere curiosity or prurient interest is not enough. Some segment of the public must have a genuine stake in knowing about the matter published.

*Grant v. Torstar Corp.*, 2009 SCC 61 para. 105

Pointes, *supra* paras. 58-63

8. The proceeding against Councillor Neustaeter clearly relate to matters of “public interest”: namely, issues of governance within municipal politics. The conduct of the mayor as it relates to other Councillors and City Staff is unquestionably a matter of public interest.

#### **Merits-Based Hurdle**

9. Once the defendant has established the requirements of section 4(1) the analysis moves on to section 4 (2) and the onus shifts on the plaintiff to show on a balance of probabilities that the proceeding has substantial merit, and that the defendants have no valid defence in the proceeding.

Act, s. 4(2)

*Neufeld* para. 76

10. The defendant has introduced multiple defences which are clearly supported by the evidence and the law, including substantial truth, qualified privilege in relation to the first three allegedly defamatory statements, and fair comment in relation to the public statement responding to the mayor’s March 16, 2023 statements and general conduct.
11. The defendant anticipates leading additional evidence in response to the plaintiff’s submissions and evidence as to why these defences do not apply – again, it is the plaintiff’s onus to prove that these defences are not valid.

## B. Costs

12. Upon the Court's dismissal the action pursuant to section 4 of the Act, the defendant is entitled to costs of the application and the proceeding to be assessed on a full indemnity basis.

Act, s. 7(1)

13. The defendant further seeks leave to seek damages pursuant to the Act. It is the defendant's position that the plaintiff's legal action is an attempt to silence political speech by a City Councillor, and that an award of damages pursuant to the Act is appropriate.

## PART 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of K. Neustaeter, to be filed;
2. The pleadings filed herein;
3. Additional affidavit material, to be filed in advance of the November 4, 2024 hearing date.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
  - (i) you intend to refer to at the hearing of this application, and
  - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
  - (i) a copy of the filed application response;
  - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
  - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: June 11, 2024

  
HARPER GREY LLP

(Per Daniel J. Reid)

Lawyer for the Defendant, Keturah  
Neustaeter, also known as Katie Neustaeter

Name and address of lawyer:

**HARPER GREY LLP**

Barristers & Solicitors

3200 – 650 West Georgia Street

Vancouver, BC V6B 4P7

Telephone: 604 687 0411

Email: dreid@harpergrey.com

Fax: 604 669 9385 Attn: Daniel J. Reid/SHS/157160



To be completed by the court only:

Order made

☐ in the terms requested in paragraphs \_\_\_\_\_ of

Part 1 of this notice of application

☐ with the following variations and additional terms:

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Date: \_\_\_\_\_

Signature of ☐ Judge ☐ Associate Judge

## APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ other matter concerning document discovery
- ☐ extend oral discovery
- ☐ other matter concerning oral discovery
- ☐ amend pleadings
- ☐ add/change parties
- ☐ summary judgment
- ☐ summary trial
- ☐ service
- ☐ mediation
- ☐ adjournments
- ☐ proceedings at trial
- ☐ case plan orders: amend
- ☐ case plan orders: other
- ☐ experts
- ☒ none of the above





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47814 SC 62241

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NO. 062241  
KAMLOOPS REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN:**

Reid Allen Hamer-Jackson

**PLAINTIFF**

**AND:**

Keturah Neustaeter, also known as Katie Neustaeter

**DEFENDANT**

**NOTICE OF APPLICATION**

**Name(s) of applicant): The Plaintiff, Reid Allen Hamer-Jackson**

To: The Defendant, Keturah Neustaeter, also known as Katie Neustaeter

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or master at the courthouse at Kamloops, British Columbia, on ~~a date and at a time to be determined~~, for the orders set out in Part 1 below.  
*at 9:45 a.m. AUGUST 21, 2023*

**Part 1: ORDER(S) SOUGHT**

1. That paragraphs 6, 7, 12 – 20 inclusive, 23 – 26 inclusive, 28 – 30 inclusive, 51, 52, 55, and 62 – 68 inclusive, of Division 2 of the Response to Civil Claim, be struck;
2. That paragraphs 1 – 8 inclusive of Division 3 of the Response to Civil Claim be struck;
3. That the Defendant amend the remaining paragraphs of the Response to Civil Claim to comply with the Supreme Court Civil Rules, specifically Rules 3-3 and 3-7;
4. An order for the costs of this application.

## **Part 2: FACTUAL BASIS**

1. On July 24, 2023, a Response to Civil Claim was filed on behalf of the Defendant in this action ("the Response"). The Response does not comply with the Supreme Court Civil Rules.

## **Part 3: LEGAL BASIS**

1. The Plaintiff relies on Rule 3-3(2)(a)(i), Rule 3-3(2)(a)(ii), Rule 3-7(1), Rule 3-7(2), Rule 3-7(12-c), Rule 3-7-(21), Rule 9-5, and the inherent jurisdiction of the Court.

2. The Response does not comply with Supreme Court Civil Rule 3-3(2)(a)(i). The Response both admits and denies the allegations of fact set out in paragraphs 12, 17, 18, 19, 20 and 21 of the Notice of Civil claim, is prejudicial and embarrassing to the fair trial of this action, is an abuse of the process of the Court, and should be struck.

3. The Response does not comply with Supreme Court Civil Rule 3-3(2)(a)(ii). The Response denies the allegations of fact set out in paragraphs 6 – 14 of Part 1 of the Notice of Civil Claim, but fails to set out any contrary version of the facts alleged in these paragraphs. To this extent, the Response is prejudicial and embarrassing to the fair trial of this action, is an abuse of the process of the Court, and should be struck.

4. The contents of paragraphs 21, 22, 24 – 26 inclusive, 28, 29, 55, 62, 63 and 67 of Division 2 of the Response, and paragraphs 2 -7 inclusive of Division 3 of the Response, offend Rule 3-7(2) of the Supreme Court Civil Rules, and should be struck.

5. Paragraphs 7, 12 – 20 inclusive, 23, 27, 64, 65, 66 and 68 of Division 2 of the Response do not set out material facts . They set out evidence, including inadmissible hearsay evidence, contrary to Rule 3-7(1) of the Supreme Court Civil Rules, and should be struck.

6. The allegations set out in paragraphs 6, 30, 51 and 52 of Division 2 of the Response are irrelevant and non-responsive to any allegation of fact raised in the Notice of Civil Claim. They consist solely of a compilation of political attacks on the Plaintiff, are pleaded solely for their prejudicial effect on this proceeding, provide no justification for the Defendant's defamatory statements or facts supporting her alleged opinions, and are an abuse of the process of the Court

## **Part 4: MATERIAL TO BE RELIED ON**

1. Notice of Civil Claim filed on June 12, 2023.

2. Response to Civil Claim filed on July 24, 2023.

The applicant estimates that the application will take .two (2) hours.....

☒ This matter is within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

file an application response in Form 33,

file the original of every affidavit, and of every other document, that

(i) you intend to refer to at the hearing of this application, and

(ii) has not already been filed in the proceeding, and

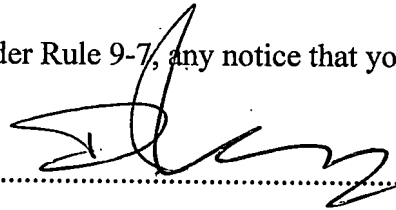
(c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:

(i) a copy of the filed application response;

(ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;

(iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7 (9).

Date: ..July 31, 2023



Signature of lawyer for applicant(s)

...David A. McMillan.....

***To be completed by the court only:***

Order made

☐ in the terms requested in paragraphs ..... of Part 1 of this notice of application

☐ with the following variations and additional terms:

.....  
.....  
.....

Date: .....[dd/mm/yyyy].....

.....  
Signature of ☐ Judge ☐ Master

## Appendix

*[The following information is provided for data collection purposes only and is of no legal effect.]*

### THIS APPLICATION INVOLVES THE FOLLOWING:

*[Check the box(es) below for the application type(s) included in this application.]*

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ other matters concerning document discovery
- ☐ extend oral discovery
- ☐ other matter concerning oral discovery
- ☐ amend pleadings (~~STRIKE~~)
- ☐ add/change parties
- ☐ summary judgment
- ☐ summary trial
- ☐ service
- ☐ mediation
- ☐ adjournments
- ☐ proceedings at trial
- ☐ case plan orders: amend
- ☐ case plan orders: other
- ☐ experts

✓ NONE OF THE ABOVE



No. 062241  
Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE NEUSTAETER

DEFENDANT

### **APPLICATION RESPONSE**

*FORM 33 (RULE 8-1(10))*

Application response of: the defendant (also referred to as the “application respondent”)

THIS IS A RESPONSE TO the notice of application of the plaintiff filed July 31, 2023 set for hearing at the courthouse at Kamloops, British Columbia on Monday, the 21<sup>st</sup> day of August, 2023 at 9:45AM .

#### **PART 1: ORDERS CONSENTED TO**

The application respondent consents to the granting of the orders set out in the following paragraphs of Part 1 of the notice of application on the following terms: NIL

#### **PART 2: ORDERS OPPOSED**

The application respondent opposes the granting of the orders set out in paragraphs 1-4 of Part 1 of the notice of application.

#### **PART 3: ORDERS ON WHICH NO POSITION IS TAKEN**

The application respondent takes no position on the granting of the orders set out in paragraphs NIL of Part 1 of the notice of application.

#### **PART 4: FACTUAL BASIS**

1. The defendant takes the position that the response to civil claim filed on July 24, 2023, accords with the rules governing pleadings in defamation cases, and is entirely responsive to the plaintiff's notice of civil claim.
2. The defendant further notes that the plaintiff set down the present application unilaterally, without raising his concerns with respect to the notice of civil claim or canvassing available dates.

Affidavit #1 of Simran Mann

3. Accordingly, the defendant asks that the plaintiff's application be dismissed, with costs to the defendant.

#### **PART 5: LEGAL BASIS**

1. As a preliminary matter, the application respondent notes that the plaintiff has not set out anything other than the *Supreme Court Civil Rules* as the legal basis for their application. No common law authorities or legal analysis is provided. The application respondents object to the plaintiff relying on legal argument not set out in their application material.

*Frontier Property Investments Limited v. Wellworth Homes Ltd.*, 2016 BCSC 1591, at 82-84  
*Zecher v. Josh*, 2011 BCSC 311, at 31  
*De Corde v. De Corde*, 2011 BCSC 1719, at 65  
*Dupre v. Patterson*, 2013 BCSC 1561 at paras. 45-56

2. In effect, the plaintiff has indicated he takes issue with numerous paragraphs of the response to civil claim, but has failed to set out any analysis of how the impugned paragraphs offend the *Supreme Court Civil Rules*.
3. On this basis alone, the plaintiff's application should be dismissed, with costs to the defendant.

#### **Substantive Response**

4. More fundamentally, the application respondent's takes the position that the response to civil claim is entirely appropriate, and the plaintiff's application is entirely without merit.

Generally speaking, the plaintiff has alleged 5 general categories in which he alleges that paragraphs in the response to civil claim offend the *Supreme Court Civil Rules*, as follows:

- (a) An allegation that the defendant simultaneously admits and denies certain facts;
- (b) An allegation that the defendant fails to plead an alternate version of facts in respect of allegations that have been denied;
- (c) An allegation that the defendant has improperly pleaded entire publications;
- (d) An allegation that the defendant has pleaded evidence in place of material facts; and
- (e) An allegation that the defendant has pleaded irrelevant and non-responsive paragraphs.

5. Each of these generalizations will be addressed in turn.

***The Allegation that the Defendant “both Admits and Denies” Allegations of Fact***

- 1. The plaintiff asserts that the defendant “both admits and denies” paragraphs 12, 17, 18, 19, 20 and 21 of the notice of civil claim, and accordingly the response offends *Supreme Court Civil Rule* 3-3(2)(a)(i).
- 2. It is unclear why the plaintiff takes this position. Each of the above paragraphs is expressly denied by the defendant – at paragraph 2 of Division 1 of the response to civil claim, the defendant pleads:

The facts alleged in paragraphs 6-27 of Part 1 of the notice of civil claim are denied.

Response to Civil Claim, Defendant’s Response to Facts, Paragraph 2

- 3. In the response to civil claim, the defendant has set out her narrative of events. The plaintiff appears to rely on the fact that some of the facts pleaded in the above-noted

paragraphs of the notice of civil claim are admitted by the defendant – for example, the defendant admits to publishing some of the allegedly defamatory statements attributed to her in the notice of civil claim.

4. However, the manner in which the plaintiff has prepared the notice of civil claim includes paragraphs which include multiple facts, many of which the defendant does not admit.
5. Accordingly, throughout the response to civil claim the defendant admits to making particular publications without likewise admitting the plaintiff's allegations of defamatory meaning, falsity, or intent. Specifically:
  - (a) Paragraph 12 of the notice of civil claim includes pleadings relating to the plaintiff's "resolve" or intention and the plaintiff's purpose. While the defendant has admitted that there were some discussions with the plaintiff in or around January 20, 2023 (at paragraph 12 of the response to civil claim), she denies the allegations of facts set out a paragraph 12, which include statements relating to the plaintiff's mindset.
  - (b) Paragraph 17 of the notice of civil claim includes a partial reproduction of an email written by the defendant. The defendant has denied the plaintiff's allegation which excerpts parts of a publication dated February 13, 2023, and instead properly pleaded the entire publication at issue at paragraph 21 of the response to civil claim. As addressed in additional detail below, it is appropriate for a party to plead an entire allegedly defamatory statement, both with respect to the defence of defamatory meaning and in relation to context underpinning fair comment.
  - (c) Paragraph 18 of the notice of civil claim alleges that the defendant's statements were "false". While the defendant admits publishing the allegedly defamatory statement, she denies the plaintiff's characterization of falsity as well as his pleading of intent. Accordingly, the denial is proper.
  - (d) Paragraph 19 of the notice of civil claim again includes allegations of falsity, intent, and defamatory meaning, in addition to statements of fact. The defendant



has denied this paragraph of the notice of civil claim while setting out the facts relating to this denial.

- (e) Paragraph 20 of the notice of civil claim further contains allegations of “falsity”, in addition to a factual narrative. The defendant has denied this paragraph, as she does not agree with the plaintiff’s characterization of the allegedly defamatory words.
- (f) Paragraph 21 of the notice of civil claim likewise contains allegations of intent and includes colourful language impugning the defendant’s conduct, such as the use of the words “ostensibly”, “purporting” and “staged”. The defendant has denied the plaintiff’s allegations in the notice of civil claim while setting out her version of events.

- 6. The plaintiff appears to be proceeding on the assumption that, if some of the facts set out in a paragraph of a notice of civil claim are not in dispute, it is improper for the defendant to deny a pleading. No judicial support for this proposition is provided.
- 7. In the circumstances, the denials identified by the plaintiff in paragraph 2 of the plaintiff’s notice of application are proper, and there is nothing in these denials that are prejudicial or an abuse of process.

***Failure to Plead a Contrary Version of the Facts***

- 8. The plaintiff has alleged that the defendant denies allegations of fact set out at paragraphs 6-14 of the notice of civil claim but has failed to set out an alternate version of the facts.
- 9. This allegation is incorrect. The defendant has substantively set out her version of events relating to the plaintiff’s repeated contact with her father at paragraphs 7, 8, 12, 14, 16-20 of the response to civil claim. In these paragraphs, she specifically challenges many of the plaintiff’s pleaded facts, for example, expressly noting at paragraph 7 of the response to civil claim that the plaintiff was aware that Krueger was her father as of October 18, 2022, contrary to the plaintiff’s pleaded statement of facts at paragraph 10 of the notice of civil claim.

10. Such a response is appropriate, particularly where the plaintiff has included numerous allegations relating to the conduct of third-parties who are not parties to the litigation. This is not a case where the defendant has made a bare denial of the facts alleged in the notice of civil claim – rather, she has pleaded a coherent narrative of facts which call into question the plaintiff’s version of events. There is no legal basis provided in support of the assertion that such pleadings are prejudicial or embarrassing to a fair trial of this action, an abuse of process, or otherwise should be struck.

***Allegation of Paragraphs Offending Rule 3-7(2)***

11. The plaintiff has alleged that paragraphs 21, 22, 24-26, 28, 29, 55, 62, 63 and 67 of the response to civil claim offend Rule 3-7(2). Rule 3-7(2) of the *Supreme Court Civil Rules* provides as follows:

(2)The effect of any document or the purport of any conversation referred to in a pleading, if material, must be stated briefly and the precise words of the documents or conversation must not be stated, except insofar as those words are themselves material.

12. The defendant admits that she has pleaded the entirety of documents and statements in the paragraphs identified above.
13. However, such pleadings are both appropriate and, with respect to the defences of defamatory meaning, substantial truth and fair comment as well as issues relating to mitigation of damages are required to be pleaded in a defamation case such as this.

***Defamatory Meaning***

14. In his notice of civil claim, the plaintiff has alleged that portions of the statements identified in the response to civil claim at paragraphs 21, 24, 26, 29 and 55 are defamatory of him.
15. In response, the defendant has pleaded, *inter alia*, that these statements do not bear the allegedly defamatory meaning attributed to them. Where such a plea is made, it is entirely appropriate to put at issue the entire content of an allegedly defamatory statement.

16. In order to determine the natural and ordinary meaning of the words of which the plaintiff complains, “it is necessary to take into account both the context in which the words were used and the mode of publication. A plaintiff cannot select an isolated passage in an article and complain of that alone if other parts of the article throw a different light on that passage. The publication must be considered as a whole, even if the plaintiff only complains of part.”

Emphasis Added

*Canadian Libel and Slander Actions*, McConchie & Potts, 2004, Irwin Law Inc., at page 297  
citing  
*Charleston v. News Group Newspapers Ltd.*, [1985] 2. A.C. 65 at 70-71

17. Accordingly, with respect to these paragraphs, the entire publications at issue are “material”.

*Justification*

18. Secondly, the defendant has pleaded and relied on the defence of justification, as well as lesser defamatory meaning.
19. Where, as here, justification is alleged, the defendant bears the onus of pleading and proving the facts on which the defence is founded, and must provide the particulars underlying the defence at the time of the statement of defence or in a statement of particulars: see for example *Canadian Libel and Slander Actions*, McConchie & Potts, 2004, Irwin Law Inc., at page 502.

*Care Canada v. Canadian Broadcasting Corporation* (1998), 65 O.T.C. 237. Per Benotto J. at para. 3

20. Paragraph 21 sets out particulars relating to the defendant’s repeated requests that the plaintiff cease involving her father in City business. The fact of this communication underpins the defence of justification, and accordingly is appropriately pleaded.
21. Paragraphs 24-26 and 28-29 set out communications between the defendant, City Councillors and the plaintiff which particularize the pleading that the plaintiff engaged in repeated boundary violations and disruptive behavior, as well as further particulars of the

defendant's attempts to have the plaintiff cease involving her father in City business. These particulars are likewise necessary in support of the pleaded defence of justification.

22. In addition, paragraphs 62, 63 and 67 set out facts which will be relied on in support of the pleading of justification relating to the plaintiff's disruptive and boundary-violating behavior. These facts include the plaintiff again referencing the defendant's family members and expressing an intention of "responding publicly", as well as the defendant seeking a special Council meeting to discuss the plaintiff's concerns. Although these communications occurred after the allegedly defamatory statements were published, a defendant may plead and allege facts which occurred within a reasonable time of the publication of the defamation to establish that the imputation was true when it was published or broadcast.

*Canadian Libel and Slander Actions*, McConchie & Potts, 2004, Irwin Law Inc., at page 514

23. Accordingly, these subsequent publications are directly relevant to the plea of justification, and are properly pleaded.

#### *Fair Comment*

24. In the alternative, the defendant has pleaded the defence of fair comment. With respect to the inclusion of entire publications, it is settled law that, when assessing whether a statement is defamatory, the context of all the circumstances, and the publication as a whole, must be taken into account.

*Taseko Mines Limited v. Western Canada Wilderness Committee*,  
2017 BCCA 431 at para. 44.

25. In the recent case of *Hansman v. Neufeld*, 2023 SCC 14, the Supreme Court of Canada confirmed that the mandatory inquiry into whether an expression is a statement of fact or comment involves a low threshold, and that "the notion of 'comment' is generously interpreted".

*WIC Radio Ltd. v. Simpson*, 2008 SCC 40 at para. 30, cited with approval in *Hansman v. Neufeld*, 2023 SCC 14 at para. 108

26. As noted in *Neufeld*, it is often difficult to differentiate between fact and comment: “[o]pinions are expressed as facts more often than as personal views, such that statements that may seem to convey fact might be more properly construed as comment”. *Neufeld* confirms that context is crucial in making the determination: “Context is essential in distinguishing comment from fact.”

*Hansman v. Neufeld*, 2023 SCC 14 at para. 109

27. As noted by the Supreme Court of Canada in *Nuefeld* (at para. 96): “Consideration of the elements of the fair comment defence requires an assessment of the defamatory words used in the full context surrounding their use (*WIC Radio*, at paras. 55-56).”

Emphasis added

*Hansman v. Neufeld*, 2023 SCC 14 at para. 113

28. In the present case, the relevant context include the repeated communications by the defendant in which she requested the plaintiff cease contacting her family members as well as the plaintiff’s responses. The excerpted communications are accordingly material to the defence of this action.

#### *Mitigation of Damages*

29. Finally, with respect to paragraphs 62, 63 and 67, these paragraphs go directly to mitigation of damages, as they set out particular instances in which the plaintiff refused to participate in a City meeting relating to his alleged concerns relating to allegedly defamatory statements. It is settled law that “facts intended to be given in evidence in mitigation of damages should be specifically pleaded”.

*Beaton v. the Intelligencer Printing & Publishing, etc.* (1895), 22. O.A.R. 97 at 101

*Fulford v. Wallace* (1901), 1. O.L.R. 278, per Meredith C.J. at para 9

*Grant v. McRae* (1906), O.W.R. 204 at 205

*Foster v. Mclean* (1916), 37 O.L.R. 68 at 74 (C.A.)

30. Moreover, these paragraphs are directly responsive to the plaintiff’s allegations, as set out in paragraphs 25-27, in which he alleges the defendant has not provided a response to his requests for the “factual basis” underpinning the allegedly defamatory statements. Accordingly, they are material facts and particulars that respond directly to issues raised by the plaintiff in his claim.

***Allegation of Evidence, Rather than Material Facts***

31. The plaintiff alleges that paragraphs 7, 12-20, 23, 27, 64, 65, 66 and 68 of the response to civil claim plead evidence, rather than material facts, and include inadmissible “hearsay evidence”.
32. The comment regarding “hearsay evidence” is puzzling, as the plaintiff has pleaded numerous instances of statements from third parties in his notice of civil claim – for example, see paragraph 8, in which the plaintiff pleads: “the Plaintiff’s wife received a text message from a family friend, indicating that Mr. Krueger had approached him with an offer to extend his guidance and support to the Plaintiff.” This pleading appears, on its face, to be double hearsay.
33. In any event, each of the paragraphs identified by the plaintiff is directly responsive to his notice of civil claim. Specifically:
  - (a) paragraph 7 of the response to civil claim directly responds to the statement that the plaintiff did not know Krueger was father until January 13, 2023;
  - (b) paragraphs 12-20, 23, 27, and 64 of the response to civil set out specific boundary violations by the plaintiff, which are directly relevant to the plea of justification, as well as context underpinning the defence of fair comment; and
  - (c) paragraphs 65, 66 and 68 respond directly to the plaintiff’s allegations in paragraphs 25 and 26 of the notice of civil claim, and go to the issue of mitigation of damages.
34. These paragraphs also provide necessary context relating to the pleaded defence of fair comment. Accordingly, each of the above paragraphs represent material facts which are appropriately pleaded.

***Allegations relating to Relevancy***

35. Finally, the plaintiff has broadly alleged that that certain paragraphs are “irrelevant” and non-responsive to the notice of civil claim.

36. With respect to paragraph 6, this paragraph sets out the defendant's efforts to contact the plaintiff immediately subsequent to the municipal election, and the plaintiff not returning the defendant's overtures. The defendant has pleaded that the plaintiff has engaged in a pattern of disrespectful and disruptive behavior relating to herself and other City Councillors and staff (at paragraph 30 of the response to civil claim), and paragraph 6 sets out a specific example of such conduct. It is a material fact relevant to the defence of justification.
37. With respect to paragraph 30 of the response to civil claim, this is a key paragraph of the response to civil claim as it particularizes the behavior of the plaintiff which underpins the defence of justification pertaining to the March 17, 2023 statement, as well as the context underpinning the fair comment defence in relation to the allegedly defamatory statements published to other City Councillors.
38. Paragraphs 51 to 52 set out the context relating to the statement of City Councillors made on March 17, 2023. As noted above, such context is "essential" and "required" in circumstances where fair comment is pleaded as a defence. Moreover, these paragraphs provide particulars of the plea of justification, as expressly noted at paragraph 57 of the notice of civil claim.

### ***Costs***

39. The plaintiff has set down this application without any attempt to address the concerns identified prior to proceeding to chambers. As set out above, the plaintiff's bald assertions that the notice of civil claim offends the *Supreme Court Civil Rules* is without foundation. This application is entirely unnecessary, and costs should be awarded to the application respondents in any event of the cause, particularly in light of the plaintiff's failure to plead any substantive legal argument or legal basis in respect of their application.

### **PART 6: MATERIAL TO BE RELIED ON**

1. Affidavit #1 of Simran Mann, made August 10, 2023

The application respondents estimates that the application will take 2 hours.

- ☒ The application respondent has filed in this proceeding a document that contains the application respondent's address for service.
- ☐ The application respondent has not filed in this proceeding a document that contains an address for service. The application respondent's ADDRESS FOR SERVICE is:

Date: August 10, 2023



---

HARPER GREY LLP  
(Per Daniel J. Reid)  
Lawyer for the Defendant, Keturah  
Neustaeter, aka Katie Neustaeter

Name and address of lawyer:

**HARPER GREY LLP**  
Barristers & Solicitors  
3200 – 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: 604 687 0411  
Fax: 604 669 9385  
Attn: Daniel J. Reid/tok/157160



15-Oct-24

REGISTRY

This is the 1st affidavit  
of Katie Neustaeter in this case  
and was made on October 11, 2024

Court File No.: 062241  
Court Registry: Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE NEUSTAETER

DEFENDANT

**AFFIDAVIT**

*FORM 109 (RULE 22-2(2) AND (7))*

I, Katie Neustaeter, of Kamloops, British Columbia, SWEAR/AFFIRM THAT:

1. I am the personal defendant in this proceeding and a member of the City of Kamloops City Council ("City Council") and I therefore have personal knowledge of the facts and matters hereinafter deposed to save and except where they are stated to be made upon information and belief and as to the latter, I verily believe them to be true.
2. I swear/affirm this affidavit in support of my notice of application to dismiss the claim of the plaintiff, Reid Allen Hamer-Jackson (the "plaintiff" or "Hamer-Jackson"), pursuant to the *Protection of Public Participation Act*, SBC 2019 c. 3.

***Background***

3. I grew up in Kamloops and have been dedicated to this community for as long as I can remember. My husband and I married in Kamloops, and we later chose to raise our children here. To us, Kamloops is home.

4. I am currently employed as Director of Communications for United Way British Columbia, a community-building non-profit organization. I have been in this role since July 1, 2021, prior to which I served as the Executive Director of United Way Thompson Nicola Cariboo and provided leadership through the successful provincial amalgamation.
5. I am also one of the eight City Councillors elected to City Council on October 15, 2022.
6. I ran for City Council because I knew I could make meaningful contributions toward the good of the City and to those who call it home. I have a service mindset and considerable energy and drive, fueled by my passion for community. My combined professional background in the service industry, support work, media and the charitable sector bring a unique blend of qualification and perspective to the table. I also have an extensive history of volunteerism in Kamloops, which has given me insight into the inner workings of the organizations that allow our city to thrive.
7. The plaintiff in this action is the Mayor of the City of Kamloops, having been elected as such on October 15, 2022. He refers to himself as a “native Kamloopsian”. To my knowledge, he is married, has children, and owns a car dealership in Kamloops.
8. In British Columbia, the respective responsibilities of Mayors and City Councillors are governed by the *B.C. Community Charter* (the “BCCC”). The mayor is the head and chief executive of a municipality and has all the responsibilities of a Councillor as well as additional responsibilities.

The BCCC states that a municipal councillor **must**:

Consider the well-being and interests of the municipality and its community;

Contribute to the development and evaluation of municipal policies and programs respecting its services and other activities;

Participate in council and committee meetings and contribute to decision making;

Carry out other duties as assigned by the council, such as heading committees or being the liaison to a particular neighbourhood in the municipality, and

Follow the rules in legislation, bylaws and council policies that establish any additional duties and set out how council members exercise their authority.

9. The BCCC states that a mayor **must:**

Provide leadership to council including by recommending bylaws, resolutions and other measures that may assist in the peace, order and good governance of the municipality;

Reflect the will of council and carry out other duties on behalf of council, such as attending ceremonies and meetings of other bodies;

Communicate information to council, for example from the chief administrative officer or from meetings with other bodies;

Chair council meetings, including overseeing their conduct, maintaining order and knowing the rules of governing meetings;

Establish standing committees and appoint people to those committees;

Provide, on behalf of council, general direction to municipal officers about implementation of municipal policies, programs and other council directions;

Suspend municipal officers and employees if the mayor believes this is necessary, subject to confirmation by council under section 151 of the B.C. Community Charter.

10. Now shown to me and attached as **Exhibit “A”** is a true copy of an extract from the B.C. Community Charter.
11. Once elected, each City Councillor and the Mayor must complete an oath or solemn affirmation of office. The text of the oath of office is the same for Mayors as it is for councillors.
12. Now shown to me and attached as **Exhibit “B”** is a true copy of the solemn affirmation made by the plaintiff dated November 1, 2022.
13. Kevin Krueger (“Krueger”) is my father. Krueger is a former member of the Legislative Assembly of the Province of British Columbia. The plaintiff was aware that Krueger was my father by, at the latest, October 18, 2022.

14. Immediately after the municipal election, I reached out to the plaintiff to congratulate him on his election victory and expressed a desire to meet and work together. These overtures were not returned by the plaintiff.
15. On or about October 18, 2022, the plaintiff encountered my mother and me at a public event. At that time, I first learned that the plaintiff had set up a meeting with Krueger instead of with me.
16. On or around October 24, 2022, at my request the plaintiff arranged to meet with me at a local restaurant. During this meeting, the plaintiff made unsolicited personal comments to me about Krueger. In response, I advised the plaintiff that I was not comfortable discussing my family member's health or providing personal information about my family in general. I further requested that the plaintiff refrain from involving Krueger in the future and instead work directly with me. In response, the plaintiff acknowledged my request and advised he would respect my wishes by not speaking further with my father.

***Boundary Violations Relating to City Council***

17. Beginning in October of 2022 and continuing through to March of 2023, the plaintiff repeatedly made statements relating to family members of City Councillors, including my father; inappropriately shared information about city staff, and unnecessarily involved or interfered with family members of other Councillors.
18. The plaintiff's boundary violations and disruptive behavior relating to family members of City Council and staff include, but are by no means limited to:
  - (a) the plaintiff initially refused to place one City Councillor on the deputy mayor rotation and refused committee appointments on the basis that the Councillor's spouse had published something critical of the plaintiff on social media, and only relented when media inquired as to why this councillor was not on the deputy mayor rotation and committee list and City Council protested;
  - (b) the plaintiff repeatedly and inaccurately suggested that another City Councillor was in a conflict of interest because the Councillor's spouse was a city employee;
  - (c) the plaintiff repeatedly brought up another City Councillor's son, who is a city employee, and despite repeated requests to refrain from doing so, suggested impropriety in relation to the son's employment, and sought to interfere with his employment and publicly discussed his living arrangements;

- (d) the plaintiff disclosed, on live radio, a death in the family of a member of City staff;
  - (e) the plaintiff inaccurately implied that another City Councillor was in a conflict of interest relating to his spouse;
  - (f) the plaintiff has had to be rebuked by both BC Housing and SD73 during his term;
  - (g) the plaintiff declared a conflict of interest regarding a matter raised in council and left the room, then failed to return for the balance of the council meeting;
  - (h) the plaintiff has fought publicly with social agencies and has shared lawyers' letters with the media;
  - (i) the plaintiff has regularly insulted staff and councillors in the media;
  - (j) the plaintiff does not share information from other levels of government;
  - (k) the plaintiff regularly criticizes, belittles or ridicules councillors in front of members of the public and in Council correspondence;
  - (l) the plaintiff will not accept the expertise of staff or listen to their advice;
  - (m) the plaintiff replaced councillors with donors, failed election candidates, friends and conspirators on select committees, and
  - (n) the plaintiff publicly announced a confidential program ahead of Interior Health.
19. As a result of such actions, as well as the plaintiff's "adversarial" and ineffective style of governance, the working relationship between myself and the plaintiff has at times been strained. I observed that the plaintiff appeared frequently to be in conflict with the other councillors with respect to procedural and governance issues, as well as with members of charitable organizations, City staff, the media, and other partnering organizations.
20. On or about January 20, 2023, the plaintiff advised me that he wished to meet with me. When I requested the nature and topic of the meeting, the plaintiff refused to provide the requested information. Given ongoing tensions between the plaintiff and City Councillors, including me, and other volatile exchanges with Councillors and staff, I declined to meet the plaintiff without first knowing the topic to be discussed.
21. Despite having agreed in October of 2022 to refrain from contacting Krueger, on or about January 23, 2023, in the course of a Zoom meeting involving all City Councillors and the City Administrative Officer, the plaintiff again suggested a meeting. When asked again for

the topic of conversation the plaintiff said, “she doesn’t want to know what’s on *this* agenda....”

22. In response, on January 23, 2023, I wrote to all Councillors and the City’s Chief Administrative Officer noting that I had previously requested that the plaintiff not involve Krueger in City Council matters, expressing my regret that the plaintiff had introduced Krueger as a topic during a meeting about City business, and apologizing that this personal matter had intersected with Council business. In this email I further expressed a desire that my family not be brought into matters relating to City business.
23. Now shown to me and attached as **Exhibit “C”** is a true copy of my January 23, 2023 email to all Councillors and the City’s Chief Administrative Officer.
24. Shortly thereafter, in or around January 24, 2023, I learned from Krueger that the plaintiff had spoken with him about staffing issues the plaintiff perceived at City Hall, had requested that Krueger obtain my assistance in having a staff member dismissed, and had discussed another Councillor’s family member with Krueger. In addition, Krueger advised me that the plaintiff had shared information with him which I believe originated from closed City Council sessions.
25. On or about January 31, 2023, before a Council meeting, I requested to speak with the plaintiff privately about my concerns relating to his ongoing communications with Krueger and expressed a desire to have a third-party witness present for the conversation, which the plaintiff refused.
26. On or about February 11, 2023, at the conclusion of a strategic planning meeting involving City Council, I raised the issue of the plaintiff’s ongoing communications with Krueger concerning City business. I was concerned that the plaintiff’s communications with Krueger were contrary to the assurances that he had provided me, and further, that the plaintiff may have shared confidential information with someone who was not entitled to receive that information. I also wanted to confront him about repeatedly and unnecessarily involving family members in City business.
27. At this time, the plaintiff walked away from me and refused to speak with me about my concerns.

28. After having initially left the meeting, the plaintiff returned and expressed his intention to share private information about Krueger with Council in the meeting. He also made remarks about my mother and continued: "I know a lot of stuff about your family". Due to objections from me and from other City Councillors, the plaintiff did not proceed to share private information about Krueger with Council.
29. Later on February 11, 2023, and despite City Councillors having previously declined to hear private information about Krueger, I am advised by a City Councillor and verily believe to be true that the plaintiff forwarded the information from Krueger to a member of City Council, from the personal and unsecured email address of his own spouse. I am further advised by the City Councillor and believe to be true did not listen to the recording.
30. Now shown to me and marked as **Exhibit "D"** to this my affidavit is a true copy of a February 13, 2023 email thread originating from the plaintiff, redacted to remove personal information concerning my father.
31. On or about February 13, 2023, the plaintiff again forwarded the personal information concerning Krueger to all members of City Council from his mayoral email address.
32. In response, also on or about February 13, 2023 I am advised by a City Councillor and verily believe to be true that the Councillor emailed the plaintiff and City Council indicating she would not review the personal information as she respected Krueger's right to privacy.
33. Now shown to me and attached as **Exhibit "E"** is a true copy of the City Councillor's email refusing to review the personal information concerning Krueger.
34. Also on February 13, 2023, the plaintiff once again wrote to City Councillors requesting that they review the personal information he had emailed concerning Krueger.
35. Now shown to me and attached as **Exhibit "F"** is a true copy of the plaintiff's further written attempt to persuade City Councillors to review the information concerning Krueger.

36. In response to the plaintiff's continual attempts to involve his discussions with Krueger in City business, on or about February 13, 2023, I wrote the following, by way of email, to the plaintiff and City Council:

Reid,

As you were unwilling to hear my concerns on Saturday and left the room, perhaps this thread would be an appropriate time to share in writing instead:

Mr. Mayor,

Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again.

This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so.

Keep colleagues' children, parents, spouses, and other loved ones out of your politicking.

This is the fourth time I have clearly communicated that you are not to use my family in an attempt to influence me or city business.

The fact that you continue to try and do so against my will, behind my back, and without my knowledge proves nefarious intent.

As does the sharing of private correspondence.

I will not tolerate this behaviour.

Katie

37. Now shown to me and attached as **Exhibit "G"** is a true copy of my written response to the plaintiff's continued interest in personal information about Krueger.
38. On or about February 13, 2023, the plaintiff wrote an email to me and City Councillors in which he stated, *inter alia*:

...

Not sure why you are telling mistruth about me approaching you 4 times when it was actually once I actually was trying to keep this on the down load and have a meeting with yourself, councillor karpuk and myself as you're father called me after the message that he left on my phone. The conversation was quite lengthy and there was



another person in my vehicle that could hear the conversation. I was shocked of the behaviour of what I had heard of your mother and yours behaviour of a man that sounded perfectly fine to myself, but I am not a doctor. I spoke with counsel member karpuk about this and he had also spoken to Mr Krueger on the campaign run for about a hour and a half I believe he said with school trustee candidate. Councillor karpuk felt Mr Krueger was of sound mind also. When trying to set up a meeting on the down load on zoom you appeared to believe I was threatening yourself in some way. You then said you would meet with myself if I submitted a agenda again I did not want this family issue to expose any one.

....

39. Now shown to me and attached as **Exhibit “H”** is a true copy of the plaintiff’s email to me and City Councillors concerning Krueger and other members of my family including me.
40. Also on February 13, 2023, another City Councillor wrote an email to the plaintiff, copying City Council, indicating he would not review the personal information about Krueger, that he respected my wishes to respect my father’s privacy and requesting that the plaintiff do so as well.
41. Now shown to me and attached as **Exhibit “I”** is a true copy of the City Councillor’s email to the plaintiff and copying City Council, redacted to remove personal information concerning my father.
42. On or about March 1, 2023, I wrote an email to Council, including the plaintiff, in which I stated, *inter alia*:

Thanks for the opportunity to serve as Deputy Mayor this month. It was a privilege to engage with the public on your behalf and a tremendous learning opportunity.

That said, Your Worship, I'm disappointed that it wasn't more peaceful and that I was never afforded the opportunity to speak with you in any meaningful or supportive capacity about anything during the entire month. I certainly did not feel supported by you, nor has it been a collaborative or respectful environment to function in. I would like to note that I never received an acknowledgement that:

1. families are off limits in politics.

2. you made widespread accusations to staff about me that were unfounded and untrue.
  3. withholding pertinent information from Council from senior levels of government will not happen in the future.
43. Now shown to me and attached as **Exhibit “J”** is a true copy of my email to the plaintiff and City Council regarding my experience as Deputy Mayor.
44. In response, on or about March 2, 2023, the plaintiff wrote an email to me and City Council in which he stated, *inter alia*:

As for your family problems and issues you have with your father are not my issues to deal with. I didn't even know you but met you through the campaign trail and had no idea you were the daughter of Kevin Krueger. After a forum at TCC grand hall where there were about 200 people, Kevin Krueger walked up to the stage and introduced himself to me I did recognize him as he was a well respected citizen of the community and respected politician. He wanted to let me know that he supported me and my goals and wanted to help me. I will be writing a dialogue of what took place from then until now. So please don't confuse these issues we have a job to do for our citizens and communities so please don't drag your family issues weather they are mental health issues or not.

45. Now shown to me and attached as **Exhibit “K”** is a true copy of the plaintiff's email to me and City Council on March 2, 2023.
46. Later on March 2, 2023, in response to the plaintiff's email, I wrote back to the plaintiff the following email, again copying City Council:

My Mayor,

In your documentation please be sure to include the number of times I have requested that you keep our families out of your politicking, beginning on Oct 24th and up to today.

Please also note the number of times you have unnecessarily commented on and shared your personal and unqualified opinion about the specific health of a family member of mine, along with hurtful and uninformed dialogue about my family history, with this group (or members of this group) without my (or their) consent or participation, beginning on Oct 24th and up to today.

This is to say nothing of what you have shared outside of this closed loop with members of our wider community, or other violations of privacy related to this subject.

This is unacceptable.

Please also note again that the same is true concerning the family members of others you work with.

47. Now shown to me and attached as **Exhibit "L"** is a true copy of my second email to the plaintiff on March 2, 2023.
48. In further response, also on March 2, 2023, another member of City Council wrote to the plaintiff and City Council noting that the plaintiff had shared information about his son with city staff and continued to insert himself into the Councillor's son's employment.
49. Now shown to me and attached as **Exhibit "M"** is a true copy of the information shared by the City Councillor in question relating to his son's employment.
50. On or about March 5, 2023, in the context of an email thread unrelated to the topic between City Councillors and the plaintiff relating to an inquiry from a member of the public regarding a bus exchange, the plaintiff wrote an email to City Councillors in which he stated, *inter alia*, the following:

... Or the Katie Kevin mom story. I will be responding in due course. As always there are many different sides to stories. I do have one question for Katie as I'm doing a little investigating myself. Could you please send me all the emails, texts dialogue's and meeting places that I was involved in trying to reach your family members that would be great for when I respond to your (THIS NOT FOR DISCUSSION PRESENTATION). I believe you wrote radio commentary this is not a radio commercial. If you could send to all that would be great as I will do the same. I tried my hardest to keep this out of the wider scope to protect your family's issues but you wanted to be the broadcaster.

Now shown to me and attached as **Exhibit "N"** is a true copy of the plaintiff's email to City Councillors on March 5, 2023.

51. In response to the above email, also on or about March 5, 2023, I wrote the following email to the plaintiff and City Council:

Mayor Reid Hamer-Jackson,

Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again. This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so.

Keep colleagues' children, parents, spouses, and other loved ones out of your politicking.

There is no excuse for these repeated behaviours.

Katie

Now shown to me and attached as **Exhibit "O"** is a true copy of my second email to the plaintiff on March 5, 2023.

***General Boundary Violations and Disruptive Behavior***

52. In addition to the above issues relating to members of City Council, prior to March 17, 2023, City Councillors including me experienced the following behavioral issues with the plaintiff, relating to his actions as mayor:

- (a) Publicly announcing a confidential program relating to Interior Health in an open council meeting;
- (b) Communicating confidential information from closed City Council meetings to individuals who were not City Councillors or staff;
- (c) Publicly criticizing City Councillors in local media;
- (d) Misstating the positions of City Councillors in statements to the public;
- (e) Announcing sweeping changes to committee make-up without consulting City Councillors;
- (f) Attempting to place political allies in City staff positions;
- (g) Repeatedly bringing a political ally to confidential City meetings;
- (h) Refusing to support the hiring of City staff who were not his political allies;

- (i) Behaving in a disruptive manner in City meetings, including abruptly leaving meetings that were in progress;
- (j) Failing to attend public events despite commitments to do so;
- (k) Refusing to support mandated initiatives that had the support of City Council;
- (l) Disruptive behavior relating to City staff and City business;
- (m) Belittling City Councillors in communications with members of the public;
- (n) Refusing to attend a team-building session he voted for, and then publicly criticizing Council for the expenses associated with the team building exercise;
- (o) Repeatedly sending emails to City staff between the hours of 12am and 5am, despite having been requested not to do so unless it was urgent;
- (p) Engaging in public disputes with social agencies and their Executive directors (Ask Wellness and CMHA) and with important partners, including BC Housing and School District 73;
- (q) Disrespectful conduct toward Councillors and City staff, including yelling, belittling and name-calling;
- (r) Withholding from City Council information provided by senior levels of government and refusing to communicate with City Councillors.

### **Allegedly Defamatory Statements**

#### ***February 11, 2023 Statement***

53. As noted above, on February 11, 2023, I raised the issue of the plaintiff's ongoing communications with Krueger, as well as my concerns about the topics raised by the mayor, during the course of a strategic planning meeting. Present at the meeting were the plaintiff, City Councillors, the facilitator, and senior staff who were involved in the day-to-day running of City Hall.
54. While I do not recall the specific words used, I do not dispute that I expressed concern about the plaintiff's ongoing communications with Krueger, his attempts to share those communications with City Councillors, and the staffing topics which I understood he had improperly shared with Krueger.

55. I was also concerned that the plaintiff had made derogatory comments about staff to Krueger and had shared confidential City information with Krueger and may have included these concerns in my statement.
56. Based on the plaintiff's conduct, his unsolicited introduction of my family member as a topic during Council activities as well as his refusal to agree to meet with me to discuss my concerns with a witness present, I believed it was appropriate for me to raise these issues in the context of a strategic planning meeting as there are very few opportunities outside of a Council meeting because of quorum concerns. The parties present were all either City Councillors or senior staff who were involved in the day-to-day running of City Hall, and a facilitator who regularly works with municipal governments and had already agreed to confidentiality in her professional capacity and who had witnessed the plaintiff's ongoing behaviour and my attempts to create a healthier working environment. Further, I understood that strategic planning meetings were not open to the public and therefore the discussion would be confidential. I was of the view that the plaintiff's actions were generally detrimental to the functioning of City Hall as they created conflict between the plaintiff and myself, demonstrated a lack of respect for City Councillors and City staff, and further, potentially involved improper disclosure of confidential information to a third party.
57. It was my opinion, and remains my opinion to this day, that the plaintiff had engaged in ongoing inappropriate boundary violations by speaking with my father despite my request that he not do so, involving my father in City business, and disclosing confidential information to my father about City staff. I viewed it as particularly inappropriate that the plaintiff had sought Krueger's assistance in having a staff member dismissed. Finally, my statement was intended to reflect my view that it was inappropriate for the plaintiff to continue to raise the topic of his discussions with Krueger with other Councillors, and my frustration that he had refused to meet with me with a witness present to discuss these concerns, as well as the matter of his unnecessary interference with other Councillors' family members.

***February 13, 2023 Email***

58. As noted above, I admit to sending the email to the plaintiff and Councillors on February 13, 2023.
59. This email was sent in response to the plaintiff's conduct at the February 11, 2023 meeting, during which he attempted to share information concerning Krueger and made disparaging comments relating to my mother.
60. It was also in response to the plaintiff's February 11, 2023, email to a Councillor from his spouse's email address, and to his two February 13, 2023 emails to all City Councillors. Despite having raised such issues with the plaintiff multiple times, and despite his having been specifically asked not to persist with this conduct on February 11, 2023 (both by me and by another Councillor), it appeared to me that the plaintiff was intent on sharing information concerning Krueger with City Council.
61. The February 13, 2023, email reflected my opinion that the plaintiff was attempting to involve my father in City Hall business. It also reflected my opinion that it was inappropriate for the plaintiff to disclose staffing issues and discuss confidential City Hall business with Krueger; that it was inappropriate for him to continue to try to raise this issue with City Councillors, and his persistence in doing so appeared to me to be entirely political in nature: he had been asked, multiple times, by multiple people to "Stop".

***March 5, 2023 Email***

62. I also admit to sending the March 5, 2023, email which the plaintiff alleges is defamatory of him.
63. This email was in direct response to the plaintiff's March 5, 2023, email to me and the other City Councillors, relating to an entirely different matter (a bus exchange) in which he again brought up Krueger, specifically suggesting he would be "responding in due course" and that his repeated bringing up of Krueger was trying to "protect [my] family's issues".
64. It was shocking to me that, despite having been asked on multiple occasions, orally and in writing, to let the matter go and stop attempting to share with City Councillors personal

information concerning Krueger, the plaintiff thought it was appropriate to raise this issue again in an email to City Councillors that was entirely unrelated to this issue.

65. As before, it was my opinion that the plaintiff's conduct was wildly inappropriate. As he had been the only person ever to raise Krueger in any Council discussions and had sent the email to all City Councillors, and as they were also experiencing the plaintiff's obstructive and inappropriate conduct, I was of the view it was entirely appropriate for me to write to the same audience again expressing my concerns. The plaintiff's actions appeared to be deliberate and were repeated, and he did not seem to be getting the message.

***March 17, 2023 Council Statement***

66. On or about March 16, 2023, the plaintiff made a number of statements to media relating to his decision to add multiple residents to standing committees, including one resident who worked on his election campaign, multiple residents who donated money to his election campaign, unsuccessful candidates in the October election, and some of whom were his friends. In addition, the plaintiff's changes to the committee makeup included removing City Councillors from the position of Chair.
67. In his media statements, the plaintiff falsely represented, *inter alia*, that City Councillors were being removed from their committee chair positions due to overwork, lack of focus, and potential conflicts of interest. The plaintiff further represented to the media that he did not provide prior notice by City Councillors or permit deliberation as he did not want City Councillors to vote on the proposed changes in a City Council meeting. He later contradicted himself and said he was planning on getting Councillors' input.
68. The plaintiff's media statements and actions were incredibly frustrating to me and to others on City Council, and interfered with our ability to perform our jobs.
69. First, it appeared that the plaintiff was attempting to place his allies and unelected individuals as "Chairs" of City committees. I was of the view that it was inappropriate to have "loyalists" Chair committee meetings, particularly without first having a robust discussion with City Councillors. This also did not align with the terms of reference for standing committees.



70. Second, the plaintiff had presented this change to the media as though it was due to City Councillors being overworked, lacking focus, and having conflicts of interest. This was concerning to myself and to the other Councillors I spoke to, as we had not expressed any concern about being overworked due to our committee assignments, nor did we feel we “lacked focus”.
71. Third, with respect to conflicts of interest, the plaintiff had repeatedly suggested that some City Councillors were in “conflicts of interest” due to their family members working for the City, despite what I believed to be clear guidance that indicated no conflict of interest existed in those circumstances.
72. Finally, the unilateral changes to committee make-up that were part of the ongoing conduct of the plaintiff were generally of concern to me. These included his persistent efforts to share information concerning Krueger with City Councillors, his apparent sharing of personal and confidential information, and his general behavior toward City staff which was, in my view, unnecessarily confrontational, demeaning, and detrimental to staff morale. I was also aware that one other City Councillor had directly emailed the plaintiff prior to his March 16, 2023 statement requesting that the plaintiff refrain from discussing his son with City staff, and that another Councillor had been left off the Deputy Mayor rotation as a personal retaliation.
73. As a City Councillor, an important part of my job is to communicate with members of the public – my constituents. Given the plaintiff’s public statements as well as his conduct generally, I felt it was important for City Councillors to refute the plaintiff’s statements regarding the changing of committee assignments, and to express our ongoing concerns about the plaintiff’s conduct at City Hall generally, and the ways in which it was interfering with our ability to serve the public effectively.
74. Accordingly, and in direct response to the public media statements by the plaintiff and at the request of Councillors, I drafted a statement outlining the ongoing concerns and challenges that all City Councillors, including me, had experienced as a result of the plaintiff’s conduct over the preceding months.

75. Prior to publishing the statement, I circulated a draft and confirmed with City Councillors that it reflected their unanimous concerns relating to the plaintiff's conduct in the preceding months.
76. Now shown to me and marked as **Exhibit "P"** to this my affidavit is a true copy of my email to City Councillors containing the text of the public statement that I subsequently articulated on our collective behalf.

**Subsequent Communications**

77. I note that the plaintiff's disruptive behavior, inappropriate conduct and boundary violations have persisted since the March 17, 2023 statement and even after he commenced the within lawsuit.
78. On or about March 31, 2023, the plaintiff sent me a text message, in which, *inter alia*, he stated the following:

"Councillor Neustaeter, On March 6, you sent me a text message, copied to all members of council, ordering me not to "harass" or have any contact with any family members of yours. You went on to accuse me of disclosing confidential information, slandering staff and "violating personal boundaries". I immediately asked you to provide your basis for making and spreading these very serious but completely false allegations. You did not respond. Instead, on March 17, you repeated the allegations that I had "violated professional and personal boundaries" to the press and to the entire City of Kamloops-including my wife and family. I am now demanding that you provide me with whatever factual basis you have, or believe you have, for making these very damaging statements. Do so, in writing, by April 7, 2023. If Mr Krueger has been declared mentally incompetent and you, or anyone else, has been designated as his personal representative, send me a copy of the Court Order. Since you have chosen to take your allegation that I have violated your personal boundaries into the public, I will respond publicly if this matter is not resolved. I have tried to keep your family issues out of the public."

79. On March 31, 2023, I responded to the plaintiff via email, copying City Council, and stated, *inter alia*, the following:

While there are a number of inaccuracies (including alluding to my father being mentally incompetent when I have certainly never said

any such thing) I think it most important to note that the public statement I read was not from me personally, but from all Councillors. That statement was not mine, but Council's. I am not the only person you have crossed boundaries with.

I am very concerned that you are again threatening me and trying to take advantage of my family relationships in order to control or defame me and slander my father.

I wanted all of Council to be aware of this concerning and escalating step you have taken, further validating my original concern when you persistently pursued contact with my dad against my wishes with no valid reason.

As a response to your threat I would like to request a special Closed Meeting to discuss this on Monday April 3rd before the majority of Council leaves the city for the remainder of the week.

Now shown to me and marked as **Exhibit "Q"** is a true copy of my exchange with the plaintiff.

80. On April 1, 2023, other City Councillors responded to the above-noted email supporting the suggestion for a meeting relating to the March 17 Statement and suggesting that a closed meeting to discuss the concerns of City Council would be appropriate. In these April 1, 2023 emails, another City Councillor noted that the plaintiff had falsely implied, during the course of a recent public media interview that she was an alcoholic.
81. In response, on April 1, 2023, the plaintiff emailed me and City Council indicating that he would not support a closed meeting and stating, *inter alia*, "due to your own personal beliefs you have already wasted enough of the resources the citizens of Kamloops, staff and others due to your personal family issues that you have involved myself and others in. ... The city of Kamloops should not have to pay for your personal issues whether family or other."
82. Now shown to me and marked as **Exhibit "R"** is a true copy of the April 1, 2023 email thread involving the plaintiff and City Council.
83. In accordance with the City Charter, two City Councillors called for a special closed meeting to take place on April 6, 2023.

84. On or about April 3, 2023, I emailed the plaintiff and City Council and stated, *inter alia*, the following:

I will not attempt to address the many distortions of truth and events that you have made in this thread, but I would recommend that if you'd like to avoid an unnecessary use of all of our time and City resources in the future you simply refrain from threatening your colleagues and involving our families (as previously and repeatedly requested). This, I'm sure, would be appreciated by all.

Again, the statement made that you referred to in your disturbing text was by all Councillors, not any one individual. You have requested greater clarity and we are offering an opportunity for dialogue as we continue to seek a path forward that is best for Kamloops, despite the considerable divide we seem to have when it comes to our expectations about appropriate workplace behavior and common decency.

Safe travels and see you Thursday.

85. Now shown to me and marked as **Exhibit "S"** is a true copy of my email of April 3, 2023.
86. Despite the defendant and City Council seeking a meeting with the plaintiff on April 6, 2023 to discuss the March 17 Statement and to receive legal advice in relation to the issues identified in the March 17 Statement, the plaintiff elected not to attend or participate in a dialogue relating to the concerns of City Council identified in the March 17 Statement.
87. Subsequent to the publication of the March 17 Statement but prior to the commencement of these proceedings, the plaintiff and his then legal counsel made numerous public statements concerning the actions of the defendant and City Councillors.
88. On April 5, 2023, counsel for the mayor published an opinion piece at the URL: <https://cfjctoday.com/2023/04/05/sound-off-kamloops-councillors-should-back-up-hamer-jackson-allegations-or-resign/> in which he stated, *inter alia*, the following:

Fast forward to March 16, 2023. The mayor sent a list of proposed standing committee appointees to members of council in an email expressly intended for the recipients only and not to be distributed without consent. Within minutes, the list was leaked to the local media. Members of council were outraged that the mayor would decide on who to appoint to standing committees without prior consultation with them and were miffed that three of them were

being replaced as committee chairpersons. Instead of communicating their views to the mayor, they staged a media event the next day.

On March 17, 2023, Councillor Neustaeter read aloud a prepared statement on behalf of all eight councillors. Not content with just complaining about the committee appointments, council accused the mayor of lying about his reasons for reshaping the standing committees, and of belittling and treating all of them with disrespect. Of course, anyone who has actually witnessed the conduct of these city councillors during council meetings — the snickering, sneering and condescension that they direct at the mayor — would recognize the sheer hypocrisy of such statements. But the most troublesome allegation went far beyond the ambit of petty bickering. Councillor Neustaeter stated that Mayor Hamer-Jackson had “violated the personal and professional boundaries” of one or more members of council, an accusation endorsed by the other seven. All eight councillors have refused to justify this most scandalous allegation, either to the mayor personally or to the public. Their reasons for withholding the basis for this statement are as disingenuous and cowardly as is the statement itself.

An allegation that one’s “personal boundaries” have been violated can mean many different things. It can suggest a wide range of misconduct, from cyber-bullying to verbal intimidation, from workplace harassment all the way to physical assault and, yes, even to sexual harassment and/or assault. The use of such language in the context of city council business, and the refusal to support an allegation as heavily laced with innuendo as this, is irresponsible to an extreme degree. It is also defamatory, and obviously damaging to the mayor and to his family.

I would call on all eight Kamloops city councillors to state publicly what “personal boundaries” of theirs have been violated by Mayor Hamer-Jackson, and to provide factual details of their victimization. Those who are unwilling to do so, or to be honest, forthright, transparent and accountable in relation to their scandalous statement, should resign from city council immediately. The citizens of Kamloops deserve better.

89. Now shown to me and marked as **Exhibit “T”** to this my affidavit is a true copy of the opinion article published at <https://cfjctoday.com/2023/04/05/sound-off-kamloops-councillors-should-back-up-hamer-jackson-allegations-or-resign>.

90. On April 12, 2023, counsel for the mayor published a further opinion piece on the [URL://https://armchairmayor.ca/2023/04/12/letter-transparency-accountability-by-city-council-would-be-a-good-thing/](https://armchairmayor.ca/2023/04/12/letter-transparency-accountability-by-city-council-would-be-a-good-thing/) which stated, *inter alia*, the following:

On March 31, 2023, the Mayor requested that Councillor Neustaeter clarify her allegation that he had violated her personal boundaries, an allegation that she had made in writing on March 6 and repeated before the media on March 17. He asked for a written reply by April 7. She refused.

Instead, a special closed meeting of council was hastily arranged for April 6. During the brief open meeting that was required to approve the closed session, his questions were met with a warning against revealing confidential closed meeting information.

...

In reality, this closed meeting was a sham. It was not convened for the legitimate purpose of receiving legal advice. Rather, it was a clumsy attempt by council and staff to lower a cloak of “confidentiality” over communications that had been ongoing for several weeks among councillors and others, recorded in text messages, e-mails, non-closed meetings and voice mails, pertaining to accusations they had made, but were unable to justify.

Unfortunately, our eight councillors appear to lack the courage and integrity to back up their personal attacks on the mayor with facts or to even respond honestly and truthfully when asked about these matters by the mayor, by the media and by the citizens of Kamloops.

Let me suggest that any move on their part toward transparency and accountability would be good for them and for the community.

91. Now shown to me and marked as **Exhibit “U”** to this my affidavit is a true copy of the opinion article published at <https://armchairmayor.ca/2023/04/12/letter-transparency-accountability-by-city-council-would-be-a-good-thing/>
92. The notice of civil claim in this matter was filed on June 12, 2023. On June 15, 2023, in an interview with RadioNL 610 AM published online at the URL: <https://www.radionl.com/2023/06/15/kamloops-mayor-suing-councillor-for-defamation-and-libel/>, the plaintiff is quoted as stating the following, *inter alia*:

“I’ve had people call me a pervert, you know one guy saying, ‘oh my wife is coming down here, can you make sure you keep your

hands off her' and stuff like that," Hamer-Jackson told RadioNL, saying he wants to focus on city business.

"When you make a statement in the public and you say that somebody is violating personal boundaries and professional boundaries and harassing and all that stuff. I've given multiple times for a person to come clean and it hasn't happened. I ran my campaign on accountability, and I think that we need to be accountable, all of us."

As for being able to work with Neustaeter and the rest of council in the wake of the court filing, Hamer-Jackson says he believes the legal action "may actually help" with the process of getting city business done.

"I've been sitting beside Councillor Neustaeter for every council meeting since those accusations [made public by council at a joint news conference on March 17] were made in public," noted Hamer-Jackson. "I've worked with people for over 30-years in the car business. I can say I didn't like them all. I liked lots of them, but I didn't like them all, but I worked with them as long as they stuck to the truth and didn't get into any trouble. So, we'll just carry on."

93. Now shown to me and marked as **Exhibit "V"** to this my affidavit is a true copy of the purported interview with the mayor published at:

<https://www.radionl.com/2023/06/15/kamloops-mayor-suing-councillor-for-defamation-and-libel/>

94. Also on June 15, 2023, in an interview with iNFOnews.ca published online at the URL:

<https://infotel.ca/newsitem/kamloops-mayor-launches-defamation-suit-against-councillor/it98894>

Hamer-Jackson told iNFOnews.ca he's heard people in public speculate he's engaging in sexual harassment at city hall, claiming he's been called a "pervert" since the March joint statement accused him of breaching professional and personal boundaries.

"This stuff is hard on my family too," he said.

95. Now shown to me and marked as **Exhibit "W"** to this my affidavit is a true copy of the purported interview with the mayor published at: <https://infotel.ca/newsitem/kamloops-mayor-launches-defamation-suit-against-councillor/it98894>

96. On June 16, 2023, in an interview with Kamloops This Week published online at <https://www.kamloopsthisweek.com/local-news/mayors-lawyer-explains-why-defamation-suit-levied-on-lone-councillor-7157171>, counsel for the plaintiff was quoted as follows:

Hamer-Jackson's lawyer, David McMillan, told KTW that while the statement was made on behalf of all eight councillors, only Neustaeter is being sued because, legally, she is the only one for which a defamation case can be made against, as she read out the statement.

"The law makes a fine distinction that way. You actually have to make a defamatory statement, either in writing or orally to be liable for it," McMillan said.

McMillan said Hamer-Jackson opted to file a lawsuit because he felt he had no other alternative and had been on the receiving end of inflammatory comments in both closed and open council meetings. He also said Neustaeter's comments went beyond politics and had a personal impact.

"You can only put up with so much for so long," McMillan said. "We let it carry on for two months."

He said there were other comments made to Hamer-Jackson that McMillan thought could be the subject of the lawsuit, but they were made in closed council meetings and protected by qualified privilege.

"And as long as a discussion is a discussion over a policy issue, you have to take it," McMillan said. "Politicians have to grow a thick skin, but when it goes to this extent where it hits at the personal integrity of a person and how he lives his life and interacts with other people on a personal level, that takes it out of the realm of politics.

Lawsuit is about reputation, not money

Asked what his expectations are for this lawsuit, McMillan said he was not sure how it would turn out and that it would depend almost entirely on what kind of response is mounted by Neustaeter. He said he was not confident it would be resolved quietly and amicably given Neustater's previous responses to Hamer-Jackson.

"But you never know. Once someone is obliged to get good legal advice, which I hope will happen, there are easy avenues to solving cases like this," McMillan said, adding most lawsuits never reach trial.



He said those avenues include issuing an apology and retraction, which would stop the damages of Neustaeter's statement from occurring.

McMillan said that when a "young, attractive-looking" councillor claims personal boundaries were violated, people can infer sexual misconduct.

"When you make an inflammatory statement like that and hang it out there, people are going to draw inferences. And the way the law works, judges are just going to try to assess what a reasonable person would think," McMillan said.

McMillan said the claims and the resulting public speculation impacted Hamer-Jackson, his wife and their three adult children.

"I've never seen him take a hit like this," McMillan said of Hamer-Jackson, who he has known for 30 years. "Some of the people who have yelled at him in public places have already drawn their own conclusions."

McMillan explained no dollar amount in damages had been specified and such a lawsuit is more about restoring reputation. He said damages in cases like these can reach seven figures, but also be negligible, citing a similar case from Newfoundland between a councillor and mayor in which damages awarded were \$40,000.

"We've got a mayor going into the latter three and a half years of his term and how can he do that if all the people in front of him might think he's a sexual predator or a bully?" McMillan said.

He said damages are always assessed as per the date of the trial, which may not occur until after this council term is up, at which point, any impact on Hamer-Jackson's career as a mayor could be a factor in the case.

#### Alternative attempts to avoid litigation failed

Hamer-Jackson's lawsuit claims Neustaeter made defamatory statements about him verbally in front of councillors and staff on Feb. 11, via email that included councillors on Feb. 13 and March 5 and then verbally again via the March 17 statement. The notice of claim states Neustater accused Hamer-Jackson of having interactions with her father, former Kamloops MLA Kevin Krueger, with nefarious intent for political gain and influence over her, to which Hamer-Jackson said he had only been responding to Krueger's offers of support and advice, and admissions of family troubles with Neustater.

McMillan said Hamer-Jackson attempted to resolve the issue quietly by disregarding the Feb. 11 statement and asking Neustaeter on multiple occasions afterwards to explain the claims against him, setting a deadline to do so after she did not respond to a March 23 request. McMillan claimed Neustaeter then responded by scheduling a closed council meeting on April 6 that he believes was an attempt to hide the conversation under a confidential, privileged setting.

"That's not how you deal with public comments," McMillan said.

McMillan told KTW Hamer-Jackson, on his advice, let the issue percolate from there to see if it went away and when it did not, decided "enough is enough" and this legal route was taken.

...

McMillan said what will follow in the legal process is pleadings and a document discovery stage, adding he feels any document pertaining to Krueger's mental or physical health will be relevant.

97. Now shown to me and marked as **Exhibit "X"** to this my affidavit is a true copy of the purported interview with the mayor's counsel published at:  
<https://www.kamloopsthisweek.com/local-news/mayors-lawyer-explains-why-defamation-suit-levied-on-lone-councillor-7157171>
98. Also on June 16, 2023, in an interview with CBC News published online at the URL:  
<https://www.cbc.ca/news/canada/british-columbia/defamation-suit-reid-hamer-jackson-katie-neustaeter-1.6879336>, the plaintiff is quoted as stating the following, *inter alia*:

Hamer-Jackson told CBC News on Thursday that he has long been a respectable Kamloops citizen and that he is facing unfair scrutiny due to the emails and public statements detailed in the claim.

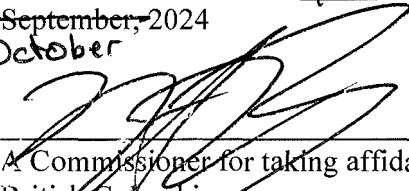
"I'm tired of being called a pervert and different names," he said. "I think that people need to be held accountable."

99. Now shown to me and marked as **Exhibit "Y"** to this my affidavit is a true copy of the purported interview with the plaintiff published at:  
<https://www.cbc.ca/news/canada/british-columbia/defamation-suit-reid-hamer-jackson-katie-neustaeter-1.6879336>

100. On July 25, 2023, Levi Landry published an article for Kamloops News in which, among other things, he remarked that that I had painted “an entirely different picture” of the mayor as I refuted his claims of defamation.
101. Now shown to me and marked as **Exhibit “Z”** to this my affidavit is a true copy of the Kamloops News article by Levi Landry published on July 25, 2023.
102. To my knowledge, the plaintiff and his prior legal counsel are the only individuals who have suggested that my statements were interpreted in a manner to suggest that the plaintiff was “a pervert” or had engaged in sexual misconduct. While the plaintiff has suggested that other people have called him a “pervert”, he has repeatedly refused to provide particulars of who made such statements.
103. Due to ongoing issues with the conduct of the plaintiff in relation to City Council and staff, on September 26, 2023, City Councillors voted unanimously to pass a motion requesting assistance from the Ministry of Municipal Affairs. As a result, Henry Braun was appointed as a Municipal Advisor.
104. On April 22, 2024, Henry Braun released his Municipal Advisor’s Report, which noted that there remains significant dysfunction at City Hall, which almost exclusively arises out of the plaintiff’s conduct. Now shown to me and marked as **Exhibit “AA”** to this my affidavit is a true copy of Henry Braun’s report.
105. To the extent that I have made statements about the plaintiff, they have been truthful and have been made either in the context of my duties and responsibilities as a duly elected member of City Council, or in aid of seeking to uphold rights and responsibilities that are properly owed to family members of Council members (including my own), or both. I take my duties and responsibilities seriously. I have sought in my role as a City Councillor to help foster a collegial and respectful working environment in which no one need endure rudeness, false accusations, harassment, bullying, or other behaviours of such nature. I have even consistently and repeatedly offered the plaintiff support and assistance to help him succeed. My statements to the public have been for the purpose of communicating to my constituents pressing issues concerning municipal governance.

106. The plaintiff's actions, including but by no means limited to the filing of his lawsuit against me, have caused considerable stress and worry to family members of mine and also to me. Furthermore, those same behaviours have created significant and entirely unwarranted distractions from the important work of Kamloops City Council and have damaged my reputation in the community.
107. As a result of the plaintiff's lawsuit, I have felt limited as to what I can say about the work I do as a City Councillor, including expressing my opinion on governance issues and projects. I am concerned that if I am critical of the plaintiff or publicly express a different view than he does on municipal issues, he may seek to include my statements, made in the interests of discussing municipal politics, as being an attack on him. I have accordingly been circumspect in what I have said in response to the plaintiff, including in response to his public statements about the lawsuit, and in my statements concerning the Braun report.

W  
SWORN BEFORE ME at Kamloops,  
in British Columbia, on 11<sup>th</sup> day of  
September, 2024  
October

  
A Commissioner for taking affidavits within  
British Columbia

NATHAN VAN KAMPEN  
Barrister & Solicitor  
MAIR JENSEN BLAIR LLP  
700-275 LANSDOWNE ST  
KAMLOOPS, BC V2C 6H6

(Print name or affix stamp of commissioner)

  
KATIE NEUSTAETER

## COMMUNITY CHARTER

**COMMUNITY CHARTER**  
**CHAPTER 26 [SBC 2003]**

[includes 2016 Bill 4, c. 19 (B.C. Reg. 248/2024) amendments (effective August 1, 2024)]

## PART 5 – Municipal Government and Procedures

### Part 5: Division 1 – Council Roles and Responsibilities

#### Responsibilities of council members

115. Every council member has the following responsibilities:
- (a) to consider the well-being and interests of the municipality and its community;
  - (b) to contribute to the development and evaluation of the policies and programs of the municipality respecting its services and other activities;
  - (c) to participate in council meetings, committee meetings and meetings of other bodies to which the member is appointed;
  - (d) to carry out other duties assigned by the council;
  - (e) to carry out other duties assigned under this or any other Act.

(AM)  
Dec  
01/07

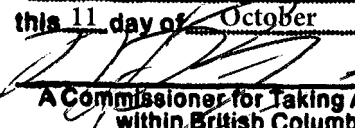
2003-26-115; 2007-14-201 (B.C. Reg. 354/2007).

#### Responsibilities of mayor

116. (1) The mayor is the head and chief executive officer of the municipality.
- (2) In addition to the mayor's responsibilities as a member of council, the mayor has the following responsibilities:
- (a) to provide leadership to the council, including by recommending bylaws, resolutions and other measures that, in the mayor's opinion, may assist the peace, order and good government of the municipality;
  - (b) to communicate information to the council;
  - (c) to preside at council meetings when in attendance;
  - (d) to provide, on behalf of the council, general direction to municipal officers respecting implementation of municipal policies, programs and other directions of the council;
  - (e) to establish standing committees in accordance with section 141;
  - (f) to suspend municipal officers and employees in accordance with section 151;
  - (g) to reflect the will of council and to carry out other duties on behalf of the council;
  - (h) to carry out other duties assigned under this or any other Act.

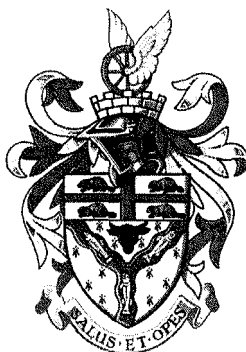
(AM)  
Dec  
01/07

2003-26-116; 2007-14-201 (B.C. Reg. 354/2007)

This is Exhibit "A" referred to in the  
**Affidavit of** Katie Neustaeter  
**sworn (or affirmed) before me at**  
Kamloops, B.C.  
**this** 11 **day of** October, **2024.**  
  
**A Commissioner for Taking Affidavits**  
**within British Columbia**

This is **Exhibit "B"** referred to in  
the affidavit of Katie Neustaeter  
sworn before me at the City of Kamloops  
this 11 day of October 2024

  
A Commissioner for taking Affidavits in and  
for the Province of British Columbia



Form No. 16-1  
CC s.120(3)/ VC s.140(6)  
BC Reg. 137/2022

#### OATH OF OFFICE

CANADA )  
PROVINCE OF BRITISH COLUMBIA )

I, Reid Hamer-Jackson, do solemnly affirm that:

I am qualified to hold the office of Mayor for the City of Kamloops to which I have been elected;

I have complied with the provisions of the *Local Government Act* in relation to my election to this office;

I will abide by all rules related to conflicts of interest under the *Community Charter*;

I will carry out my duties with integrity;

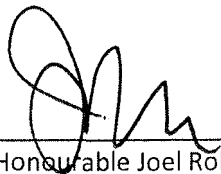
I will be accountable for the decisions that I make, and the actions that I take, in the course of my duties;


I will be respectful of others;

I will demonstrate leadership and collaboration;

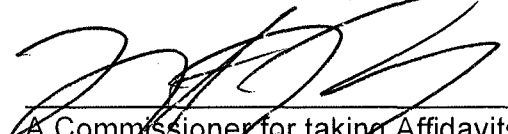
I will perform the duties of my office in accordance with the law.

AFFIRMED by the above-named Mayor  
Before me at Kamloops,  
British Columbia the 1st day of  
November, 2022.

  
Honourable Joel Robin Groves

  
Reid Hamer-Jackson

This is **Exhibit "C"** referred to in the affidavit #1 of **Katie Neustaeter** sworn before me at the City of Kamloops, this 11th day of October, 2024.

  
 A Commissioner for taking Affidavits in and for the  
 Province of British Columbia

---

**From:** Katie Neustaeter <kneustaeter@kamloops.ca>

**Sent:** Monday, January 23, 2023 8:44 PM

**To:** Stephen Karpuk <skarpuk@kamloops.ca>; Margot Middleton <mmiddleton@kamloops.ca>; Dale Bass <dbass@kamloops.ca>; Mike O'Reilly <moreilly@kamloops.ca>; Kelly Hall <khall@kamloops.ca>; Nancy Bepple <nbepple@kamloops.ca>; Bill Sarai <bsarai@kamloops.ca>

**Cc:** David Trawin <dtrawin@kamloops.ca>

**Subject:** Private and Confidential: Today's Discussion

Hi everyone,

This is uncomfortable for me, but after the Mayor's comments this morning I think it's necessary, and only fair, to offer some context to his threat and commentary.

After the election the Mayor failed to return my congratulatory calls, but I found out that he had reached out to my father to offer him congratulations and set up a meeting. This was extremely inappropriate for a wide variety of reasons. I therefore intervened and asked that the meeting not take place. It did not.

Shortly after, I met with the Mayor and he raised it. I requested that he not be in conversation with my dad. The Mayor told me he had, "Heard Kevin was sick and had a problem". I explained to the Mayor that I did not know him well enough to trust him with any details about my family, but that my dad was unwell (not "sick") and that I'd appreciate the consideration. He agreed.

As you saw today, since I have declined in favour with him, the Mayor is now attempting to control me by manipulating and exploiting that vulnerability by actively reaching out to my dad, which I had hoped would be below the dignity of anyone who would occupy that office.

I have addressed the situation to the best of my ability and apologize that this personal matter has intersected with your professional worlds. I hope that it will not again.

Kindly,  
Katie

**Katie Neustaeter**

Kamloops City Councillor | City of Kamloops

7 Victoria Street West, Kamloops BC, V2C 1A2

**P:** 236-579-6400 | [Kamloops.ca](http://Kamloops.ca) | [LetsTalk.Kamloops.ca](mailto:LetsTalk.Kamloops.ca)

**MAKING KAMLOOPS SHINE**

The City of Kamloops acknowledges that we are located on Tk'emlúps te Secwépemc territory, situated within the unceded ancestral lands of the Secwépemc Nation. We honour and respect the people, the territory, and the land that houses our community.

*This email and any attachments are only for the use of the intended recipient and must not be distributed, disclosed, used or copied by or to anyone else, without the written consent of the sender. If you receive this in error, please contact the sender by return email and delete all copies of this email and any attachments.*



This is **Exhibit "D"** referred to in the affidavit #1 of Katie Neustaeter sworn before me at the City of Kamloops, this 11 day of October, 2024.



Outlook

*[Signature]*  
A Commissioner for taking Affidavits in  
and for the Province of British Columbia

---

Re: Kevin Krueger voicemail

---

**From** Reid Hamer-Jackson <rhamerjackson@kamloops.ca>

**Date** Mon 2023-02-13 9:16 PM

**To** Stephen Karpuk <skarpuk@kamloops.ca>; ALL-CityCouncil <ALL-CityCouncil@kamloops.ca>

As I said I am not a doctor, he is reaching out to myself as the mayor of Kamloops not yourselves. If you all would like to ignore a very well respected citizen of the community that is reaching out to yourselves in support that is fine.

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---

**From:** Stephen Karpuk <skarpuk@kamloops.ca>

**Sent:** Monday, February 13, 2023 9:08:04 PM

**To:** Reid Hamer-Jackson <rhamerjackson@kamloops.ca>; ALL-CityCouncil <ALL-CityCouncil@kamloops.ca>

**Subject:** Re: Kevin Krueger voicemail

Reid/ mayor,

Please do not misconstrue my comments. I did meet with a sd73 trustee during the campaign and Mr. Krueger was there as well. I had a good conversation with both and I found the conversation engaging and interesting with Mr. Krueger.

I respect Councilor Neustater's wishes to  
I am not going to listen to the phone message.

Respectfully,

Stephen Karpuk

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**From:** Reid Hamer-Jackson <rhamerjackson@kamloops.ca>

**Sent:** Monday, February 13, 2023 7:46 PM

**To:** Katie Neustaeter <kneustaeter@kamloops.ca>; ALL-CityCouncil <ALL-CityCouncil@kamloops.ca>

**Subject:** Re: Kevin Krueger voicemail

You asked me once after in early November after your dad approach myself after a forum at TCC. I had told you he reached out to myself and actually walked up to the stage after the forum. In November when I approached you about that you asked me to not contact him as he is a sick man, I respected that and you thanked me at that time. I didn't know you but respected your advice. On December 13/2022 a friend of ours who knows your Dad sent a Facebook message to my wife as I

am not on Facebook. He said that a summit property tenant Kevin Krueger, very much supports myself and would like to talk with me. Not sure why you are telling mistruth about me approaching you 4 times when it was actually once I actually was trying to keep this on the down load and have a meeting with yourself, councillor karpuk and myself as you're father called me after the message that he left on my phone. The conversation was quite lengthy and there was another person in my vehicle that could hear the conversation. I was shocked of the behaviour of what I had heard of your mother and yours behaviour of a man that sounded perfectly fine to myself, but I am not a doctor. I spoke with counsel member karpuk about this and he had also spoken to Mr Krueger on the campaign run for about a hour and a half I believe he said with school trustee candidate. Councillor karpuk felt Mr Krueger was of sound mind also. When trying to set up a meeting on the down load on zoom you appeared to believe I was threatening yourself in some way. You then said you would meet with myself if I submitted a agenda again I did not want this family issue to expose any one. You now write a false statement to all council and Tracey. Your father called city hall on Monday and set up a appointment to pick me up. Then canceled abruptly I'm sure you would have something to do with that. I have not reached out to him and will not. But if he reaches out to myself and wants to help me I will respond to his calls. He is very well respected and I feel very bad for him and what he has had to deal with. I do respect Mr Krueger and hope this causes him no hardship. Also could you please elaborate with facts (slandering staff)

[Get Outlook for iOS](#)

---

**From:** Katie Neustaeter <kneustaeter@kamloops.ca>

**Sent:** Monday, February 13, 2023 6:14:24 PM

**To:** Reid Hamer-Jackson <rhamerjackson@kamloops.ca>; ALL-CityCouncil <ALL-CityCouncil@kamloops.ca>

**Subject:** Re: Kevin Krueger voicemail

Reid,

As you were unwilling to hear my concerns on Saturday and left the room, perhaps this thread would be an appropriate time to share in writing instead:

Mr. Mayor,

Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again.

This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so.

Keep colleagues' children, parents, spouses, and other loved ones out of your politicking.

This is the fourth time I have clearly communicated that you are not to use my family in an attempt to influence me or city business.

The fact that you continue to try and do so against my will, behind my back, and without my knowledge proves nefarious intent.

As does the sharing of private correspondence.

I will not tolerate this behaviour.

Katie

**Katie Neustaeter**

Kamloops City Councillor | City of Kamloops

7 Victoria Street West, Kamloops BC, V2C 1A2

P: 236-579-6400 | [Kamloops.ca](http://Kamloops.ca) | [LetsTalk.Kamloops.ca](mailto:LetsTalk.Kamloops.ca)

**MAKING KAMLOOPS SHINE**

The City of Kamloops acknowledges that we are located on Tk'emlúps te Secwépemc territory, situated within the unceded ancestral lands of the Secwépemc Nation. We honour and respect the people, the territory, and the land that houses our community.

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---

**From:** Dale Bass <[dbass@kamloops.ca](mailto:dbass@kamloops.ca)>

**Sent:** Monday, February 13, 2023 5:48:23 PM

**To:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>; ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>

**Subject:** Re: Kevin Krueger voicemail

Do not lecture me on respect.

Councillor Dale Bass

[Dbass@kamloops.ca](mailto:Dbass@kamloops.ca)

250-320-2840

The City of Kamloops acknowledges that we are located on Tk'emlúps te Secwépemc territory, situated within the unceded ancestral lands of the Secwépemc Nation. We honour and respect the people, the territory, and the land that houses our community.

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---

**From:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>

**Sent:** Monday, February 13, 2023 5:47:52 PM

**To:** Dale Bass <[dbass@kamloops.ca](mailto:dbass@kamloops.ca)>; ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>

**Subject:** Re: Kevin Krueger voicemail

Not listening to Mr Krueger after he was reaching out to myself and others to try to contact myself as the mayor of Kamloops would be a total lack of respect for a man that has so much respect throughout the community and has done so much for our community and the province of British Columbia. Please don't share. Thanks mayor Hamer-Jackson. Very confidential and not debatable.

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---

**From:** Dale Bass <dbass@kamloops.ca>

**Sent:** Monday, February 13, 2023 2:55:53 PM

**To:** Reid Hamer-Jackson <rhamerjackson@kamloops.ca>; ALL-CityCouncil <ALL-CityCouncil@kamloops.ca>

**Subject:** Re: Kevin Krueger voicemail

I will not listen to this. I respect Kevin's right to privacy and see no reason to abuse that right.

Councillor Dale Bass  
Dbass@kamloops.ca  
250-320-2840

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---

**From:** Reid Hamer-Jackson <rhamerjackson@kamloops.ca>

**Sent:** Monday, February 13, 2023 12:28:40 PM

**To:** ALL-CityCouncil <ALL-CityCouncil@kamloops.ca>

**Subject:** Fwd: Kevin Krueger voicemail

Please keep confidential these facts.

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---

**From:** Reid Hamer-Jackson <rhamerjackson@kamloops.ca>

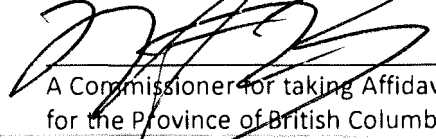
**Sent:** Monday, February 13, 2023 10:29:14 AM

**To:** Reid Hamer-Jackson <rhamerjackson@kamloops.ca>

**Subject:** Kevin Krueger voicemail

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This is **Exhibit "E"** referred to in  
the affidavit of Katie Neustaeter  
sworn before me at the City of Kamloops  
this 11 day of October 20 24

  
A Commissioner for taking Affidavits in and  
for the Province of British Columbia

**From:** Dale Bass <[dbass@kamloops.ca](mailto:dbass@kamloops.ca)>  
**Sent:** Monday, February 13, 2023 2:55:53 PM  
**To:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>; ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>  
**Subject:** Re: Kevin Krueger voicemail

I will not listen to this. I respect Kevin's right to privacy and see no reason to abuse that right.

Councillor Dale Bass  
[Dbass@kamloops.ca](mailto:Dbass@kamloops.ca)  
250-320-2840

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**From:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>  
**Sent:** Monday, February 13, 2023 12:28:40 PM  
**To:** ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>  
**Subject:** Fwd: Kevin Krueger voicemail

Please keep confidential these facts.

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**From:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>  
**Sent:** Monday, February 13, 2023 10:29:14 AM  
**To:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>  
**Subject:** Kevin Krueger voicemail

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**From:** Katie Neustaeter <[kneustaeter@kamloops.ca](mailto:kneustaeter@kamloops.ca)>

**Sent:** Monday, February 13, 2023 6:14:24 PM

**To:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>; ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>

**Subject:** Re: Kevin Krueger voicemail

Reid,

As you were unwilling to hear my concerns on Saturday and left the room, perhaps this thread would be an appropriate time to share in writing instead:

Mr. Mayor,

Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again.

This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so.

Keep colleagues' children, parents, spouses, and other loved ones out of your politicking.

This is the fourth time I have clearly communicated that you are not to use my family in an attempt to influence me or city business.

The fact that you continue to try and do so against my will, behind my back, and without my knowledge proves nefarious intent.

As does the sharing of private correspondence.

I will not tolerate this behaviour.

Katie

**Katie Neustaeter**

Kamloops City Councillor | City of Kamloops

7 Victoria Street West, Kamloops BC, V2C 1A2

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## MAKING KAMLOOPS SHINE

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This is Exhibit " G" referred to in  
the affidavit of Katie Neustaeter  
sworn before me at the City of Kamloops  
this 11 day of October 2024

  
A Commissioner for taking Affidavits in and  
for the Province of British Columbia

**From:** Katie Neustaeter <kneustaeter@kamloops.ca>

**Sent:** Monday, February 13, 2023 6:14:24 PM

**To:** Reid Hamer-Jackson <rhamerjackson@kamloops.ca>; ALL-CityCouncil <ALL-CityCouncil@kamloops.ca>

**Subject:** Re: Kevin Krueger voicemail

Reid,

As you were unwilling to hear my concerns on Saturday and left the room, perhaps this thread would be an appropriate time to share in writing instead:

Mr. Mayor,

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This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so.

Keep colleagues' children, parents, spouses, and other loved ones out of your politicking.

This is the fourth time I have clearly communicated that you are not to use my family in an attempt to influence me or city business.

The fact that you continue to try and do so against my will, behind my back, and without my knowledge proves nefarious intent.

As does the sharing of private correspondence.

I will not tolerate this behaviour.

Katie

## **Katie Neustaeter**

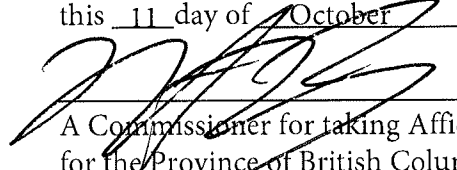
Kamloops City Councillor | City of Kamloops  
7 Victoria Street West, Kamloops BC, V2C 1A2  
P: 236-579-6400 | [Kamloops.ca](http://Kamloops.ca) | [LetsTalk.Kamloops.ca](http://LetsTalk.Kamloops.ca)

## **MAKING KAMLOOPS SHINE**

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This is **Exhibit "H"** referred to in  
 the affidavit of Katie Neustaeter  
 sworn before me at the City of Kamloops  
 this 11 day of October 2024

  
 A Commissioner for taking Affidavits in and  
 for the Province of British Columbia

**From:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>

**Sent:** Monday, February 13, 2023 7:46 PM

**To:** Katie Neustaeter <[kneustaeter@kamloops.ca](mailto:kneustaeter@kamloops.ca)>; ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>

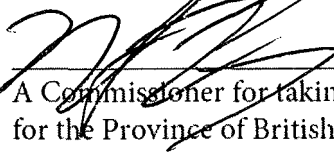
**Subject:** Re: Kevin Krueger voicemail

You asked me once after in early November after your dad approach myself after a forum at TCC. I had told you he reached out to myself and actually walked up to the stage after the forum. In November when I approached you about that you asked me to not contact him as he is a sick man, I respected that and you thanked me at that time. I didn't know you but respected your advice. On December 13/2022 a friend of ours who knows your Dad sent a Facebook message to my wife as I am not on Facebook. He said that a summit property tenant Kevin Krueger, very much supports myself and would like to talk with me. Not sure why you are telling mistruth about me approaching you 4 times when it was actually once I actually was trying to keep this on the down load and have a meeting with yourself, councillor karpuk and myself as you're father called me after the message that he left on my phone. The conversation was quite lengthy and there was another person in my vehicle that could hear the conversation. I was shocked of the behaviour of what I had heard of your mother and yours behaviour of a man that sounded perfectly fine to myself, but I am not a doctor. I spoke with counsel member karpuk about this and he had also spoken to Mr Krueger on the campaign run for about a hour and a half I believe he said with school trustee candidate. Councillor karpuk felt Mr Krueger was of sound mind also. When trying to set up a meeting on the down load on zoom you appeared to believe I was threatening yourself in some way. You then said you would meet with myself if I submitted a agenda again I did not want this family issue to expose any one. You now write a false statement to all council and Tracey. Your father called city hall on Monday and set up a appointment to pick me up. Then canceled abruptly I'm sure you would have something to do with that. I have not reached out to him and will not. But if he reaches out to myself and wants to help me I will respond to his calls. He is very well respected and I feel very bad for him and what he has had to deal with. I do respect Mr Krueger and hope this causes him no hardship. Also could you please elaborate with facts (slandering staff)

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This is **Exhibit "I"** referred to in  
the affidavit of Katie Neustaeter  
sworn before me at the City of Kamloops  
this 11 day of October 20 24



A Commissioner for taking Affidavits in and  
for the Province of British Columbia

**From:** Stephen Karpuk <[skarpuk@kamloops.ca](mailto:skarpuk@kamloops.ca)>

**Sent:** Monday, February 13, 2023 9:08:04 PM

**To:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>; ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>

**Subject:** Re: Kevin Krueger voicemail

Reid/ mayor,

Please do not misconstrue my comments. I did meet with a sd73 trustee during the campaign and Mr. Krueger was there as well. I had a good conversation with both and I found the conversation engaging and interesting with Mr. Krueger.

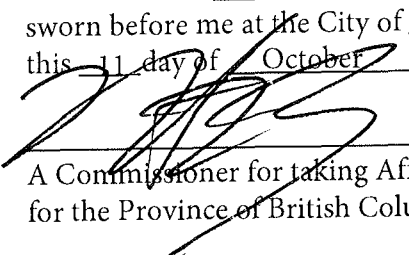
I respect Councilor Neustater's wishes to  
as well. I am not going to listen to the phone message.

Respectfully,

Stephen Karpuk

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This is **Exhibit "J"** referred to in  
 the affidavit of Katie Neustaeter  
 sworn before me at the City of Kamloops  
 this 11 day of October 2024

  
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 for the Province of British Columbia

**From:** Katie Neustaeter <[kneustaeter@kamloops.ca](mailto:kneustaeter@kamloops.ca)>  
**Sent:** Wednesday, March 1, 2023 9:53:56 AM  
**To:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>  
**Cc:** ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>; Byron McCorkell <[bmccorkell@kamloops.ca](mailto:bmccorkell@kamloops.ca)>  
**Subject:** Re: DM Feb

Good morning all,

Thanks for the opportunity to serve as Deputy Mayor this month. It was a privilege to engage with the public on your behalf and a tremendous learning opportunity.

That said, Your Worship, I'm disappointed that it wasn't more peaceful and that I was never afforded the opportunity to speak with you in any meaningful or supportive capacity about anything during the entire month. I certainly did not feel supported by you, nor has it been a collaborative or respectful environment to function in. I would like to note that I never received an acknowledgement that:

1. families are off limits in politics.
2. you made widespread accusations to staff about me that were unfounded and untrue.
3. withholding pertinent information from Council from senior levels of government will not happen in the future.

I'm tagging off to Councillor Hall now, who I feel confident will do just as effectively in 10 words what has often taken me 10,000.

Just as Mike, Bill, and Dale have supported my navigation through the DM process (for which I am forever thankful) with their experience, I will be here for each of you as you take your first turn as well. Please lean on me as they allowed me to lean on them.

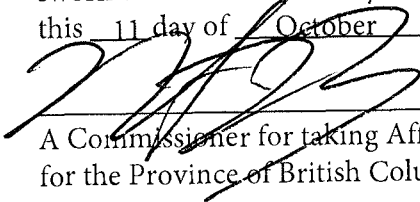
My HUGE thanks to Byron who was the best wingman imaginable during my first kick at the can. Eternally grateful for your life-long service to this community and generosity of grace and teaching.

Dave, I'll catch you on my next go-'round 😊

Happy March, everyone!

-k

This is **Exhibit "K"** referred to in  
 the affidavit of Katie Neustaeter  
 sworn before me at the City of Kamloops  
 this 11 day of October 2024

  
 A Commissioner for taking Affidavits in and  
 for the Province of British Columbia

**From:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>

**Sent:** Thursday, March 2, 2023 7:09:31 AM

**To:** Nancy Bepple <[nbepple@kamloops.ca](mailto:nbepple@kamloops.ca)>; Bill Sarai <[bsarai@kamloops.ca](mailto:bsarai@kamloops.ca)>; Margot Middleton <[mmiddleton@kamloops.ca](mailto:mmiddleton@kamloops.ca)>; Kelly Hall <[khall@kamloops.ca](mailto:khall@kamloops.ca)>; Dale Bass <[dbass@kamloops.ca](mailto:dbass@kamloops.ca)>; Katie Neustaeter <[kneustaeter@kamloops.ca](mailto:kneustaeter@kamloops.ca)>

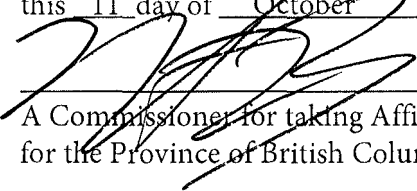
**Cc:** ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>; Byron McCorkell <[bmccorkell@kamloops.ca](mailto:bmccorkell@kamloops.ca)>

**Subject:** Re: DM Feb

Councillor Neustaeter, thank you for taking your turn at deputy mayor and the email response duties, I feel you did a *good job and hope the others will follow. As for your family problems and issues you have with your father are not my issues to deal with. I didn't even know you but met you through the campaign trail and had no idea you were the daughter of Kevin Krueger. After a forum at TCC grand hall where there were about 200 people, Kevin Krueger walked up to the stage and introduced himself to me I did recognize him as he was a well respected citizen of the community and respected politician. He wanted to let me know that he supported me and my goals and wanted to help me. I will be writing a dialogue of what took place from then until now. So please don't confuse these issues we have a job to do for our citizens and communities so please don't drag your family issues weather they are mental health issues or not.* Thanks mayor Hamer-Jackson.

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This is **Exhibit "L"** referred to in  
the affidavit of Katie Neustaeter  
sworn before me at the City of Kamloops  
this 11 day of October 2024

  
A Commissioner for taking Affidavits in and  
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**From:** Katie Neustaeter <[kneustaeter@kamloops.ca](mailto:kneustaeter@kamloops.ca)>

**Sent:** Thursday, March 2, 2023 8:20:20 AM

**To:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>; Nancy Beppe <[nbeppe@kamloops.ca](mailto:nbeppe@kamloops.ca)>; Bill Sarai <[bsarai@kamloops.ca](mailto:bsarai@kamloops.ca)>; Margot Middleton <[mmiddleton@kamloops.ca](mailto:mmiddleton@kamloops.ca)>; Kelly Hall <[khall@kamloops.ca](mailto:khall@kamloops.ca)>; Dale Bass <[dbass@kamloops.ca](mailto:dbass@kamloops.ca)>

**Cc:** ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>; Byron McCorkell <[bmccorkell@kamloops.ca](mailto:bmccorkell@kamloops.ca)>

**Subject:** Re: DM Feb

My Mayor,

In your documentation please be sure to include the number of times I have requested that you keep our families out of your politicking, beginning on Oct 24th and up to today.

Please also note the number of times you have unnecessarily commented on and shared your personal and unqualified opinion about the specific health of a family member of mine, along with hurtful and uninformed dialogue about my family history, with this group (or members of this group) without my (or their) consent or participation, beginning on Oct 24th and up to today.

This is to say nothing of what you have shared outside of this closed loop with members of our wider community, or other violations of privacy related to this subject.

This is unacceptable.

Please also note again that the same is true about the family members of others you work with.

**Katie Neustaeter**

Kamloops City Councillor | City of Kamloops

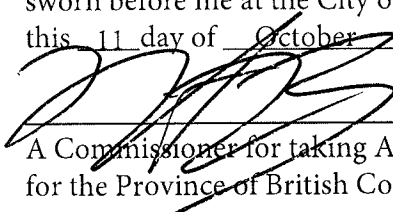
7 Victoria Street West, Kamloops BC, V2C 1A2

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 sworn before me at the City of Kamloops  
 this 11 day of October 2024

  
 A Commissioner for taking Affidavits in and  
 for the Province of British Columbia

---

**From:** Bill Sarai <[bsarai@kamloops.ca](mailto:bsarai@kamloops.ca)>

**Sent:** Thursday, March 2, 2023 8:42 AM

**To:** Katie Neustaeter <[kneustaeter@kamloops.ca](mailto:kneustaeter@kamloops.ca)>; Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>; Nancy Beppele <[nbepple@kamloops.ca](mailto:nbepple@kamloops.ca)>; Margot Middleton <[mmiddleton@kamloops.ca](mailto:mmiddleton@kamloops.ca)>; Kelly Hall <[khall@kamloops.ca](mailto:khall@kamloops.ca)>; Dale Bass <[dbass@kamloops.ca](mailto:dbass@kamloops.ca)>

**Cc:** ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>; Byron McCorkell <[bmccorkell@kamloops.ca](mailto:bmccorkell@kamloops.ca)>

**Subject:** Re: DM Feb

This mayor knew the date of my CSO sons f traffic court hearing. And had publicly shared this matter with staff.

Is it any if his business ?

How offside can he get before my family takes legal action on his continuous insertion in Nicks employment with the city.

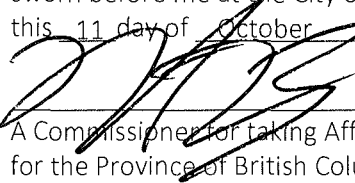
We have over 900 employees!

Going after my son is where I draw the line of mutual respect.

*Kukwstsetsemc/Thank you,*

Bill Sarai  
 Councilor  
 City of Kamloops  
 250-819-8527

---

This is **Exhibit "N"** referred to in  
 the affidavit of Katie Neustaeter  
 sworn before me at the City of Kamloops  
 this 11 day of October 20 24  
  
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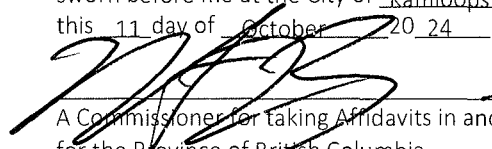
---

**From:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>  
**Sent:** Sunday, March 5, 2023 4:07:01 AM  
**To:** Kelly Hall <[khall@kamloops.ca](mailto:khall@kamloops.ca)>; ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>  
**Subject:** Re: Northshore Bus Exchange

My response is all council needs to see there emails as I'm well aware but just one vote as is clear others need to know. So I am sharing with you, is that not what you want or are you just grand standing when you speak in public about informing you of what the mayor is or is not doing. Let's be serious Kelly I've known you for years and you have changed in the last 3 or 4 months than you have since I've known you, what happened? I sure hope you don't believe that letter CAO trawin sent out or the ask wellness letter that got sent to the CAO and not to the defendant. Or the Katie Kevin mom story. I will be responding in due course. As always there are many different sides to stories. I do have one question for Katie as I'm doing a little investigating myself. Could you please send me all the emails, texts dialogue's and meeting places that I was involved in trying to reach your family members that would be great for when I respond to your (THIS NOT FOR DISCUSSION PRESENTATION). I believe you wrote radio commentary this is not a radio commercial. If you could send to all that would be great as I will do the same. I tried my hardest to keep this out of the wider scope to protect your family's issues but you wanted to be the broadcaster.

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This is **Exhibit "O"** referred to in  
the affidavit of Katie Neustaeter  
sworn before me at the City of Kamloops  
this 11 day of October 2024

  
A Commissioner for Taking Affidavits in and  
for the Province of British Columbia

From: Katie Neustaeter <kneustaeter@kamloops.ca>

Sent: Sunday, March 5, 2023 9:59:48 AM

To: Reid Hamer-Jackson <rhamerjackson@kamloops.ca>; Kelly Hall <khall@kamloops.ca>; ALL-CityCouncil <ALL-CityCouncil@kamloops.ca>

**Subject:** Re: Northshore Bus Exchange

Mayor Reid Hamer-Jackson,

Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again.

This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so.

Keep colleagues' children, parents, spouses, and other loved ones out of your politicking.

There is no excuse for these repeated behaviours.

Katie

### **Katie Neustaeter**

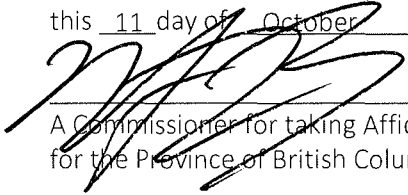
Kamloops City Councillor | City of Kamloops  
7 Victoria Street West, Kamloops BC, V2C 1A2  
P: 236-579-6400 | [Kamloops.ca](http://Kamloops.ca) | [LetsTalk.Kamloops.ca](http://LetsTalk.Kamloops.ca)

## **MAKING KAMLOOPS SHINE**

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This is **Exhibit "P"** referred to in  
 the affidavit of Katie Neustaeter  
 sworn before me at the City of Kamloops  
 this 11 day of October 2024



A Commissioner for taking Affidavits in and  
 for the Province of British Columbia

**From:** Katie Neustaeter <kneustaeter@kamloops.ca>

**Sent:** March 17, 2023 1:51 AM

**To:** Bill Sarai <bsarai@kamloops.ca>; Kelly Hall <khall@kamloops.ca>; Dale Bass  
 <dbass@kamloops.ca>; Nancy Bepple <nbepple@kamloops.ca>; Mike O'Reilly  
 <moreilly@kamloops.ca>; Margot Middleton <mmiddleton@kamloops.ca>; Stephen Karpuk  
 <skarpuk@kamloops.ca>

**Subject:** Private and Confidential

Hi team,

Attached in a document with a proposed public statement for tomorrow. While we have not been able to discuss collectively, I hope it accurately reflects what I heard from those of you I was able to connect with 1:1.

It times out to approx 3:30. Seeing as the Mayor had oodles of minutes of press coverage yesterday, this does not seem like an unreasonable length of time to take for our counterpoints, rationale, and explanation of next steps.

Obviously we are not making any decisions about the actions of Council outside of legislated process, so it does not include anything about what we might consider doing to resolve this issue.

Please note that it is very direct, calls out poor behaviour at a high level, addresses relevant mistruths, and hints at his disregard for TteS's request for the relevant committee without putting them in a bad spot.

If you see anything inaccurate, please let me know (ie. no committee only had "2-3 meetings all year" scheduled, right?), but please be aware that making major/many changes will be challenging considering our very limited time and the TNRD strat planning tomorrow AM.

I earnestly feel that we have done all we can to avoid this kind of public statement, but it's no longer possible because of his actions. It's an important moment and we need to be very honest and clear with the public about our realities. Folks need to be reminded that we aren't



some premeditated group that campaigned together and rallied against the Mayor, but instead a diverse team of previous strangers who are doing our best in an impossible situation.

I'm grateful for each of you and am so thankful that none of us need stand alone.

Hope you're all sleeping soundly as I hit "send".

See you way too soon.

-k

## **Katie Neustaeter**

Kamloops City Councillor | City of Kamloops

7 Victoria Street West, Kamloops BC, V2C 1A2

**P:** 236-579-6400 | [Kamloops.ca](http://Kamloops.ca) | [LetsTalk.Kamloops.ca](http://LetsTalk.Kamloops.ca)

## **MAKING KAMLOOPS SHINE**

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3:22



Reid



Fri, Mar 31 at 5:04 PM

Councillor Neustaeter, On March 6, you sent me a text message, copied to all members of council, ordering me not to "harass" or have any contact with any family members of yours. You went on to accuse me of disclosing confidential information, slandering staff and "violating personal boundaries". I immediately asked you to provide your basis for making and spreading these very serious but completely false allegations. You did not respond. Instead, on March 17, you repeated the allegations that I had "violated professional and personal boundaries" to the press and to the entire City of Kamloops-including my wife and family. I am now

This is Exhibit "Q" referred to in the Affidavit of Katie Neustaeter sworn (or affirmed) before me at

Kamloops B.C.  
this 11 day of October 2024

*[Signature]*  
A Commissioner for Taking Affidavits  
within British Columbia



3:22



Reid

violated professional and personal boundaries" to the press and to the entire City of Kamloops-including my wife and family. I am now demanding that you provide me with whatever factual basis you have, or believe you have, for making these very damaging statements. Do so, in writing, by April 7, 2023. If Mr Krueger has been declared mentally incompetent and you, or anyone else, has been designated as his personal representative, send me a copy of the Court Order. Since you have chosen to take your allegation that I have violated your personal boundaries into the public, I will respond publicly if this matter is not resolved. I have tried to keep your family issues out of the public.



---

**From:** Katie Neustaeter <[kneustaeter@kamloops.ca](mailto:kneustaeter@kamloops.ca)>  
**Sent:** Friday, March 31, 2023 5:58:22 PM  
**To:** ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>  
**Cc:** David Trawin <[dtrawin@kamloops.ca](mailto:dtrawin@kamloops.ca)>; Maria Mazzotta <[mmazzotta@kamloops.ca](mailto:mmazzotta@kamloops.ca)>  
**Subject:** Urgent special request: Text from the mayor

Hello everyone,

A few minutes ago I received this text from Mayor Hamer-Jackson:

"Councillor Neustaeter, On March 6, you sent me a text message, copied to all members of council, ordering me not to "harass" or have any contact with any family members of yours. You went on to accuse me of disclosing confidential information, slandering staff and "violating personal boundaries". I immediately asked you to provide your basis for making and spreading these very serious but completely false allegations. You did not respond. Instead, on March 17, you repeated the allegations that I had "violated professional and personal boundaries" to the press and to the entire City of Kamloops-including my wife and family. I am now demanding that you provide me with whatever factual basis you have, or believe you have, for making these very damaging statements. Do so, in writing, by April 7, 2023. If Mr Krueger has been declared mentally incompetent and you, or anyone else, has been designated as his personal representative, send me

a copy of the Court Order. Since you have chosen to take your allegation that I have violated your personal boundaries into the public, I will respond publicly if this matter is not resolved. I have tried to keep your family issues out of the public.”

While there are a number of inaccuracies (including alluding to my father being mentally incompetent when I have certainly never said any such thing) I think it most important to note that the public statement I read was not from me personally, but from all Councillors. That statement was not mine, but Council’s. I am not the only person you have crossed boundaries with.

I am very concerned that you are again threatening me and trying to take advantage of my family relationships in order to control or defame me and slander my father.

I wanted all of Council to be aware of this concerning and escalating step you have taken, further validating my original concern when you persistently pursued contact with my dad against my wishes with no valid reason.

As a response to your threat I would like to request a special Closed Meeting to discuss this on Monday April 3rd before the majority of Council leaves the city for the remainder of the week.

## **Katie Neustaeter**

Kamloops City Councillor | City of Kamloops

7 Victoria Street West, Kamloops BC, V2C 1A2

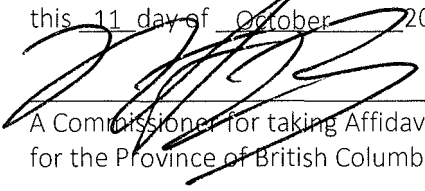
**P:** 236-579-6400 | [Kamloops.ca](http://Kamloops.ca) | [LetsTalk.Kamloops.ca](http://LetsTalk.Kamloops.ca)

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the affidavit of Katie Neustaeter  
sworn before me at the City of Kamloops  
this 11 day of October 20 24

  
A Commissioner for taking Affidavits in and  
for the Province of British Columbia

**From:** Reid Hamer-Jackson <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>

**Sent:** Saturday, April 1, 2023 8:25:18 PM

**To:** Nancy Bepple <[nbepple@kamloops.ca](mailto:nbepple@kamloops.ca)>; Katie Neustaeter <[kneustaeter@kamloops.ca](mailto:kneustaeter@kamloops.ca)>;  
Dale Bass <[dbass@kamloops.ca](mailto:dbass@kamloops.ca)>; ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>

**Cc:** David Trawin <[dtrawin@kamloops.ca](mailto:dtrawin@kamloops.ca)>; Maria Mazzotta <[mmazzotta@kamloops.ca](mailto:mmazzotta@kamloops.ca)>

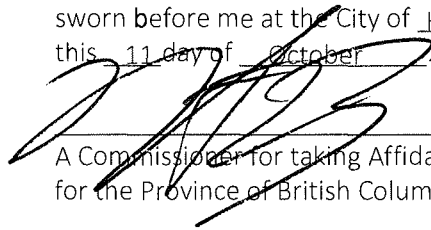
**Subject:** Re: Urgent special request: Text from the mayor

Councillor Neustaeter, the Mayor will not be supporting a closed meeting due to your own personal beliefs you have already wasted enough of the resources the citizens of Kamloops, staff and others due to your personal family issues that you have involved myself and others in. Please refer to my letter to you and take the advice of Maria Mazzotta as I believe Denise McCabe will assist you in representation that will serve you well. Please don't waste any more time or resources and just deal with the letter I sent to you and not councillors and staff. The city of Kamloops should not have to pay for your personal issues whether family or other. I believe this was very clear at the LGLA legal division. Thanks Mayor Hamer-Jackson

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 the affidavit of Katie Neustaeter  
 sworn before me at the City of Kamloops  
 this 11 day of October 2024

  
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---

**From:** Katie Neustaeter <[kneustaeter@kamloops.ca](mailto:kneustaeter@kamloops.ca)>  
**Sent:** Monday, April 3, 2023 4:58:42 PM  
**To:** Maria Mazzotta <[mmazzotta@kamloops.ca](mailto:mmazzotta@kamloops.ca)>; Reid Hamer-Jackson  
 <[rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)>; David Trawin <[dtrawin@kamloops.ca](mailto:dtrawin@kamloops.ca)>; ALL-CityCouncil <[ALL-CityCouncil@kamloops.ca](mailto:ALL-CityCouncil@kamloops.ca)>  
**Subject:** Re: Urgent special request: Text from the mayor

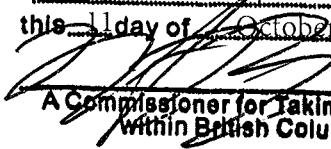
Mr. Mayor,

I will not attempt to address the many distortions of truth and events that you have made in this thread, but I would recommend that if you'd like to avoid an unnecessary use of all of our time and City resources in the future you simply refrain from threatening your colleagues and involving our families (as previously and repeatedly requested). This, I'm sure, would be appreciated by all.

Again, the statement made that you referred to in your disturbing text was by all Councillors, not any one individual. You have requested greater clarity and we are offering an opportunity for dialogue as we continue to seek a path forward that is best for Kamloops, despite the considerable divide we seem to have when it comes to our expectations about appropriate workplace behavior and common decency.

Safe travels and see you Thursday.

-k

This is Exhibit " T " referred to in the  
 Affidavit of Katie Neustaeter  
 sworn (or affirmed) before me at  
Kamloops, B.C.  
 this 11 day of October, 2024.  
  
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SOUND OFF

By David McMillan

## **SOUND OFF: Kamloops councillors should back up Hamer-Jackson allegations or resign**

Apr 5, 2023 | 2:48 PM

BACK IN DECEMBER ([Sound Off, December 28](#)), I questioned the actions taken, and statements made, by the City of Kamloops' CAO David Trawin, its lawyer Denise McCabe and its eight city councillors. Collectively, they accused the mayor of having said or done things that had placed the city in serious legal jeopardy, and of holding personal legal interests that were averse to the interests of the city. They held a closed, unlawfully convened [council meeting on December 6](#) for the purpose of receiving and reviewing a lengthy legal opinion, excluded the mayor from the meeting, and refused to provide a copy of the opinion to him. No evidence was ever provided, either to the mayor or to the public, in support of their allegations, and council announced that they would not be commenting further on either the lawsuits or the conduct that led to them. Of course, no such lawsuits were ever commenced or even contemplated. Much ado about nothing, I wrote — except for the appalling lack of transparency and accountability from senior city officials choosing to spread false innuendo in place of honest dialogue.

Fast forward to March 16, 2023. The mayor sent a list of proposed standing committee appointees to members of council in an email expressly intended for the recipients only and not to be distributed without consent. Within minutes, the list was leaked to the local media. Members of council were outraged that the mayor would decide on who to appoint to standing committees



without prior consultation with them and were miffed that three of them were being replaced as committee chairpersons. Instead of communicating their views to the mayor, they staged a media event the next day.

On March 17, 2023, Councillor Neustaeter read aloud a prepared statement on behalf of all eight councillors. Not content with just complaining about the committee appointments, council accused the mayor of lying about his reasons for reshaping the standing committees, and of belittling and treating all of them with disrespect. Of course, anyone who has actually witnessed the conduct of these city councillors during council meetings — the snickering, sneering and condescension that they direct at the mayor — would recognize the sheer hypocrisy of such statements. But the most troublesome allegation went far beyond the ambit of petty bickering. Councillor Neustaeter stated that Mayor Hamer-Jackson had “violated the personal and professional boundaries” of one or more members of council, an accusation endorsed by the other seven. All eight councillors have refused to justify this most scandalous allegation, either to the mayor personally or to the public. Their reasons for withholding the basis for this statement are as disingenuous and cowardly as is the statement itself.

An allegation that one's “personal boundaries” have been violated can mean many different things. It can suggest a wide range of misconduct, from cyber-bullying to verbal intimidation, from workplace harassment all the way to physical assault and, yes, even to sexual harassment and/or assault. The use of such language in the context of city council business, and the refusal to support an allegation as heavily laced with innuendo as this, is irresponsible to an extreme degree. It is also defamatory, and obviously damaging to the mayor and to his family.

# CHOK



I would call on all eight Kamloops city councillors to state publicly what "personal boundaries" of theirs have been violated by Mayor Hamer-Jackson, and to provide factual details of their victimization. Those who are unwilling to do so, or to be honest, forthright, transparent and accountable in relation to their scandalous statement, should resign from city council immediately. The citizens of Kamloops deserve better.

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WEEK IN REVIEW

**Week in Review: Week of Sept. 2**

Sep 08, 2024

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ONE MAN'S OPINION

**COLLINS: Time for the government to really try to fix the healthcare system**

Sep 08, 2024

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SOUND OFF

**SOUND OFF: Davies off base on Build Kamloops alternative approval process**

Sep 06, 2024

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*The author of this opinion piece, David McMillan, formerly acted as legal counsel for Reid Hamer-Jackson.*

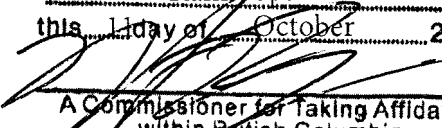
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*Editor's Note: This opinion piece reflects the views of its author, and does not necessarily represent the views of CFJC Today or Pattison Media.*

# Windows Drivers Update

Update Drivers For Microsoft Windows

(Driver Manager)

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sworn (or affirmed) before me at  
Kamloops, B.C.  
this 11 day of October, 2024.  
  
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Posted on April 12, 2023 in [Feedback](#), [Letters](#), [Page One](#) // [7 Comments](#)



(<https://armchairmayor.ca/wp-content/uploads/2023/03/council-news-mel-17march2023.jpg>)  
(Image: Mel Rothenburger)

On March 31, 2023, the Mayor requested that Councillor Neustaeter clarify her allegation that he had violated her personal boundaries, an allegation that she had made in writing on March 6 and repeated before the media on March 17. He asked for a written reply by April 7. She refused.

Instead, a special closed meeting of council was hastily arranged for April 6. During the brief open meeting that was required to approve the closed session, his questions were met with a warning against revealing confidential closed meeting information.

Firstly, the Community Charter requires that council members must keep in confidence any information considered during a closed meeting, until council as a whole decides to make such information public. So, how could the mayor possibly have revealed information considered during a closed meeting that had not yet begun and what "information" did he reveal?

The mayor asked if the proposed closed meeting was for legitimate council business or if it pertained to personal issues of one or more councillors. He was interrupted, but did not receive an answer.

Secondly, the Charter requires that any closed meeting of council be for one of the specific purposes enumerated in Section 90 and that the intended purpose be stated publicly in the agenda of the open council meeting.

In this instance, the stated purpose of the closed meeting was for "the receipt of advice that is subject to solicitor-client privilege ..." pursuant to s. 90(1)(i).

The mayor wanted to know the subject matter of the legal advice council would be receiving and what lawyer would be providing such advice. Deputy corporate officer Amanda Passmore answered by asserting that no lawyer was required under this section.

Her statement was, to be polite, utter nonsense. Who, other than a lawyer, is qualified to give legal advice protected by solicitor-client privilege? A priest? A yoga instructor?

In reality, this closed meeting was a sham. It was not convened for the legitimate purpose of receiving legal advice. Rather, it was a clumsy attempt by council and staff to lower a cloak of "confidentiality" over communications that had been ongoing for several weeks among councillors and others, recorded in text messages, e-mails, non-closed meetings and voice mails, pertaining to accusations they had made, but were unable to justify.

Unfortunately, our eight councillors appear to lack the courage and integrity to back up their personal attacks on the mayor with facts or to even respond honestly and truthfully when asked about these matters by the mayor, by the media and by the citizens of Kamloops.

Let me suggest that any move on their part toward transparency and accountability would be good for them and for the community.

**DAVID McMILLAN**

*Kamloops*

*Note: David McMillan has acted as legal counsel for Mayor Reid Hamer-Jackson.*

- Kamloops City council
- Reid Hamer-Jackson

About Mel Rothenburger ([10591 Articles](#))

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610 AM

Kamloops, B.C.  
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within British Columbia

## Local News Now

### Kamloops mayor suing councillor for defamation and libel

Paul James & Brett Miner

Jun 15, 2023 | 11:17 AM



Kamloops Mayor Reid Hamer-Jackson and Councillor Katie Neustaeter  
(Photos via City of Kamloops)

Kamloops mayor Reid Hamer-Jackson is suing Councillor Katie Neustaeter for defamation and libel.

In a Notice of Civil Claim filed in B.C. Supreme Court on Monday, June 12, Hamer-Jackson says Neustaeter defamed him when she read a joint statement prepared by council that accused the mayor of among other things – violating personal boundaries.

The news conference came after the mayor removed a number of councillors from positions on various standing committees, appointing instead a number of members of the public, some of whom were campaign donors and personal friends.

The mayor contends the line about violating personal boundaries came after a number of emails to councillors and some city staff, about the mayors attempts to contact Neustaeter's father, former Kamloops MLA and BC Liberal cabinet Minister Kevin Krueger.

In court documents, the mayor claims Krueger reached out to him offering his support during the campaign, and then abruptly cancelled a meeting with him before Neustaeter sent the emails – demanding the mayor not contact any member of her family.

Hamer-Jackson is seeking unspecified general damages, aggravated and punitive damages, and costs, as he says the emails and the public statement were designed to damage his reputation.

"I've had people call me a pervert, you know one guy saying, 'oh my wife is coming down here, can you make sure you keep your hands off her' and stuff like that," Hamer-Jackson told RadioNL, saying he wants to focus on city business.

"When you make a statement in the public and you say that somebody is violating personal boundaries and professional boundaries and harassing and all that stuff. I've given multiple times for a person to come clean and it hasn't happened. I ran my campaign on accountability and I think that we need to be accountable, all of us."

As for being able to work with Neustaeter and the rest of council in the wake of the court filing, Hamer-Jackson says he believes the legal action "may actually help" with the process of getting city business done.

"I've been sitting beside Councillor Neustaeter for every council meeting since those accusations [made public by council at a joint news conference on March 17] were made in public," noted Hamer-Jackson. "I've worked with people for over 30-years in the car business. I can say I didn't like them all. I liked lots of them, but I didn't like them all, but I worked with them as long as they stuck to the truth and didn't get into any trouble. So, we'll just carry on."

Hamer-Jackson was also asked about the allegations in the suit related to the March 17 news conference, and whether it might affect his relationship with others on council.

"There hasn't been much trust there at this point anyway," argued Hamer-Jackson. "You're right, all individuals did stand behind her, but — and again — I think you should talk to my lawyer about that."

Reached by RadioNL, Hamer-Jackson's lawyer David A. McMillan declined comment "out of courtesy to Katie Neustaeter – as she hasn't yet been served."

Neustaeter, meanwhile, declined comment for now telling RadioNL she learned of the lawsuit this morning when contacted by a reporter for comment.

This is Exhibit "W" referred to in the  
Affidavit of Katie Neustaeter  
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Kamloops News

## UPDATE: Kamloops mayor launches defamation suit against councillor

*Levi Landry*


Republished June 15, 2023 - 12:31 PM

Original Publication Date June 15, 2023 - 8:51 AM

The rift on Kamloops city council is growing wider as a spat between Mayor Reid Hamer-Jackson and councillor Katie Neustacter heads to BC Supreme Court.


**GREEN LIGHT**  
CANNABIS

THANK YOU TO OUR  
FIRST RESPONDERS

### Popular Penticton News

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**Boult Automotive**  
Where Honesty Still Has Value

Months after councillors stood together and issued a joint statement accusing Hamer-Jackson of breaching personal and professional boundaries and belittling others and disrupting City business, the mayor launched a defamation lawsuit against Neustaeter.

"The allegation that (Hamer-Jackson) was guilty of unspecified misconduct of a personal and scandalous nature... was made willfully and maliciously," a notice of claim filed in Kamloops, June 12, reads. "It was intended to damage (Hamer-Jackson's) reputation in the eyes of the public, and has done so."

The eight councillors joined together in a March 17 press conference at city hall, where Neustaeter read the joint statement aloud.

It appeared to be in response to the mayor's decision to oust some councillors from leading council committees, instead adding members of the public to those positions. As Neustaeter read the statement aloud, however, it became clear there were interpersonal conflicts between Hamer-Jackson and council.

"While we as councillors have been subjected to repeated disrespect, violations of personal and professional boundaries, belittling and constantly disruptive behaviour by the mayor, we've been willing to absorb the impact in service to our community," she said at the press conference.

At the outset, council told reporters in the room they would not be taking questions, so the details of the mayor's behaviour weren't released to the public, despite the claims.

Although Neustaeter was reading a joint statement from all eight councillors, Hamer-Jackson set his sights specifically on her. He told INFOnews.ca he wants to keep her "accountable" for what he sees as defaming and libelous comments.

"The other people were standing behind her, but at this point I think she needs to be held accountable," he said. "If I didn't do this, I believe I would be letting the citizens of the community down... It's so easy to just go 'blah blah blah,' and not even care about what people think."

While the joint statement included broad accusations about his behaviour, Hamer-Jackson is not satisfied he was ever provided evidence that he violated any boundaries.

Hamer-Jackson, represented in court by lawyer David McMillan, begins his claim by recounting his attempts to meet with Neustaeter's father, former MLA Kevin Krueger.



Krueger, as Hamer-Jackson claims, initiated the attempts to schedule a meeting together and aimed to offer guidance to the newly elected mayor.

After months of back-and-forth attempts, Neustaeter stepped in and told the mayor not to meet with a family member for City business, according to court documents.

"Mr. Mayor, never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again. This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so," she wrote in an email to mayor and council on Feb. 13, according to court documents.

She went on to accuse Hamer-Jackson of using her family in an attempt to influence her or City business. She claimed he tried to meet with Krueger behind her back, proving "nefarious intent."

Hamer-Jackson claims Krueger cancelled a Feb. 8 meeting at city hall just a day before it was scheduled and he was not sure why.

Krueger previously told INFOnews.ca he thought meeting with the mayor would be "nothing but grief," so he cancelled on his own accord.

"It is going to get personal if my daughter thinks I'm somehow campaigning against her," he told INFOnews.ca in April.

Although the March 17 press conference included a joint statement from all of council, Hamer-Jackson is focusing his defamation suit against Neustaeter, who read it aloud to reporters.

He's attempted to obtain evidence in the fallout since council accused him of breaching personal and professional boundaries, but claims he has not received any.

"(Neustaeter) has no factual basis for having made the March 17 statement. Nonetheless, she has refused to retract the statement and has willfully permitted the damaging effects of the statement to continue to harm (Hamer-Jackson) and his family," his claim reads.

Hamer-Jackson told INFOnews.ca he's heard people in public speculate he's engaging in sexual harassment at city hall, claiming he's been called a "pervert" since the March joint statement accused him of breaching professional and personal boundaries.

"This stuff is hard on my family too," he said.

He said the City won't be contributing with his legal fees and he won't be distracted from doing City business.

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"It's been very distracting over the last few months. So I think we can leave this up to the law and focus on business," he said.

The notice of claim was filed in BC Supreme Court on June 12. None of his claims have been proven in court and Neustaeter has not responded.

Neustaeter would not comment on the defamation claim and had not yet been served the documents as of this morning.

— This story was updated at 12:15 p.m., June 15, 2023, with comments from Reid Hamer-Jackson.

To contact a reporter for this story, [email Levi Landry](#) or call 250-819-3723 or [email the editor](#). You can also submit [photos, videos or news tips to the newsroom](#) and be entered to win a monthly prize draw.

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Tags: [Kamloops City Council 2023](#), [Kamloops news](#), [KMJUN2023](#), [Levi Landry](#)

3 comments

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**Bronwen Boulton Scott**

Katie has been obstructive from the start. People should be accountable for what they say in the media.

Like · Reply · 1 · 1y



**Kim Young**

Satan's laughing with delight.

Like · Reply · 1y



**Linda J. Davidson**

Reid Hamer-Jackson damaged his own reputation. I long for the days of Ken Christian and other great councilors like Arjun Singh, who would have been a great mayor.

Like · Reply · 2 · 1y

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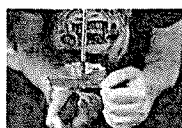


**THOMPSON: Why we should be concerned about government, corporate inaction on 'forever' chemicals**

OPINION Back in 1982, I recall talking with a scientist at



What to do with those Oregon grape berries



Drug possession is a crime in Oregon once again as law rolling back decriminalization takes effect



Central Okanagan real estate has slowest August since 2011



This is Exhibit "X" referred to in

the affidavit of Katie Neustaeter  
sworn before me at the City of Kamloops  
this 17th day of March 2023.

A Commissioner of the Court in and  
for the Province of British Columbia

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## *Mayor's lawyer explains why defamation suit levied on lone councillor*

An apology and a retraction is one way that could resolve a defamation lawsuit filed against a Kamloops city councillor by the mayor, according to his lawyer.

Kamloops Mayor Reid Hamer-Jackson is suing Coun. Katie Neustaeter in B.C. Supreme Court, claiming her March 17 statement on behalf of all council has caused innuendo, inference and speculation among the public that is damaging his reputation.

Neustaeter's statement, read during a press conference in council chambers, claimed Hamer-Jackson crossed personal and professional boundaries, belittled and disrespected councillors, but provided no details as to how he had done so. Councillors did not take questions from the media afterwards and have been scant on details since.

The lawsuit claims the statement was false and defamatory, damaged, and was intent on damaging, Hamer-Jackson's public image. It also stated various members of the public have speculated Hamer-Jackson sexually assaulted and/or abused members of council, from the claims of crossing personal boundaries.

Hamer-Jackson's lawyer, David McMillan, told KTW that while the statement was made on behalf of all eight councillors, only Neustaeter is being sued because, legally, she is the only one for which a defamation case can be made against, as she read out the statement.

"The law makes a fine distinction that way. You actually have to make a defamatory statement, either in writing or orally to be liable for it," McMillan said.

McMillan said Hamer-Jackson opted to file a lawsuit because he felt he had no other alternative and had been on the receiving end of inflammatory comments in both closed and open council meetings. He also said Neustaeter's comments went beyond politics and had a personal impact.

"You can only put up with so much for so long," McMillan said. "We let it carry on for two months."

He said there were other comments made to Hamer-Jackson that McMillan thought could be the subject of the lawsuit, but they were made in closed council meetings and protected by qualified privilege.

“And as long as a discussion is a discussion over a policy issue, you have to take it,” McMillan said. “Politicians have to grow a thick skin, but when it goes to this extent where it hits at the personal integrity of a person and how he lives his life and interacts with other people on a personal level, that takes it out of the realm of politics.

### **Lawsuit is about reputation, not money**

Asked what his expectations are for this lawsuit, McMillan said he was not sure how it would turn out and that it would depend almost entirely on what kind of response is mounted by Neustaeter. He said he was not confident it would be resolved quietly and amicably given Neustater’s previous responses to Hamer-Jackson.

“But you never know. Once someone is obliged to get good legal advice, which I hope will happen, there are easy avenues to solving cases like this,” McMillan said, adding most lawsuits never reach trial.

He said those avenues include issuing an apology and retraction, which would stop the damages of Neustaeter’s statement from occurring.

McMillan said that when a “young, attractive-looking” councillor claims personal boundaries were violated, people can infer sexual misconduct.

“When you make an inflammatory statement like that and hang it out there, people are going to draw inferences. And the way the law works, judges are just going to try to assess what a reasonable person would think,” McMillan said.

McMillan said the claims and the resulting public speculation impacted Hamer-Jackson, his wife and their three adult children.

“I’ve never seen him take a hit like this,” McMillan said of Hamer-Jackson, who he has known for 30 years. “Some of the people who have yelled at him in public places have already drawn their own conclusions.”

McMillan explained no dollar amount in damages had been specified and such a lawsuit is more about restoring reputation. He said damages in cases like these can reach seven figures, but also be negligible, citing a similar case from Newfoundland between a councillor and mayor in which damages awarded were \$40,000.

“We’ve got a mayor going into the latter three and a half years of his term and how can he do that if all the people in front of him might think he’s a sexual predator or a bully?” McMillan said.

He said damages are always assessed as per the date of the trial, which may not occur until after this council term is up, at which point, any impact on Hamer-Jackson’s career as a mayor could be a factor in the case.

### **Alternative attempts to avoid litigation failed**

Hamer-Jackson’s lawsuit claims Neustaeter made defamatory statements about him verbally in front of councillors and staff on Feb. 11, via email that included councillors on Feb. 13 and March 5 and then verbally again via the March 17 statement. The notice of claim states Neustater accused Hamer-Jackson of having interactions with her father, former Kamloops MLA Kevin Krueger, with nefarious intent for political gain and influence over her, to which Hamer-Jackson said he had only been responding to Krueger’s offers of support and advice, and admissions of family troubles with Neustater.

McMillan said Hamer-Jackson attempted to resolve the issue quietly by disregarding the Feb. 11 statement and asking Neustaeter on multiple occasions afterwards to explain the claims against him, setting a deadline to

do so after she did not respond to a March 23 request. McMillan claimed Neustaeter then responded by scheduling a closed council meeting on April 6 that he believes was an attempt to hide the conversation under a confidential, privileged setting.

“That’s not how you deal with public comments,” McMillan said.

McMillan told KTW Hamer-Jackson, on his advice, let the issue percolate from there to see if it went away and when it did not, decided “enough is enough” and this legal route was taken.

Reached for comment on Thursday, Neustaeter told KTW she had only learned of the lawsuit from a reporter that morning.

“I have nothing further to add,” Neustaeter told KTW via text message.

McMillan told KTW, on Thursday, he was not sure if Neustaeter had been served with the court documents yet. He said he filed the lawsuit and hired a firm to serve Neustaeter, and advised that the process servers serve it in a discreet manner given the high public profile of those involved.

“The lawsuit’s out for service,” McMillan said, adding sometimes it can take weeks for a lawsuit to be served.

He said once it has been served, the defendant has 21 days to file a response.

McMillan said what will follow in the legal process is pleadings and a document discovery stage, adding he feels any document pertaining to Krueger’s mental or physical health will be relevant.

McMillan said he searched CanLII — The Canadian Legal Information Institute is a non-profit organization created and funded by the Federation of Law Societies of Canada in 2001 — to gauge the prevalence of defamation lawsuits involving B.C. mayors and found 89 cases, which surprised him.

“It’s an astronomical number of cases that involve public figures,” McMillan said.

*—This story was corrected from an earlier version that stated "professional boundaries" incorrectly in some instances where it should have read "personal boundaries" in reference to the lawsuit.*

---

Posted June 16, 2023 in [News](#)

by

Tags:

[kamloops this week archive](#)

This is Exhibit "Y" referred to in the  
Affidavit of Katie Neustaeter  
sworn (or affirmed) before me at

Kamloops, B.C.  
this 11th day of October, 2024.

*[Signature]*  
A Commissioner for Taking Affidavits  
within British Columbia

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## Kamloops mayor files defamation suit against city councillor

Reid Hamer-Jackson's claim involves emails, public statements by Katie Neustaeter

Chad Pawson · CBC News · Posted: Jun 16, 2023 2:15 PM PDT | Last Updated: June 16, 2023



Kamloops Mayor Reid Hamer-Jackson (left) has brought a civil suit against Coun. Katie Neustaeter over alleged libel and defamation. (Jennifer Norwell and Marcella Bernardo/CBC News)

The mayor of Kamloops, B.C., is seeking punitive damages from a city councillor, alleging he was defamed by comments she made in emails to council and in public that included a perceived political relationship with the councillor's father, a former B.C. Liberal MLA.

Mayor Reid Hamer-Jackson's civil suit, filed in B.C. Supreme Court on June 12, revolves around emails Coun. Katie Neustaeter sent to council, as well as public statements she made between February and March in which she accused Hamer-Jackson of "disclosing confidential information, slandering staff and violating personal boundaries."

The suit is the latest development in an ongoing conflict between Hamer-Jackson and Kamloops council since he was elected in October.

In March, Neustaeter and the city's seven other councillors held a news conference to deliver a joint statement condemning Hamer-Jackson's actions, which included the



shuffling of committees, recusing himself from a council meeting and making unannounced visits to shelters.

- Kamloops councillors unite against mayor's perceived 'chaotic' and 'unpredictable' behaviour

In the joint statement, Neustaeter said councillors had been "subjected to repeated disrespect, violations of personal and professional boundaries, belittling and constantly disruptive behaviour by the mayor."

Those comments form the basis of Hamer-Jackson's suit. None of the claims have been proven in court and Neustaeter has yet to respond.



Kamloops city council addresses media from city hall on March 17 (Marcella Bernardo/CBC)

The eight-page claim begins by establishing details over how Neustaeter's father, Kevin Krueger, sought conversations and meetings with Hamer-Jackson during his candidacy and the early days of in the mayor's office.

It then goes on to detail emails sent by Neustaeter to council asking Hamer-Jackson not to contact her family, along with public comments in which she said he was not acting professionally. The claim says the emails and public statements were libellous and defamatory.

## Claim says meeting never happened

The claim said Krueger, a former MLA for two different ridings in the Kamloops area between 1996 and 2013 for the B.C. Liberals, now known as B.C. United, offered support for Hamer-Jackson's candidacy in October and allegedly tried to contact Hamer-Jackson on numerous occasions between December and January to meet with the mayor and offer guidance.

It said both parties never ended up speaking and an eventual Feb. 7 lunch meeting was ultimately cancelled by Krueger.

"The Plaintiff has no knowledge of the facts or circumstances that motivated Mr. Krueger to seek a meeting with him, not any knowledge of the facts or circumstance that influenced Mr. Krueger's decision to cancel the meeting that he arranged," reads the claim.

- **Kamloops mayor asked to stop visiting B.C. Housing shelters unannounced**
- **Kamloops mayor recuses himself from entire council meeting in 'surprising' move**

The claim says Neustaeter subsequently libelled Hamer-Jackson through emails sent to all members of city council."

"Mr. Mayor, never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealing again," said a transcript of part of the email in the claim.

It argues that statements Neustaeter made in the emails were false and not supported by evidence, as were similar public statements she made.

"It was intended to damage the Plaintiff's personal reputation in the eyes of the public, and has done so," it said.

## **Public perception**

The claim also says Neustaeter's email and statements have led members of the community to speculate that Hamer-Jackson may have committed a crime against her or others.

"Various members of the public have inferred or concluded that the Plaintiff has physically or sexually harassed, abused or assaulted the defendant and/or others," said the claim.

Hamer-Jackson told CBC News on Thursday that he has long been a respectable Kamloops citizen and that he is facing unfair scrutiny due to the emails and public statements detailed in the claim.

"I'm tired of being called a pervert and different names," he said. "I think that people need to be held accountable."

The claim said the defendant's conduct is "reprehensible and deserving of the rebuke of the court in the form of punitive damages."

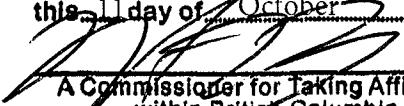
- **Kamloops deputy mayor hopes city can move forward after spats between mayor and council**
- **Kamloops city council takes step to resolve internal dispute on standing committees**

Neustaeter did not comment about the suit to CBC News, but said she may respond later once she's had time to hire a lawyer.

She has 21 days from June 12 to respond to the claim.

*With files from Marcella Bernardo*

This is Exhibit 7 referred to in the  
Affidavit of Katie Neustaeter  
sworn (or affirmed) before me at  
Kamloops, B.C.  
this 11 day of October, 2024.

  
A Commissioner for Taking Affidavits  
within British Columbia

Kamloops News

## Kamloops mayor accused of using city councillor's family as leverage

Levi Landry



FILE PHOTO - Mayor Reid Hamer-Jackson (right) and Kamloops councillor Katie Neustaeter (left) at a March 28, 2023, council meeting. (LEVI LANDRY / INFOnews.ca)

July 25, 2023 - 9:45 AM

Kamloops city councillor Katie Neustaeter has accused the mayor of trying to use her family as a way to control her. She paints an entirely different picture of Mayor Reid Hamer-Jackson as she refutes his claim she defamed him both in public and behind the scenes.

In a recent court filing, Neustaeter said Hamer-Jackson repeatedly violated personal and professional boundaries at city hall, which she previously said in a joint statement with council earlier this year.

Although they would not answer questions or give examples during the March press conference, Neustaeter collected several examples of Hamer-Jackson's "disruptive" behaviour as she responds to his legal challenge.

**READ MORE:** [Kamloops mayor launches defamation suit against councillor](#)

The mayor filed a lawsuit in BC Supreme Court last month, claiming she defamed him and "maliciously" damaged his reputation in the eyes of the public. He filed his notice of claim on June 12 and she responded yesterday, with her legal fees supported by the City.

Neustaeter claims Hamer-Jackson repeatedly tried to contact her father, former MLA Kevin Krueger, and disclosed personal family information to the rest of council and staff, according to BC Supreme Court documents.

During a Jan. 23 Zoom meeting with council and chief administrative officer David Trawin, Hamer-Jackson said Neustaeter "would not like" the topic of the meeting he pitched.

He went on to say he set up a meeting with her dad and he knew a lot of "stuff" about her family, according to court documents.

She also said Hamer-Jackson wanted Krueger to get Neustaeter's help in firing a staff member, who isn't named in court documents.



**READ MORE:** [Kamloops councillor 'looking forward' to defending herself in defamation suit launched by mayor](#)

She subsequently told him not to involve her family in City business multiple times in writing, included in court documents.

Although Hamer-Jackson filed his claim against Neustaeter alone following the March joint statement, her legal response included claims about his behaviour as it relates to other City staff and councillors.

Neustaeter claims Hamer-Jackson refused to place councillor Dale Bass on the deputy mayor rotation because her husband was critical of him on social media, then overturning that decision when he was questioned. She said Hamer-Jackson also suggested at least two councillors were in conflict of interest because their spouses are City employees, and he tried to interfere with councillor Bill Sarai's son's employment, who is a bylaw officer.

Among the multiple other examples, she said he tried to put his own "political allies" in City staff positions, then refused to support candidates who were not his allies.

**READ MORE:** [Removing the mayor of Kamloops, if it comes to that, won't be easy](#)

It's not clear who he attempted to hire, but his sweeping changes to council committees earlier this year included at least one person who worked on his campaign and two others who donated to his campaign.

She said Hamer-Jackson gave confidential information from closed council meetings to people who were not councillors or staff, and he withheld information from council given by senior levels of government.

Hamer-Jackson referred to his lawyer David McMillan for comment on Neustaeter's response when contacted this morning.

"You're telling me stuff I don't know nothing about," he said, when asked about some of her specific claims.

He refused to comment on whether he tried to use Krueger to leverage Neustaeter, including an attempt to dismiss a City employee. He also would not comment an allegation he disclosed closed council information to people outside of City hall.

Neustaeter's 30-page response was filed on July 24. Neither of their claims have been proven in court.

She denies defaming the mayor, claiming most of her comments about the mayor represent fair comment on matters of public interest.

Hamer-Jackson told INFOnews.ca last month he wants to keep Neustaeter "accountable" for what he sees as defaming and libellous comments.

"The other people were standing behind her, but at this point I think she needs to be held accountable," he said. "If I didn't do this, I believe I would be letting the citizens of the community down... It's so easy to just go 'blah blah blah,' and not even care about what people think."


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**To:** City of Kamloops Council

**From:** Henry Braun, Municipal Advisor

**Date:** April 22, 2024

**Subject:** Municipal Advisor's Report

This is Exhibit "AA," referred to in the  
Affidavit of ... Katie Neustaeter  
sworn (or affirmed) before me at  
Kamloops, B.C.  
this 11 day of October, 2024.  
  
A Commissioner for Taking Affidavits  
within British Columbia

**EXECUTIVE SUMMARY**

The writing of this report commenced after the Mayor's suspension of the Acting CAO and subsequent Council reversal by an 8-0 vote, with the Mayor being absent. Dysfunction at the local government level has increased during the last several years in a number of B.C. communities, including the City of Kamloops.

The Mayor is the "first among equals" and sets "the tone at the top". As the former Mayor of the City of Abbotsford, my involvement as a Municipal Advisor has reminded me that how we lead, what we do, what we say matters. It sets a tone – whether it's positive or negative. It shapes a team, an organization, and ripples through the community.

The City of Kamloops (City) is the 10<sup>th</sup> largest city in British Columbia by population. Based on my experience with this project, Councillors are engaged and working well with an administration that understands its role and is doing good work in challenging circumstances.

To find a way forward has been much more difficult than I envisaged at the onset. I found that when asked a specific question, the Mayor has a tendency to shift the focus/discussion away from the question. I have found that he avoids taking responsibility for his own actions or inaction, while expressing his opinions on a completely different topic.

Absent a commitment from the Mayor to make significant changes in how he interacts and treats Council colleagues and administrative staff, I am not aware of any legislative levers that Council has at its disposal. A possible avenue to explore is to amend the city's Code of Conduct to include additional sanctions, part of

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which could be a financial penalty by way of a graduated reduction in salary (Recommendation 3).

I write this Report on an “in camera” and confidential basis recognizing the sensitivity of the matters discussed and concerns of personal privacy.

The dates and summary of information provided in this Report are a repetition of the information presented to me, of which I have confirmed to the best of my ability and which I believe to be accurate and true. They are not bare allegations.

My findings and suggestions outlined later in this Report are based upon the compelling information available to me, corroborated by personal observations and interviews, and with reference to documents and records where available.

### **SECTION 1 – Key Dates**

1. On March 8, 2022, Info News Kamloops article reads, “Kamloops business owner announces intention to run for mayor.” (The owner referenced is Reid Hamer-Jackson). The first sentence in the article states, “A Kamloops business owner wants to hold B.C. Housing and City staff to account if he wins the mayors job in the fall municipal election.”
2. Candidate Hamer-Jackson’s campaign material included, “The majority of other mayoral candidates this year are all current or former city councillors that have overseen the mismanagement of our city – we don’t need more politicians.” The next bullet reads, “Reid is asking for your vote if you are tired of ineffective bureaucracy and failed leadership getting in the way of solving our keys issues and getting back to a Kamloops, we all can be proud of again.”

Goals identified in the campaign material:

#1 Safety, community safety.

#2 Accountability & Transparency, hold government officials accountable, and

#3, Prosperity, make a Kamloops we can all be proud of again.

3. October 15, 2022, with 31 per cent of the vote, Reid Hamer-Jackson is elected as the next mayor of Kamloops on a platform of community safety,

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accountability for city hall and for contract social service providers. Joining the Mayor were five (5), new councillors and three (3) incumbents.

4. November 1, 2022, Council is sworn in.
5. November 8, 2022 – Council Orientation (**Mayor did not attend**).
6. December 6, 2022 – Mayor recuses himself from entire public council meeting on the basis of two agenda items that were a conflict for him: a variance on a property that involved a close friend, and a report dealing with housing, safety and security that involved ASK Wellness.
7. December 8, 2022 – In an open Council meeting, Mayor opposed a motion to move into a closed meeting where Council was to receive advice from the City's lawyers about the **S.14 information protected by privilege**  
[REDACTED]
8. January 10, 2023 – Mayor fails to attend a follow-up governance session (initially a team building exercise), focused on council dynamics.
9. January 26/27 and February 11, 2023 – Strategic Planning Session with Mayor, Council and Staff.  
During one of my discussions with the CAO, he shared that the Mayor made some good points during the Strategic Planning sessions.
10. February 23 – April 3, 2023, Mayor is under investigation concerning allegations of negative or adverse treatment of **S.22(1) Personal Information** and three other city employees.
11. March 17, 2023 – Eight Councillors hold public event in council chambers at which a Joint Statement is read regarding the Mayor's behaviour.
12. June 12, 2023 – Mayor files a Notice of Civil Claim in B.C. Supreme Court against Councillor Neustaeter alleging defamation.
13. June 19, 2023 – Mayor and Council release 2023 – 2026 Strategic Plan, unanimously approved. Directionally, Mayor and Council are not misaligned when it comes to the Strategic Plan and this is an example of success.
14. September 26, 2023 – Council unanimously passed a motion requesting assistance from the Ministry of Municipal Affairs (MUNI) to address urgent governance concerns.
15. November, 2023 – Ministry staff, including the Inspector of Municipalities, met with City staff and council to understand the common concerns.



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16. There have been multiple breaches of privacy and confidentiality.

- i) A private citizen was invited by the mayor to attend a meeting to take notes dealing with sensitive issues.
- ii) The Mayor refused to return a confidential employee performance review.
- iii) November 14/15, 2022, there is a media leak regarding matters related to BC Housing and Canadian Mental Health Association Kamloops.
- iv) March 16 & 24, 2023, there is a media leak regarding the Mayor's internal memos concerning changes to the standing committees.
- v) July, 2023, there is a media leak regarding a document related to Council's February approval to investigate the Mayor's conduct towards city staff.
- vi) The Mayor released a "Privileged & Confidential Investigation Report". to the media on April 5, 2024, as confirmed by the Mayor in a CFJC News interview.  
Note: A "Privileged & Confidential Investigation Report", was leaked to local media on June 19, 2023.
- vii) The Mayor requested that a city employee to witness the suspension of Deputy CAO. The employee refused and Councillor Middleton subsequently attended the suspension meeting as a witness.
- viii) The Mayor released a Closed Council Resolution to the media, which laid out restrictions on the mayor's ability to suspend staff.

**Engagement of Municipal Advisor**

- 1. On September 26, 2023 City Council passed a council resolution to request support from the Ministry of Municipal Affairs to help address governance challenges. In conjunction with the Ministry's procurement process, January 23, 2024, MUNI ADM reached out to ask if I would consider potential work as a Municipal Advisor for the City of Kamloops. After considering the request, I agreed and entered into a four (4) month contract dated February 7, 2024.
- 2. February 9, 2024 – Municipal Advisor work commenced.
- 3. February 12, 2024 – 1-hour introductory Teams meeting with eight (8), Councillors, ADM, Ministry of Municipal Affairs and ED Governance and Structure.

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4. February 12, 2024 – a half-hour introductory Teams meeting with the Mayor and ADM, Ministry of Municipal Affairs and ED Governance and Structure.
5. February 13, 2024 – 3-hour in-person meeting with the Mayor in Abbotsford.
6. February 15, 2024 – a 45-minute introductory Teams meeting with CAO.
7. February 16, 2024 – a 45 minute in-person meeting with CAO, and a separate 1-hour in-person meeting with the Mayor.
8. February 27/28, 2024 – 1 hour breakfast meeting with the Mayor, followed by Agenda Review, all Council Meetings, including Closed and Public Hearing.  
Eight (8), 1-hour, in-person meetings with each of the Councillors.  
In addition to the formal interview times, I received many text messages and e-mails from the Mayor. Additionally, Councillors and Staff also provided relevant e-mails, text messages and correspondence.
9. March 6, 2024 – 1-hour Teams meeting with one (1), administrative staff member.
10. March 11, 2024 – 1-hour, one-on-one in person meetings with four (4) administrative staff.
11. March 11, 2024 – 5-hour in person meeting with the mayor.
12. March 12, 2024 – attended Agenda Review and all Council meetings, including Closed (with the exception of 1 agenda item).
13. March 26, 2024 – Mayor suspends Acting CAO. Subsection 151(1) of the *Community Charter* states that the mayor may suspend a municipal officer or employee if the mayor considers this necessary. Subsection 151(2) requires that the suspension be reported to council at its next meeting and the council may reinstate the officer or employee, confirm the suspension, confirm and extend the suspension or dismiss the officer or employee. This suggests that the power to suspend is only to be used for urgent matters, subject to the final decision of Council. I would not support its use for matters that extend back in time, such as removing a campaign sign.
14. March 28, 2024 – Council reverses suspension of CAO in an 8-0 vote.
15. April 4, 2024 – 3-hour in person meeting in Kamloops with the Mayor.
16. April 4/5, 2024 – Mayor delivers a complete unredacted copy of a “Privileged & Confidential Investigative Report” to multiple media outlets dealing with an external investigation conducted into alleged breaches of the City’s Code of Conduct.

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17. April, 2024 – Mayor releases Closed Council Resolution dealing with additional Protective Measures against the Mayor.

**SECTION 2 – Process**

1. Since the October 2022 election, Mayor and Council and Mayor and Staff have struggled to become a cohesive team.
2. September 26, 2023, Mayor and Council unanimously passed a motion requesting assistance from the Ministry of Municipal Affairs (MUNI) to address urgent governance concerns.
3. November, 2023, Ministry staff, including the Inspector of Municipalities, met with City staff and council to understand the common concerns.
4. February 7, 2024, a contract was agreed to between Henry Braun and MUNI, which allowed work to commence on February 9, 2024.  
My work was to listen, ask questions and assess what the issues and challenges are, provide advice, coaching and mentorship to both Mayor and Council, and to provide a report to be delivered to MUNI and Council with recommendations and next steps to work on after the Municipal Advisor is no longer in place.
5. Background reading included articles posted by local news outlets for the period beginning in March, 2022 (before the civic election), up to and including April 19, 2024.
6. Initial meetings were held with the Chief Administrative Officer (CAO), the Mayor, eight Councillors and various administrative staff (6), to assess issues and challenges, all of which provided context in order to gain a better understanding of the state of affairs at city hall. My work was not investigative, i.e., not to find where the media leaks were coming from, nor did it involve any inquiry into local government matters.
7. Following the initial interviews, a number of lengthy follow-up one-on-one meetings took place with the Mayor, in addition to e-mail and text exchanges, which also provided opportunities to coach and mentor.
8. Individuals interviewed – The Mayor (multiple meetings), 1-hour, one-on-one in-person meetings with each of the eight (8), Councillors and six (6), 1-hour, one-on-one in person meetings with administrative staff.

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9. February 27, 2024 – Municipal Advisor attended Agenda Review, all Council Meetings, including Closed & Public Hearing.
10. March 12, 2024 – Municipal Advisor attended Agenda Review, all Council Meetings, including Closed Council, with the exception of one agenda item, a Privileged & Confidential matter.
11. Documents received from the city:
  - i) Oath of Office,
  - ii) 2022 – 2026 Strategic Plan,
  - iii) Council Procedure Bylaw,
  - iv) Code of Conduct Bylaw,
  - v) Council Minutes,
  - vi) Bullying and Harassment Policy.
  - vii) Three (3), archived Council Meetings links; March 14, 2023, June 13, 2023 and September 5, 2023.
12. Correspondence received:
  - i) Many text messages (100 plus), from both of the Mayor's city and personal cell phones, multiple times per day but not every day. The earliest copies of texts forwarded go back to December of 2021.
  - ii) E-mail strings sent from the Mayor to Councillors.
  - iii) E-mail strings from Councillors to the Mayor.
  - iv) A few text messages periodically sent from Councillors.
  - v) A handful of e-mails directed only to me from individual Councillors.
  - vi) E-mails and/or text messages from staff providing information that I requested.
13. Ongoing engagement and interactions:
  - i) The Mayor and Municipal Advisor have been very engaged from the onset and interacted many times per day/week, throughout this process.
  - ii) During my interactions in-person or electronically, I often suggested a way to 'build bridges' or do things differently (Chamber Speech as an example). Based on my observation, it appeared to me that the Mayor was not pleased with my suggestion regarding his approach to the Chamber presentation. I did not observe that he was interested in my feedback or perspective.

**CONFIDENTIAL****SECTION 3 – Context****1. Council Performance and Dynamics**

- i) **Unity Among Councillors:** Despite initial unfamiliarity, Councillors have unified, showing leadership in challenging circumstances.
- ii) **Respectful Dialogue:** On the whole, Councillors (not including the Mayor) have maintained respectful and cordial dialogue despite disagreements with one another, as I have personally observed and in various e-mail exchanges.
- iii) **Team Effort Required:** Local government is seen as a team effort with the Mayor expected to lead effectively.

**2. Mayor's Conduct and its Impact**

- i) **Behavioral Issues:** In my opinion, the Mayor's reluctance to change behaviour or admit errors has significantly contributed to the issues.
- ii) **Communication Challenges:** Protective measures make communication with the Mayor cumbersome and increases workload on Councillors.

**3. Desire for Improvement:** I have observed that Councillors are willing to support the Mayor, but contingent on behavioral change towards administrative staff.

**4. Contributions to the Problem:** Responsibility Allocation: Based on the compelling evidence before me, in my opinion, the Mayor's approach is largely responsible for the issues, with minor contribution by Councillors in reaction.

**5. Strained Relationships:** There is significant strain between Mayor, Council, and Senior Staff.

**6. Legislative Powers:** Council has limited levers at its disposal to deal with the Mayor's actions.

**CONFIDENTIAL****SECTION 4 – Top Challenges**

**1. Resistance to Accept Responsibility or Feedback:** In my opinion, the Mayor has shown inflexibility in acknowledging his part in the existing dysfunction within city hall. I have observed the Mayor exhibiting a dismissive and condescending attitude towards constructive criticism or the suggestion of apologies, which exacerbates the strained staff relations. The information I have indicates that the Mayor has dismissed suggestions or opinions that do not align with his views.

Although the Mayor reached out to me (Municipal Advisor), for advice and guidance, I detected a resistance to accepting any feedback provided in response. This has been an ongoing concern for me throughout the process.

**2. Poor Communication and Distrust:** In my view, the Mayor's has not communicated effectively with staff, and his evident distrust of the Kamloops' administrative team hampers constructive dialogue and teamwork.

**3. Disregard for Administrative Relationships:** The Mayor has exhibited contempt for authority structures, including senior staff like the CAO and Deputy CAO. This undermines the professional respect and collaboration necessary for effective city governance.

**4. Significant Staff Turnover and Stress:** The Mayor's confrontational style and public disparagement of city staff have led to a workplace environment where **S.22(1) Personal Information** staff have resigned or taken stress leave.

**5. Lack of Awareness of Potential Consequences:** The Mayor's actions and statements suggest a significant underestimation of the implications of his behaviour, including potential legal and reputational damage to the council and the city.

**6. Resistance to Resolution and Openness:** The Mayor appears to prefer fighting disagreements without an openness to resolving issues amicably. This suggests a preference for a combative stance over constructive dialogue.

**7. Inconsistent Statements on Receipt of Important Documents:** By acknowledging receipt of an essential report to the media after denying knowledge of it in official discussions, the Mayor demonstrated a concerning discrepancy between his private admissions and public statements.

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**8. Understanding of Written Correspondence:** The Mayor should be seeking the advice of staff and ask questions if he doesn't understand the content of emails and written communications. It does not appear that the Mayor looks to staff or Council for advice or guidance.

**9. Communication Difficulties:** A Mayor should be seeking to clarify with staff if there are issues or he is confused about operational issues. In my observation, the Mayor has not demonstrated those behaviours

**10. Ignoring Confidentiality Protocols:** The Mayor has admitted to sharing privileged information outside of Closed meetings, disregarding the confidentiality protocols and risking legal repercussions.

**11. Misinterpretation of Roles:** The Mayor has not exhibited a clear understanding of his role and its limitation – as evidenced by interactions with Council, staff and the community.

**12. Conflicts of Interest:** I have observed that the Mayor does not understand policies and legislation regarding declaration of conflicts.

**13. Statements to the Public:** The Mayor has made a number of public statements and allegations, particularly in media interviews, that could be harmful and potentially legally damaging to the City.

**14. Awareness Regarding Official Report and Complaints:** Mayors should operate with transparency and openness so that council and staff know where they stand. While in possession of the "privileged and confidential investigation report", the Mayor denied knowledge of the contents and the complaints against him.

**15. Failure to Engage with the Investigative Process:** The Mayor has apparently failed or refused to participate in the investigation of complaints against him, which suggests a disinterest or avoidance of accountability mechanisms.

**16. Unwillingness to Act Upon Guidance:** The Mayor reached out multiple times to the Municipal Advisor for advice and guidance. Unfortunately, I did not observe that the Mayor acted on that advice even once. I have observed the Mayor avoiding responsibility for his actions or inactions.

**CONFIDENTIAL****SECTION 5 – Mayor Recommendations**

I would counsel the Mayor to consider the following recommendations and principles:

**1. Behavioral**

- a) **Openness to Constructive Criticism:** Actively seek and respond positively to constructive criticism from council members, staff and the community.
- b) **Admit Mistakes and Misunderstandings:** Acknowledging past errors and misunderstandings would demonstrate humility and a willingness to learn and grow from these experiences.
- c) **Enhanced Communications:** Improve the quality and frequency of communication with council members, staff and the public.
- d) **Seek Feedback and Constructive Criticism:**
  - i) Regularly requesting and valuing feedback from colleagues, staff and constituents could lead to significant personal and professional development.
  - ii) Periodically assess personal leadership style and its impacts, and be open to making necessary adjustments.
- e) **Let Go of Perceived Slights:**
  - i) Continuing to hold on to (and raise) perceived slights months and years later hampers the city moving forward and is unproductive.
  - ii) Engage earnestly in conflict resolution and mediation efforts to address and rectify underlying tensions.

**2. Expertise and Context**

- a) **Improve Understanding of Official Documents:** Dedicate sufficient time to comprehend written communications, reports and official documents, which will allow well-informed decisions.
- b) **Respect Confidentiality and Protocols:** Adhering strictly to confidentiality agreements and council protocols would prevent potential legal issues and protect the integrity of council proceedings.
- c) **Engage in Conflict Resolution Training:** Participating in conflict resolution or communication skills training could enhance the mayor's ability to navigate disagreements constructively.



**CONFIDENTIAL****3. Future Focus**

- a) **Continue to Focus on the Shared Strategic Direction:** Collaboratively set and work towards shared objectives in the unanimously adopted 2023 – 2026 Strategic Plan that benefit the community.
- b) **Proactive Leadership:** Show a willingness to address issues before they escalate and demonstrate a commitment to solving problems collaboratively.

**Section 6 – Council Recommendations:**

I would counsel the Council as a whole to consider the following recommendations:

**Recommendation 1:** Documentation Management – Have staff assess Closed & Special Council document management and report findings to Council for potential adjustments.

It is my understanding that the city has already undertaken a process to assess the causes and prevention of documentation confidentiality breaches.

**Recommendation 2:** Oath of Office Reminder – Encourage Mayor and Council members to periodically review their oath of office as a commitment reminder.

**Recommendation 3:** Code of Conduct Amendments – With legal input, amend the Code of Conduct to include sanctions for repeated offences, with a structured remuneration penalty. For example: first infraction, 10% reduction in salary, second infraction 25%, third infraction 50%, fourth infraction, 75% reduction.

**Recommendation 4:** Council Dynamics Session – Proposed a day-long, off-site activity for Mayor and Council, annually or biannually, where participants with differing perspectives are encouraged to engage creatively. High functioning councils choose to behave as a team, despite having divergent views.

**Recommendation 5:** Review Council Remuneration Bylaw – Examine the Remuneration Bylaw for adjustments due to increased workload for Councillors and the Deputy Mayor, payable retroactively from the workload's starting point.

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**Recommendation 6:** Leadership and Communications Training – Enroll in workshops or seminars focused on enhancing leadership, conflict resolutions, and communication skills.

**Recommendation 7:** Mentoring: Seek out a consultant experienced in municipal governance or leadership who can provide guidance, and mentoring advice and constructive feedback. Provide basic education and coaching for the mayor on their roles and responsibilities.

**Recommendation 8:** Regular Governance Check Ins – Hire a consultant on retainer for ad hoc governance coaching and assistance. Participate in governance sessions/retreats with council members and staff to enhance trust, mutual respect, and collaboration.

**Recommendation 9:** Educational Courses: Take courses in municipal governance, ethics, and public administration to deepen understanding of the responsibilities and challenges in public office.

**Recommendation 10:** Feedback Mechanisms: Implement regular, anonymous feedback mechanisms to gauge satisfaction and areas for improvement continuously.

**Recommendation 11:** Legislation: Discuss the potential need for changes to provincial legislation to assist municipal councils experiencing extreme dysfunction, which may include a legislative process for removing a member of the council.

**Recommendation 12:** Although the restrictions on the Mayor's dealing with individual employees is unusual and have created a cumbersome environment, my view is that they are appropriate given some of the Mayor's conduct and I recommend that they be maintained for the time being.

**Recommendation 13:** Continue work with WorkSafe BC Investigations to use their office and powers to the fullest extent possible to deal with workplace health and safety issues.

**CONFIDENTIAL****Final Observations:**

As a former Mayor, it has been frustrating for me personally that I could not find an effective way to counsel the Mayor, or to find additional 'tools' for Council to remedy the dysfunction between Mayor and Council and between Mayor and the Administrative Staff.

Absent significant change in how the Mayor interacts with others, I'm not optimistic that there will be any improvement during the remainder of this term.

On a more positive note, and despite the issues and challenges outlined in this report, the Mayor and Council are unusually aligned when it comes to the 2023 – 2026 Strategic Plan. When it comes to what matters most, all nine members of Council agree on the 'big picture'. I found Councillors to be highly motivated and there is good work taking place between Council and the administration.

Absent legislative changes, my encouragement to Council and the administration is to keep doing what you've been doing, which is to advance the 2023 – 2026 Strategic Plan that was unanimously adopted.

The Mayor's position has consistently been that he has done nothing wrong, made no mistakes and has nothing to apologize for. This makes for a difficult working environment. Council can explore amending the Council Code of Conduct, to include financial penalties as suggested in Recommendation 3. This is something that at least one other community has already done (Squamish in 2022), while others are contemplating similar options.

If the Council or one of its members believes that there are breaches of the conflict of interest provisions in the *Community Charter*, that legislation allows for an application to the Supreme Court.

**CONFIDENTIAL****SECTION 7 – Appendices****Appendix A – B.C. Community Charter, Council Roles and Conduct****Mayor responsibilities**

The mayor is the head and chief executive officer of the municipality. The mayor has all the responsibilities of a councillor plus a number of additional responsibilities. Under the *Community Charter* the mayor **must**:

- Provide leadership to council including by recommending bylaws, resolutions and other measures that may assist in the peace, order and good governance of the municipality.
- Reflect the will of council and carry out other duties on behalf of council, such as attending ceremonies and meetings of other bodies.
- Communicate information to council, for example from the chief administrative officer or from meetings with other bodies.
- Chair council meetings, including overseeing their conduct, maintaining order and knowing the rules of governing meetings.
- Establish standing committees and appoint people to those committees.
- Provide, on behalf of council, general direction to municipal officers about implementation of municipal policies, programs and other council directions.
- Suspend municipal officers and employees if the mayor believes this is necessary, subject to confirmation by council under section 151 of the *Community Charter*.

**Councillor responsibilities**

Under the *Community Charter* a municipal councillor **must**:

- Consider the well-being and interests of the municipality and its community.
- Contribute to the development and evaluation of municipal policies and programs respecting its services and other activities.

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- Participate in council and committee meetings and contribute to decision making.
- Carry out other duties as assigned by the council, such as heading committees or being the liaison to a particular neighbourhood in the municipality.
- Follow the rules in legislation, bylaws and council policies that establish any additional duties and set how council members exercise their authority.

**Municipal council responsibilities**

Municipal councils are empowered to address the existing and future needs of their community by making collective decisions that are recorded in bylaws or resolutions. Each member of council, including the mayor, is entitled to one vote on matters that come before them for discussion and decision. Such matters are wide-ranging--for example, regulatory bylaws such as animal control, services such as fire and police, land use regulation such as zoning, fees and property tax bylaws, and key plans such as the official community plan and five-year financial plan (budget).

Ultimately, municipal councils are responsible for the delivery of local services to their community and the actions taken by the municipality. As municipalities are legislatively recognized by the B.C. government as an order of government within their jurisdiction, these responsibilities are undertaken largely independently with limited oversight by other levels of government. Certain decisions made by council are not effective until they are approved or authorized by the provincial government, such as long-term borrowing bylaws or municipal boundary changes.

**Oath of Office**

Once elected or appointed to the municipal council, each council member must complete an oath (or solemn affirmation) of office. If a council member fails to complete their oath of office within a specified period of time, they can be disqualified from holding office. The municipality may create its own oath of office or use the one prescribed in the Local Government Elections Regulation.

NOTE: The Oath of Office for the Mayor and Councillor's is the same (attached).

**CONFIDENTIAL**

Form No. 16-1  
 CC s.120(3)/ VC s.140(6)  
 BC Reg. 137/2022

**OATH OF OFFICE**

CANADA )  
 PROVINCE OF BRITISH COLUMBIA )

I, Reid Hamer-Jackson, do solemnly affirm that:

I am qualified to hold the office of Mayor for the City of Kamloops to which I have been elected;

I have complied with the provisions of the *Local Government Act* in relation to my election to this office;

I will abide by all rules related to conflicts of interest under the *Community Charter*;

I will carry out my duties with integrity;

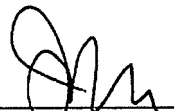
I will be accountable for the decisions that I make, and the actions that I take, in the course of my duties;

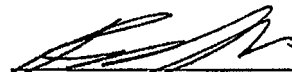
I will be respectful of others;

I will demonstrate leadership and collaboration;

I will perform the duties of my office in accordance with the law.

AFFIRMED by the above-named Mayor  
 Before me at Kamloops,  
 British Columbia the 1st day of  
 November, 2022.

  
 Honourable Joel Robin Groves

  
 Reid Hamer-Jackson

CONFIDENTIAL



Form No. 16-2  
CC s.120(3)/ VC s.140(6)  
BC Reg. 137/2022

## OATH OF OFFICE

CANADA )  
PROVINCE OF BRITISH COLUMBIA )

I, Michael O'Reilly, do solemnly affirm that:

I am qualified to hold the office of Councillor for the City of Kamloops to which I have been elected;

I have complied with the provisions of the *Local Government Act* in relation to my election to this office;

I will abide by all rules related to conflicts of interest under the *Community Charter*;

I will carry out my duties with integrity;

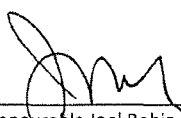
I will be accountable for the decisions that I make, and the actions that I take, in the course of my duties;

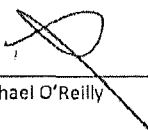
I will be respectful of others;

I will demonstrate leadership and collaboration;

I will perform the duties of my office in accordance with the law.

AFFIRMED by the above-named Councillor  
before me at Kamloops,  
British Columbia the 1<sup>st</sup> day of  
November, 2022.

  
Honourable Joel Robin Groves

  
Michael O'Reilly

**CONFIDENTIAL****Appendix B – Basic Principles of Elected Office**

George B. Cuff, is a well-known name in the world of local government. The following 15 Basic Principles, and the “Ten Commandments”, were informative during the Municipal Advisor’s term of office.

**Basic Principles of Elected Office – George B. Cuff**

1. The whole notion of elected office is based on two fundamental points: the rule of democratic representation, and the principle of accountability. The former speaks to the right of residents to expect their elected members to reflect and represent their views on the issues; the latter speaks to the notion that those elected are accountable for their actions to those by whom they were elected.
2. The role of an elected official is unique: It is distinct and different from any other role. It needs to be learned and consciously applied if a council member is to be successful.
3. The public is, and always will be, the key to success. They alone determine the success and failure of political leaders.
4. Communicating out to the public is as important as receiving input from the public; both should to be valued.
5. Council is the servant of the public; and holds office at the pleasure of the public.
6. The will of the majority (as perceived by council), must be the most significant consideration in any decision making.
7. The opinions of the minority should be considered carefully before decisions are made.
8. Council and the administration should serve as a team, each with distinct roles, yet working together in the interest of the public.
9. Criticism of the administration, particularly on an individual basis, should never be tolerated by a council.
10. Council deals with the organization through one employee – the chief administrative officer (CAO). Any other course of action in attempting to guide the work of the administration should not be tolerated.
11. Council and its members cannot rest on their laurels. Each election campaign must be addressed as vigorously as the last campaign.



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12. Each new council should determine its own priorities based on the input received during the campaign and subsequently (and supplemented by the advice of the administration), and should effectively communicate those priorities to the public.
13. Each council, regardless of the size of the community, needs to find ways of communicating its messages to the public, and should not rely exclusively on the media to perform that function.
14. Council members need to respect their colleagues on council as being the duly elected choices of the voters. While unanimous agreement need not be the case, respect for the opinions and votes of these colleagues is essential to the functioning of council.
15. Even leaders need a leader. All members of council are encouraged to uphold the office of head of council (or chief elected officer), even if they are in opposition to a particular statement or position taken by that official. Respect for each other is the hallmark of a mature council.

**Appendix C – The “Ten Commandments” – George B. Cuff**

1. Thou shall not attempt to convey to others the impression that you have the power to decide issues that are not allocated to you by legislation or bylaw.
2. Thou shall not attempt to gain employment for a family member or for anyone else in the community. Let everyone follow the normal recruitment process and ensure everyone understands that such matters are the purview of the administration.
3. Thou shalt not attempt to gain an advantage or favor for any company or organization in which you have any form of pecuniary interest, including a former role as an employee, shareholder or owner.
4. Thou shalt not attempt to coerce or convince the administration to undertake any action, program or initiative for which you do not have prior formal approval of council.
5. Thou shalt not commit the municipality to any course of action for which you do not have a formal prior approval of council.
6. Thou shall not, in response to an inquiry from a member of the public, commit to any action other than, “I will look into that and get back to you.”

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7. Thou shall not leak information to friends, neighbors or the media if it has arisen in a closed meeting setting, wherein confidentiality of all such matters is required. Being privy to confidential information is an onerous responsibility. It is confidential for a good reason. Having loose lips because of some desire to be seen to be either “in the know” or powerful, or because “the public has a right to know” is never appropriate.
8. Thou shall not seek to undermine the authority of the CAO, nor do or say anything that would cause others to question the legitimate power and authority of the CAO.
9. Thou shall not develop a close personal friendship with any member of the administration, so that you will always be in a solid position to evaluate their performance. Do not travel on holidays together, or take fishing trips together; or encourage your spouses to become best friends. When you have stepped down from public life, make your own choices in this regard.
10. Thou shall not presume that the public “owes” you the next term because of your diligence and personal sacrifices this term. Each term requires that you seek the public’s endorsement, not they yours.

Court File No.: 062241  
Court Registry: Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE  
NEUSTAETER

DEFENDANT

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**AFFIDAVIT #1 OF KATIE NEUSTAETER**

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HARPER GREY LLP  
Barristers & Solicitors  
3200 - 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: (604) 687-0411

**Attention: Daniel Reid**/imb/157160

15-Oct-24

REGISTRY

This is the 1st affidavit  
of Bill Sarai in this case  
and was made on August 19, 2024

Court File No.: 062241  
Court Registry: Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE NEUSTAETER

DEFENDANT

**AFFIDAVIT**

*FORM 109 (RULE 22-2(2) AND (7))*

I, Bill Sarai, of Kamloops, British Columbia, SWEAR or AFFIRM THAT:

1. I am Councillor Sarai and I am a member of the current City of Kamloops City Council ("City Council"), and as such I have personal knowledge of the facts and matters herein deposed to save and except where the same are stated to be made upon information and belief, and as to the latter I verily believe them to be true.
2. Soon after City Council first convened following the October 15, 2022 election, I observed that the plaintiff, Mayor Reid Hamer Jackson, was inclined repeatedly to raise the subject of Councillor Neustaeter's father. The Mayor continued to press the point even after Councillor Neustaeter had specifically asked that he not do so. As a result, she raised the issue at a Council meeting on January 23, 2023. Undaunted, the Mayor kept pushing the issue and went so far as to include me in his emails on the subject. Councillor Neustaeter then wrote further, in response to the Mayor's emails to all.
3. The Mayor also, and unilaterally, made sweeping changes to the makeup of City Council. These changes were problematic for a number reasons, and prompted City Council to

issue a statement on behalf of all Council, which was penned and read aloud by Councillor Neustaeter (as agreed by all Council members).

4. Before that statement was made, I had personally experienced at least three instances of additional personal and/or professional boundary violations on the part of the Mayor:
  - (a) The Mayor repeatedly went to great (and unwanted) lengths to try to convince my son, a City employee, to give up his job and join Kamloops Fire & Rescue instead, evidently reasoning that if I were freed of the conflict, that would in turn free me up to step out of CSO closed and open agendas and go after Byron McCorkell, who was at the time director of community safety and is now acting CAO.
  - (b) The Mayor refused to engage in a meeting to discuss an in-camera concern; he refused to read the relevant report, and when the report was read out to him, he refused to talk about its content. When we explained that we needed to discuss the report, he left his own office. He then then sent me an email accusing me of “ambushing” him by inviting two council colleagues to the meeting, on council's recommendation. He also sent me a long text message in which he repeatedly referred to me as a “snake” and a “liar”, (simply because I had done what all councils do across this country).
  - (c) City Council protocols indicate that a deputy mayor should attend events. On one occasion when I was acting deputy Mayor, I learned that another Councillor was going to a hockey event in my place. When I asked why, the Mayor said it was because hockey people didn't like me after I had voted to close an arena for purposes having to do with social services. He then went on the radio and repeated same thing.
5. As a City Councillor, I felt it important that we communicate to our constituents the difficulties we were experiencing in response to the Mayor's false statements re: changes in committee membership.

(Print name or affix stamp of commissioner)

Court File No.: 062241  
Court Registry: Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE  
NEUSTAETER

DEFENDANT

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**AFFIDAVIT**

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HARPER GREY LLP  
Barristers & Solicitors  
3200 - 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: (604) 687-0411

**Attention: Daniel Reid/SS/157160**

17-Oct-24

REGISTRY

This is the 1st affidavit  
of Byron McCorkell in this case  
and was made on September 5, 2024

Court File No.: 062241  
Court Registry: Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE NEUSTAETER

DEFENDANT

**AFFIDAVIT**

*FORM 109 (RULE 22-2(2) AND (7))*

I, Byron McCorkell, of Kamloops, British Columbia, SWEAR OR AFFIRM THAT:

1. I am Acting Chief Administrative Officer ("CAO") of the City of Kamloops ("the City") and as such I have personal knowledge of the matters and facts herein deposed to save and except where the same are stated to be made upon information and belief and as to the latter I verily believe them to be true.
2. I have more than 32 years of experience as a local government director, and I have worked for the City for over 25 years. My primary job title at present is Deputy CAO, and I am currently also Acting CAO while the CAO is on indefinite leave.
3. A CAO is the senior executive who oversees the day-to-day administrative operations of a given local government. Among other things, the CAO will typically liaise with council on all municipal matters, provide input for strategic planning, set goals for individual departments, collaborate on implementing policies and ensure the smooth running of business according to the established mission and vision of the organization in question. The CAO reports directly to mayor and council, and plays a critical role in the performance and success of the organization.

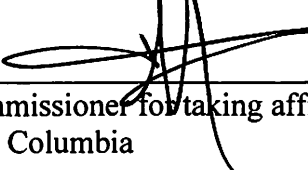


4. I consider my role as Acting CAO to include frequently meeting with, taking direction from and engaging with the relevant mayor. In the past, I have not found this aspect of the job to be difficult. I have worked with several mayors during my time with the City, including former mayors Ken Christian, Peter Milobar, and Terry Lake.
5. Unfortunately, I found from the outset that working with the plaintiff, Mayor Hamer-Jackson, was particularly difficult. From the day he took up office to the present, I have frequently observed the plaintiff to behave unprofessionally and engage in personal attacks on other counsellors, City staff and myself. His conduct in this regard has resulted in City Council imposing numerous measures to protect staff, including myself, from his bullying, harassment and other inappropriate behaviour.
6. As a result, and to the extent possible given my roles, I have avoided interactions with the plaintiff. My reasons for doing so are legion, and they include (but are by no means limited to) the following factors:
  - (a) the plaintiff refuses to listen to others, especially those with differing viewpoints;
  - (b) he appears not to understand the concept of rational debate and instead he verbally attacks those who have differing views or opinions;
  - (c) he rarely admits to his own errors, and I have seen him blame others for his mistakes;
  - (d) he has spoken ill of others, including City staff and his Council colleagues, during media interviews and in other public settings;
  - (e) he continues to bully and harass his Council colleagues and City staff;
  - (f) he shirks his mayoral duties, including by failing to attend scheduled meetings and events;
  - (g) he ignores the rules imposed on him as mayor, including by breaching City staff's privacy;
  - (h) he behaves in an unprofessional manner; and
  - (i) he appears to have no understanding at all of what it is to lead an organization.
7. Despite the conduct of the plaintiff, I am of the view that City Council is highly engaged and is working well. I have repeatedly been advised by all councillors that consensus is

desired, but it is difficult to achieve in the current circumstances, in which the plaintiff, as mayor: (a) responds to attempts to engage with him with argumentative asides; (b) is not amenable to professional discussion; (c) abruptly leaves the room; and/or (d) fails to attend meetings or events at which his attendance is sought or required.

8. I note that, in my current roles, a number of situations have arisen in which I have been particularly concerned that the plaintiff's unprofessional behaviour and actions could lead to legal liability for the City. In particular, both before and after commencing his lawsuit, the plaintiff has disclosed or sought to disclose during "open" City Council meetings "personal information" concerning City staff as well as information that is "confidential" under the *Community Charter*, including information relating to internal City staffing, and information relating to confidential negotiations or plans being considered by the City.

**SWORN (OR AFFIRMED) BEFORE**  
**ME** at Kamloops, in British Columbia, on  
this 5 day of September, 2024

  
A Commissioner for taking affidavits within  
British Columbia

**DENISE E. McCABE**  
Barrister & Solicitor  
#300 - 350 Lapsdowne St.  
Kamloops, BC V2C 1Y1

(Print name or affix stamp of commissioner)

  
BYRON MCCORKELL

Court File No.: 062241  
Court Registry: Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER and others

DEFENDANT

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**AFFIDAVIT**

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HARPER GREY LLP  
Barristers & Solicitors  
3200 - 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: (604) 687-0411

**Attention: Daniel J. Reid/IMB/157160**

15-Oct-24

REGISTRY

This is the 1st affidavit  
of Kelly Hall in this case  
and was made on September 13, 2024

Court File No.: 062241  
Court Registry: Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE NEUSTAETER

DEFENDANT

**AFFIDAVIT**

*FORM 109 (RULE 22-2(2) AND (7))*

I, Kelly Hall, of Kamloops, British Columbia, SWEAR OR AFFIRM THAT:

1. I am Councillor Hall and I am a member of the current City of Kamloops City Council (“City Council”), and as such I have personal knowledge of the facts and matters herein deposed to save and except where the same are stated to be made upon information and belief and as to the latter I verily believe them to be true.
2. Since being elected I have had an opportunity to work with the plaintiff, Mayor Reid Hamer Jackson, on multiple occasions. I have repeatedly found the plaintiff’s conduct to be disruptive and confrontational.
3. In my role as Councillor I have experienced directly the following behaviors of the plaintiff:
  - (a) frequent and extensive harassment;
  - (b) abrupt and/or unexplained removal from committees;
  - (c) removal as Chair;
  - (d) sustained mockery of my work as a hockey scout, and

(e) frequent instances of put-downs and name-calling.

In my 30 years in business and media. I have never before experienced anything like this.


4. In addition, I have observed that the Mayor uses the Deputy Mayor position as a means of punishing Councillors for perceived slights. for example by taking them off the Deputy Mayor rotation or removing them from standing committees.
5. The Mayor has intimated that City Councillors feel overworked and want a break. To the contrary, not one of our hard-working City Councillors has ever asked to be relieved of Council duties.
6. The Mayor has a poor track record of sharing important information with those who are meant to have it, whether they be colleagues, interested parties or the relevant Minister.
7. Information leaks are a common feature of the current administration.
8. On or about March 16, 2023 the Mayor announced sweeping unilateral changes to committees, namely the appointment of his allies and supporters to committees in place of councillors. This behaviour was consistent with the plaintiff's general conduct of failing to respect personal and professional boundaries, as outlined above.
9. In response, Councillor Neuestater made a statement which she had circulated to the other the other councillors for approval before she read it aloud on behalf of us all.

**SWORN (OR AFFIRMED) BEFORE**  
**ME** at Kamloops, in British Columbia, on  
September 13, 2024

A Commissioner for taking affidavits within  
British Columbia

MICHAEL J. SUTHERLAND  
Barrister & Solicitor  
MAIR JENSEN BLAIR LLP  
700-275 LANSDOWNE ST.  
KAMLOOPS, BC V2C 6H6  
(250) 374-3161

(Print name or affix stamp of commissioner)

  
KELLY HALL

Court File No.: 062241  
Court Registry: Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE  
NEUSTAETER

DEFENDANT

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## **AFFIDAVIT**

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HARPER GREY LLP  
Barristers & Solicitors  
3200 - 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: (604) 687-0411

**Attention: Daniel Reid/SS/157160**



Court File: 062241  
Kamloops, BC Registry

THE SUPREME COURT OF BRITISH COLUMBIA

**BETWEEN:**

**REID ALLEN HAMER-JACKSON**

**PLAINTIFF**

**AND:**

**KETURAH NEUSTAETER, also known as KATIE NEUSTAETER**

**DEFENDANT**

**NOTICE OF CHAMBER APPLICATION**

**Rule 22-1**

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**TAKE NOTICE:** that an application will be made by the plaintiff to the presiding judge or Chamber Judge on January 20, 2025, at 455 Columbia Street, Kamloops, BC at 9:45 am or as soon after that time as the application can be heard for the following orders:

**ORDER SOUGHT**

1. This is an order adjourning the hearing Scheduled for January 20, 2025, to a later date determined by the Court;
2. Such further and other relief as this Honourable Court deems;
3. The Plaintiff is not adequately prepared for the hearing because his second legal, Daniel Coles council withdrew on November 22, 2024, because of the defendant's inability to pay;
4. The Plaintiff's first Council, David McMillian with whom he has a dispute which was filed in the British Columbia Supreme Court has denied the Plaintiff access to documents pertinent to this matter, resulting in an incomplete record of events;

5. The Plaintiff has been subject approximately 19 Code of Conduct complaints filed by fellow council members resulting in depleting his financial ability to pay a lawyer and is self-representing. Given the magnitude and complexity of this matter, it has become apparent to the plaintiff that he does not possess the knowledge, skills and ability to self-represent;
6. An adjournment is necessary to ensure a fair and just resolution of this matter;
7. An adjournment will allow the Plaintiff to seek a revenue base to hire proper legal representation;
8. No significant prejudice will be caused to the Defendant by the adjournment.

### LEGAL BASIS

9. Rule 22-1 of the Supreme Court Civil Rules permits the court to control its process and grant adjournments where appropriate.
10. The principles of procedural fairness require that both parties have adequate time to prepare for the hearing;
11. The Plaintiff's inability to properly prepare for the hearing may result in an unjust outcome.

Date: JANUARY 16/25

Signature



Reid Allen Hamer-Jackson





This is the 2nd affidavit of  
Reid Hamer-Jackson  
in the case and was made  
on January 16, 2025

Court File: 062241  
Kamloops, BC Registry

**THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN:**

**REID ALLEN HAMER-JACKSON**

**PLAINTIFF**

**AND:**

**KETURAH NEUSTAETER, also known as KATIE NEUSTAETER**

**DEFENDANT**

**AFFIDAVIT OF THE RESPONDENT**

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I Reid Allen Hamer-Jackson of 725 Yates Road in the City of Kamloops, Province of British Columbia, Mayor, SOLEMNLY AFFIRM THAT:

- a.) I am the current Mayor of the City of Kamloops and I am the Respondent in this matter. I am self-represented and as such, I have personal knowledge of the facts set out in this affidavit, except where stated to be based on information and belief, and where so stated, I believe them to be true.
- b.) The hearing is scheduled for January 20, 2025;

**2. I am not adequately prepared to proceed with the hearing for the following reasons:**

Initially, a friend, David McMillian was representing me in this matter. On or about June 24, 2023, due to ill health, David McMillian advised me to retain (legal representative Dale Coles. I paid Mr. Coles a retainer of \$20,000 and later an additional funds. **EXHIBIT A**

- b) Preservation of Fairness: allowing me to refinance and free up capital to pay for proper council and adequately prepare ensures a fair hearing for both parties, which aligns with the principles of justice
  - c) No loss of Evidence: The adjournment does not affect the availability or admissibility of any evidence in the case.
  - d) No Irreparable Harm: the Defendant does not suffer irreparable harm or financial loss due to the delay in the
  - e) Continued Status Quo: the current situation remains unchanged, meaning no new or additional burdens are imposed on the plaintiff.
  - f) Equal Opportunity to Prepare: The adjournment balances the scale, ensuring both parties have an equal opportunity to present their case effectively.
  - g) Avoidance of Appeals: Proceeding without adequate preparation could lead to an unfair decision, increasing the likelihood of an appeal and prolonging the case further.
5. I respectfully request that the court adjourn the hearing to a later date that allows me sufficient time for me to retain a lawyer and for us to prepare my case.

Witnessed Registry, Kamloops BC  
Supreme Court this 17th day of January  
2025

Sworn (or affirmed) before.  
me at Kamloops British  
Columbia on January 16, 2025.



S. DUCHARME  
A Commissioner for taking Affidavits  
within British Columbia

a commissioner for taking affidavits  
for British Columbia

Print name or affix stamp of commissioner.

  
Reid Allen Hamer-Jackson

Be de Provisor



trumarke trumarke@telus.net &lt;trumarke@telus.net&gt;

## Fwd: Hamer-Jackson v. Neustaeter

2 messages

David McMillan <dmcmillanlaw@gmail.com>  
To: trumarke@telus.net

Fri, Sep 8, 2023 at 1:11 PM

Sent from my iPhone

Begin forwarded message:

**From:** "Daniel W. Burnett" <dburnett@owenbird.com>  
**Date:** September 8, 2023 at 12:24:03 PM PDT  
**To:** 'David McMillan' <dmcmillanlaw@gmail.com>  
**Cc:** Daniel Coles <dcoles@owenbird.com>  
**Subject:** RE: Hamer-Jackson v. Neustaeter

David,

THIS IS EXHIBIT "A" REFERRED TO IN THE  
AFFIDAVIT OF Raid Allen Hamer-Jackson  
SWORN BEFORE ME AT THE CITY OF KAMLOOPS  
IN THE PROVINCE OF BRITISH COLUMBIA  
THIS 16 OF January A.D. 2023.  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS  
IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

I have spoken to my defamation partner, Dan Coles (who as it happens is arguing a SLAPP case in the Court of Appeal today) and we're in luck. A trial of his has gone away for now and he (with my involvement as necessary) has capacity to take on the defamation action on behalf of Mayor Hamer-Jackson as well as the pleadings motion that you and opposing counsel have agreed will be heard on the Sept 18 Kamloops assize.

This depends agreeable retainer arrangements with Mayor Hamer-Jackson. Given the significance of the defamation action, the fact that the other side has city indemnified aggressive counsel, and the upcoming pleadings motion as well as an upcoming SLAPP motion and all it entails, we would require a retainer of \$20,000 up front, payable to Owen Bird in Trust, either by cheque or electronic funds transfer, which we would hold in trust for our fees. We would require that the retainer be replenished when depleted, in amounts that reflect the time and expense we foresee in the next few months at any given time. Dan's rate is \$400/hr and mine is \$500.

I appreciate this is a financial burden on the client, more than I would ordinarily request, but it is apparent this case is headed into very time consuming territory very soon. Once we have a clearer understanding of the case, we would provide the mayor with our best sense of what to expect budget wise, and when the larger expenses will arise. I used to say the big expenses were trial and discoveries, in that order, both of which are well down the road. These days, I add that the SLAPP mother adds a significant hit early on in defamation actions.

You will of course want to discuss this with Mr. Hamer-Jackson. Dand and I have good availability next week to discuss details for transferring the file, obtaining all the pleadings and documents, and the practical details such as obtaining a photo of your client's ID and contact information.

Dan

EXHIBIT A.  
Pg 1



/2025, 11:34

telus.net Mail - Fwd: Hamer-Jackson v. Neustaeter

**Daniel W. Burnett, K.C.\***

Barrister & Solicitor | Shareholder

OWEN BIRD LAW CORPORATION

O: 604-688-0401 D: 604-691-7506 F: 604-632-4433

E: [dburnett@owenbird.com](mailto:dburnett@owenbird.com) | W: [www.owenbird.com](http://www.owenbird.com)

2900 – 733 Seymour St., Vancouver, B.C. V6B 0S6

\*Burnett Law Corporation

*We are a member of Interlaw, an elite global network of independent law firms comprising 7,500+ lawyers in 150 cities worldwide.*

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marke trumarke@telus.net <trumarke@telus.net>

Sun, Dec 8, 2024 at 3:48 AM

bronwen scott <bronwen92@hotmail.com>, The Fun Factor - Arthur Loring <info@thefunfactor.ca>

Quoted text hidden]

EXHIBIT A  
pg 2

[ail.google.com/mail/u/0/?ik=9996ae4502&view=pt&search=all&permthid=thread-f:1776501556618764862&simpl=msg-f:17765015566187648...](https://mail.google.com/mail/u/0/?ik=9996ae4502&view=pt&search=all&permthid=thread-f:1776501556618764862&simpl=msg-f:17765015566187648...) 2/2



trumarke trumarke@telus.net &lt;trumarke@telus.net&gt;

**FW: Hamer-Jackson v. Neustaeter**

2 messages

Daniel Coles &lt;dcoles@owenbird.com&gt;

Mon, Jun 24, 2024 at 11:33 AM

To: "trumarke@telus.net" &lt;trumarke@telus.net&gt;

Cc: Lori Hamer-Jackson &lt;lorihj@telus.net&gt;, Taylor Jensen &lt;tjensen@owenbird.com&gt;

Reid,

See below and attached from your former lawyer. I will leave it to you to deal with this directly.

On the issue of overdue/outstanding accounts, I will be expecting payment on my accounts for month end.

Thanks in advance.

Dan

**Daniel H. Coles\***

Barrister &amp; Solicitor | Shareholder


**OWEN BIRD LAW CORPORATION**

O: 604-688-0401 D: 604-691-7526

E: dcoles@owenbird.com | W: www.owenbird.com

2900 – 733 Seymour St., P.O. Box 1, Vancouver, B.C. V6B 0S6

\*Daniel H. Coles Law Corporation

THIS IS EXHIBIT B REFERRED TO IN THE  
AFFIDAVIT OF Reid Allen Hamer-Jackson  
SWORN BEFORE ME AT THE CITY OF KAMLOOPS  
IN THE PROVINCE OF BRITISH COLUMBIA  
THIS 16 OF January A.D. 20 25.  
  
A COMMISSIONER FOR TAKING AFFIDAVITS  
IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

*We are a member of Interlaw, an elite global network of independent law firms comprising 7,500+ lawyers in 150 cities worldwide.**We moved! Owen Bird is now located at Vancouver Centre II at 2900 – 733 Seymour St., Vancouver, B.C. V6B 0S6.***From:** David McMillan <dmmcmillanlaw@gmail.com>**Sent:** Monday, June 24, 2024 10:44 AM**To:** Daniel Coles <dcoles@owenbird.com>**Subject:** Hamer-Jackson v. Neustaeter

EXHIBIT B

Pg 1

Hello Dan,

I acknowledge receipt of your e-mail message on June 17, 2024, requesting the evidence/documents file relating to this action.

Please see attached my account for legal services rendered to your client in connection with this action. I will respond to your request for the file materials immediately upon receipt of payment in full for this account. In addition, your client has neglected to pay my account dated August 4, 2023, relating to the Integrity Group investigation, despite two (2) written reminders. I require payment of that account in full as well, prior to expending any further time and effort on your client's behalf.

Yours truly,

David McMillan

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 202406241056.pdf  
290K

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EXHIBIT B  
Pg 2.

NO. 063509  
KAMLOOPS REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE LEGAL PROFESSION ACT  
S.B.C. 1998. Chapter 9, section 70

BETWEEN:

David A. McMillan

LAWYER

AND:

Reid Hamer-Jackson

CLIENT

THIS IS EXHIBIT "B-B" REFERRED TO IN THE  
AFFIDAVIT OF Reid Allen Hamer-Jackson.  
SWORN BEFORE ME AT THE CITY OF KAMLOOPS  
IN THE PROVINCE OF BRITISH COLUMBIA  
THIS 16 OF January A.D. 20 25.  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS  
IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

EXHIBIT B-B



Gmail

Mayor RHJ &lt;rhjdefense@gmail.com&gt;

**\*\*TIME SENSITIVE\*\* Request for complete dialog and File - Hamer-Jackson vs Neustaeter**

David McMillan <dmcmillanlaw@gmail.com>  
To: Mayor RHJ <rhjdefense@gmail.com>

Wed, Jan 15, 2025 at 7:26 AM

Dear RHJ Defense Team,

In response to your message received moments ago, I advise:

- (a) I do not know what "complete dialogue" you are referring to. Perhaps you can clarify what it is that you are requesting;
- (b) I am currently out of the country, and therefore not in a position to send you my legal file and documents at this time. I offered to do so in October, 2023, but my offer was ignored;
- (c) I am, in any event, entitled in law to a possessory solicitor's lien over my file materials until my account for the work that I carried out in this litigation is paid in full. That was explained very clearly to your client's lawyer in June of 2024. Upon receipt of full payment for the legal services that I provided, I can make arrangements for an agent to retrieve my complete file and have it available to be picked up.

On a related matter, an Order was made by Associate Judge Keim on October 16, 2024, that required your client to file and serve his Responding Affidavit(s) in Supreme Court Action #063509 on or before January 10, 2025. I have not received service of any such Affidavit. Please confirm whether or not your client complied with Judge Keim's Order (in part, at least) by filing his sworn Affidavit) and, if he did, serve it by email immediately.

Yours truly,

David A. McMillan  
[Quoted text hidden]

THIS IS EXHIBIT B-B REFERRED TO IN THE  
AFFIDAVIT OF Reid Allen Hamer-Jackson  
SWORN BEFORE ME AT THE CITY OF KAMLOOPS  
IN THE PROVINCE OF BRITISH COLUMBIA  
THIS 16 OF January A.D. 20 25.  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS  
IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

EXHIBIT - C



## Code of Conduct Complaints

Current to 12/16/2024

| Complaint # | Date        | Subject of Complaint   | Bylaw Sections Engaged*                   | Investigation Complete? | Conclusion  | Investigation Fees to Date                               |
|-------------|-------------|--|---|-------------------------|---|--|
| 2023-001    | July, 2023  | Councilor Neusteater alleged Mayor Hamer-Jackson breached the Code of Conduct Bylaw by misleading the public.  | 3.11(a)                                   | Yes.<br>Report issued.  | The Investigator found that the Mayor's evidence was inconsistent and not credible. The Investigator found that the Mayor was in breach of his obligations under s. 3.11(a) by making public statements he knew or ought to have known were false or misleading. The Investigator found that:   | \$8,904<br>(for this complaint and the complaint below). |
| 2023-0002   | July, 2023  | Councilor Neusteater alleged the Mayor and his lawyer, acting on instructions from the Mayor, discriminated against her on the basis of gender, age, and physical appearance, and that the Mayor "endorsed and perpetuated the misogynistic view with his own statements and support of the position."             | 3.1, 3.2, 3.8, and 3.11                   | Yes.<br>Report issued.  | Complaint dismissed.<br>The Investigator found that the Mayor cannot be held responsible for the conduct of his lawyer that was not based on his instructions, and that his lawyer's comments do not constitute a breach of the Code of Conduct by the Mayor.   | \$8,904<br>(for this complaint and the complaint above). |
| 2023-0003   | Aug., 2023  | The Complainant (member of the public) alleged the Respondent displayed a lack of decorum in a Council meeting and bullied and harassed another member of Council.   | 3.1, 3.2, 3.3, 3.8, 3.11, and 3.14        | Closed.                 | Complaint summarily dismissed.<br>The Investigator summarily dismissed the Complaint. No Investigation Report issued.   | \$66,411.46<br>(for all 4 complaints)                    |
| 2023-0004   | Aug., 2023  | The Complainant (member of the public) alleged Councilor Neusteater breached the Code of Conduct Bylaw by giving a misleading answer when asked by a member of the public at a Council meeting whether there was a meeting of council to draft and edit a statement prior to its public release on March 17, 2023. | 2.1, 3.2, 3.3, 3.11, and 3.14             | Yes.<br>Report issued.  | Complaint dismissed.<br>The Investigator found that Councilor Neusteater did not breach the Code of Conduct Bylaw. The Investigator found that Councilor Neusteater answered the question honestly and to the best of her ability.  | \$66,411.46<br>(for all 4 complaints)                    |
| 2023-0005   | Aug., 2023  | The Complainant (member of the public) alleged Councilor Sarai was disrespectful to, bullied and harassed, and made false accusations of another member of Council about a matter in which he had a conflict of interest.  | 3.1, 3.2, 3.3, 3.8, 3.11, 3.14, and 3.18  | Yes.<br>Report issued.  | Majority of Complaint summarily dismissed.<br>One component of Complaint proceeded to investigation. The Investigator concluded there was a trivial breach.<br>The Investigator determined that, while there was a breach of the Code of Conduct, it was of a trivial nature and done because of an error in judgment made in good faith, as per subsection 4.32(c) of the Code of Conduct Bylaw. In fact, the Investigator noted that "perhaps some consideration should have been given by the complainant as to the purpose of filing it in the first place".<br>Accordingly the Investigator strongly recommended that no censure, sanctions, corrective actions, or other measures be imposed. Council accepted the Investigator's recommendation. | \$66,411.46<br>(for all 4 complaints)                    |
| 2023-0006   | Aug., 2023  | The Complainant (a member of the public) alleged that, by wrongly accusing another member of Council of inappropriate conduct, the Respondent misled the public, undermined the will of Council, and disrespected, bullied, and harassed another member of Council.  | 1.5, 3.1, 3.2, 3.3, 3.11, and 3.14        | Closed.                 | Complaint summarily dismissed.<br>The Investigator summarily dismissed the Complaint. No Investigation Report issued.   | \$66,411.46<br>(for all 4 complaints)                    |
| 2023-0007   | Aug., 2023  | The Complainant (initially a member of the public, now Mayor Hamer-Jackson) alleged all remaining members of Council improperly disclosed or knowingly acquiesced to the improper disclosure of a privileged and confidential workplace investigation report and other confidential information and records.       | 3.1, 3.3, 3.8, 3.15, and 4.30             | Yes.<br>Report issued.  | Complaint dismissed.<br>Investigation Report issued. However, because Mayor Hamer-Jackson is the Complainant and all councillors are the Respondents, conflict of interest rules prevent Council from considering the Report under s. 4.31(d) of the Code of Conduct as a quorum cannot be formed.  | \$63,008.01  |
| 2023-0008   | July, 2023  | The Complainants (members of the public) alleged the Respondent misled the public by wrongly accusing another member of Council of inappropriate behaviour.  | 3.1, 3.2, 3.8, 3.11, and 3.14             | Closed.                 | Complaint summarily dismissed.<br>The Complaint was summarily dismissed. No Investigation Report issued.  |  |
| 2023-0009   | Sept., 2023 | The Complainant (member of Council) alleged the Respondent bullied, harassed, and mistreated two members of staff at a Council meeting.  | 3.1, 3.2, 3.8, 3.11, and 3.14             | Closed.                 | Complaint withdrawn. Respondent would not agree to informal resolution and Complainant was concerned about costs of investigation.  | \$3,970.54   |
| 2023-0010   | Oct., 2023  | The Complainant (member of Council) alleged the Respondent neglected or refused to abide by an order imposed by Council.   | 3.3, 3.5, and 3.11                        | Closed.                 | See 2023-0015.  | \$3,112.53   |
| 2023-0011   | Nov., 2023  | The Complainant (member of Council) alleged the Respondent breached confidentiality and harassed the Complainant.  | 3.1, 3.2, 3.3, 3.11, 3.15, 3.18, and 4.40 | Closed.                 | Clerical error - duplicative. Complaint now addressed in 2024-0020.   | \$4,167.31   |

EXHIBIT D

Page 1



| Complaint # | Date        | Subject of Complaint  | Bylaw Sections Engaged*                             | Investigation Complete? | Conclusion   | Investigation Fees to Date |
|-------------|-------------|---|---|-------------------------|--|----------------------------|
| 2023-0012   | Nov., 2023  | The Complainant (member of Council) alleged the Respondent treated the Complainant disrespectfully in an email with a third party.  | 3.1, 3.2, 3.8, and 3.11                             | Closed.                 | Complaint withdrawn.   | \$583.76                   |
| 2023-0013   | Nov., 2023  | The Complainant (member of Council) alleged the Respondent failed to respect the will of Council.   | 3.3, 3.11, 3.18, and 3.23                           | Closed.                 | Complaint withdrawn.   | \$615.12                   |
| 2023-0014   | Nov., 2023  | The Complainant (member of Council) alleged the Respondent disrespected, bullied, and harassed a staff member at a public City event.   | 3.1, 3.2, 3.8, and 3.11                             | Closed.                 | Complaint withdrawn due to fear of indirect or direct retaliation by Respondent against City staff if investigation continued.   | 5,256.58                   |
| 2023-0015   | Nov., 2023  | The Complainant (member of Council) alleged the Respondent failed to follow a Council resolution by refusing to attend mandatory respectful workplace training.                                     | 3.3, 3.5, and 3.11                                  | Closed.                 | Summarily dismissed.   | \$5,378.75                 |
| 2023-0016   | Dec., 2023  | The Complainant (member of Council) alleged the Respondent was disrespectful towards a staff member in a Council meeting.   | 3.1, 3.2, 3.8, 3.11, and 3.14                       | Closed.                 | Complaint withdrawn due to fear of indirect or direct retaliation by Respondent against City staff if investigation continued.   | \$474.33                   |
| 2024-0017   | Jan., 2024  | The Complainant (member of staff) alleged the Respondent made inappropriate comments to staff about a matter in which the Respondent had a conflict of interest.                                    | 3.2, 3.3, 3.4, 3.5, 3.8, 3.11, 3.18, 3.22, and 3.23 | Closed.                 | Complaint withdrawn due to fear of retaliation by the Respondent.  | \$1,586.25                 |
| 2024-0018   | Feb., 2024  | The Complainant (member of Council) alleged the Respondent attended a community event and aggressively confronted a staff member about a matter in which the Respondent has a conflict of interest. | 3.1, 3.2, 3.3, 3.4, 3.6, 3.9, 3.14, 3.18, 3.22      | Closed.                 | Complaint withdrawn due to fear of indirect or direct retaliation by Respondent against City staff if investigation continued.   | \$3,009.56                 |
| 2024-0019   | March, 2024 | The Complainant (member of Council) alleged the Respondent breached privacy / FIPPA.  | 3.1, 3.2, 3.3, 3.11, 3.15.                          | Yes. Report issued.     | The Investigator found that Mayor Hamer-Jackson breached section 3.15(a) of the Code of Conduct and section 23.1 of the Freedom of Information and Protection of Privacy Act when he forwarded photographs of individuals in downtown Kamloops to the Chamber of Commerce Executive Director.<br><br>The Investigator noted that "in the course of our investigation, it came to our attention that the Mayor's decision to forward the photographs to the CoC Executive Director may have engaged the Intimate Images Protection Act (the "IIPA"), in addition to FIPPA. However, at that time I determined not to include the IIPA in our investigation. I made this determination largely because the IIPA was not cited in the complaint - or in any of our subsequent correspondence with the Complainant - and is not directly referenced in the relevant Code of Conduct provisions. As a result, our processing of the complaint until that time, which included multiple notifications to the Mayor and his legal counsel, did not include any notice or assessment of whether the IIPA was breached. Given all of these factors, and a procedural fairness concern of late notice, I choose not to include the IIPA in this investigation."<br><br>The Investigator stated that he could not find that Mayor Hamer-Jackson took reasonable steps to prevent the breach, that the breach was trivial or inadvertent, or that the breach occurred because of an error in judgment made in good faith. The Mayor was given many opportunities to participate in the investigation and refused to do so. As such, the Investigator concluded that Mayor Hamer-Jackson took no steps to avoid this breach.<br><br>The Investigator found that there was a clear act by Mayor Hamer-Jackson that he should have known would constitute a breach of the Code of Conduct. He requested and received photographs from the third party. At that point, he either reviewed the photographs and forwarded them to the Chamber of Commerce Executive Director, or he did not review them and forwarded them despite not knowing their contents. For the purposes of FIPPA, whether the Mayor knew what the photographs depicted or not is irrelevant - he collected and disclosed records that contained personal information. This reflects one of the many principles that FIPPA is intended to reflect. Local governments and their elected officials are required to adhere to certain standards when they collect, use, or disclose personal information. The Investigator stated that "the Mayor has fallen well below those standards in these circumstances."<br><br>The Investigator found that whether or not he was aware that his actions would breach FIPPA, Mayor Hamer-Jackson ought to have known that the photographs contained personal information and that, as such, he should not have collected them from and forwarded them to persons who are external to the City. | \$80,350.78                |

THIS IS EXHIBIT \* D \* REFERRED TO IN THE  
AFFIDAVIT OF Reid Hamer-Jackson  
SWORN BEFORE ME AT THE CITY OF KAMLOOPS  
IN THE PROVINCE OF BRITISH COLUMBIA  
THIS 16 OF JANUARY A.D. 2025  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS  
IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

| Complaint #    | Date             | Subject of Complaint  | Bylaw Sections Engaged                           | Investigation Complete? | Conclusion   | Investigation Fees to Date |
|----------------|------------------|---|--|-------------------------|--|----------------------------|
| 2024-0020      | Apr., 2024       | Councillor Bass alleged Mayor Hamer-Jackson repeatedly breached confidentiality and privacy by releasing a privileged and confidential report and closed council meeting resolution to the media. | 3.1, 3.2, 3.3, 3.8, 3.10, 3.11, 3.15, 3.18, 3.22 | Yes. Report issued.     | The Investigator found that Mayor Hamer-Jackson breached sections 3.15(a) of the Code of Conduct and 117(1)(a) of the Community Charter when he released a privileged and confidential report to the media in early April 2024. The Investigator also found that Mayor Hamer-Jackson breached sections 3.15(a) of the Code of Conduct and 117(1)(a) of the Community Charter when he released a resolution from a closed council meeting. The Investigator stated that Mayor Hamer-Jackson's behaviour in releasing the report and the resolution was "a substantial departure from the standard to be expected of a mayor" and that "Mayor Hamer-Jackson has shown no willingness to take any responsibility for his actions, and Council must proceed on the assumption that he is likely to continue to disclose confidential documents either through lack of care or simply when it suits him". | \$46,413.25                |
| 2024-0021/0022 | Sept./Oct., 2024 | The Complainant (member of Council) alleged the Respondent repeatedly breached confidentiality and privacy.   | 3.1, 3.3, 3.8, 3.11, 3.15                        | No                      | Complaint withdrawn due to mounting costs associated with investigating numerous alleged privacy breaches.   | \$11,365.48                |
| 2024-0023      | Dec., 2024       | The Complainant (member of Council) alleged the Respondent recorded a conversation with another elected official and then lied about it.  | 1.5, 3.1, 3.2, 3.3, 3.15                         | No.                     | Not yet determined.  |                            |
|                |                  | Investigator retains discretion to determine applicable sections of Code of Conduct Bylaw.  |  |                         |  |                            |

THIS IS EXHIBIT "D" REFERRED TO IN THE  
 AFFIDAVIT OF Keith Allen Hamer-Jackson  
 SWORN BEFORE ME AT THE CITY OF KAMLOOPS  
 IN THE PROVINCE OF BRITISH COLUMBIA  
 THIS 16 OF February A.D. 2025.  
S. Doulon  
 A COMMISSIONER FOR TAKING AFFIDAVITS  
 IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

EXHIBIT C P3



IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND

KETURAH NEUSTAETER, also known as KATIE  
NEUSTAETER

DEFENDANT

**NOTICE OF INTENTION TO WITHDRAW AS LAWYER**

TAKE NOTICE that Daniel H. Coles intends to withdraw as lawyer of record for the Plaintiff in this proceeding.

**Notice to the client and to all parties of record**

If you object to the lawyer withdrawing from this proceeding you may, within 7 days after service of this notice, file in the registry and serve on the lawyer an objection in Form 113.

**Notice to client**

If you do not object to the lawyer withdrawing from the proceeding, then you may file in the registry and serve on the other parties of record a notice of change of lawyer in Form 110, or a notice of intention to act in person in Form 111.

If you fail either to object or to file a notice in Form 110 or Form 111, service of all further documents on you may be made by other parties to the proceeding by mail to your last known address which is 725 Yates Road, Kamloops, BC V2B 6E1.


THIS IS EXHIBIT "E" REFERRED TO IN THE  
AFFIDAVIT OF Reid Allen Hamer-Jackson  
SWORN BEFORE ME AT THE CITY OF KAMLOOPS  
IN THE PROVINCE OF BRITISH COLUMBIA  
THIS 16 OF January A.D. 2025.  
  
A COMMISSIONER FOR TAKING AFFIDAVITS  
IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

EXHIBIT E  
pg 1

Alan A Frydenlund, KC\*  
James L Carpick\*  
Patrick J Haberl\*  
Heather E Maconachie  
Michael F Robson\*  
Geoffrey M Bowman\*  
George J Roper\*  
Katharina R Spotzl\*  
Nikita Shirazian\*  
Lina Yeom  
Brett J Maerz  
Thomas W Deneka

Josephine M Nadel, KC, Associate Counsel\*  
Duncan J Manson, Associate Counsel\*  
Jeffrey B Lightfoot, Associate Counsel\*  
Kaitlin Smiley, Associate Counsel\*  
Andrew J Stainer, Associate Counsel\*  
Kimberley J Santerre, Associate Counsel\*  
Hon. Walter S Owen, OC, QC, LLD (1981)  
John I Bird, QC (2005)

Allison R Kuchta\*  
Christopher P Weafer\*  
Gregory J Tucker, KC\*\* \*\*\*  
Terence W Yu\*  
James H McBeath\*  
Scott H Stephens\*  
David W P Moriarty\*\*  
Jean Feng\*  
Patrick J Weafer  
Victoria Chen  
Lily Y Zhang

Daniel W Burnett, KC\*  
Ronald G Paton\*  
Gary M Yaffe\*  
Harley J Harris\*  
Kari F Richardson\*  
Jennifer R Loeb\*  
Daniel H Coles\*  
Sameer Kamboj\*  
Laura A Buttendyk  
Taahaa Patel  
Isabella K Stuart

Harvey S Delaney\*  
Paul J Brown\*  
John J Kim\*\* \*\*  
Jonathan L Williams\*  
Paul A Brackstone\*  
Michelle Karby\*  
Jocelyn M Bellerud\*  
Brian Y K Cheng\*\*  
Emma Christian  
Harleen K Randhawa  
Jennifer L Benton

OWEN BIRD  
LAW CORPORATION

Vancouver Centre II  
2900-733 Seymour Street  
PO Box 1  
Vancouver, BC V6B 0S6  
Canada

Telephone 604 688-0401  
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Website [www.owenbird.com](http://www.owenbird.com)

Direct Line: 604 691-7526  
Direct Fax: 604 632-4449  
E-mail: [dcoles@owenbird.com](mailto:dcoles@owenbird.com)  
Our File: 40748-0000

\* Law Corporation  
\*\* Also of the Alberta Bar  
\*\*\* Also of the Ontario Bar  
\*\*\* Also of the NWT Bar  
\*\* Also of the Yukon Bar  
\*\* Also of the Washington Bar

November 22, 2024  
VIA ELECTRONIC MAIL

Harper Grey LLP  
3200 – 650 West Georgia Street  
Vancouver, BC V6B 4P7

Attention: Daniel J. Reid

Reid Hamer-Jackson  
725 Yates Road  
Kamloops, BC V2B 6E1

Dear Sirs/Mesdames:

Re: Hamer-Jackson v. Neustaeter et al.  
BCSC Kamloops Registry, Action No. 062241

I write pursuant to *Supreme Court Civil Rule* 22-6(4) to serve a Notice of Intention to Withdraw as Lawyer, a copy of which is enclosed. I ask that you each confirm receipt of the same.

If there is no objection to my intention to withdraw as counsel for Mr. Hamer-Jackson than I shall file a Notice of Withdrawal of lawyer in Form 114 on December 2, 2024.

Thank you both for your ongoing cooperation in this matter.

Yours truly,

OWEN BIRD LAW CORPORATION



Daniel H. Coles

DHC/lj

Encl. Notice of Intention to Withdraw

EXHIBIT pg 2  
E

Lawyer's address for service is:

Owen Bird Law Corporation  
P.O. Box 1  
Vancouver Centre II  
2900-733 Seymour Street  
Vancouver, BC V6B 0S6  
(Attention: Daniel H. Coles)

Fax number address for service (if any):

N/A

E-mail address for service (if any):

dcoles@owenbird.com

Date: November 22, 2024



---

Signature of lawyer intending to withdraw  
Daniel H. Coles

EXHIBIT pg. 3  
E

Response to File number 157160

December 17, 2024

Reid Hamer-Jackson  
725 Yates Road  
Kamloops, BC V2B 6E1

By Email : [dreid@harpergrey.com](mailto:dreid@harpergrey.com)

Dear Sir:

Re: Hamer-Jackson V. Neustaeter, et al, SCBC Kamloops No: 062241

Subject: Request for Adjournment and Correspondence Updates

Dear Mr. Reid:

Thank you for your letter dated December 6, 2024. This email serves as my official point of contact; however, I kindly request that you also CC all correspondence to [rhjdefense@gmail.com](mailto:rhjdefense@gmail.com).

As you are aware, I am no longer represented by counsel. In the interest of fairness, I requested an adjournment to allow sufficient time for me to gather the necessary documents and prepare for the hearing. My former counsel, Dan Coles, provided notice of his withdrawal on December 3, 2024. I am still awaiting receipt of all relevant documents from him and my earlier counsel, David McMillian.

If you are amenable to an adjournment, I will provide the required documents by January 10, 2024. This timeline would give both parties adequate time to cross-examine affiants on their sworn evidence before the hearing.

Thank you for your attention to this matter.

Kindest regards,

  
Reid Hamer-Jackson


THIS IS EXHIBIT " F " REFERRED TO IN THE  
AFFIDAVIT OF Reid Allen Hamer-Jackson  
SWORN BEFORE ME AT THE CITY OF KAMLOOPS  
IN THE PROVINCE OF BRITISH COLUMBIA  
THIS 16 OF January A.D. 20 25.  
  
A COMMISSIONER FOR TAKING AFFIDAVITS  
IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

EXHIBIT F



File Number: 157160

December 30, 2024

**VIA EMAIL:** [rhjdefense@gmail.com](mailto:rhjdefense@gmail.com)

**AND TO:** [trumarke@telus.net](mailto:trumarke@telus.net); [rhamerjackson@kamloops.ca](mailto:rhamerjackson@kamloops.ca)

Reid Hamer-Jackson  
725 Yates Road  
Kamloops, BC V2B 6E1

Dear Sir:

**Re: Hamer- Jackson v. Neustaeter, et al,  
SCBC Kamloops Registry No.: 062241**

I write further to your letter to me, dated December 17 although not sent until December 24, 2024. In your letter, you request an adjournment of the hearing presently set to begin on January 20, 2025, for four days. We do not consent to an adjournment.

## Background

The January 20, 2025 date was selected with your prior counsel's consent, after the original November 8, 2024 date was adjourned so as to provide your counsel additional time to prepare response materials.

As noted in my letter to you of December 6, 2024, the application material was originally served on your counsel on **October 18, 2024**. Despite follow-up letters to your counsel on November 12, 2024, December 6, December 11, and December 23, you did not write to me until December 24, 2024, requesting an adjournment.

I also wrote to your former counsel on November 25, 2024 (a copy of this letter is enclosed) *specifically requesting* he advise you it was my intention to proceed with the application to dismiss your claim as scheduled, on January 20, 2025.

I also note that the next five-day hearing date available is not until May 12, 2025, when I am presently unavailable due to a privacy law conference in Toronto.

THIS IS EXHIBIT 6 REFERRED TO IN THE  
AFFIDAVIT OF Reid Allen Hamer-Jackson  
SWORN BEFORE ME AT THE CITY OF KAMLOOPS  
IN THE PROVINCE OF BRITISH COLUMBIA  
THIS 16 OF January A.D. 20 25.  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS  
IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

EXHIBIT 6  
RJ 1



Based on the above, we intend to proceed as scheduled. The defendant is entitled to have her application heard and you chose not to respond to my repeated communications to you until Christmas Eve.

### **Cross-Examinations**

In my previous letters to you I noted we would object to any material filed after December 20, 2024. In your letter you indicate you would be in a position to provide your application response and affidavit material by **January 10, 2025**.

Although we will object to the admissibility of any material as being late, your response materials being served by January 10, 2025 does still permit time for me to conduct cross-examinations of your affiants during the week of January 13, 2025, and for the application to proceed as scheduled on January 20, 2025.

Please provide your application response material by January 10, 2025 and confirm your availability for cross-examination the week of January 13, 2025. I will make sure I am available on any date this week to accommodate your schedule.

In the event the court does admit your material despite my objection, we would still be in a position to proceed with a complete evidentiary record, as scheduled, the week of January 20.

### **Adjournment Application**

If it remains your intention to seek an adjournment, please provide your application material as soon as possible.

I will likely seek to cross-examine you on any affidavit material you provide in support of an adjournment application, given my repeated letters to you and your counsel noting my intention to proceed on January 20, as well as your prior public statements indicating you had already prepared "affidavits" in anticipation of the January 20 hearing date.

I look forward to your prompt response.

Yours truly,

**HARPER GREY LLP**



Per: Daniel J. Reid

DJR/

Encl: Letter of November 25, 2024

This is the 1st affidavit of  
Reid Hamer-Jackson  
in the case and was made  
on January 8, 2025

Court File: 062241  
Kamloops, BC Registry

**THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN:**

**REID ALLEN HAMER-JACKSON**

**PLAINTIFF**

**AND:**

**KETURAH NEUSTAETER, also known as KATIE NEUSTAETER**

**DEFENDANT**

**AFFIDAVIT OF THE PLAINTIFF**

---

**1. Introduction**

1.1 I am the Mayor of Kamloops, residing at 725 Yates Road Kamloops, BC, and I make this affidavit based on personal knowledge and belief regarding the actions of the Defendant, Katie Neustaeter.

1.2 I swear/affirm this affidavit in support of the application to uphold the Civil claim 062241 of Reid Allen Hamer-Jackson (Plaintiff) and Katurah Neustaeter (Defendant)

**2. Defendant's Efforts to Discredit Me**

**Initial Efforts Post-Election**

2.1 I Met Kevin Krueger during an all-candidate for in October 2022, prior to the municipal election. At the time I was unaware the defendant was the defendant's father. Following the 2022 election, the Defendant began a concerted effort to undermine my reputation and credibility as Mayor. Exhibit #20 and #21

THIS IS EXHIBIT H REFERRED TO IN THE  
AFFIDAVIT OF Reid Allen Hamer-Jackson.  
SWORN BEFORE ME AT THE CITY OF KAMLOOPS  
IN THE PROVINCE OF BRITISH COLUMBIA  
THIS 16 OF January A.D. 2025.  
S. D. D.  
A COMMISSIONER FOR TAKING AFFIDAVITS  
IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

EXHIBIT H  
pg 1



2.2 In late October 2022, the Defendant warned me against associating with her father, Kevin Krueger, despite him independently offering support. She described him as "a sick man" and implied that any relationship with him would be problematic.

2.3 Shortly thereafter, the Defendant fabricated claims that I made unsolicited personal comments about her father's health, which are patently false. At this point, my only interaction with Mr. Krueger had been a brief exchange of pleasantries at an election forum.

2.4 I had no control over Kevin Krueger's desire to meet with me nor did I know why besides the fact that he said he supported me. Nor do I know the reason why he suddenly cancelled a meeting he requested.

2.5 Voice Mails from Kevin Krueger's timeframe was October 2023 until February 2023 inclusive.  
**Exhibits #1, 2, 4 and 17**

### **Strategic Meetings & Email Threats**

2.6 As early as December 6, 2022, Defendant began organizing meetings with Council members and City administrators, excluding me. These meetings involved unsubstantiated claims and deliberate attempts to discredit me professionally. Throughout this time, the defendant purposeful conveyed the false impression of harassment, bullying and violating personal boundaries. She repeated the words and phrases to sway people to accept her claim without evidence. **#6 and exhibit #9**

(i) There was an occasion when the Defendant was seen in an area which the council was restricted from entering. When I inquired why, staff member, Jen Fretz thought it best to email all council members and myself that she and the defendant were going to the washroom. After, this I received a text from the defendant calling me a "creep" for monitoring her bathroom habits. Exhibit #

### **Public Accusations of Harassment**

2.7 On February 11, 2023, during a strategic planning meeting, when people were ready to leave at the end of the meeting, the Defendant falsely accused me of harassing her family and attempting to involve them in political dealings. Exhibit #22

2.8 When I attempted to provide evidence disproving these allegations, including voicemail recordings from Kevin Krueger, the Defendant—supported by Council and City Staff—refused to allow me to present my case. I attempted to bridge the relationship between the defendant and myself by trying to have Councillor Karpuk play an intermediary and he agreed to. He changed his mind after talking to the Defendant. **Exhibit #18**

### **Defamatory Press Conference**

2.9 On March 17, 2023, while I was in a strategic council meeting with the TNRD, the Defendant and councillors held a press conference where she accused me of "violating personal and professional boundaries." Months before, the Defendant accused me of violating her "violating her personal boundaries." I attempted to have her present proof, evidence and facts. For example, who, when or where was I supposed to have met them or tried to meet with them? She never produced any evidence

EXHIBIT H  
pg 2

and in fact, she stepped up her campaign of telling people I was a harasser and violator. **Exhibit #6, 9, 12, 14, 23**

2.10 The Defendant provided no evidence to support these claims and refused to take questions from the media, leaving room for speculation and further damage to my reputation. Affidavit #1 and 2  
Richard Wilbur

2.11 As a result of her statement/s that I violated her personal space, I have been publicly ridiculed and labeled as a "pervert," among other derogatory terms, by individuals emboldened by the Defendant's false and inflammatory accusations. **Exhibit #8**

#### **Persistent False Allegations**

2.12 The Defendant has repeatedly described me as a harasser, bully, and violator in both public and private settings, including Council meetings and communications with City Staff. **Exhibit #12, 21**

2.13 She has deliberately used inflammatory language, fully aware of its potential to harm my reputation. Terms such as "violating" carry severe connotations, which the Defendant, as a self-described skilled communicator, knew would evoke damaging assumptions.

#### **Coordination with Council and Staff**

2.14 The Defendant has worked closely with other Council members and City Staff to further her campaign against me. She copied Council members on the majority of her correspondence emails. This includes:

- Disseminating unsubstantiated complaints and allegations.
- Encouraging investigations without concrete evidence. The defendant's allegations led to the Honcharuk report, the Braun report, and 20 or more code of conduct and WCB complaints. Despite numerous requests, the city staff and council have refused to provide me with a copy of the Honcharuk report and other reports that contain vital information I require to understand the allegations fully. I have never been interviewed or told the nature of the WCB complaints supposedly levelled against me.
- Councillor Bill Sarai recently admitted in public that he lied about altering an audio tape recording of a conversation where he accused me of being an aggressor and inappropriate in front of staff. Councillor Sarai continued to lie and claimed he was a victim of a verbal attack from me until a reporter reported the truth. He was forced to apologize but the damage was done. His allegation sparked an investigation by the Integrity Group informally called the Honcharuk Report and then the Chamberlain and the Braun Report. All these reports were based on fabrications by the Defendant, Councillor Sarai and other councillor members.
- Leading the council, the defendant made unsupported defamatory statements about me to the media and public. Exhibit # 23 and #24

#### **Continued Defamation After Legal Action**

2.15 Even after I initiated legal proceedings, the Defendant persisted in her defamatory remarks, making further disparaging claims in Council meetings, media interactions, and communications with City Staff.

EXHIBIT H  
pg 3



### 3. Impact of the Defendant's Actions

3.1 The Defendant's campaign to discredit me has caused severe harm to my reputation, professional standing, and personal well-being, including:

a) **Public Ridicule:** The Defendant's statements have led to widespread public humiliation, including derogatory remarks shouted at me in public.

b) **Professional Damage:** The accusations have undermined my ability to effectively serve as Mayor, eroding public trust and damaging relationships with colleagues and constituents.

c) **Emotional Distress:** The ongoing defamation and harassment have caused significant emotional strain for me and my family.

d) **Financial Loss:** The defamatory campaign has necessitated legal action, resulting in financial burdens.

### 4. Key Facts Supporting My Position

4.1 Kevin Krueger, the Defendant's father, initiated contact with me and expressed a genuine interest in supporting my goals.

4.2 The Defendant has no legitimate authority to prevent communications between me and citizens of Kamloops, including her father, who initiated contact and continued to pursue a professional relationship with me.

4.3 The Defendant has failed to provide any evidence to substantiate her allegations of harassment or inappropriate conduct.

4.4 The Defendant's use of inflammatory and false statements in private meetings and public forums has been deliberate, reckless, and malicious, specifically on February 13 and March 5, 2023, and March 17, 2023, where the defendant libeled me.

4.5 The defendants publicly (orally) slandered me on February 11 and March 17, 2023

4.6 The Defendant's defamatory statements have caused, and continue to cause, damage to me.

### 5. Relief Sought

a) **General damages and Compensation:** For damage to my reputation, emotional distress, and financial loss caused by the Defendant's defamatory actions.

b) **Aggravated and Punitive Damages:** Due to the malicious and reckless nature of the Defendant's actions.

c) **Costs**

d) **Special Costs**

e) **Public Retraction and Apology:** A court-ordered retraction and apology to mitigate further harm to my reputation.

EXHIBIT  
4 &

Affirmed before me at

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Reid Hamer-Jackson

EXHIBIT H

5

File Number: 157160

January 14, 2025

**VIA EMAIL:**  
**AND TO:**

Reid Hamer-Jackson  
725 Yates Road  
Kamloops, BC V2B 6E1

Dear Sir:

**Re: Hamer- Jackson v. Neustaeter, et al,**  
**SCBC Kamloops Registry No.: 062241**

It has come to my attention that you are purporting to issue subpoenas to witnesses.

As I advised you in my email of January 10, 2025, a duplicate copy of which is enclosed: "there is no provision for subpoenaing witnesses under the *PPPA*, which governs the application brought by the defendant."

The subpoena I have reviewed is also unsigned.

It purports to be made pursuant to "Rules 12-5(20), (21) or (22) of the *Supreme Court Civil Rules*." Rule 12-5 relates to evidence and procedure at trial.

This is not a trial – it is an application by the defendant to dismiss your case.

In short, for a host of reasons, your subpoenas are a nullity. It is my position that none of your purported witnesses are therefore required to attend, and in any event, *viva voce* evidence is not admissible on a *PPPA*.

You are not permitted to simply show up and issue subpoenas. You were required to file an application response and affidavits if you wished to oppose the application. You and your prior counsel were repeatedly advised of this.

Despite this, you chose not to do so. You also chose not to file an application seeking an adjournment, despite me writing to you on December 30, 2024, requesting that if you sought an adjournment you serve your application material as soon as possible.

157160\4928-8031-1822

THIS IS EXHIBIT H-H REFERRED TO IN THE  
AFFIDAVIT OF Reid Allen Hamer - Jackson  
SWORN BEFORE ME AT THE CITY OF KAMLOOPS  
IN THE PROVINCE OF BRITISH COLUMBIA  
THIS 16 OF January A.D. 2025  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS  
IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

EXHIBIT H-H

pg 1

I do intend to bring my previous correspondence to you and your counsel to the attention of the court – it appears you are deliberately engaging in meaningless and vexatious conduct in an effort to delay or frustrate the hearing.

I strongly urge you to speak to a lawyer about this matter, as it will be my position on January 20, 2025 that the defendant's application is unopposed and your claim should accordingly be dismissed.

Yours truly,

**HARPER GREY LLP**

Per: Daniel J. Reid

DJR/

Encl: January 10, 2025 email



COURT FILE NO.: 062241  
KAMLOOPS REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, ALSO KNOWN AS KATIE NEUSTAETER

DEFENDANTS

**AFFIDAVIT #2**  
**of Ing-Marie Borgstrom**

HARPER GREY LLP  
Barristers & Solicitors  
3200 - 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: (604) 687-0411

Attention: D. Reid/imb/#157160

THIS IS EXHIBIT I "REFERRED TO IN THE  
AFFIDAVIT OF Reid Allen Hamer-Jackson.  
SWORN BEFORE ME AT THE CITY OF KAMLOOPS  
IN THE PROVINCE OF BRITISH COLUMBIA  
THIS 16 OF JANUARY A.D. 20 25.  
[Signature]  
A COMMISSIONER FOR TAKING AFFIDAVITS  
IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

Exhibit I  
pg 1

No. 062241  
Kamloops Registry

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DEFENDANT

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| 1.                        | Notice of Application – dismissal pursuant to <i>PPPA</i>          | June 11, 2024        |
| 2.                        | Requisition - re-set Hearing to assize week of January 20-24, 2025 | Oct. 21, 2024        |
| 3.                        | Affidavit #1 of Katie Neustaeter, made Oct 11, 2024                | Oct. 15, 2024        |
| 4.                        | Affidavit #1 of Kelly Hall, made Sep 13, 2024                      | Oct. 15, 2024        |
| 5.                        | Affidavit #1 of Bill Sarai, made Aug 19, 2024                      | Oct. 15, 2024        |
| 6.                        | Affidavit #1 of Byron McCorkell, made Sep 5, 2024                  | Oct. 17, 2024        |
| 7.                        | Affidavit #1 of Ing-Marie Borgstrom, made Jan. 9, 2025             | <i>to be filed</i>   |
| 8.                        | <i>Application Response</i>  | <i>not yet rec'd</i> |
| 9.                        | <i>Affidavits of Reid Hamer-Jackson</i>                            | <i>not yet rec'd</i> |
| 10.                       | Notice of Civil Claim  | June 12, 2023        |
| 11.                       | Response to Civil Claim  | July 24, 2023        |
| 12.                       | Reply to Response to Civil Claim                                   | July 31, 2023        |

Exhibit I  
Pg 2

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE NEUSTAETER

DEFENDANT

**APPLICATION RECORD**

[Dismissal pursuant to *Protection of Public Participation Act*, S.B.C. 2019, c. 3]

**Hearing: Assize week of January 20, 2025**

**HARPER GREY LLP**  
Barristers and Solicitors  
3200 – 650 West Georgia Street  
Vancouver, BC V6B 4P7

Phone: 604.687.0411  
Fax No.: 604.669.9385  
Email:

**Daniel J. Reid**

Lawyer for the Defendant / Applicant  
Keturah Neustaeter, also known as  
Katie Neustaeter

**REID ALLEN HAMER-JACKSON**  
725 Yates Road  
Kamloops, BC V2B 6E1

Phone: 250.214.8214  
Emails:

**Reid Allen Hamer-Jackson**

Self-represented / Plaintiff / Respondent

**Time, Date, and Place of Application:**

Time: 10:00 a.m.

Date: Assize – the week of  
January 20, 2025

Place: 455 Columbia Street, Kamloops, BC

Time Estimate: 5 days

Application Record provided by Harper Grey LLP



09-Jan-25

REGISTRY

This is the 1st affidavit  
of Ing-Marie Borgstrom in this case  
and was made on January 9, 2025

Court File No.: 062241

Court Registry: Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE NEUSTAETER

DEFENDANT

**AFFIDAVIT**

FORM 109 (RULE 22-2(2) AND (7))

I, Ing-Marie Borgstrom, Paralegal, of 3200 - 650 West Georgia Street, in the City of Vancouver,  
Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. I am a paralegal with Harper Grey LLP, solicitors for the defendant Keturah Neustaeter, also known as Katie Neustaeter, herein, and as such I have personal knowledge of the matters and facts herein deposed to save and except where the same are stated to be made upon information and belief and as to the latter, I verily believe them to be true.
2. Attached to this my affidavit and marked as as Exhibit "A" is a true copy of a letter without attachments from Daniel Reid, counsel for the defendant, to Daniel Coles, prior counsel for the plaintiff, dated October 18, 2024.
3. Attached to this my affidavit and marked as Exhibit "B" is a true copy of a letter without attachments from Mr. Reid to Mr. Coles, dated November 1, 2024.
4. Attached to this my affidavit and marked as Exhibit "C" is a true copy of a letter from Mr. Reid to Mr. Coles, dated November 12, 2024.
5. Attached to this my affidavit and marked as Exhibit "D" is a true copy of a letter from Mr. Reid to Mr. Coles, dated November 18, 2024.

15716014927-1952-4109

EXHIBIT I  
pg 5

DANIEL J. REID  
DIRECT LINE: 604 895 2877  
dreid@harpergrey.com  
www.harpergrey.com

File Number: 157160

January 14, 2025

**VIA EMAIL:**  
**AND TO:**

Reid Hamer-Jackson  
725 Yates Road  
Kamloops, BC V2B 6E1

Dear Sir:

**Re: Hamer- Jackson v. Neustaeter, et al,**  
**SCBC Kamloops Registry No.: 062241**

It has come to my attention that you are purporting to issue subpoenas to witnesses.

As I advised you in my email of January 10, 2025, a duplicate copy of which is enclosed: **“there is no provision for subpoenaing witnesses under the *PPPA*, which governs the application brought by the defendant.”**

The subpoena I have reviewed is also unsigned.

It purports to be made pursuant to “Rules 12-5(20), (21) or (22) of the *Supreme Court Civil Rules*.” Rule 12-5 relates to evidence and procedure at trial.

This is not a trial – it is an application by the defendant to dismiss your case.

In short, for a host of reasons, your subpoenas are a nullity. It is my position that none of your purported witnesses are therefore required to attend, and in any event, *viva voce* evidence is not admissible on a *PPPA*.

You are not permitted to simply show up and issue subpoenas. You were required to file an application response and affidavits if you wished to oppose the application. You and your prior counsel were repeatedly advised of this.

Despite this, you chose not to do so. You also chose not to file an application seeking an adjournment, despite me writing to you on December 30, 2024, requesting that if you sought an adjournment you serve your application material as soon as possible.

I do intend to bring my previous correspondence to you and your counsel to the attention of the court – it appears you are deliberately engaging in meaningless and vexatious conduct in an effort to delay or frustrate the hearing.

I strongly urge you to speak to a lawyer about this matter, as it will be my position on January 20, 2025 that the defendant's application is unopposed and your claim should accordingly be dismissed.

Yours truly,

**HARPER GREY LLP**

Per: Daniel J. Reid

DJR/

Encl: January 10, 2025 email



## APPENDIX 4

FORM 1 (RULE 3-1 (1))

Court File No. **KAM-S-S-63308**

No. \_\_\_\_\_  
Kamloops Registry

*In the Supreme Court of British Columbia*

Between

REID HAMER-JACKSON

Plaintiff

and

JOSHUA KNAACK

Defendant

### NOTICE OF CIVIL CLAIM

**This action has been started by the plaintiff for the relief set out in Part 2 below.**

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a Counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

**JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the Response to Civil Claim within the time for Response to Civil Claim described below.**

#### **Time for Response to Civil Claim**

A response to civil claim must be filed and served on the plaintiff,

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,

- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

## **CLAIM OF THE PLAINTIFF**

### **Part 1: STATEMENT OF FACTS**

1. The plaintiff, Reid Hamer-Jackson, is the Mayor of the City of Kamloops. He was first elected as Mayor on October 15, 2022. He has an address for service in this litigation care of Owen Bird Law Corporation, 2900 – 733 Seymour Street, Vancouver, BC, V6B 0S6.
2. The defendant, Joshua Knaack, is a financial professional, past president of the Kamloops Chamber of Commerce and a director on the board of the Northshore Business Improvement Association. He resides in or around the City of Kamloops. The plaintiff is not currently aware of Mr. Knaack's residential address.

### **KNAACK SLANDER**

3. On or about March 31, 2023, Mayor Hamer-Jackson, along with his wife, attended the Blue Grotto bar in the City of Kamloops following the conclusion of a Kamloops Blazers play-off hockey game.
4. While in the Blue Grotto Mayor Hamer-Jackson and Mr. Knaack had an interaction wherein Mr. Knaack verbally published defamatory statements to Mr. Brett Corall, and others including others known to Mayor Hamer-Jackson and Mr. Knaack, falsely and maliciously saying that:
  - a) "I heard you have been groping women on the dance floor";
  - b) "My wife is on her way here, if you could keep your hands off her tonight, that would be great"; and
  - c) that Mayor Hamer-Jackson had in January of 2023 "grabbed" or "touched" the behind/butt of Mr. Knaack's wife.(collectively, the "**Knaack Slander**")
5. The Knaack Slander constituted slander *per se*, as it was an allegation of crime and disparaged Mayor Hamer-Jackson in the way of his work and business.



6. Further, the Knaack Slander meant and was understood to mean, in both its literal and natural meanings that:
  - a) Mayor Hamer-Jackson sexually assaulted or battered Mr. Knaack's wife;
  - b) Mayor Hamer-Jackson engaged in unwanted touching or harassment of Mr. Knaack's wife of a sexual nature; and
  - c) Mayor Hamer-Jackson poses an ongoing risk or threat to Mr. Knaack's wife, and other women, that he will engage in further or similar inappropriate behaviour;
7. The Knaack Slander is false and Mr. Knaack published the Knaack Slander knowing it to be false, or was reckless as to whether his statements were true or not.
8. Mr. Knaack has since repeated the Knaack Slander to others, including by way of publishing the same in writing. The particulars of those further instances of slander and libel are known by Mr. Knaack but not currently known by the plaintiff (the "**Subsequent Publications**").
9. The Knaack Slander and the Subsequent Publications have been heard and read by many persons in Kamloops and throughout British Columbia, and have and continue to cause serious reputation harm to the plaintiff.
10. Mr. Knaack has been an outspoken and irresponsible critic of Mayor Hamer-Jackson, and the Knaack Slander and the Subsequent Publications were published by him in furtherance of his campaign against Mayor Hamer-Jackson and were not publications made honestly, in good faith, or for any *bona fide* purpose.
11. Given the nature of the Knaack Slander and the Subsequent Publications, and the methods by which Mr. Knaack published the same, he intended for his allegations to be repeated and he is responsible for all further republications of the same.
12. Mayor Hamer-Jackson pleads and relies on the conduct of Mr. Knaack before and after the Knaack Slander and the Subsequent Publications.
13. As a consequence of the defamations described above, Mayor Hamer-Jackson has and continues to suffer grave damage to his reputation, upset and emotional damage, as well as special damages including damages to his political and professional standing, all to be particularized at trial.
14. Injunctive relief is required as Mr. Knaack, through his conduct, has shown he will not cease defamation the plaintiff unless enjoined by the court.

**Part 2: RELIEF SOUGHT**

1. General and special damages;
2. Aggravated and punitive damages;
3. A permanent injunction requiring that Mr. Knaack cease repeating the Knaack Slander and publishing the Subsequent Publications;
4. Costs; and
5. Such further and other relief as the Honourable Court considers just.

**Part 3: LEGAL BASIS**

1. The common law of defamation.
2. The law of injunctions.
3. The *Libel and Slander Act*, R.S.B.C. 1996, c. 263.

Plaintiff's address for service: Owen Bird Law Corporation  
2900-733 Seymour Street  
PO Box 1  
Vancouver, BC, V6B 0S6  
(Attention: Daniel H. Coles)

E-mail address for service (if any): dcoles@owenbird.com

Place of trial: Kamloops, BC

The address of the registry is: Law Courts,  
455 Columbia Street  
Kamloops, BC, V2C 6K4

Date: June 21, 2024

  
\_\_\_\_\_  
Signature of lawyer for plaintiff  
Daniel H. Coles

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
  - (a) prepare a list of documents in Form 22 that lists
    - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

- (ii) all other documents to which the party intends to refer at trial, and
- (b) serve the list on all parties of record.

## **APPENDIX**

### **Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:**

The plaintiff complains that he was slandered by the defendant.

### **Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:**

A personal injury arising out of:

- ☐ a motor vehicle accident
- ☐ medical malpractice
- ☐ another cause

A dispute concerning:

- ☐ contaminated sites
- ☐ construction defects
- ☐ real property (real estate)
- ☐ personal property
- ☐ the provision of goods or services or other general commercial matters
- ☐ investment losses
- ☐ the lending of money
- ☐ an employment relationship
- ☐ a will or other issues concerning the probate of an estate
- ☐ a matter not listed here

### **Part 3: THIS CLAIM INVOLVES:**

- ☐ a class action
- ☐ maritime law
- ☐ aboriginal law
- ☐ constitutional law
- ☐ conflict of laws
- ☐ none of the above
- ☐ do not know

### **Part 4: ENACTMENTS BEING RELIED ON:**



No. KAM-S-S-63308  
Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID HAMER-JACKSON

PLAINTIFF

AND:

JOSHUA KNAAK

DEFENDANT

**RESPONSE TO AMENDED NOTICE OF CIVIL CLAIM**

*FORM 2 (RULE 3-3(1))*

FILED BY: Joshua Knaak (the “defendant”)

**Part 1: RESPONSE TO AMENDED NOTICE OF CIVIL CLAIM FACTS**

**Division 1 – Defendant's Response to Facts**

1. The facts alleged in paragraph 2 of Part 1 of the amended notice of civil claim are admitted.
2. The facts alleged in paragraphs 4-14 of Part 1 of the amended notice of civil claim are denied.
3. The facts alleged in paragraphs 1 and 3 of Part 1 of the amended notice of civil claim are outside the knowledge of the defendants.

**Division 2 - Defendant's Version of Facts**

1. The defendant denies each and every allegation in the amended notice of civil claim (“ANCC”) except as specifically admitted in the response to amended notice of civil claim and puts the plaintiff to the strict proof thereof each and every fact.
2. In specific response to paragraphs 4-7 of Part 1 of the ANCC, the defendant:
  - (a) denies that he verbally published the alleged verbal statements at paragraph 4 of the ANCC (the “Alleged Verbal Statements”);
  - (b) in the alternative, states that if the Alleged Verbal Statements were made by the defendant, they were not made to a person other than the plaintiff, as alleged or at all;

- (c) in the further alternative, states that if the Alleged Verbal Statements were made by the defendant to a person other than the plaintiff, they are not actionable *per se* because they were not calculated to disparage a plaintiff in his work/profession, did not claim that the plaintiff committed a crime and have not resulted in special damages to the plaintiffs, nor are special damages adequately plead;
  - (d) in the further alternative, states that if the Alleged Verbal Statements were made by the defendant to a person other than the plaintiff, the Alleged Verbal Statements in their plain and ordinary meaning or by innuendo or inference, did not have or were not capable of having the defamatory meanings pleaded by the plaintiff;
  - (e) in the further, further alternative, states that to the extent that the Alleged Verbal Statements were made by the defendant to a person other than the plaintiff and any portions are found to be defamatory, they were true or substantially true in substance and fact, particulars of which are as follows:
    - (i) on or about January 21, 2023, the defendant and his wife, Nikole Knaak, went to the Blue Grotto nightclub in Kamloops, British Columbia;
    - (ii) the defendant saw the plaintiff (who he had previously met) at the Blue Grotto and introduced his wife to him;
    - (iii) the defendant and his wife sat at a table separate from the plaintiff's table. Subsequently, as a gesture of kindness, the defendant's wife purchased a tequila shot for her and the plaintiff and proceeded to deliver the tequila shots to the plaintiff's table;
    - (iv) while at the plaintiff's table, the plaintiff physically touched the waist of the defendant's wife to bring her closer to him and proceeded to move his hand to physically touch the buttocks of the defendant's wife's; and
    - (v) the defendant's wife left the plaintiff's table and returned to her table to disclose the above incident with the plaintiff to the defendant.
3. In specific response to paragraphs 8, 11 and 14 of Part 1 of the ANCC, the defendant:
- (a) denies making the Alleged Verbal Statements and therefore denies:
    - (i) repeating them or publishing them in writing to others;
    - (ii) intending for them to be repeated;
    - (iii) that he is responsible for any republications of them; and
    - (iv) that injunctive relief is required.

- (b) states that, to the extent, that the plaintiff alleges the defendant published defamatory statements in writing, the plaintiff has failed to plead the material facts necessary to give rise to a claim in defamation; and
  - (c) in the alternative, states that if the Alleged Verbal Statements were made by the defendant and they were republished by third parties, the defendant denies:
    - (i) that he knew, intended or expected that the Alleged Verbal Statements to be republished; or
    - (ii) such republication was a natural or probable result.
- 4. In specific response to paragraph 9 of Part 1 of the ANCC, the defendant:
  - (a) denies making the Alleged Verbal Statements, repeating the Alleged Verbal Statements or publishing the Alleged Verbal Statements in writing; and therefore:
    - (i) denies they have been heard or read by many persons in Kamloops and throughout British Columbia; and
    - (ii) denies that they have caused any harm, as alleged or at all, to the plaintiff.
- 5. In specific response to paragraph 10 of Part 1 of the ANCC, the defendant:
  - (a) denies being an outspoken and irresponsible critic of the plaintiff;
  - (b) denies making the Alleged Verbal Statements, repeating the Alleged Verbal Statements or publishing the Alleged Verbal Statements in writing; and therefore he denies that he made any of the foregoing:
    - (i) in furtherance of a campaign against the plaintiff; or
    - (ii) not honestly, not in good faith, or for any *bona fide* purpose.
- 6. In specific response to paragraphs 12-13 of Part 1 of the ANCC, the defendant:
  - (a) denies that the plaintiff has suffered any damage, as alleged or at all;
  - (b) states that the special damages are not adequately plead;
  - (c) states that, in the alternative, if the plaintiff has suffered any damage, such damage is a result of the plaintiff's own conduct including without limitation making the following public statements to the media:
    - (i) on June 15, 2023, in an interview with RadioNL 610 AM published online at the URL: <https://www.radionl.com/2023/06/15/kamloops-mayor-suing-councillor-for-defamation-and-libel/>, the plaintiff is quoted as stating as follows, *inter alia*:

“I’ve had people call me a pervert, you know one guy saying, ‘oh my wife is coming down here, can you make sure you keep your hands off her’ and stuff like that,” Hamer-Jackson told RadioNL, saying he wants to focus on city business.

- (ii) on June 15, 2023, in an interview with iNFOnews.ca published online at the URL: <https://infotel.ca/newsitem/kamloops-mayor-launches-defamation-suit-against-councillor/it98894>, the plaintiff is quoted as stating as follows, *inter alia*:

Hamer-Jackson told iNFOnews.ca he's heard people in public speculate he's engaging in sexual harassment at city hall, claiming he's been called a "pervert" since the March joint statement accused him of breaching professional and personal boundaries.

"This stuff is hard on my family too," he said.

- (iii) on June 16, 2023, in an interview with CBC News published online at the URL: <https://www.cbc.ca/news/canada/british-columbia/defamation-suit-reid-hamer-jackson-katie-neustaeter-1.6879336>, the plaintiff is quoted as stating as follows, *inter alia*:

Hamer-Jackson told CBC News on Thursday that he has long been a respectable Kamloops citizen and that he is facing unfair scrutiny due to the emails and public statements detailed in the claim.

"I'm tired of being called a pervert and different names," he said. "I think that people need to be held accountable."

### **Division 3 - Additional Facts**

1. To be advised.

### **Part 2: RESPONSE TO RELIEF SOUGHT**

1. The defendant consents to the granting of the relief sought in paragraphs NONE of Part 2 of the amended notice of civil claim.
2. The defendant opposes the granting of the relief sought in paragraphs ALL of Part 2 of the amended notice of civil claim.
3. The defendant takes no position on the granting of the relief sought in paragraphs NONE of Part 2 of the amended notice of civil claim.



### Part 3: LEGAL BASIS

1. The defendant relies on the common law of defamation, mitigation, damages, injunctive relief and the *Protection of Public Participation Act*, SBC 2019 c. 3.

- (1) The defendant's address for service is:

**HARPER GREY LLP**  
Barristers & Solicitors  
3200 - 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: 604 687 0411  
Email: ehatch@harpergrey.com  
Attn: Erin Hatch/cy/160127



Dated: August 6, 2024

---

HARPER GREY LLP  
(Per Erin Hatch)  
Lawyer for the defendant

Name and address of lawyer:

**HARPER GREY LLP**  
Barristers & Solicitors  
3200 - 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: 604 687 0411  
Email: ehatch@harpergrey.com  
Attn: Erin Hatch/cy/160127

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  - (a) prepare a list of documents in Form 22 that lists
    - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
    - (ii) all other documents to which the party intends to refer at trial, and

- (b) serve the list on all parties of record.

## APPENDIX 5



# SOUTHERN BUTLER PRICE

REPORT TO

DAVID TRAWIN

Chief Administrative Officer

City of Kamloops

AND

DENISE MCCABE

Legal Counsel, Fulton & Company LLP

In this matter of

CODE OF CONDUCT INVESTIGATION

ALLEGATIONS, FINDINGS AND CONCLUSIONS

Submitted by Sarah Chamberlain

Southern Butler Price LLP (the “Investigator”)

October 27, 2023



## Process

I was asked to conduct a privileged and confidential investigation (the “Investigation”) on behalf of the City of Kamloops (the “City”) into a complaint under the *Code of Conduct Bylaw No. 53* (the “Code of Conduct”) from Councillor Katy Neustaeter (the “Complainant”) against Mayor Reid Hamer-Jackson (the “Mayor”) regarding a series of comments the Mayor made to the media, as well as a comment made by the Mayor’s legal counsel, David McMillan, to the media.

I conducted virtual meetings with Councillor Neustaeter and six other Councillors, the Mayor, Mr. McMillan, and one civilian witness between August 11, 2023 and August 31, 2023. One Councillor chose not to participate in an investigation meeting and did not provide a rationale. Prior to meeting with the Mayor, he was provided with particulars of the allegations. None of the participants chose to have a support person attend their meeting. At the beginning of each interview, the participants were advised of the need for honesty and their obligation to maintain confidentiality of both the information that we shared and the fact that the Investigation process was occurring. Each participant acknowledged their understanding of both obligations.

In addition to the interviews, I reviewed media articles and videos referred to by Councillor Neustaeter as well as additional documentation provided by other Councillors. Quotes from documents in this report are reproduced as in the originals, except where square brackets are used to indicate text I have inserted. While I have considered all of the information provided to me in the Investigation, I have only referred to information required to make findings of fact in this report.

In this report, in accordance with the Terms of Reference, I summarize the evidence, make findings of fact about the allegations, determine whether they are in breach of the Code of Conduct, and provide legal advice regarding outcomes.

## Summary of Allegations

Councillor Neustaeter alleged the Mayor engaged in the following conduct in breach of the Code of Conduct:

1. Misleading the public into believing that Councillor Neustaeter’s words on behalf of Councillors in their public statement on March 17, 2023 (the “Statement”) were responsible for accusations about the Mayor’s alleged sexual impropriety toward a female resident, as well as a confrontation that resulted with the resident’s husband at a later date.
2. Discriminating against Councillor Neustaeter on the basis of gender, age, and physical appearance when Mr. McMillan made comments to the media about Councillor Neustaeter indicating that the words in the Statement had a different meaning because of these factors. Councillor



Neustaeter alleges that the Mayor “*endorsed and perpetuated the misogynistic view with his own statements and support of the position.*”

## Evidence

### Undisputed Evidence

The following evidence is undisputed. The Mayor and Councillors were elected to their current term on October 15, 2022. On March 17, 2023, the Councillors called for a public press conference. Councillor Neustaeter read out the Statement to the press regarding the conduct of the Mayor. The Mayor was not present for this press conference. The Statement contained the following comment:

*While we, as councillors, have been subjected to repeated disrespect, violation of personal and professional boundaries, belittling and constantly disruptive behaviour by the mayor ...*

In an email to all the Councillors dated April 13, 2023, the Mayor wrote, “*Since your press conference on March 17 2023 I believe it was. I have been accused of a wide range of accusations including a person you all know of making a accusations of me make personal advances to women. I don’t want this to happen to anyone. When this happened, my wife was just a few feet away and we addressed the accusation.*”

The Mayor filed a law suit against Councillor Neustaeter on June 12, 2023 (the “Civil Claim”), alleging that the Statement was defamatory and had resulted in members of the public believing that he had engaged in sexually inappropriate conduct towards females.

### Media Comments

Following the reading of the Statement and filing of the Civil Claim, the Mayor spoke to the media on a number of occasions about the Statement and about Councillor Neustaeter (the “Media Comments”).

- a. On June 15, 2023, in an interview with *RadioNL 610 AM* published online at the URL [www.radionl.com/2023/06/15/kamloops-mayor-suing-councillor-for-defamation-and-libel](http://www.radionl.com/2023/06/15/kamloops-mayor-suing-councillor-for-defamation-and-libel), the Mayor is quoted as stating, “*I’ve had people call me a pervert, you know one guy saying, ‘oh my wife is coming down here, can you make sure you keep your hands off her’ and stuff like that.*”
- b. On June 15, 2023, in an interview discussing why he had filed the Civil Claim against Councillor Neustaeter with *INFOnews.ca* published online at the URL [infotel.ca/newsitem/kamloops-mayor-launches-defamation-suit-against-councillor/it98894](http://infotel.ca/newsitem/kamloops-mayor-launches-defamation-suit-against-councillor/it98894), the reporter summarized that the Mayor said, “*He’s heard people in public speculate he’s engaging in sexual harassment at city hall, claiming he’s been called a ‘pervert’ since the March joint statement accused him of breaching professional and personal boundaries.*”



- c. On June 16, 2023, in an interview with CBC News published online at the URL [www.cbc.ca/news/canada/british-columbia/defamation-suit-reid-hamer-jackson-katie-neustaeter-1.6879336](http://www.cbc.ca/news/canada/british-columbia/defamation-suit-reid-hamer-jackson-katie-neustaeter-1.6879336), the reporter summarized that the Mayor *"told CBC News on Thursday that he has long been a respectable Kamloops citizen and that he is facing unfair scrutiny due to the emails and public statements detailed in the claim. 'I'm tired of being called a pervert and different names,' he said. 'I think that people need to be held accountable.'"*
- d. On June 21, 2023, the Mayor discussed the allegations contained in the Civil Claim on *Kamloops Last Week*, including engaging in the following conversation with Marty Hastings, reporter ("MH") and Chris Foulds, reporter ("CF") (the summary was transcribed from the YouTube video found at [www.youtube.com/watch?v=kGdRSp14nQo](http://www.youtube.com/watch?v=kGdRSp14nQo)).

Mayor: *"Come on, you stand up in public and say someone's violated your personal boundaries, like, what, you don't think it's going to affect you?"*

MH: *"Do you feel that's the sexual misconduct and abuse that's being inferred?"*

Mayor: *"I've had people scream at me, call me a pervert. I've, one time my wife and I were down, and this is a person that knows Councillor Neustaeter, and says, 'Oh my wife's coming down here tonight, can you make sure you keep your hands off her.' Like, what good, what good comes out of someone saying that you've violated personal boundaries? Tell me what good comes of it ..."*

MH: *"She never said anything about sexual ..."*

CF: *"I never inferred, that's the first I heard of it. I just figured, you know, it's a lot of yelling going on at City Hall or something like that, I never ..."*

Mayor: *"So if I got up and said you've, uh, ... ya."*

MH: *"Violated personal boundaries? I would never think that it's a sexual innuendo at all. But that's just me, and I've never heard anyone else say that. But you're saying people have said that to you?"*

Mayor: *"... So, if somebody said that to you, the same thing, you don't feel that somebody saying that they violated personal boundaries ..."*

MH: *"If someone came up to me in public and started calling me a pervert."*

Mayor: *"What if your ex-girlfriend did it?"*

MH: *"Well, that would be a concern, but that's not what happened here."*

Mayor: *"Well, why would that be a concern? Violated sexual boundaries is not a big deal?"*

CF: *"Not sexual boundaries! Personal and professional boundaries."*

Mayor: *"Oh, oh, sorry / personal and professional boundaries."*

CF: *"I didn't read sexual into it. That's all I'm saying and no one I know did either."*

- e. On June 16, 2023, in an interview with *Kamloops This Week* published online at [www.kamloopsthisweek.com/local-news/mayors-lawyer-explains-why-defamation-suit-levied-](http://www.kamloopsthisweek.com/local-news/mayors-lawyer-explains-why-defamation-suit-levied-)



[on-lone-councillor-7157171](#), a reporter summarized that Mr. McMillan stated that when a “young, attractive-looking” councillor claimed personal boundaries were violated, people could infer sexual misconduct (the “McMillan Comment”). This statement referred to Councillor Neustaeter.

### *Councillor Neustaeter*

Councillor Neustaeter said that her relationship with the Mayor had been “*tremendously difficult*” since she was elected and a “*challenge from day one*.” She said the main reason she and the other Councillors decided to make the Statement was the Mayor’s interference with their work. She said he had decided to remove certain Councillors from Standing Committees and replaced them with his friends, donors and candidates who were not elected to Council. She said there were also concerns from both her and other Councillors whose “*family members were absolutely unnecessarily involved*” by the Mayor in political issues. Councillor Neustaeter provided evidence about interactions between her own parent and the Mayor she believed were inappropriate, and noted the Mayor had raised concerns about two Councillors’ family members’ employment with the City.

Councillor Neustaeter said that typically, the Deputy Mayor would make a statement of this nature, but because the Deputy Mayor at the time was one of the Councillors who had been removed from a Standing Committee, as a group they decided that she (Councillor Neustaeter) would be the “*best representative*” to read the Statement. Councillor Neustaeter explained she was chosen because she was not personally affected by the changes to the Standing Committees, and she had a background in communication work.

Councillor Neustaeter said she did the majority of the writing for the Statement, but only after speaking with each Councillor to discuss their concerns with the Mayor and what they wanted the tone of the Statement to be. She noted she sent out a draft Statement to all the Councillors and they had an opportunity to provide feedback and make changes. She said the Statement was approved by every Councillor.

Councillor Neustaeter explained that none of the language in the Statement referred to concerns about sexual harassment or inappropriate conduct of that nature. She said that it “*never came up as a subject matter*” and “*no concerns were expressed*” by any of the Councillors about that issue. Councillor Neustaeter agreed she was aware of a “*well known*” incident that had happened in the community involving the Mayor and a citizen in a bar where this citizen (Witness A) accused the Mayor of harassing his wife (the “Bar Incident”), which she believed occurred on March 31, 2023, but she said that issue was not discussed amongst the Councillors and denied that it factored into the Statement.

Councillor Neustaeter said she had never heard that any members of the public thought the Statement referred to the Mayor being sexually inappropriate until she read that allegation in the Mayor’s Notice of



Civil Claim against her. She stated, *“Not a single person has said, ‘Did he sexually assault you?’ Literally no one, and I would have wanted to disavow that as much as he would.”*

### *Evidence from Councillors*

All six Councillors provided evidence that they were aware of the Statement before it was read out and that they were in agreement with it and had an opportunity to provide their input. I also reviewed email exchanges between the Councillors and Councillor Neustaeter discussing the Statement and the draft Statement.

With respect to the comment in the Statement about *“personal and professional boundaries”* being violated, one Councillor noted that they felt it was a *“mistake”* for Councillor Neustaeter to make reference to her *“personal stuff”* (referring to the Mayor’s interactions with her family members) in *“vague language”* in the Statement as they believed the Mayor would *“go after [Councillor Neustaeter]”* for it. This Councillor noted the boundaries comment also referred to concerns from two other Councillors about the Mayor’s interactions with their family members. All of the Councillors denied that the comment about *“personal and professional boundaries”* referred to any sexual impropriety by the Mayor.

Several Councillors indicated they were aware of the Bar Incident.

No Councillors reported that anyone had made comments to them that they were referring to sexual impropriety by the Mayor in the Statement.

### *Witness A*

Witness A is a citizen of the City. He said that he was at a bar called the Blue Grotto after a Kamloops Blazers Game on March 9, 2023. He stated that the Mayor approached him to shake his hand, and he *“didn’t have any interest in shaking his hand.”* Witness A said the Mayor asked him, *“What the fuck is your problem?”* and he replied, *“My wife is on her way here, if you could keep your hands off her this time that would be great.”* Witness A said an incident between his wife and the Mayor happened in January 2023. Witness A denied that any of the Councillors were involved in this interaction between him and the Mayor.

### *Mr. McMillan*

Given the solicitor-client nature of the relationship between Mr. McMillan and the Mayor, Mr. McMillan limited his evidence on the Mayor’s role, if any, in his (Mr. McMillan’s) comments to the media. He denied he had received any instructions from the Mayor about responding to media inquiries or speaking to the media.





He stated he had responded to a telephone request for commentary on the Civil Claim they had just commenced. Mr. McMillan denied the McMillan Comment about Councillor Neustaeter was discriminatory and said the article did not report the context in which the McMillan Comment was made. He said that in the three months following the Statement, prior to the filing of the Civil Claim, there was *“a lot of speculation”* about the Statement, and no clarification from Councillors about what they meant. He said he spoke to various citizens who informed him they thought the *“personal and professional boundaries”* comment referred to *“inappropriate touching”* or *“a complainant involved with the MeToo movement.”* He noted that the *“same words spoken by a different person of a different gender and age, the context is different.”* Mr. McMillan clarified that the McMillan Comment was an attempt to *“paraphrase that feedback [he was] hearing.”*

### *Mayor Hamer-Jackson*

#### Statement

The Mayor said he found out about the Statement through the media, as he was not present at the press conference when it was read out. He said he had *“no idea what they were thinking or what they did”* in terms of how the Statement was prepared or who contributed to it. When put to him that all the Councillors contributed to the preparation of the Statement and agreed with it, he said, *“It doesn’t matter what I believe, [Councillor Neustaeter was] the one that read the statement. She’s the one that voiced the Statement to the media, to the reporters, and to everyone else in the country.”*

With respect to the comment about *“personal and professional boundaries,”* the Mayor said he interpreted it *“not to be a good statement.”* When asked what he believed it referred to, he said, *“I’ve been asking that, I have no idea what it meant.”*

#### Media Comments

The Mayor agreed that he made the Media Comments. He said that he was relaying *“what other people were saying to [him]”* about the Statement. The Mayor stated he did not want to provide the names of individuals who had spoken to him about the Statement given the ongoing Civil Claim. He said the comments he relayed in the Media Comments were not his; rather, it was *“citizens of the community that made these statements.”*

When asked why he spoke with the media about the Statement and his concerns, he said, *“Because they asked questions and I’m the Mayor of Kamloops, and eight Councillors left. ... They left in the middle of a strategic planning meeting to make a statement.”* He explained he *“felt obligated to speak and maybe defend [himself] a little bit too.”*



The Mayor said he did not give Mr. McMillan any instructions to make comments to the media but explained that he referred the media to Mr. McMillan on occasion.

When put to him that the Bar Incident occurred on March 9, 2023 prior to the reading of the Statement, the Mayor said that was not his understanding, and that in the Media Comments he was referring to an incident involving a citizen on March 31, 2023, after the Statement was read out. The Mayor declined to provide the name of the citizen he was referring to or other details about the incident he said happened on March 31, 2023.

Following our first investigation meeting, I reviewed the Civil Rules of Court, Practice Directives, Administrative Notices and Policies, and commentary about the common law implied undertaking in litigation and assertions of privilege, and determined that there was no valid reason based in civil law and procedure for the Mayor's refusal to provide the information sought about the alleged incidents with citizens following the Statement. I informed the Mayor of this determination by letter on October 3, 2023, and requested particulars of the identity of citizens who made comments to him after the Statement, and further details of those incidents.

The Mayor responded by email, stating, *"One individual that yelled out Pervert was driving a blue ford truck, I did not recognize the individual and he did not stick around for any conversation."* I asked the Mayor for a follow-up meeting to discuss this information and to ask for further details, given that in our original meeting he had stated he did not want to share the identity of individuals because of his upcoming Civil Case, while in his email he stated he did not know the identity of the individual(s). I advised the Mayor that absent his participation and willingness to provide particulars, I might draw an adverse inference against him. The Mayor and I exchanged several more email messages in which I requested a meeting and he declined to participate and asked for questions in writing. The Mayor did not give any reason as to why he could not meet with me other than that he believed I had *"missed"* some of our conversation previously. The Mayor further indicated that he believed that disclosing names of the individuals who had allegedly spoken to him without receiving their consent was a breach of their privacy, despite my original assurances that the law did not prevent him from disclosing these names.

## Code of Conduct

### *Foundational Principles*

*2.1 The key statements of principle that underline this Bylaw are as follows:*

*(a) Council Members shall serve and be seen to serve their constituents in a conscientious and diligent manner;*

*(b) Members shall be committed to performing their duties and functions with integrity and shall avoid improper use or influence of their office, and conflicts of interest;*

### *General Conduct*



3.1 A Member shall not:

(a) contravene this Bylaw;

...

(d) Bully or Harass another person; or

(e) defame a Member, Staff, or Volunteer.

3.2 A Member shall treat other Members, Staff, and Volunteers with respect and dignity.

...

3.8 A Member must not publish, share, or otherwise reveal, on social media or otherwise, any Personal Information belonging to Members, Staff, or Volunteers, or any of their respective families or other personal relations, nor make any statements attacking Members, Staff, or Volunteers, or any of their respective families or other personal relations.

...

3.11 Without limiting the ability of the Member to hold a position on an issue and respectfully express an opinion, a Member must ensure that:

(a) their communications relating to City, Council, or Committee business are accurate, and must not issue, or allow to be issued on their behalf, any communication that the Member knows, or ought to have known, is false or misleading;

(b) they do not misrepresent, undermine, obstruct, or otherwise act contrary to the will of Council in matters relating to City, Council, or Committee business; and

(c) all communications by, and on behalf of a Member, including communications made via social media, are respectful and do not discriminate against, Bully and Harass, or defame any Member, Staff, or Volunteer.

## Assessment of Credibility

Where there were material facts in dispute, in assessing credibility, I have applied the test set out by the British Columbia Court of Appeal in the case of *Faryna v Chorny*, [1952] 2 DLR 354, which is as follows:

*The credibility of interested witnesses, particularly in cases of conflict of evidence, cannot be gauged solely by the test of whether the personal demeanor of the particular witness carried conviction of the truth. The test must reasonably subject his story to an examination of its consistency with the probabilities that surround the currently existing conditions. In short, the real test of the truth of the story of the witness in such a case must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions. Only thus can a Court satisfactorily appraise the testimony of quick-minded, experienced and confident witnesses, and of those shrewd persons adept in the half-lie and of long and successful experience in combining skilful exaggeration with partial suppression of the truth.*



There is no dispute with the Councillors' evidence that the Statement did not intend to refer to sexual impropriety. The Mayor said that he did not know what their intention was, and provided evidence about his own interpretation and the interpretation of members of the public.

The Mayor and Mr. McMillan provided evidence that citizens had approached them to tell them that they believed the Statement referred to sexual impropriety, and both referenced these incidents in the media. However, both declined to provide me with the names of these individuals or any supporting evidence to corroborate that this occurred. I will address the impact of their refusal in terms of my finding below under analysis and finding, however, the evidence they provided to support their refusal was relevant to my assessment of credibility.

In particular, in our initial meeting, the Mayor declined to provide particular details to support this aspect of his evidence, citing the reason for his refusal to be that he had an upcoming Civil Case dealing with some of the same facts. The fact that the Mayor may have a civil matter involving similar or the same subject matter is not a valid legal basis for him to withhold this information. The Mayor was advised of this, and then altered his reason for not providing the names of individuals, namely that one individual had been driving a blue truck and he did not actually know that individual's name. These two explanations are contradictory. The Mayor was then asked to attend a follow up interview with me to explain the inconsistency, but did not do so, and did not provide any valid basis as to why he could not attend a second interview. He was advised that his failure to attend and provide the names of individuals who he claimed accused him of sexual misconduct may result in an adverse inference being drawn against him. The Mayor continued to fail or refuse to attend a meeting, and then stated he believed providing me with the names of the individuals he was referring to without the opportunity to advise them and request their participation would be a breach of their privacy rights. I had already advised him there was no legal basis for refusing to provide the information sought. Further, his answer, that there was a privacy issue relating to disclosing the name of "individuals", i.e. numerous persons, was inconsistent with his explanation where he referred to only one individual in a blue truck whose name he said he did not know.

## Findings and Analysis

There is no dispute that the Statement was prepared by and/or contributed to by all of the Councillors, and that the language "*personal and professional boundaries*" was not intended by them to refer to conduct of a sexual nature, nor does it make express reference to any sexual misconduct.

The issue is whether the Mayor's statements, publicly expressed, would violate the Code of Conduct.

There are two aspects to this analysis: first, the Mayor's opinion about the nature of the Statement and how it could be interpreted (the "Opinion Comments"), and secondly, his comments that citizens did



interpret the Statement this way and made negative comments towards him because of it (the “Citizen Comments”).

With respect to the Mayor’s Opinion Comments, specifically expressing that the Statement was capable of having an interpretation of sexual misconduct, I note that this was framed as his opinion and belief. Those elected to Council have wide latitude to express their opinions and engage in free speech. Political expression, including expressions captured by a municipal code of conduct, “*should be interpreted in a manner consistent with the Canadian Charter of Rights and Freedoms, including the right of freedom of expression*” (see *Re VanLeeuwen*, 2021 ONMIC 13). The decision in *Monforts v Brown*, 2021 ONMIC 10 is useful on this point, when Integrity Commissioner Giorono stated:

*121. Before turning to the applicable sections of the Code, I wish to make general observations about communications by elected municipal officials. The role of a Council Member includes communicating with members of the public about local issues. This includes not just responding to residents but initiating communication with the public. In fact, the Courts have clearly stated that, as an elected representative of the public, a municipal councillor is entitled to take “an open leadership role” on an issue. As part of the political process, a Council Member has every right to form views, to hold views, to express views and, while in office, to give effect to those views.*

*122. In a case involving the previous Mayor of Orangeville, I observed that a municipal elected official is not required to avoid communicating on controversial, high-profile issues. Quite the contrary. “Given the political and representational roles of a municipal councillor, controversial and/or highly visible topics are ones on which a Council Member would be expected to communicate and on which a Council Member is entitled to communicate.” See *Greatrix v. Williams*, 2018 ONMIC 6 (CanLII), at para. 204.*

The Mayor’s Opinion Comments in the Media Comments do not misquote the Statement, nor do they inaccurately state that the Councillors accused him of sexual misconduct. Rather, the Opinion Comments were about the interpretation that could have been ascribed to the Statement by others and not about Councillor Neustaeter. He further stated that he believed that Councillor Neustaeter should be “*held accountable*.” The Opinion Comments were a matter of opinion which could be accepted, challenged, or rejected by those who chose to engage with them. As they are expressions of opinion, I find that the Opinion Comments do not breach the Code of Conduct.

Both the Mayor and Mr. McMillan provided evidence that the Mayor did not instruct Mr. McMillan to make particular comments to the media. The Mayor does not refer to or endorse the McMillan Comment in any of the Media Statements. I find that the Mayor cannot be held responsible for the conduct of his legal counsel that was not based on his instructions, and the McMillan Comment does not constitute a breach of the Code of Conduct by the Mayor.



However, the Mayor's comments were not limited to his opinion about the Statement. He went further, and he publicly cited that, because of the Statement, he had encounters with citizens who also interpreted it the way he had. With respect to the Citizen Statements, I have determined there is a breach of the Code of Conduct for the following reasons.

The Code of Conduct provides that "Council wishes to conduct its business in a transparent, accountable, and respectful manner". Section 3.11(a) specifically states that members "must not issue, or allow to be issued on their behalf, any communication that the Member knows, or ought to have known, is false or misleading".

The Mayor asserted that the Citizen Statements were true and based on fact. He bears some onus to provide evidence in this investigation to substantiate that what he claimed in public statement to have occurred as a consequence of the Statement. An analogous burden arises in cases of defamation, where a defendant is asserted truth as justification for their statements about another. In *Tilbury v. Coulson*, [2023] B.C.J. No. 231, the Court affirmed that the defence of justification is available as a complete defence to a defamation action where the statement is true in substance and fact: *Mann v. International Association of Machinists and Aerospace Workers*, 2012 BCSC 181 at paras. 76-77 and that it is the defendant who bears the onus of establishing that a statement is true on a balance of probabilities: *Holden v. Hanlon*, 2019 BCSC 622. The defendant need not prove every word or literal truth of the statement. Instead, the defendant need only prove that the gist or defamatory sting of the statement was true or substantially true: *Casses v. Canadian Broadcasting Corporation*, 2015 BCSC 2150 at para. 550.

The Mayor told the public that, following the reading of the Statement, negative incidents involving members of the public happened to him. The Mayor repeated this assertion in his investigation interview, but has repeatedly refused, on various basis, to provide information to support his assertion.

We note that in instances where an individual refuses to provide information that would corroborate their story, an adverse inference may be drawn. In J. Sopinka, S.N. Lederman and A.W. Bryant, *The Law of Evidence in Canada*, 2d ed. (Toronto: Butterworths, 2009) where the authors state at page 377:

*In civil cases, an unfavourable inference can be drawn when, in the absence of an explanation, a party litigant does not testify, or fails to provide affidavit evidence on an application, or fails to call a witness who would have knowledge of the facts and would be assumed to be willing to assist that party. In the same vein, an adverse inference may be drawn against a party who does not call a material witness over whom he or she has exclusive control and does not explain it away. Such failure amounts to an implied admission that the evidence of the absent witness would be contrary to the party's case, or at least would not support it.*

The following two cases, decided in the labour context, articulate helpful principles. In *Steele (Re)*, [2001] B.C.L.R.D. No 77, the B.C. Labour Relations Board stated:



*The general rule on adverse inference is that where a party fails to adduce evidence, either through witnesses or by documents, which it would naturally be expected to bring before the trier-of-fact, an unfavourable inference may be drawn against that party. The unfavourable or "adverse" inference which may be drawn from the omission is that the evidence, if called, would have been injurious to, or at least not supportive of, that party's case. The inference does not detrimentally affect the tenor of the party's entire case, but rather only the proof of the specific facts which the missing evidence, if called, could have supported. However, it is always open to a party that has not produced evidence to explain the omission (e.g., the witness in question is incompetent to testify). Where the explanation is satisfactory, no adverse inference will be drawn.*

As noted, the Mayor has provided inconsistent reasons for refusing to provide the names of the citizens he said were involved, and there is no legal basis (be it his civil litigation, or privacy obligations) to support his continued refusal to do so. Even without drawing an adverse inference in the sense of considering the Mayor's statements less likely to be true because of his failure to provide further evidence, there was no evidence other than his claim that the Citizen Comments were true.

Given the Mayor's unwillingness to provide names or specific particulars of the incidents he referred to in the Citizen Comments, and my finding that his evidence was inconsistent and not credible for the reasons set out above, I find that the Mayor breached the Code of Conduct with respect to the Citizen Comments. There is no evidence to corroborate his statements that he was approached by citizens who called him "pervert" or otherwise implied that they believed the Statement referred to sexual impropriety, are true and not misleading.

In the circumstances I find that, in making the Citizen Comments, he was in breach of his obligations under section 3.11(a) of the Code of Conduct.

## Recommendations

Given that I have found a breach of the Code of Conduct, I recommend the City consider appropriate censures as found within the Code of Conduct, including consideration of a public apology and training on the Code of Conduct.



## Conclusion

I find that the Complaint is partially founded. The Mayor's Citizen Comments breached section 3.11(a), while the Opinion Comments did not breach the Code of Conduct. All of which is respectfully submitted.

A handwritten signature in cursive script, reading "S. Chamberlain", written in dark ink over a horizontal line.

Sarah Chamberlain

Dated: October 27, 2023





ADDENDUM REPORT TO  
DAVID TRAWIN  
Chief Administrative Officer  
City of Kamloops  
AND  
DENISE MCCABE  
Legal Counsel, Fulton & Company LLP

In this matter of

CODE OF CONDUCT INVESTIGATION  
ALLEGATIONS, FINDINGS AND CONCLUSIONS

Submitted by Sarah Chamberlain  
Southern Butler Price LLP (the "Investigator")

January 9, 2024



## Process

I was initially asked to conduct a privileged and confidential investigation (the “Investigation”) on behalf of the City of Kamloops (the “City”) into a complaint under the *Code of Conduct Bylaw No. 53* (the “Code of Conduct”) from Councillor Katy Neustaeter (the “Complainant”) against Mayor Reid Hamer-Jackson (the “Mayor”) regarding a series of comments the Mayor made to the media, as well as a comment made by the Mayor’s legal counsel, David McMillan, to the media. The initial report was completed and sent to the City on October 27, 2023 (the “Initial Report”). In the Initial Report, I concluded that the complaint was partially founded, and that some of the comments made by the Mayor to the media constituted a breach of the Code of Conduct.

As part of the City’s process, the Mayor was provided the opportunity to review the Initial Report and issue a response. On November 24, 2023, I was retained by the City to review additional evidence (the “Additional Evidence”) provided by Mr. McMillan by letter to Council dated November 15, 2023 (the “Letter”).

I reviewed the Letter and conducted a follow-up meeting with a citizen (“Witness A”) who was involved in an incident with respect to the Additional Evidence. While I have considered all of the information provided to me, I have only referred to information required to make findings of fact in this Addendum Report.

In this Addendum Report, I summarize the Additional Evidence and Witness A’s evidence and determine whether this evidence impacts the finding in my Initial Report.

## Background Evidence

The following evidence is undisputed. The Mayor and Councillors were elected to their current term on October 15, 2022. On March 17, 2023, the Councillors called for a public press conference. Councillor Neustaeter read out a statement to the press regarding the conduct of the Mayor (the “Statement”). The Mayor was not present for this press conference.

Following the public press conference, the Mayor made a number of comments to the Media that contained either his opinion about the nature of the Statement and how it could be interpreted (the “Opinion Comments”), and secondly, comments that citizens interpreted the Statement the same way and made negative comments towards him because of it (the “Citizen Comments”). One of the Citizen Comment examples the Mayor referred to in the media was from Witness A.



## Summary of Evidence

### Date of Bar Incident

In the Initial Report, the Mayor stated that an incident with Witness A in a bar (the “Bar Incident”) occurred on March 31, 2023. Witness A had stated he believed the incident occurred on March 9, 2023, but was uncertain. He did recall it occurred after a Kamloops Blazers game.

### *Additional Evidence*

In the Letter, Mr. McMillan provided evidence from the Mayor that the Bar Incident occurred on March 31, 2023; specifically, I was provided with a copy of the Kamloops Blazers’ game schedule demonstrating there was no game on March 9, 2023, but there was one on March 31, 2023. I was also given copies of credit card receipts from the Mayor showing he was at the Bar on March 31, 2023.

### *Witness A*

During our follow-up meeting, Witness A again said he did not recall the specific date of the Bar Incident, but reviewed his phone records and agreed it was on March 31, 2023.

### Evidence from Witness A’s Spouse

I had asked Witness A during our initial meeting whether his spouse would be willing to speak with me, and he told me at that time she was not willing to participate in the Investigation and was concerned about retaliation from the Mayor.

### *Additional Evidence*

In the Letter, Mr. McMillan raised concern with my failure to conduct an investigation meeting with Witness A’s spouse during the Initial Investigation.

### *Witness A*

During our follow-up meeting, Witness A reiterated his initial evidence to me that his interaction with the Mayor had no connection to the Statement made by the Councillors in March 2023, or any conflict between the Councillors and the Mayor. He confirmed that he made a comment to the Mayor to “keep [his] *hands off* [his wife]” because of an interaction between the Mayor and his wife that had occurred prior to the Bar Incident.

I again asked Witness A whether I could have the contact information for his wife, and he refused, stating that she was concerned about retaliation from the Mayor and was not willing to participate in this process.



## Assessment of Credibility

Where there were material facts in dispute, in assessing credibility, I have applied the test set out by the British Columbia Court of Appeal in the case of *Faryna v Chorny*, [1952] 2 DLR 354, which is as follows:

*The credibility of interested witnesses, particularly in cases of conflict of evidence, cannot be gauged solely by the test of whether the personal demeanor of the particular witness carried conviction of the truth. The test must reasonably subject his story to an examination of its consistency with the probabilities that surround the currently existing conditions. In short, the real test of the truth of the story of the witness in such a case must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions. Only thus can a Court satisfactorily appraise the testimony of quick-minded, experienced and confident witnesses, and of those shrewd persons adept in the half-lie and of long and successful experience in combining skilful exaggeration with partial suppression of the truth.*

Witness A refused to provide his wife's contact information and indicated she did not wish to participate in the Investigation. I note that in instances when an individual refuses to provide information that would corroborate their story, an adverse inference may be drawn. In J. Sopinka, S.N. Lederman and A.W. Bryant, *The Law of Evidence in Canada*, 2d ed. (Toronto: Butterworths, 2009), the authors state at page 377:

*In civil cases, an unfavourable inference can be drawn when, in the absence of an explanation, a party litigant does not testify, or fails to provide affidavit evidence on an application, or fails to call a witness who would have knowledge of the facts and would be assumed to be willing to assist that party. In the same vein, an adverse inference may be drawn against a party who does not call a material witness over whom he or she has exclusive control and does not explain it away. Such failure amounts to an implied admission that the evidence of the absent witness would be contrary to the party's case, or at least would not support it.*

The following case, decided in the labour context, articulate helpful principles. In *Steele (Re)*, [2001] B.C.L.R.D. No 77, the British Columbia Labour Relations Board stated:

*The general rule on adverse inference is that where a party fails to adduce evidence, either through witnesses or by documents, which it would naturally be expected to bring before the trier-of-fact, an unfavourable inference may be drawn against that party. The unfavourable or "adverse" inference which may be drawn from the omission is that the evidence, if called, would have been injurious to, or at least not supportive of, that party's case. The inference does not detrimentally affect the tenor of the party's entire case, but rather only the proof of the specific facts which the missing evidence, if called, could have supported. However, it is always open to a party that has not produced evidence to explain the omission (e.g., the witness in question is incompetent to testify). Where the explanation is satisfactory, no adverse inference will be drawn.*



I find that it is not appropriate to draw an adverse inference from Witness A's refusal to provide his wife's contact information to me in these circumstances. The Bar Incident discussed in the Initial Report was Witness A's reasons for making those comments to the Mayor. Witness A has provided consistent evidence throughout this process that his comments were based on his understanding and belief about an allegedly inappropriate interaction between his wife and the Mayor that had occurred earlier in 2023, and that his comment had no connection whatsoever to the Councillors' Statement. Witness A's wife's evidence about her own interaction with the Mayor would not impact my assessment of Witness A's evidence.

During our initial meeting, Witness A was upfront that he was uncertain of the specific date of the Bar Incident but believed it occurred on March 9, 2023. I find that this error was due to a genuine lack of recall and does not impact my assessment of his credibility. Apart from this dispute about the date, both the Mayor and Witness A generally agreed on the facts of the Bar Incident (i.e., where it occurred and what Witness A said to the Mayor). I accept Witness A as a credible witness.

## Findings and Analysis

I find that the Additional Evidence as well as the evidence provided by Witness A in our follow-up meeting does not impact my findings or analysis in the Initial Report. Witness A's evidence, which I have accepted, remained consistent that his comments to the Mayor during the Bar Incident did not have any connection to the Statement.

## Conclusion

Neither the Additional Evidence or the evidence provided by Witness A in our follow-up meeting impacts my findings or analysis in the Initial Report.

The complaint is partially founded. The Mayor's Citizen Comments breached section 3.11(a) of the Code of Conduct, while the Opinion Comments did not breach the Code of Conduct. All of which is respectfully submitted.



Sarah Chamberlain

Dated: January 9, 2024

## APPENDIX 6



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In the matter of a  
INVESTIGATION PURSUANT TO THE CODE OF CONDUCT BYLAW NO. 53, 2023  
COMPLAINT NO. 2024-0019

Submitted by Reece Harding  
Young, Anderson (the “Investigator”)  
November 7, 2024

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## INVESTIGATION REPORT re File 2024-0019

## INTRODUCTION

1. On March 22, 2024, Young, Anderson was retained as an investigator under the City of Kamloops Code of Conduct Bylaw No. 53 (the “Code”) in relation to a privacy complaint that was submitted by Councillor Dale Bass (the “Complainant”). Specifically, the breach was alleged to have occurred through the sharing of photographs of individuals in downtown Kamloops (the “Photographs”). The complaint alleges that Mayor Hamer-Jackson forwarded the Photographs to **S.22(1) Personal Information** – who is not a City employee – for the purpose of preparing a slideshow for a Chamber gala dinner at which the Mayor was scheduled to speak.

2. This investigation report has been prepared for the purpose of determining whether the Mayor’s sharing of the Photographs constitutes a breach of section 3.15(a) of the Code and a breach of the statutory obligations under section 25.1 of the *Freedom of Information and Protection of Privacy Act* (“FIPPA”) related to the collection, use, and disclosure of “personal information” pursuant to FIPPA.

3. This investigation report is prepared and submitted pursuant to section 4.32 of the Code, as I have determined that Mayor Hamer-Jackson has breached the Code. I have also determined that the breaches are not trivial, inadvertent or made in good faith as per section 4.32(c). As I have made these determinations, this report also contains a recommendation with respect to the appropriate remedy, as per section 4.32(b). Of note, I have not used names in the body of the report and purposely redacted from the Attachments to this report personal information (e.g., email addresses, staff names, phone numbers) where this information is not necessary to support my conclusions.

## THE COMPLAINT

4. As noted above, the complaint alleges that the Mayor’s sharing of the Photographs constitutes a breach of the Code and FIPPA. More particularly, the complaint, which is at Attachment A, alleges:

- (i) The Mayor was scheduled to present at a dinner gala hosted by the Kamloops Chamber of Commerce (the “Gala”) on March 14, 2024;
- (ii) On multiple occasions prior to the Gala, City staff reached out to the Mayor to work with him in preparing a speech and slideshow for this purpose, which the Mayor ignored;
- (iii) Days before the Gala, the Mayor contacted **S.22(1) Personal Information** to seek assistance in preparing a slideshow for the Gala, and forwarded **S.22(1)** the Photographs for this purpose;
- (iv) The **S.22(1) Personal Information** refused to prepare a slideshow for the Mayor using the Photographs, on the basis that it fell outside of **S.22(1) Personal Information** and

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that the Photographs were inappropriate and breached the privacy of unhoused individuals.

Although Councillor Bass cited sections 2.1(c), 3.10(a) and 3.11(b) of the Code as the basis of this complaint, it is clear that section 3.15(a) of the Code is engaged. This section reads:

3.15 A Member must:

(a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and all policies and guidelines established by the City;

It was on the basis of this Code provision (and by reference, section 25.1 of FIPPA) that this complaint was accepted and investigated.

## THE INVESTIGATION

5. In this section of the report, I summarize the facts that I have gathered by way of written statements, interviews and access to City records. I will summarize our findings at the end of this section.

### a. Kamloops Central Business Improvement Association

6. On August 26, 2024, I contacted S.22(1) Personal Information to obtain information regarding the Photographs and the manner in which the Mayor obtained them. In response, S.22(1) Personal Information provided us with a written statement in which S.22(1) advised us of the following:

- (i) The Mayor called S.22(1) Personal Information sometime in February 2024 to request photographs of “crime and social disorder” in Kamloops Central. At the Mayor’s request, S.22(1) emailed the Photographs to the Mayor. He was not aware of the purpose for which the Mayor intended to use the Photographs at that time.
- (ii) After the Gala, S.22(1) Personal Information double-deleted the Photographs from all of S.22(1) devices and accounts at the request of the City S.22(1) Personal Information

7. S.22(1) Personal Information written statement is attached as Attachment B.

8. As will be noted below, S.22(1) Personal Information forwarded five separate emails to the Mayor on February 29, 2024. Each of these five emails contained a series of photographic images.

### b. S.22(1) Personal Information

9. On June 3, 2024, I emailed S.22(1) Personal Information to request that S.22(1) participate in this investigation. S.22(1) initially agreed to participate, and we had a preliminary telephone call on June 10, 2024,

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during which [REDACTED] confirmed that [REDACTED] had received the Photographs via email from the Mayor. This was not a formal interview, and I agreed to follow up with [REDACTED] in detail once [REDACTED] had received direction from the [REDACTED] S.22(3)(d) Personal Information related to employment/education. Because the City had already ensured that all of the Photographs had been deleted, I saw [REDACTED] S.22(1) Personal Information participation in the investigation as imperative, as [REDACTED] S.22(1) Personal Information was the only individual (aside from the Mayor) who could speak to the content of the Photographs that [REDACTED] received.

10. On June 18, 2024, [REDACTED] S.22(1) Personal Information advised me via email that [REDACTED] S.22(1) Personal Information would not participate in this investigation, at the direction of [REDACTED] S.22(3)(d) Personal Information related to employment/education. As a result, I do not have any direct evidence from [REDACTED] S.22(1) Personal Information. Of course, I have no legal authority to force [REDACTED] S.22(1) Personal Information to participate in this investigation so I was accepting of [REDACTED] S.22(1) Personal Information position.

### c. City Database Search

11. On August 27, 2024, I contacted the City [REDACTED] S.22(1) Personal Information and [REDACTED] S.22(1) Personal Information via email to seek an electronic record of the Mayor's email activities in relation to this complaint. The reason for this request, as noted above, was [REDACTED] S.22(1) Personal Information had been directed not to participate in my investigation and I needed to obtain the emails between the Mayor and [REDACTED] S.22(1) Personal Information to review the content.

12. On August 28, 2024, [REDACTED] S.22(1) Personal Information instructed, at my request, [REDACTED] S.22(1) Personal Information to restore from the City's digital backup the emails and attachments that were received by the Mayor from [REDACTED] S.22(1) Personal Information, as well as emails and attachments forwarded by the Mayor to [REDACTED] S.22(1) Personal Information.

13. On August 28, 2024, [REDACTED] S.22(1) Personal Information provided my office with the five emails sent to the Mayor by [REDACTED] S.22(1) Personal Information on February 29, 2024, and the two emails forwarded by the Mayor to [REDACTED] S.22(1) Personal Information on March 11, 2024. These emails are attached as Attachment C.

14. The five emails sent by [REDACTED] S.22(1) Personal Information contained a total of 49 photographs. The Mayor's two emails forwarded 20 images to [REDACTED] S.22(1) Personal Information, which constitute the Photographs for the purposes of this complaint. The Photographs (with identifiable features redacted by my office), are attached as Attachment D, and are numbered in the upper right-hand corner for ease of reference later in this report.

15. I am satisfied, given the expertise of [REDACTED] S.22(1) Personal Information, that I can rely on these restored Photographs for this investigation.

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d. S.22(1) Personal Information

16. On September 17, 2024, I interviewed S.22(1) Personal Information. The purpose of this interview was to understand the training that the City has provided to the Mayor regarding his obligations under FIPPA and S.22(1) Personal Information role in responding to the discovery that the Photographs had been emailed to S.22(1) Personal Information.

17. Prior to my interview with S.22(1) Personal Information gave me a list of the privacy training opportunities that were provided to all council members before the Complaint and a PowerPoint presentation that S.22(1) P and the City Solicitor delivered to Council regarding FIPPA obligations and S.14 information protected. These are attached as Attachments E and F.

18. During S.22(1) P interview, S.22(1) Personal Information provided detail regarding the privacy training that was delivered to Council prior to the Complaint, explained the steps that the City took to address the potential privacy breach posed by the Photographs, and described the City's interactions with the Office of the Information and Privacy Commissioner ("OIPC") following the Gala.

19. S.22(1) Personal Information evidence is summarized below:

- (i) There were five training opportunities regarding privacy obligations under FIPPA that were delivered to council members, including the Mayor, which were delivered between November 2022 and November 2023. The training varied in specificity and level of detail, and on at least one occasion was optional for council members.
- (ii) In November 2023, S.22(1) P delivered a presentation along with S.22(1) P and the City Solicitor (the "November 2023 Session"). It was during the November 2023 Session that the PowerPoint presentation attached as Attachment F, which specifically discussed the fact that photographs could constitute "personal information" under FIPPA and that recording or disclosing photographs of individuals without their consent could constitute a breach of FIPPA, was delivered. The Mayor was present for the November 2023 Session.
- (iii) On March 12, 2024, S.22(1) P cc'd S.22(1) P on an email to S.22(1) P r to inform S.22(1) P that the Mayor had sent the Photographs to S.22(1) Personal Information. This email is attached as Attachment G.
- (iv) On March 13, 2024, S.22(1) Personal Information emailed a letter to S.22(1) Personal Information to inform S.22(1) P that the Photographs constituted a privacy breach, and required S.22(1) P to securely destroy and delete any copies of the Photographs in S.22(1) P possession. S.22(1) Personal Information confirmed via email later that day that the Photographs in S.22(1) P possession had been deleted.

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- (v) On March 14, 2024, [S.22(1) Personal Information] emailed and hand-delivered a letter to the Mayor, advising him that the Photographs cannot be displayed at a public event, and requiring him to securely destroy and delete them. This letter is attached as Attachment H.
- (vi) On March 21, 2024, while [S.22(1) Personal Information], the Mayor emailed [S.22(1) P] a screenshot of a google search regarding the legality of taking photographs in public spaces, and stated that he would not have “displayed sexual activity or identifiable images”. He also requested a copy of the City’s policy in relation to photographs. This email is attached as Attachment I.
- (vii) On March 25, 2024, [S.22(1) Personal Information] sent a demand notice to the Mayor, requiring him to destroy and double-delete the Photographs from all of his City-issued and personal devices and accounts. This letter is attached as Attachment J. [S.22(1) P] also sent demand notices to [S.22(1) Personal Information] and [S.22(1) P].
- (viii) On April 2, 2024, [S.22(1) Personal Information] called the Mayor to see whether he would like to schedule a time for the following day for [S.22(1) P] to oversee his deletion of the Photographs from his City-issued and personal devices and accounts, in accordance with the demand notice that was sent on March 25, 2024. [S.22(1) P] also explained to him that taking photographs in public is illegal unless consent is obtained pursuant to the requirements of FIPPA. During this conversation, the Mayor stated that he was not in contravention of either FIPPA or City policy.
- (ix) On April 2, 2024, following their telephone conversation, [S.22(1) Personal Information] emailed the Mayor to reiterate the need for him to comply with the demand notice by April 3, 2024, and provided times during which [S.22(1) P] would be available to witness him deleting the Photographs. This email is attached as Attachment K.
- (x) On April 22, 2024, [S.22(1) Personal Information] received a letter from the Mayor’s legal counsel, in which he denied that a privacy breach had occurred and stated that the Mayor had deleted the Photographs from all of his City-issued devices.
- (xi) On May 28, 2024, [S.22(1) Personal Information] acknowledged receipt of the letter from the Mayor’s legal counsel dated April 22, 2024, and reiterated the need for the Mayor to delete the Photographs from his personal devices under [S.22(1) P] supervision. [S.22(1) P] set a deadline for compliance on June 11, 2024. The Mayor did not schedule a meeting with [S.22(1) Personal Information] to delete the Photographs from his personal devices on or before June 11, 2024. [S.22(1) Personal Information] also stated that despite claims to the contrary in the letter dated April 22, 2024, it was the City’s IT Department that deleted the

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Photographs from the Mayor's City-issued devices and accounts, not the Mayor. This letter is attached as Attachment L.

20. The views of S.22(1) Personal Information communications with the Mayor are noted in my investigation for factual background only. I have not been influenced by S.22(1) Personal Information views, or any other City official, in any of my conclusions below.

e. S.22(1) Personal Information

21. On September 19, 2024, I interviewed S.22(1) Personal Information. The purpose of this interview was to understand the manner in which the City typically works with external organizations when preparing for events such as the Gala, to better understand the relationship between the City and S.22(1) Personal Information, and to ascertain the details of all communications exchanged between the City and S.22(1) Personal Information prior to and following the Gala.

22. In my interview with S.22(1) Personal Information provided details regarding conversations that S.22(1) Personal Information had with S.22(1) Personal Information in relation to the Photographs and the Gala event. S.22(1) Personal Information is summarized below:

- (i) On March 7, 2024, S.22(1) Personal Information met with S.22(1) Personal Information to ensure proper preparations had been made for the Gala. S.22(1) Personal Information informed S.22(1) Personal Information that S.22(1) Personal Information and S.22(1) Personal Information had offered to assist the Mayor in preparing presentation materials. S.22(1) Personal Information offered to give advice to the Mayor regarding his presentation if he reached out to her.
- (ii) On March 12, 2024, S.22(1) Personal Information called S.22(1) Personal Information and informed S.22(1) Personal Information that S.22(1) Personal Information had received the Photographs in emails from the Mayor. S.22(1) Personal Information explained that S.22(1) Personal Information had met with the Mayor on March 8, 2024 to discuss his presentation for the Gala. During that conversation, the Mayor requested that S.22(1) Personal Information assist him in preparing a "revolving photo slide" for the Gala. S.22(1) Personal Information declined, explaining that S.22(1) Personal Information did not have the time on such short notice and that the Mayor could rely on city staff for assistance. Then, on March 11, 2024, the Mayor forwarded the Photographs to S.22(1) Personal Information.
- (iii) On March 12, 2024, following S.22(1) Personal Information conversation with the S.22(1) Personal Information, S.22(1) Personal Information emailed S.22(1) Personal Information to summarize what S.22(1) Personal Information had told S.22(1) Personal Information and to express S.22(1) Personal Information concerns regarding the Photographs. Then, S.22(1) Personal Information emailed S.22(1) Personal Information.

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██████████ to inform █████ of the situation. These emails are attached as Attachment G.

f. ██████████

23. On September 24, 2024, I interviewed S.22(1) Personal Information. The purpose of this interview was to obtain further details regarding the City's privacy training, as well as █████ correspondence with the Mayor, the OIPC, and other individuals in the Kamloops business community in relation to the Photographs. █████ evidence is summarized below:

- (i) The November 2023 Session was provided to Council in part because the City had received freedom of information requests under FIPPA that involved records including photographs in the Mayor's personal cell phone. The possibility that photographs could constitute "personal information" under FIPPA was specifically discussed at this meeting with Council and the Mayor.
- (ii) On the recommendation of an OIPC investigator who was working with the City to manage the Photographs, S.22(1) Personal Information reached out to the Mayor on April 8, 2024, via email to offer him supplemental training regarding his obligations in relation to personal information under FIPPA. They followed up to repeat that offer on April 12, 2024. The Mayor did not respond to these training offers. These emails are attached as Attachment M.

**g. Mayor Hamer-Jackson**

24. On May 13, 2024, after performing a lengthy preliminary assessment of the complaint, I concluded that this complaint warranted further investigation and, as required by the Code, I disclosed that fact to the Mayor through his then legal counsel. In our notification letter, I informed the Mayor that the complaint alleged that he had solicited and distributed photographs of individuals, and that this allegation engaged the prohibition within FIPPA against public bodies and their officers collecting, using, or disclosing personal information except in accordance with FIPPA.

25. On May 23, 2024, pursuant to section 4.23 of the Code, I received the Mayor's initial response to the complaint.

26. In his response, the Mayor took the position that he did not collect the Photographs, hold them in confidence, or disclose them to the public, and that the Photographs did not constitute "confidential information" pursuant to the Code.

27. The written response further characterized the complaint as a "thinly veiled attempt to unfairly target and harass the Mayor," and stated that the Photographs were not captured by the Mayor, nor did

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the Mayor direct that the Photographs contain “nudity, sexual acts, or identifying information of any of the individuals captured.”

28. The written response also states that the Mayor “had no intention to use such photographs for any purpose, let alone any City-related purpose.”

29. The Mayor’s initial response did not address the issue of whether the Photographs constituted “personal information” that would be subject to the provisions of FIPPA.

30. I scheduled an interview with the Mayor for October 3, 2024, and confirmed his availability for that date via emails with his legal counsel on August 30, 2024, and September 11, 2024. In scheduling this interview, I provided Mayor-Hamer-Jackson with a detailed letter setting out the allegations against him, including the fact that the specific matter I was considering was an alleged breach of FIPPA, rather than a breach of confidence. I attach this letter as Attachment N.

31. On September 19, 2024, the Mayor’s legal counsel informed me that he was withdrawing from this matter. In a follow up email with his legal counsel, I confirmed that the Mayor was aware of the interview scheduled for October 3, 2024, and that he had confirmed his availability for that date.

32. On September 20, 2024, I emailed the Mayor directly to confirm his availability for the interview scheduled on October 3, 2024. The Mayor replied later that day via email and stated that he did not need an interview.

33. On September 23, 2024, I emailed the Mayor to request that he reconsider and attend the interview scheduled for October 3, 2024. The Mayor replied later that day, but did not clearly state whether he would participate in an interview, instead stating that “councillor O’Reilly and others have made a [sic] Error [sic] in judgment”. I responded seeking clarification, and presented the Mayor with the option of preparing a written response to the complaint instead. The Mayor responded, but did not clearly indicate whether he would attend an interview or whether he would be willing to provide a written response.

34. On September 24, 2024, the Mayor sent text messages to me containing screenshots of other conversations with me. He also sent text messages regarding other Code of Conduct investigations.

35. On September 25, 2024, I emailed a letter to the Mayor requesting that he either attend the interview scheduled for October 3, 2024, or provide a written response by October 10, 2024. I further advised him that if he did not participate in an interview and refused to provide a written response, I would be completing the investigation without him. The Mayor replied and stated that he would not be able to attend the interview.

36. On September 26, 2024, I confirmed the cancellation of the interview, and reiterated our request that the Mayor provide us with a written response by October 10, 2024. The Mayor replied, stating that



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once the investigation was completed, he would consider legal advice. I wrote to confirm that I would proceed on the assumption that he would not be providing a written response, but that in any case I would accept written submissions on or before October 10, 2024, should he change his mind.

37. On September 26, 2024, the Mayor also sent us an email in which he indicated that “culprits” had “abolished” his slideshow that he had planned to present for the Gala. He indicated that he hoped I would uncover this in our investigation.

38. On September 27, 2024, the Mayor sent me another email in which he stated that he would never present a slideshow including identifying information of people engaged in sexual activity, addiction, or struggling with mental health issues, but that the Complainant would. I replied to confirm our receipt of this email and the one that we received on September 27, 2024, and to repeat my request that he provide a written response by October 10, 2024. In a responding email, the Mayor stated that he believed I would find that he had been “sabotaged.”

39. On September 27, 2024, I sent an email to the Mayor seeking to summarize and clarify our communications with him up until that point. I explained that I would take what he had said into consideration, but that I did not fully understand his position in relation to the complaint and the investigation. I reminded the Mayor that the investigation was confined to the Photographs and their distribution, and once again requested that he provide written submissions by October 10, 2024.

40. On October 8, 2024, I emailed the Mayor a letter to inform him that I was extending the deadline for submitting this report pursuant to section 4.29 of the Code of Conduct. I advised the Mayor that I was taking this action, in part, because I wanted to ensure that if he decided to provide us with written submissions on or before October 10, 2024, I would have sufficient time to consider them as part of our investigation. I also reiterated that if I did not receive any feedback from him, I would finalize this report without his complete evidence.

41. I have set out these interactions with the Mayor in detail to demonstrate that, on multiple occasions, I requested that the Mayor attend an in-person interview or provide a written response to the complaint. I am disappointed that the Mayor has not provided me with a more fulsome understanding of his position in this complaint. That being said, the Mayor did not want to be interviewed, and has not provided us with a written response to the date of this report. Further, he has not provided any other evidence regarding the events that constitute this complaint beyond his initial response, emails and texts to me. As such, I have had to complete this investigation without the Mayor’s full input. I will do my best to use the content of the Mayor’s preliminary response, emails and texts later in this report.

42. Attached as Attachment O are the above-referenced emails and text messages between myself and the Mayor.

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### *h. Media Reports*

43. In the days immediately following the March 14, 2024 Gala, multiple news media outlets published articles regarding the Gala and the Mayor's presentation materials. Several of these are discussed in detail below.

44. On March 15, 2024, Castanet published an article in which the Mayor is quoted as saying that he had been working on a slideshow "to show the realities of the street disorder in Kamloops", but that he was informed that "there is a policy that prevents the mayor of today to carry that out on his own direction". This article is attached as Attachment P.

45. On March 18, 2024, infonews.ca published an article in which the Mayor is quoted as saying the following:

I wanted to have (a slideshow) that showed positive things we've done in the community and actually show the reality of what's happening to people on the streets... I never got a chance to show my pictures because I was told they had to be professional.

46. The story also reports that the Mayor obtained pictures from **S.22(1) Personal Information**. This article is attached as Attachment Q.

47. On March 20, 2024, Castanet published a second article in which the Mayor is quoted as saying the following: "I forwarded them to the chamber – I didn't even look at the photos at that time." This article is attached as Attachment R.

### **SUMMARY OF EVIDENCE**

48. As will be noted below, one issue in this investigation is whether the Mayor had a valid purpose for which he obtained the Photographs and forwarded them to **S.22(1) Personal Information**. However, there is limited direct evidence regarding that purpose, largely because the Mayor has refused to clarify, elaborate, or provide further information regarding this complaint. I am therefore left to make a determination regarding that purpose based on the other facts that I have been able to glean in my investigation and the general circumstances surrounding the forwarding of the Photographs.

49. I note that the Mayor has never directly told me why he obtained the Photographs, nor has he explained why he forwarded them to **S.22(1) Personal Information**. However, in his written response to our preliminary assessment, the Mayor's legal counsel did state that the Mayor "had no intention to use the photographs for any purpose, let alone any City-related purpose."

50. The Mayor has made statements to the contrary in news media. He is directly quoted as saying that he "wanted to have (a slideshow)... actually show the reality of what's happening to people on the

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streets... I never got a chance to show my pictures because I was told they had to be professional.” He is also quoted as saying that he forwarded pictures “to the chamber,” despite not having looked at them.

51. S.22(1) Personal Information also told S.22(1) Personal Information that the Mayor had asked S.22(1) Personal Information to help him prepare a “revolving photo slide” for the Gala before he sent the Photographs to S.22(1) Personal Information.

52. On the one hand, the Mayor’s legal counsel has stated that the Mayor had no intention to use the Photographs for any purpose, while on the other hand, the Mayor has told media sources that he wanted to prepare a slideshow but was prevented from showing pictures at the Gala, and that he forwarded pictures to the chamber. S.22(1) Personal Information also says that the Mayor asked that S.22(1) Personal Information help him prepare a slideshow for the Gala merely days before sending the Photographs S.22(1) Personal Information.

53. I cannot accept that the Mayor did not intend to use the Photographs for any purpose. If the Mayor did not obtain the Photographs for any purpose, then why obtain them at all? The notion that the Mayor solicited the Photographs for no reason at all stretches credulity, and begs the question of why he requested that S.22(1) Personal Information send them to him in the first place.

54. In my view, the answer to this question is most clearly revealed by what the Mayor actually did with the Photographs: on March 11, 2024, three days before the Gala, he forwarded them to S.22(1) Personal Information. I will also note that three days before that, on March 8, 2024, he asked S.22(1) Personal Information to help him prepare a slideshow.

55. Both the Mayor’s actions and his statements to the media indicate that he obtained the Photographs and forwarded them to S.22(1) Personal Information for the purpose of creating a slideshow for the Gala. Additionally, S.22(1) Personal Information has informed us that S.22(1) Personal Information the Mayor forwarded S.22(1) Personal Information the Photographs to serve as a “revolving photo slide” during the Gala.

56. I can only conclude that the Mayor obtained and forwarded the Photographs for the purpose of creating a slideshow for the Gala. As I will note below, it does not matter which of the Photographs, if any, actually made it into the Gala slideshow – only that the Mayor forwarded them to S.22(1) Personal Information for that purpose.

57. I also note one last matter. Due in part to the lack of participation of the Mayor and S.22(1) Personal Information our investigation has not revealed information that directly demonstrates the Mayor sent the Photographs to S.22(1) Personal Information. The available evidence shows that the Mayor

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<sup>1</sup> I note that though this evidence is hearsay, the law is clear that an administrative body is entitled to admit and rely upon hearsay evidence provided it is reliable and admissible: *552197 B.C. Ltd. v. City of Abbotsford*, 2003 BCSC 304. S.22(1) Personal Information evidence on this point was clear during our interview with S.22(1) Personal Information, and it is consistent with S.22(1) Personal Information written correspondence with other City employees. As such, I am confident relying on S.22(1) Personal Information evidence regarding S.22(1) Personal Information statements.

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requested that S.22(1) Personal Information forward images to him, and that the Photographs were sent to and from the Mayor's email address. However, I find it significant that in our correspondence with the Mayor, he has never denied sending the Photographs to S.22(1) Personal Information, and that the email records provided by S.22(1) Personal Information prove the Photographs were sent from the Mayor's City email address. The Mayor's statements in news publications also support the conclusion that he forwarded the Photographs, but was prevented from using them for a presentation. As such, on a balance of probabilities I am comfortable concluding that the Photographs were, in fact, emailed by the Mayor to S.22(1) Personal Information. There is simply no other reasonable explanation given the evidence I have been provided.

58. Having resolved these two evidentiary issues, I now wish to summarize my core factual findings:

- (i) Sometime in February, 2024, Mayor Hamer-Jackson contacted [REDACTED], who is not a City employee, to ask [REDACTED] for photographs of "crime and social disorder" in Kamloops Central.
- (ii) On February 29, 2024, five emails containing photographs were sent by [REDACTED] to the Mayor's kamloops.ca email address.
- (iii) On March 11, 2024, two of these five emails were then forwarded from the Mayor's kamloops.ca email address to S.22(1) Personal Information. These are the Photographs that form the basis of this complaint.
- (iv) [REDACTED] is not a City employee.
- (v) On March 12, 2024 as confirmed by [REDACTED], [REDACTED] contacted [REDACTED] to advise [REDACTED] had received the Photographs and relayed a concern with the graphic content within several of them.
- (vi) From March 12, 2024 to July 15, 2024, various City staff took steps to ensure the Photographs were not displayed at the Gala and that they were deleted from the [REDACTED], [REDACTED], and City computers.
- (vii) On the basis of the City's efforts, it appears the only person outside of the City that received the Photographs from the Mayor's email account was S.22(1) Personal Information [REDACTED]
- (viii) The Mayor obtained the Photographs and forwarded them to S.22(1) Personal Information [REDACTED] for the purpose of preparing a slideshow for the Gala.

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59. While there is a substantial amount of content detailed above in relation to the events surrounding the Gala, I believe that the eight items above are all that is necessary for me to determine whether a breach of the Code took place.

#### **CODE, FIPPA PROVISIONS AND FINDINGS**

60. As noted above, this complaint is about whether the disclosure of the Photographs to S.22(1) Personal Information by the Mayor constituted a violation of section 25.1 of FIPPA and, therefore, a breach of section 3.15 of the Code of Conduct.<sup>2</sup> To be clear, in my opinion, it does not matter whether the Mayor used the Photographs at the Gala, only that he forwarded them to S.22(1) Personal Information with that purpose in mind.

##### **a. Code and FIPPA Provisions**

61. The relevant provisions of the Code are:

2.1 The key statements of principle that underline this Bylaw are as follows:

(c) Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny;

...

3.15 A Member must:

(a) comply with the provisions of the *Freedom of Information and Protection of Privacy Act* and all policies and guidelines established by the City;

62. The relevant provisions of FIPPA are:

“personal information” means recorded information about an identifiable individual other than contact information;

...

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<sup>2</sup> In the course of our investigation, it came to our attention that the Mayor’s decision to forward the Photographs to S.22(1) Personal Information may have engaged the *Intimate Images Protection Act* (the “IIPA”), in addition to FIPPA. However, at that time I determined not to include the IIPA in our investigation. I made this determination largely because the IIPA was not cited in the complaint – or in any of our subsequent correspondence with the Complainant – and is not directly referenced in the relevant Code of Conduct provisions. As a result, our processing of the complaint until that time, which included multiple notifications to the Mayor and his legal counsel, did not include any notice or assessment of whether the IIPA was breached. Given all of these factors, and a procedural fairness concern of late notice, I choose not to include the IIPA in this investigation.

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**25.1** An employee, officer or director of a public body must not collect, use or disclose personal information except as authorized by this Act.

...

**26** A public body may collect personal information only if

...

(c) the information relates directly to and is necessary for a program or activity of the public body;

(d) with respect to personal information collected for a prescribed purpose,

(i) the individual the information is about has consented in the prescribed manner to that collection, and

(ii) a reasonable person would consider that collection appropriate in the circumstances,

...

(e) the information is necessary for the purposes of planning or evaluating a program or activity of a public body,

...

**27.1** Personal information that is received by a public body is not collected by the public body for the purposes of FIPPA if

(a) the information does not relate to a program or activity of the public body, and

(b) the public body takes no action with respect to the information other than to

(i) read all or a part of it and then delete, destroy or return it

...

**32** A public body may use personal information in its custody or under its control only

(a) for the purpose for which the information was obtained or compiled, or for a use consistent with that purpose;

(b) if the individual the information is about has identified the information and has consented, in the prescribed manner, to the use, or

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- (c) for a purpose for which the information may be disclosed to the public body under section 33.

...

**33** (1) A public body may disclose personal information in its custody or under its control only as permitted by subsections (2) to (9) or by section 33.3

(2) A public body may disclose personal information in any of the following circumstances:

...

- (c) if the individual the information is about has identified the information and has consented, in the prescribed manner, to the disclosure;

- (d) for the purpose for which the information was obtained or complied, or for a use consistent with that purpose within the meaning of section 34;

...

**34** For the purpose of section 32(a) or 33 (2)(d) ... a use of personal information is consistent with the purpose for which the information was obtained or complied if the use

- (a) has a reasonable and direct connection to that purpose, and

- (b) is necessary for performing the statutory duties of, or for operating a program or activity of, the public body that uses or discloses that information.

63. As an important starting point, I will note that for the purposes of section 25.1 of FIPPA, the courts have determined that both elected and appointed officials of a municipality are considered “officers” of a public body.<sup>3</sup> As such, it is beyond doubt that the Mayor is an “officer” and is subject to the requirements established by that section.

64. In order to find a breach of the Code, I am to consider the definition of “personal information” and the grounds for collecting, using, and disclosing personal information pursuant to FIPPA.

65. If the Photographs fall within the definition of personal information, I must determine whether the Mayor collected the Photographs. If the Mayor did collect, or use, or disclose the Photographs, then I must determine whether he did so in a manner that is authorized by the statute.

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<sup>3</sup> *R. v. Skakun*, 2014 BCCA 223

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66. In making my determination, I am to apply the balance of probabilities test with respect to the standard of proof. This means that I must find that it is more likely than not that a breach occurred.<sup>4</sup> I also take note that issues of witness credibility were not engaged in this investigation. Further, and of note, all City staff were extremely diligent and helpful in the process of this investigation.

67. There is little dispute regarding the eight key facts that are summarized. What remains to be determined is whether the Mayor breached the relevant provisions of FIPPA and the Code by receiving the Photographs and then distributing them from his City email account to **S.22(1) Personal Information**.

### **b. The Photographs as “personal information”**

68. As noted above, “personal information” is defined under FIPPA as “recorded information about an identifiable individual other than contact information.” The Photographs are recorded information, and they are not “contact information” as defined in Schedule 1 of FIPPA. Therefore, the key issue here is whether the Photographs are “about an identifiable individual”.

69. The OIPC has repeatedly held that information is about an identifiable individual when it is reasonably capable of identifying an individual alone or when combined with other sources of information.<sup>5</sup> The information need not identify the individual to everyone who receives it. It is sufficient for the purposes of the statute if the information reasonably permits identification of the individual to those seeking to collect, use, or disclose it.

70. It is well established that images that clearly depict an individual’s physical image is about an identifiable individual. If a photograph of an individual is blurry or partially obstructed, but nevertheless reveals some combination of their facial features, bodies and clothing, location, who they are with, or what they are doing, that photograph may also be “about an identifiable individual” if the photograph is sufficiently clear that an observer familiar with the individual could identify them.<sup>6</sup>

71. Relying on the emails provided to our office by the City’s **S.22(1) Personal Information**, the Photographs at Attachment D consist of 20 separate images that were forwarded to **S.22(1) Personal Information** by the Mayor from his City email account. Many of them do not contain information that is about an identifiable individual. For example, Photographs #2 and #6 depict cardboard boxes and other litter in otherwise unoccupied outdoor spaces, and Photograph #8 depicts an individual who is completely covered by a blanket. Having reviewed the Photographs, I am of the opinion that Photographs #2 - #8, #10, and #12 - #15 do not contain any personal information.

<sup>4</sup> *F.H. v. McDougall*, [2008] 2 SCR 41.

<sup>5</sup> *Kelowna (City) (Re)*, 2018 BCIPC 14, para 32; *Vancouver (City) (Re)*, 2019 BCIPC 15 at para 16; *Fraser Health Authority*, 2024 BCIPC 97 at para 32.

<sup>6</sup> *Metro Vancouver Transit Police (Re)*, 2024 BCIPC 14.



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72. Photograph #16 depicts an individual who is seated in a corner, covered by plastic wrapping. While it is possible to make out the general shape and posture of the individual as well as the colour of their clothing, in my opinion the image does not contain enough information for a viewer to identify the individual within the Photograph.

73. However, in my opinion, Photographs #1, #9, #11, and #17 through #20 all could contain enough detail to constitute “personal information” pursuant to FIPPA. These images are attached as Attachment D in redacted form, so I will briefly describe my reasoning in relation to each of the images:

### *Photograph #1*

This image depicts a portion of an individual’s face. Combined with the clothing, the location, and the presence of specialized equipment for individuals with disabilities within the image, I am of the view that this image could constitute personal information under FIPPA.

### *Photograph #9*

This image is blurry, but depicts an individual’s face, as well as the back of another individual’s head and hair. Combined with the hat and jacket that is worn by the individual in the image, I am of the view that this image could constitute personal information under FIPPA.

### *Photograph #11*

This image clearly depicts a side profile of an individual’s face, and I am of the view that this image likely constitutes personal information under FIPPA.

### *Photograph #17*

This image clearly depicts a portion of an individual’s face. Combined with the fact that the image clearly shows their shoes, pants, jacket, and headwear, I am of the view that this image constitutes personal information under FIPPA.

### *Photograph #18*

This image depicts side profiles of two individuals’ faces. Combined with the fact that the image shows one individual’s hair, and the other individual’s hat and a ring worn on their little finger, I am of the view that this image could constitute personal information under FIPPA.

### *Photograph #19*

This image depicts a portion of two individuals’ faces. It also shows the hair length and colour of one of the individuals, and a tattoo on the finger of the other individual. For these reasons, I am of the view that this image could constitute personal information under FIPPA.

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### *Photograph #20*

This image depicts a portion of two individuals' faces, as well as their clothing. It also shows the hair length and colour of one of the individuals, and the headwear of the other individual. For these reasons, I am of the view that this image could constitute personal information under FIPPA.

74. While some of these images are blurry, or the individuals within them are partially obstructed, in my view they are sufficiently clear to be considered "about an identifiable individual", such that an observer who is familiar with the individuals who are depicted would be able to identify them. As such, I conclude that these seven Photographs contain "personal information."

### **c. Were the Photographs "collected" in accordance with FIPPA?**

75. Obligations under FIPPA are triggered when personal information is collected by a public body, or its employee, officer or director – in this case, the Mayor. Section 25.1 of FIPPA states that:

An employee, officer or director of a public body or an employee or associate of a service provider must not collect, use or disclose personal information except as authorized by this Act.

76. Therefore, an officer of a public body, such as the Mayor, may only collect, use or disclose personal information, such as the Photographs, where explicitly authorized to do so by FIPPA.

77. Section 26 of FIPPA sets out the limited circumstances in which the collection of personal information is authorized. If the purpose for the collection of personal information does not fall under one of the purposes listed in section 26, that collection is unauthorized. Examples of the circumstances where personal information may be collected include where the information relates directly to and is necessary for a program or activity of the public body, where the individual has consented to the collection, and where the information is necessary for the purposes of planning or evaluating a program or activity of the public body.

78. In my opinion, the Mayor's receipt of the Photographs clearly constitutes collection of personal information under FIPPA. As discussed above, seven of the Photographs contained personal information, and were sent to the Mayor at his request. Personal information received by a public body is considered not to have been "collected" for the purposes of the Act if, per section 27.1, if it does not relate to a program or activity of the public body, and the public body takes no action in relation to the information other than to review it and then either delete, destroy, or return it. Section 27.1 does not apply in these circumstances: the Mayor did not deal with the Photographs pursuant to section 27.1 – instead of deleting, destroying, or returning them, he forwarded them to **S.22(1) Personal Information**.

79. As the receipt of the Photographs by the Mayor was a collection of personal information under FIPPA, the purpose for this collection must fall within the grounds of section 26 of FIPPA. If the collection

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was not for a purpose expressed in section 26, then it was an unauthorized collection of personal information per section 25.1.

80. According to [REDACTED] written statement, the Mayor requested that [REDACTED] forward him the Photographs. He then forwarded them to [REDACTED] S.22(1) Personal Information. He did this for the purpose of preparing a slideshow for the Gala at which he was to be a speaker.

81. I am of the opinion that this is not a valid purpose for the collection of personal information pursuant to section 26 of FIPPA. I find it significant that the Gala is an event that is hosted and organized by the Kamloops and District Chamber of Commerce, an organization that is independent from the City. While the Mayor participated in his official capacity, [REDACTED] S.22(1) Personal Information was involved in preparations for the Gala in order to ensure that the Mayor's presentation was consistent with the tone and content for the event that was envisioned by [REDACTED] S.22(1) Personal Information. This suggests that this is not a City program or activity, but an event that is put on by the Kamloops and District Chamber of Commerce in which representatives from the City are invited to participate.

82. As such, the Photographs are not directly related to any particular City program or activity, and the individuals depicted within them did not consent to the collection of their personal information. The collection of the Photographs was for the purpose of preparing a slideshow for the Gala and sending them to [REDACTED] S.22(1) Personal Information is simply not authorized by the statute.

83. Furthermore, section 27 of FIPPA establishes rules for how personal information is to be collected. The collection of the Photographs did not comply with the rules for collection under section 27. Section 27(1) requires that personal information must be collected directly from the individual the information is about, unless certain listed exceptions apply. None of the listed exceptions in section 27(1) apply, therefore the collection of personal information was required to come from the identifiable individuals in the seven Photographs discussed above. Similarly, under section 27(2), the individual from whom the public body collects the personal information from must be told (1) the purpose for the collection (2) the legal authority for the collection, and (3) contact information for the individual at the public body who can answer questions about the collection. Based on the facts before me, the requirements for how the personal information in the Photographs were to be collected were not met in this instance.

### **d. Were the Photographs used or disclosed in accordance with FIPPA?**

84. Under FIPPA, personal information in the custody or control of a public body, (in this case, the Photographs, which are in the custody and control of the City via their collection by the Mayor), may only be used in three specific circumstances pursuant to section 32. Likewise, personal information in the custody or control of a public body may only be disclosed as pursuant to section 33 of FIPPA. Use or disclosure of personal information that does not comply with sections 32 or 33 is unauthorized, per section 25.1 of FIPPA.

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85. Section 32(a) provides that personal information may be used for the purpose for which the information was obtained or compiled, or for a use that is consistent with that purpose. Section 34 provides that if a public body intends to use information pursuant to section 32(a), a use of personal information is consistent with the purpose for which it was collected if the use has a reasonable and direct connection to that purpose, and the use is necessary for performing the statutory duties of, or for operating a program or activity of, the public body that uses or discloses the information.

86. In other words, the use of the information must have a reasonable and direct connection to the purpose of the use, and it must be necessary for the use.

87. As noted above, I have already concluded that the Mayor sent the Photographs to S.22(1) Personal Information for the Gala, as part of his presentation. This is not, in my view, a use that is consistent with a lawful purpose for using personal information under FIPPA.

88. The Mayor did, in email correspondence, indicate that he would not have shown photographs depicting sexual activity in a presentation. In my view, whether the Mayor intended to use only some of the Photographs in a slideshow for the Gala, or whether he intended to only use those Photographs that do not contain personal information, is irrelevant. Even if I were to assume that Mayor Hamer-Jackson intended to use none of the Photographs in his presentation, or only some of them, I still would not be able to positively conclude that the Photographs were obtained or compiled for a use consistent with a valid purpose under FIPPA, or that their use was necessary for that purpose. The key fact is that the Photographs were collected and forwarded to S.22(1) Personal Information for the purpose of preparing a slideshow for the Gala – whether or not the Photographs were actually used for the slideshow is not relevant. As soon as the Mayor sent the Photographs, he used and disclosed personal information in a manner that is inconsistent with section 25.1 of the statute.

89. It is also irrelevant whether the Mayor was aware of the content of the Photographs when he forwarded them to S.22(1) Personal Information. The statute is clear that his obligations in relation to personal information are triggered as soon as they are collected, used, or disclosed. As such, I can only conclude that the Mayor's use of the Photographs does not meet the requirements of section 32(a) of FIPPA.

90. Section 32(b) provides that if the individual the information is about has identified the information and has consented to the use, a public body may use it. There is absolutely no evidence to suggest that any of the individuals in the seven Photographs identified the Photographs or consented to their use. Any potential argument that the individuals in the seven Photographs provided oral consent, or that their consent could be inferred, is bound to fail. For an individual to validly consent to the use or disclosure of their personal information, that consent must be in accordance with the requirements of section 11 of the FIPPA Regulation, which includes the requirement that consent be provided in writing.

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91. The final ground on which the Mayor could have used the Photographs is under section 32(c). This section provides that a public body may use personal information for a purpose for which it may be disclosed to the public body pursuant to section 33. The disclosure of the personal information (which occurred in this instance when the Mayor disclosed the Photographs to **S.22(1) Personal Information** over email) likewise must be authorized under section 33.

92. Section 33 of FIPPA sets out numerous grounds on which personal information may be disclosed by a public body. In my view, the only two which merit discussion are subsections 33(2)(c) and (d). Under 33(2)(c), section 32(b) is replicated – a public body is permitted to disclose personal information if the individual it is about has identified the information and consented to its disclosure.

93. Section 33(2)(d) is similar in substance to section 32(a). Section 33(2)(d) states that a public body may disclose personal information for the purpose for which the information was obtained or compiled, or for a use consistent with that purpose.

94. Like my conclusions pursuant to sections 32(a) and (b), there is no evidence to indicate that the individuals in the Photographs identified or consented to the Photographs being disclosed, and there is no discernible purpose that for which their disclosure was “necessary” pursuant to section 34.

95. As such, I can only conclude that the Mayor was in breach of section 25.1 when he forwarded the Photographs to **S.22(1) Personal Information**. He collected, used and disclosed the Photographs in a manner that was not authorized pursuant to FIPPA. Accordingly, I find that the Mayor was clearly in breach of both section 3.15(a) of the Code and section 25.1 of FIPPA. I would further note that, pursuant to section 65.4(1) of FIPPA, an individual commits an offence if they willfully collect, use or disclose personal information except as authorized by Part 3 of FIPPA. Although it is not my place to comment on whether an offence was committed, this is a clear indication that the Legislature considered a breach of s. 25.1 a serious matter.<sup>7</sup>

**RECOMMENDATIONS*****a. Section 4.32***

96. As I have found a breach of the Code of Conduct, I am guided by section 4.32, which states that I must:

- a. Consider whether the Respondent took all reasonable steps to prevent the breach, or whether the breach was trivial or done inadvertently or because of an error in judgment made in good faith, in which case I am to recommend no sanctions; and

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<sup>7</sup> See sections 65.4, 65.6 and 65.7 of FIPPA for more detail.

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- b. If I do not make the determination above, make recommendations as to the appropriate censure, sanctions, corrective actions, and/or other measures to address the breach.

97. In my opinion, having considered the circumstances through which Mayor Hamer-Jackson breached the Code of Conduct, I cannot find that he took reasonable steps to prevent the breach, that the breach was trivial or inadvertent, or that the breach occurred because of an error in judgment made in good faith. In addition, the Mayor was given many opportunities to participate in this investigation and refused to do so. As such, I have limited evidence to conclude anything other than he took no steps to avoid this breach.

98. In relation to the Photographs, there was a clear act by Mayor Hamer-Jackson that he should have known would constitute a breach of the Code. He received the Photographs from [S.22(1) Personal Information] after having requested them. At that point, he either reviewed the Photographs and forwarded them to [S.22(1) Personal Information], or he did not review them and forwarded them despite not knowing their contents. For the purposes of FIPPA, whether the Mayor knew what the Photographs depicted or not is irrelevant – he collected and disclosed records that contained personal information. This reflects one of the many principles that FIPPA is intended to reflect. Local governments and their elected officials are required to adhere to certain standards when they collect, use or disclose personal information. The Mayor has fallen well below those standards in these circumstances.

99. I do wish to note that the duty placed on elected officials by FIPPA in relation to personal information may be complicated for some to understand. Mayor Hamer-Jackson has never, in any of his correspondence to me, indicated that he has a detailed understanding of FIPPA. However, in my view, he should at this stage in his term have some understanding of FIPPA. As confirmed by [S.22(1) Personal Information] he has received training from City staff on his obligations under FIPPA, including an offer of individualized training. Furthermore, regardless of Mayor Hamer-Jackson's familiarity with the specifics of FIPPA at the time he received and forwarded the Photographs, he was informed that he was not in compliance with the Act by [S.22(1) Personal Information] March 14, 2024 correspondence (at Appendix H), but nevertheless did not take steps to militate or remediate his contravening actions. Ultimately, even if the Mayor was not aware of the scope or specifics of FIPPA, absence of awareness of the law does not excuse its contravention. As an officer of a public body, the Mayor is bound to certain legal obligations under FIPPA, which are not contingent on whether or not he has engaged with privacy training.

100. Whether or not he was aware that his actions would breach FIPPA, I find that the Mayor ought to have known that the Photographs contained personal information and that, as such, he should not have collected them from and transmitted them to persons who are external to the City.

***b. The Recommended Remedies***

101. Under section 4.35 of the Code of Conduct, the following remedies are available to Council:

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- a. a letter of reprimand from Council addressed to the Member;
- b. a request from Council that the Member issue a letter of apology, in a form and with content acceptable to Council;
- c. the publication of the letters contemplated in subsections (a) and (b), along with the Member's written response, if any;
- d. directions to the CAO or Corporate Officer regarding the terms and conditions upon which the Member may receive Council or other City documents including documents containing Confidential Information;
- e. mandatory training on City business, the *Community Charter*, or this Bylaw;
- f. mandatory training on respectful workplace communications or other interpersonal skills;
- g. restrictions or conditions on access to certain City facilities;
- h. in accordance with the *Community Charter*, suspension or removal of the Member from some or all Committees and bodies to which the Member was appointed;
- i. prohibition from representing the City at events and/or being reimbursed for attending conferences and seminars;
- j. suspension or removal of the appointment of a Council Member as deputy mayor;
- k. the remuneration to which a Council Member would be otherwise entitled under Council Policy No. GGL -3, Remuneration, Travel Expenses, Insurance, and Communications Allowance be reduced in an amount and for a period considered to be reasonable in the circumstances;
- l. referral to a prosecutor or police;
- m. public censure of a Member; and
- n. any other sanctions, corrective actions, and other measures recommended by the Investigator or considered appropriate by Council, so long as those sanctions, corrective actions, and other measures are within Council's authority.

102. In my view, in recommending an appropriate remedy, I ought to look to the circumstances and nature of the breach and its severity. Reviewing these factors, I then must recommend a remedy that is proportionate to the degree of the wrongdoing. I am mindful of the words of the BC Supreme Court in *Skakun v. Prince George (City)*, 2011 BCSC 1796:

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[44] I think it reasonable to think in certain cases council need to state the standard of expected conduct, but I note this: it is a power to be exercised with great care and great discretion. Far too easily, this could turn into an abuse of process for cheap political gain, and any council that sets out in this direction must be careful in what it is doing.

103. As an investigator under the Code, I need to ensure that I take care to recommend a remedy that is proportionate to the breaches that I have found, not only because doing so is consistent with the purposes of the Code, but because of the Court's warning to municipal councils generally. I acknowledge that my recommendation will likely have a substantial effect on Council's ultimate decision when considering this investigation report.

104. My recommendation is informed by foundational principle 2.1(c), noted above, and by the fact that the office of Mayor carries with it certain responsibilities that are distinct from those given to other members of council. Section 116 of the *Community Charter* sets out the Mayor's responsibilities. I will not reproduce the whole section, but I note specifically subsections (2) (a) and (h):

(2) In addition to the mayor's responsibilities as a member of council, the mayor has the following responsibilities:

(a) to provide leadership to the council, including by recommending bylaws, resolutions and other measures that, in the mayor's opinion, may assist the peace, order and good government of the municipality;

...

(h) to carry out other duties assigned under this or any other Act.

105. I highlight these subsections because they reflect the significance of the Mayor's role as the elected leader of council and the community of Kamloops. That role imposes a duty on the Mayor to uphold the obligations placed upon him by provincial statutes and local bylaws in the interest of peace, order and good government.

106. In this case, FIPPA prohibits the collection of personal information except for certain prescribed purposes, and requires personal information that is collected to only be used or disclosed under certain circumstances. The Mayor was not authorized to collect the Photographs, nor was he permitted to use or disclose them. According to **S.22(1) Personal Information**, there were five training opportunities regarding obligations pursuant to FIPPA that were made available to the Mayor prior to the Gala. One of these training opportunities, the November 2023 Session, expressly dealt with the possibility that photographs could contain personal information. Nevertheless, the Mayor forwarded the Photographs to **S.22(1) Personal Info** despite these opportunities to familiarize himself with the extent of his obligations under FIPPA. Given this training, I can only conclude that he was either willfully blind to those obligations or intentionally disregarded them. I will also note that on April 8, 2024, **S.22(1) Personal Information** offered to meet



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with the Mayor for a one-on-one training opportunity with S.22(1) Personal Information and S.22(1) Personal Information regarding his obligations pursuant to FIPPA. S.22(1) Personal Information reiterated this offer on April 12, 2024. The Mayor did not accept S.22(1) Personal Information offer and even though such training would have been after the Gala, I would have considered this a mitigating factor in this recommendation. Unfortunately, the Mayor did not accept this training offer.

107. It is significant that the Photographs contained personal information relating to individuals who appear to be facing substantial hardship and are likely already marginalized members of society. The statutory protections relating to their personal information should be given particular care, but instead they were ignored by the Mayor. It is also significant that the Photographs showed these individuals in various states of intoxication and during a sex act.

108. However, it is also significant that the actual harm caused by the Mayor's failure to comply with FIPPA was limited. As a result of City staff who worked diligently to ensure that the Photographs were deleted by individuals who had sent and received them, they appear to have been seen by one individual, S.22(1) Personal Information. As such, the extent of the privacy breach that resulted from the Mayor's actions was minimal.

109. I note that the Mayor has implied that this complaint was submitted as a result of an error in judgment on behalf of one or more of the other Council members, and has suggested that others interfered with the creation of his slideshow. He has also stated that he would never have shown the Photographs.

110. I cannot accept these submissions. The Mayor has provided limited evidence to substantiate these statements, despite numerous efforts on my behalf to conduct an interview or obtain a written statement from him over the course of this investigation. I further note that in the extensive interview notes and documentary record that I have collected during this investigation, I have seen no evidence to support the Mayor's position. Instead, the evidence leads to the opposite conclusion: the Mayor clearly breached section 25.1 of FIPPA, and as a result breached the Code.

111. Finally, as I noted above, to the extent that the Mayor might argue that he does not understand his obligations under FIPPA, that objection would carry with it no air of reality. He has been provided with substantial training on the subject. While I do acknowledge that some elected officials may not fully understand the nuances of FIPPA, I do not find that any lack of understanding is a mitigating factor in this case as regards my recommendation of a remedy.

112. Accordingly, I recommend to Council that:

- a. As per s. 4.35(b) of the Code, that the Mayor be requested to provide letters of apology to both S.22(1) Personal Information and S.22(1) Personal Information;

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- b. As per section 4.35(e) of the Code, the Mayor be required to take personalized mandatory training on his obligations regarding personal information under FIPPA;
- c. As per section 4.35(m) and (n) of the Code, that the Mayor be censured and that this investigation report or a summary of it be published, with redactions necessary to protect personal information and privacy as per FIPPA (including the removal or redactions of Attachments where appropriate); and
- d. As per section 4.35(k) and 4.38 of the Code, should the Mayor refuse or fail to participate and complete mandatory training as noted above within 60 days, Council reduce the Mayor's remuneration by 5% for a period of 12 months. I stress that this measure should only be implemented as a result of the Mayor's failure to complete the recommended training.

All of which is respectfully submitted this 7<sup>th</sup> day of November, 2024 for Council's consideration.



Reece Harding,

Investigator

## APPENDIX 7



*Confidential*

**In the matter of a**

**INVESTIGATION PURSUANT TO THE CODE OF CONDUCT BYLAW NO. 53, 2023**

**COMPLAINT NO. 2024-0020**

**Submitted by Reece Harding**

**Young, Anderson (the “Investigator”)**

**September 5, 2024**

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## INVESTIGATION REPORT re File 2024-0020

## INTRODUCTION

1. On April 8, 2024, Young, Anderson was retained as an investigator under the City of Kamloops Code of Conduct Bylaw No. 53 (the “Code”) in relation to a complaint that was submitted by Councillor Dale Bass. This complaint alleged two breaches of the Code, both of which related to the release of confidential documents. First, the complaint alleged that Mayor Hamer-Jackson disclosed to media outlets a privileged and confidential workplace investigation report, prepared by the [redacted] detailing allegations against the Mayor (the [redacted] or the “Report”). Second, the complaint alleged that Mayor Hamer-Jackson disclosed, also to media outlets, a resolution from a March 28, 2024 closed Council meeting (the “Resolution”). This Resolution related to [redacted].

2. This investigation report is prepared and submitted pursuant to section 4.32 of the Code, as I have determined that Mayor Hamer-Jackson has breached the Code. I have also determined that the breaches are not trivial, inadvertent or made in good faith as per section 4.32(c). As I have made these determinations, this report also contains a recommendation with respect to the appropriate remedy, as per section 4.32(b). Of note, we have purposely redacted from the Attachments to this report personal information (e.g., email addresses, staff names, phone numbers) where this information is not necessary to support our conclusions.

## THE COMPLAINT

3. As noted above, the complaint alleges that both the [redacted] Report and the Resolution were disclosed by Mayor Hamer-Jackson to certain media sources. More particularly, the complaint alleges:

- a. On [redacted], Council considered, in a closed meeting, the Report prepared [redacted];
- b. The [redacted] certain “protective measures” being placed on Mayor Hamer-Jackson;
- c. Between August, 2023 and December, 2023, Mayor Hamer-Jackson made public statements and demands for the release of the Report, despite being advised that it was a confidential record;
- d. On April 4, 2024, Mayor Hamer-Jackson provided a copy of the Resolution to reporters; and
- e. On or after April 5, 2024, Mayor Hamer-Jackson provided a copy of the [redacted] Report to reporters.

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4. There are several media reports that publicly detail the Mayor's alleged disclosure of the Report and the Resolution. Examples of these are attached as **Attachments A to F** of this investigation report. The public reporting appears to demonstrate that the Report was disclosed to at least [§ 22(1) Personal Information] (NL Radio); [§ 22(1) Personal Information] (InfoNews); [§ 22(1) Personal Information] (CFCJ TV) and [§ 22(1) Personal Information] (Armchair Mayor).<sup>1</sup> I also note that [§ 22(1) Personal Information] of NL Radio posted to [§ 22(1) Personal Information] X account, shortly after NL Radio received a copy of the [§ 14 information protected] Report from Mayor Hamer-Jackson on April 4, 2024, a photograph of what appears to be the first page of the Report. That X post shows the reflection of a person who appears to be photographing the Report. [§ 22(1) Personal Information] X post is attached as **Attachment G**.
5. I note at the outset that I do not have, nor have I seen, a full copy of the [§ 14 information protected] Report other than what is publicly available. We do, however, have a copy of the Resolution which is attached as **Attachment H**.

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<sup>1</sup> Several other articles and interviews are publicly available that include content that confirms that the Mayor disclosed the Report and Resolution to media outlets. This is not intended to be a comprehensive listing but four additional sources are hyperlinked below.

[Hamer-Jackson says he's out to clear his name while releasing copies of confidential city report - Kamloops News - CastanetKamloops.net](#)

[RadioNLNews on X: "The Mayor of #Kamloops says he intends to defend himself now that he's been able to read an internal City Hall report he says was leaked to him, which details findings of workplace bullying and harassment involving the Mayor and senior staff. #bcpoli" / X](#)

[https://linklock.titanhq.com/analyse?url=https%3A%2F%2Fsoundcloud.com%2Fuser-965676831%2Fbrett-mineer-reid-hamer-jackson-april-12&data=eJxljDOPgjAYhH8N3UqAQqFDBxdH48Cg4-vbCmg\\_SD9M-PfW2eSGyz13h5IPYzepRghgvSBKHj67BZzSIXpXlxA2Xy7HrO5H5dPQ6JUfHEeuqbZzbJO\\_Q1ekuCXCGozS0F\\_J1kuaa0x4qdqu5cFEtBofZ\\_bYlyFEHKvjARz6xtgSPoFOidnO6gKA3RVewxb4A3-WUwh42Q9vuC-YTQf0%](https://linklock.titanhq.com/analyse?url=https%3A%2F%2Fsoundcloud.com%2Fuser-965676831%2Fbrett-mineer-reid-hamer-jackson-april-12&data=eJxljDOPgjAYhH8N3UqAQqFDBxdH48Cg4-vbCmg_SD9M-PfW2eSGyz13h5IPYzepRghgvSBKHj67BZzSIXpXlxA2Xy7HrO5H5dPQ6JUfHEeuqbZzbJO_Q1ekuCXCGozS0F_J1kuaa0x4qdqu5cFEtBofZ_bYlyFEHKvjARz6xtgSPoFOidnO6gKA3RVewxb4A3-WUwh42Q9vuC-YTQf0%2F)

[https://soundcloud.com/user-965676831/brett-mineer-editorial-rhjs-big-day-april-5?in=user-965676831/sets/talk-to-the-experts&si=d3596907219d4b09a808f98a6227c674&utm\\_source=clipboard&utm\\_medium=text&utm\\_campaign=social\\_sharing](https://soundcloud.com/user-965676831/brett-mineer-editorial-rhjs-big-day-april-5?in=user-965676831/sets/talk-to-the-experts&si=d3596907219d4b09a808f98a6227c674&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)



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**SUMMARY OF EVIDENCE**

6. While I will summarize the steps taken to gather the facts in this matter, I start by noting that the key facts themselves are relatively uncontroversial. Mayor Hamer-Jackson, for his part, consistently admitted in his interview that he disclosed the Report and the Resolution as alleged in the complaint. While his account does diverge in places with those of the other witnesses in this matter, which I will discuss below, it is important that Mayor Hamer-Jackson never took the position that the alleged disclosures did not occur. Rather, through his counsel, he has taken certain legal positions, suggesting primarily that the two documents were not confidential and in the case of the Resolution that he did not understand that it was confidential.

***a. Mayor Hamer-Jackson***

7. After performing a preliminary assessment of the complaint, as required by the Code, we disclosed it to Mayor Hamer-Jackson through his legal counsel. We received a written initial response, pursuant to section 4.23 of the Code, on April 22, 2024.

8. The initial response alleged that the Report was not confidential, arguing that it lost any protection under section 117 of the *Community Charter* due to the fact that it was previously leaked to the media in mid-2023.<sup>2</sup> Of note, the initial response as noted above did not deny that the Mayor had disclosed the Report.

9. The initial response did not mention at all the allegation that Mayor Hamer-Jackson disclosed the Resolution. It was simply silent in regard to the Resolution.

10. We interviewed Mayor Hamer-Jackson on June 5, 2024. We attach a copy of these interview notes to this Report as **Attachment I**.<sup>3</sup> In summary, the interview established the following:

- a. Mayor Hamer-Jackson admitted to disclosing copies of both the Report and the Resolution to several media outlets.
- b. Mayor Hamer-Jackson told me that the Report arrived mysteriously in his home mailbox. Mayor Hamer-Jackson's legal counsel provided us with a photograph of the envelope that the Mayor said contained the Report. The address on the envelope shows

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<sup>2</sup> The Mayor had filed an earlier complaint alleging that one or more of the other Councillors who received the Report during the June 13, 2023 closed meeting was responsible for leaking the Report. I investigated that complaint and found insufficient evidence to substantiate a breach of the Code and the complaint was dismissed. My findings are set out in Investigation Report 2023-0007.

<sup>3</sup> While the interview notes take the form of a "transcript" it is important to note that they are not a verbatim recording of the statements made by the participants. As is our usual practice, however, we have attempted to record matters as faithfully as possible so that we can establish the parties' positions. The resulting document containing the notes was provided to and accepted by the Mayor's legal counsel.

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a return address of 1180 Pacific Rim Hwy, Tofino BC, which is a surf shop. The sender is shown as "A. Decosmos".<sup>4</sup>

- c. He said that he did not know who sent him the Report, but that he was pleased when it arrived. He told me that he had multiple photocopies of the Report made by an employee at a local Staples in Kamloops and later distributed those copies to the media outlets noted above.
- d. Mayor Hamer-Jackson took the position, in respect of the Report, that it was not confidential, as it had previously been leaked to the media and because other Councillors, including Councillor O'Reilly, had made public statements about it. He stated that he didn't know how the City could continue saying that the Report was privileged when it was already in the hands of the media, and Councillor O'Reilly was speaking about it as well.
- e. In relation to the Resolution, it was delivered to Mayor Hamer-Jackson in an email on April 3, 2024, the subject-line of which was marked "privileged and confidential." Mayor Hamer-Jackson stated that he had never seen the email before the June 5 interview, that he sometimes gets 100 emails a day, and therefore sometimes misses emails.
- f. Mayor Hamer-Jackson stated that the Resolution was also given to him in-person by Councillor O'Reilly on or about April 3, 2024. He said that Councillor O'Reilly knocked on his office door at City Hall and handed him an unmarked brown envelope that contained the Resolution. Mayor Hamer-Jackson was on a telephone call when he answered the door, and advised no words were exchanged.
- g. Mayor Hamer-Jackson admitted to opening the brown envelope shortly after that, making approximately five photocopies of the Resolution, and then sharing it with members of the media. He did not ask anybody at the City, including City staff, whether he should do so.
- h. Mayor Hamer-Jackson told me that the Resolution should not have been confidential because, in his view, the meeting at which it was to be considered was one that could never have been lawfully closed. He stated that the reason for this was that the subject of the meeting was [REDACTED] He told me that several members of Council have conflicts of interest in respect of discussion of [REDACTED], because they have family-members who work for the City. He also told me that Councillor O'Reilly was speaking about the Resolution publicly.

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<sup>4</sup> I assume this is a reference to Amor De Cosmos (born William Alexander Smith), who was the second premier of British Columbia. He was born in 1825 and died in 1897.

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- i. Mayor Hamer-Jackson made several statements that, in essence, expressed his position that the rest of Council had treated him unfairly. He referred several times to a “communications strategy”, which in his view was a deliberate tactic engaged in by Council for the purpose of selectively releasing information that would harm his reputation. He expressed a desire to protect transparency, and indicated that it was unfair that he was unable to talk about a Report that was already in the public domain.

### ***b. Councillor O'Reilly***

11. On June 10, 2024, I interviewed Councillor Mike O'Reilly. The purpose of this interview was to understand his role both in the management of the [REDACTED] Report as well as the delivery of the Resolution to Mayor Hamer-Jackson.

12. At the outset, Councillor O'Reilly explained that he had advised the Mayor on numerous occasions via email that the Report was confidential. He provided copies of these emails to me. They are attached as **Attachment J**.

13. He stated that he was the designated Council spokesperson on all issues relating to the Report. Unlike the normal process, where the rotating Deputy Mayor would be the spokesperson, Councillor O'Reilly's designation in relation to the Report is ongoing throughout the Council term. He told me that there was a need for a consistent City position with respect to the Report, so that confidentiality could be maintained.

14. In respect of the Mayor's position about a “communications strategy”, Councilor O'Reilly said that he has specific Council authorization to speak on all of the issues he speaks about publicly. He said that sometimes, at the end of a closed meeting, the Council adopts a resolution to release content from closed, subject to a communications strategy. This could mean, for example, that certain information will be released to the public sometime after the resolution authorizing the release, in accordance with a communications strategy.

15. In respect of the Resolution, Councillor O'Reilly stated that he provided Mayor Hamer-Jackson with it via email on April 3, 2024 with the subject line “privileged and confidential”. He noted that the body of the email also said that it was “passed by council in closed”. He told me that in his view this indicated that it must be kept confidential unless specifically released. This email from Councillor O'Reilly to the Mayor is attached as **Attachment K**.

16. He stated that, in addition to the email, he provided Mayor Hamer-Jackson with a copy of the resolution in-person on April 3, 2024. That copy was produced by [REDACTED] and placed in an envelope. He said he knocked on the door to the Mayor's office and handed him the envelope, saying “this is a document from closed”. He said Councillor Bass was with him at the time and that she witnessed this interaction. He confirmed that Mayor Hamer-Jackson was on his phone when he answered

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the door, but said that the Mayor stopped the conversation, took the envelope from him, and went back to his call. Their interaction ended there.

**c. Councillor Bass**

17. I conducted a brief telephone interview with Councillor Bass on June 10, 2024. She confirmed that she witnessed Councillor O'Reilly hand the envelope to the Mayor on April 3, 2024. She stated that she did not remember hearing any specific dialogue between the Mayor and Councillor O'Reilly.

**d. S.22(1) Personal Information**

18. I spoke with S.22(1) Personal Information expressed the City's position that the disclosure of the Report was a privacy breach under the *Freedom of Information and Protection of Privacy Act (FIPPA)*. S.22(1) P. informed me that the City issued demand notices to Mayor Hamer-Jackson and all media outlets that the City believed had a copy of the Report, in accordance with section 73.1 of *FIPPA*, along with reporting the breach to the Office of the Information and Privacy Commissioner (OIPC). S.22(1) P. told me the OIPC's initial position was that it agreed that a breach had likely occurred, and that it had commenced an investigation. I will note here that I do not consider myself bound by the S.22(1) Personal Information or the OIPC's views on these matters.

19. The S.22(1) Personal Information provided me with three records in regard to the Report:

- a. an April 5, 2024 letter to the Mayor advising of the privacy breach;
- b. an April 5, 2024 section 73.1 demand notice to the Mayor demanding the return of the Report; and
- c. a summary of the other section 73.1 demand notices issued to multiple media outlets demanding the return of the Report and showing compliance status.

20. These three documents regarding the Report are attached as **Attachment L**.

21. In regard to the Resolution, S.22(1) P. also told me that a privacy breach was reported to the OIPC on May 16, 2024. S.22(1) P. provided me with the following documents:

- a. a May 16, 2024 letter issued to Mayor Hamer-Jackson advising that a privacy breach had occurred; and
- b. two section 73.1 demand notices issued to media outlets demanding the return of a confidential record (which was the Resolution).

22. These documents are attached as **Attachment M**.

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23. In addition to the materials above, I asked [S.22(1) Personal Information] to provide me with a summary of any steps that the City took with respect to the initial leaking of the Report, which had occurred in the summer of 2023. I requested this information in part because, as will be discussed further below, Mayor Hamer-Jackson made the legal submission that the City had acquiesced to the Report's release, causing it to lose confidentiality.

24. [S.22(1) Personal Information] provided me with summaries of the City's steps taken in 2023, as well as a summary of the City's position on the Report. These previous unauthorized disclosures took place in June and August of 2023, and were made to RadioNL and Kamloops This Week, respectively.

25. In relation to the June 2023 disclosure to RadioNL, [S.22(1) Personal Information] explained in [S.22(1) P] words:

- a. It appeared that the media outlet may have obtained copies of, or portions of, correspondence related to a confidential [S.12(3)(a)(b) Informa] Report workplace investigation.
- b. The City reported the breach to the OIPC on June 21, 2023.
- c. A notification letter was provided to the Mayor on June 21, 2023 (attached), advising there may have been a privacy breach related to his personal information; however, it was not clear whether the disclosure was from the City or some third-party.
- d. The breach appeared to be related to correspondence between the Mayor, or his lawyer, and the investigator. It was our understanding the Mayor distributed hardcopies of these records to all Council members on May 30, 2023.
- e. As part of the City's breach response efforts, the City confirmed the Investigator was bound by strict confidentiality requirements. The Investigator also outlined strict confidentiality requirements to participants. By distributing copies of the correspondence related to the investigation, the Mayor had not complied with those requirements.
- f. As part of the City's breach response efforts, the City confirmed that City records related to the investigation were provided to a limited number of Council and staff authorized to receive with enhanced digital security measures in place to prevent copying, printing, and forwarding.
- g. As the confidential investigation was an extremely confidential process, and very few staff were aware of it, the City chose not to pursue further action to contain the breach as doing so would require the City to confirm the investigation took place and would likely cause more harm to the individuals involved.

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- h. The OIPC was supportive of the City's reasons for not taking further action and drawing unnecessary attention to the investigation. They closed their file on July 5, 2023, via an email providing very few details.

26. In relation to the August 2023 disclosure to Kamloops This Week, S.22(1) Personal Information explained in S.22(1) words:

- a. It appeared that media outlets may have obtained copies of, or portions of, correspondence or a report related to a confidential workplace investigation and possibly a related Closed Council resolution.
- b. The City reported the breach to the OIPC on August 9, 2023.
- c. A notification letter was provided to the Mayor on June 21, 2023, advising there may have been a privacy breach related to his personal information. The City acknowledged the source of the information was unclear.
- d. The breach appears to be related to the investigation Report itself, which was a closed Council document and was provided to those authorized to receive with enhanced digital security measures in place to prevent copying, printing, and forwarding.
- e. A notification letter was provided to the Mayor on August 8, 2023 (attached), and notice was provided to other impacted individuals, advising there appears to have been a breach of their personal information and acknowledging the source of the information was unclear.
- f. A number of media articles included quotes attributed to the Mayor that, if accurate, revealed personal information of a third-party. A letter was issued to the Mayor on August 8, 2023, advising him of this breach (attached).
- g. As the workplace investigation was an extremely confidential process, and very few staff were aware of it, the City chose not to pursue further action to contain the breach as doing so would require the City to confirm the investigation took place and would likely cause more harm to the individuals involved.
- h. The OIPC was supportive of the City's reasons for not taking further action and drawing unnecessary attention to the investigation. They closed their file on September 27, 2023 (OIPC letter attached).

27. There are several references above, in S.22(1) Personal Information statements, to attached documents. These three documents are attached as **Attachment N**.

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***e. Media Members***

28. On June 19, 2024, I contacted a member of the media to ask if they would cooperate with my investigation. I wanted to understand the manner in which Mayor Hamer-Jackson delivered the Report and Resolution as well as to confirm the date, time, and place that the Mayor gave the two records to this media outlet.

29. This reporter advised [REDACTED] would need to check with legal counsel about my request. However, I have not had any response from this reporter since my request despite a second reminder to respond. As such, I chose, given this response and the lack of interest in assisting this investigation, not to contact any other media outlets as I anticipated the same responses that I received from this outlet. I do not expect members of the media to cooperate with my investigation and, of course, I have no jurisdiction to require their cooperation but I feel it is appropriate to, at least, ask for assistance if it is volunteered.

30. I have chosen to anonymize this media member as their identity makes no material difference to the conclusions in this report.

***f. City Records***

31. On May 31, 2024, we contacted the City's [REDACTED] S.22(1) Personal Information and requested documentation detailing the City's position in respect of the confidentiality of the Report. Through [REDACTED] S.14 information protected by privilege, S.12(a)(i)

[REDACTED]

32. While I will not reproduce here the contents of [REDACTED] S.12(3)(a)(i) information considered in its entirety, I wish to note that the City claimed privilege and confidentiality in respect of the Report on the following dates: [REDACTED] S.12(3)(a)(i) information considered

[REDACTED]

33. The City's position with respect to the Report being privileged and confidential has been constant and unchanging. I further note that [REDACTED] S.14 information protected by privilege indicates that the City advised the Mayor or his legal counsel of the confidentiality of the Report on at least seven occasions [REDACTED] S.14 information protected by privilege

[REDACTED]

***g. The Mayor's Legal Position***

34. On June 20, 2024, after completing the interviews set out above, I gave the Mayor an opportunity to provide me, through his legal counsel, with any further legal submissions he wished to make before I concluded this investigation. I noted in my request that his initial response had not addressed the complaint as it related to the disclosure of the Resolution. As such, I wanted to give the Mayor a second opportunity to address the Resolution.

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35. I received Mayor Hamer-Jackson's legal submissions on July 5, 2024. I have attached these as **Attachment P**. While I have carefully reviewed the entirety of the submissions and taken them all into account in my reasoning below, I will summarize what I see as the key points here.

36. First, the Mayor maintains that the Report was neither "confidential", under section 117 of the *Community Charter*, nor "privileged". This position is based on the observation that, by no later than June 19, 2023, the Report had been "leaked" to media sources, and was not confidential anymore. Mayor Hamer-Jackson alleges that the City did not take any steps to retrieve the Report from journalists that had it in their possession and, as such, "tacitly consented to the leak". This position is also based on the observation that, on June 19, 2023, Councillor O'Reilly released information contained in the Report to the public.

37. Citing *Rizzo & Rizzo Shoes Ltd. (Re)*, 1998 CanLII 837 (SCC), the Mayor submits that it is a legal absurdity – meaning that it is impossible when one reads section 117 of the *Community Charter* and understands its objectives and meaning – to assert as a matter of fact or law that the Report remains confidential.

38. Second, the Mayor argues that the Report was not "privileged". While section 117 of the *Community Charter* and section 3.15 of the Code do not use the word "privilege", he acknowledges that the complaint itself does not engage this issue. Rather, he argues that the legal principles underlying the concept of privilege are equally applicable to the concept of confidentiality, as that term is used in the Code of Conduct and *Community Charter*.

39. The Mayor says that the common law regarding waiver of privilege was designed specifically to deal with what he characterizes as "the mischief" occasioned by the City's partial release of certain details from the Report. He says that the City cannot, on the one hand, maintain a claim for confidentiality over the Report, and on the other, release the most damning aspects of the Report through Councillor O'Reilly's statements.

40. In relation to the Resolution, Mayor Hamer-Jackson argues that: (1) he was unaware, and had no reason to believe, that the Resolution was confidential; (2) he believed that the information in the Resolution had already been released by Council; and (3) to the extent that he made an error circulating the Resolution, which he does not admit, it was an innocent error.

41. Finally, the Mayor's submissions conclude with a point-form section entitled "Further General Comments", that includes brief submissions regarding both of the issues above. These submissions also include statements alleging errors made by Councillor Sarai in relation to his handling of the Report, as well as a query as to why **S.22(1) Personal Information**; questions about the exact basis by which Councillor O'Reilly is authorized to speak about the Report and the Resolution; an argument that Council should have been unable to hold quorum at the closed meeting at which the Resolution was passed due to conflicts of interest relating to family-



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member employment at the City; and a bare assertion that Councillor O'Reilly must have leaked the Report if there is no resolution authorizing him to speak to it.

42. This section also includes a submission that simply states without any evidence [REDACTED] sparked the investigation, and should be held accountable". We note that [REDACTED] is the City's [REDACTED]. I note the content of the Code does not apply to [REDACTED] as a City employee, and additionally, I have no jurisdiction as it relates to City staff. I find this unsupported allegation unhelpful to my investigation and I will return to it below.

43. I note that within the Mayor's July 5 submissions he asked for another opportunity to meet with me regarding this investigation. On August 17, 2024, I requested more details to inform this request and stated a deadline of August 21, 2024 for a response and offering additional time, if necessary. I did not receive a written response from the Mayor's legal counsel by this deadline or a request for an extension. On August 22, 2024, I declined the Mayor's request for a further opportunity to meet.

### FINDINGS

44. This complaint, as noted repeatedly above, is about whether there has been a breach of confidence under the Code of Conduct and the *Community Charter*. The relevant provisions follow:

3.15 A Member must:

...

(b) comply with section 117 of the *Community Charter*, including by protecting, and not disclosing, Confidential Information.

45. "Confidential Information" is defined as follows:

**"Confidential Information"** means information or records held in confidence by the City, including information or records to which section 117 of the *Community Charter* applies and, for certainty, this includes all information and records from closed meetings of Council until publicly released.

46. Section 117 of the *Community Charter* states:

#### **Confidentiality**

**117 (1)** A council member or former council member must, unless specifically authorized otherwise by council,

(a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and

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(b) keep in confidence information considered in any part of a council meeting or council committee meeting that was lawfully closed to the public, until the council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

(2) If the municipality suffers loss or damage because a person contravenes subsection (1) and the contravention was not inadvertent, the municipality may recover damages from the person for the loss or damage.

47. In order to find a breach of the Code, I am to consider the definition of “Confidential Information”. That definition refers to material captured by section 117 of the *Community Charter*, but also clearly leaves room for a broader interpretation, as indicated by the use of the word “included” in this definition. The key feature of the definition is that the record or information at issue must be “held in confidence”.

48. I also note that in section 3.15 of the Code it uses the phrase “including by protecting”. Further, in section 117 of the *Community Charter* the obligation on all council members is not to release confidential information unless “specifically authorized otherwise by council.” These two textual features of the relevant provisions clearly suggest, in my view, a positive obligation on all council members to not only “protect” confidential information but not to release it unless council has specifically authorized the same. It is clear from this wording that confidential information is to be guarded by all council members. Section 117 also refers to “former council member” clearly indicating these duties extend beyond their formal term in office. There is no doubt that these provisions are intended to capture a wide swath of confidential information and that all elected officials, current and former, are required to protect confidential records and information.<sup>5</sup>

49. In making my determination, I am to apply the balance of probabilities test with respect to the standard of proof. This means that I must find that it is more likely than not that a breach occurred.<sup>6</sup> I also take note that issues of witness credibility are, for the most part, not engaged in this investigation. Where credibility is engaged, I have noted this.

50. As noted above, the key facts are simply not in dispute. Mayor Hamer-Jackson has admitted to disclosing both the Report and the Resolution to several media sources. What is in issue is whether by doing so he breached the relevant provisions of the *Community Charter* and Code of Conduct.

51. I will analyze the disclosure of the Report and the Resolution separately, both because they engage distinct factual circumstances and because Mayor Hamer-Jackson has made different legal submissions in respect of each disclosure.

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<sup>5</sup> I note section 3.33(a) of the Code ties together the obligations in section 3.15 of the Code and section 117 of the *Community Charter*.

<sup>6</sup> *F.H. v. McDougall*, [2008] 2 SCR 41.

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**(a) The Report**

52. Before I address the merits of the complaint with respect to the release of the Report, I wish to indicate that I understand in theory the Mayor's concerns as to the City's handling of it. The Report was leaked to the media by somebody in July or August, 2023, shortly after it was considered in a closed Council meeting. Media outlets reported on its contents, in the Mayor's view selectively. I recognize that the media reporting on the Report was likely damaging to the Mayor's reputation. He expressed to me multiple times that he felt that it was unfair that the other members of Council were able to control the narrative around the Report in a manner that damaged him. As noted above, he spoke at length about Council's "communications strategy", and told me that he wanted to release the Report so that the record could be set straight, in his view, with respect to an investigation in which he believed he was not given a fair opportunity to participate.

53. While I acknowledge Mayor Hamer-Jackson's motivation for doing what he did, I also do not wish to be taken as criticizing the City's handling of the Report. While I have not seen the entire Report for myself, I understand, based on the publicly available media reports, that it contains sensitive employee and personal information. The City is very likely attempting to protect the privacy and personal information of these employees and itself from liability by withholding it from the public realm. This is understandable.

54. Ultimately, however, the City's motivation for withholding the Report, the fact of the Report's leak in 2023, and Mayor Hamer-Jackson's motivation for releasing the Report in 2024 are all factors that are inconsequential to the determination before me as to whether there was a breach of the Code.

55. I do not agree with Mayor Hamer-Jackson's submission that the test in respect of privilege is directly relevant or binding to whether a document is "held in confidence" under the Code and section 117. Indeed, while it may be that a privileged document is also held in confidence, there will be many examples of documents that are not privileged but are, nevertheless, confidential for the purposes of the Code of Conduct and *Community Charter*.<sup>7</sup> As to the text of section 117, I consider that the legislature could have used the word "privileged" if it wished to import such a standard into section 117. The City of Kamloops could also have used that term in the Code of Conduct as well. Instead, it chose to refer to section 117 and to define "confidential information" broadly and also to place an obligation on all council members to "protect" that confidentiality.

56. This is an important distinction, because the Mayor's core submission suggests that confidentiality under the *Community Charter* and Code of Conduct operates the same way that privilege does, insofar as a Councillor speaking about the Report publicly could constitute a waiver of confidentiality in the same way that speaking about a legal opinion publicly could constitute a waiver of

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<sup>7</sup> *Anderson v Strathcona (Regional District)*, 2024 BCCA 23, para 56.

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privilege. Mayor Hamer-Jackson makes this submission directly regarding Councillor O'Reilly's public statements about the Report, which he says constitute a waiver of confidentiality.

57. In my view, Council is statutorily authorized to selectively release information from closed meetings, and to disclose only portions of confidential records or information. An interpretation of the plain language of section 117 of the *Community Charter* supports this conclusion. I note, again, that section 117 begins with the words "unless specifically authorized by Council". I also note that, in subsection (b), the section refers to "information considered in any part of a council meeting...that was lawfully closed to the public, until the council...releases the information to the public". I am of the view that the textual features of the section allow Council to make specific authorizations in relation to what is released from a closed meeting. It cannot have been the legislature's intention to hamstring councils into an "all or nothing" approach to releases of confidential information.

58. Section 3.15 of the Code imports the standard set by section 117 and arguably expands on it.

59. In this case, I accept Councillor O'Reilly's evidence that he is the designated spokesperson for matters dealing with the s.14 information protected Report. The City provided me with three resolutions that deal with the designation of Councillor O'Reilly as the spokesperson for this purpose. Given that the Mayor, through his Council, requested copies of the relevant resolutions, I will reproduce them in full below.

60. At its s.12(3)(a)(b) information considered by Council in Closed Meeting closed meeting, Council resolved as follows:

j) As Council-appointed spokesperson on all matters concerning the investigation and report, Councillor O'Reilly remains authorized to release information pertaining to the investigation and report, including this resolution and the subject-matter thereof, in consultation with the City's legal counsel;

k) Other than the release of information expressly authorized in this resolution, the contents of s.12(3)(a)(b) information considered by Council in Closed Meeting remains strictly confidential within the meaning of section 117 of the *Community Charter* and, except as expressly authorized by Council, no person may disclose the contents to any person, in whole or in part; and

61. At its s.12(3)(a)(b) information considered by Council in Closed Meeting closed meeting, Council resolved:

e) Council acknowledges and reaffirms that Councillor O'Reilly has been and continues to be Council's sole spokesperson regarding the complaints, the misconduct, the privileged and confidential investigation and report, the protective measures, the City's ongoing efforts to mitigate its legal risk, and all matters arising from or connected to the foregoing (collectively, the "Matters"), and as such, Councillor O'Reilly, in consultation with the City's legal counsel, remains authorized to release in camera information and records pertaining to these Matters for the purpose of protecting the municipal corporation's interests;

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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege

g) Other than the release of information expressly authorized in this resolution, the contents of item 3.3 on this agenda remain strictly confidential within the meaning of section 117 of the *Community Charter* and, except as expressly authorized by Council, no person may disclose the contents to any person, in whole or in part.

62. At its S.12(3)(a)(b) information considered by Council closed meeting, Council resolved:

b) Council acknowledges and reaffirms that Councillor O'Reilly has been and continues to be Council's sole spokesperson regarding the complaints, the misconduct, the privileged and confidential workplace investigation(s) and report(s), the protective measures, the City's ongoing efforts to mitigate its legal risk, and all matters arising from or connected to the foregoing (collectively, the "Matters"), and as such:

i) Councillor O'Reilly, in consultation with the City's legal counsel, remains authorized to release in camera information and records pertaining to these matters for the purpose of protecting the municipal corporation's interests; and

ii) no other member of Council may release any confidential or in camera information or records concerning the Matters to any third party;

63. While these resolutions provide a clear basis on which Councillor O'Reilly was authorized to speak publicly about the Report, I note that I have been provided with no evidence by Mayor Hamer-Jackson showing that the City has ever even gone as far as confirming the Report's existence. This is the Mayor's burden to provide, at least, some evidence and he had failed to do so in support of his argument.

64. The June 19, 2023 news report the Mayor did direct me to (**Attachment Q**), does not constitute a waiver of confidentiality surrounding the Report. Councillor O'Reilly is quoted therein as saying:

"All we can say at this time is that the municipal corporation has been forced to take extraordinary steps to protect certain members of staff from ongoing mistreatment and a hostile work environment at the hands of an elected official"

65. Under any legal (or common-sense) standard, this statement alone cannot be taken as any sort of waiver, whether of confidentiality or privilege. It is material that Councillor O'Reilly was authorized to speak about this under the June 13 resolution noted above.

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66. Even if Councillor O'Reilly's statements could be taken as some sort of waiver (which I have found they cannot) they go no further than establishing that an investigation took place into a workplace matter. They could never be seen as countenancing, on behalf of the City, the release of the entire Report's contents.

67. Further, the fact of the previous leak in 2023, which clearly occurred, did not have the effect of depriving the Report of confidentiality under the *Community Charter* and the Code. This interpretation would lead to the absurd result that, whenever an unlawful disclosure of a confidential document occurs, the fact of the disclosure would also erase the statutory protection for the document. In other words, it would take all meaning away from the confidentiality provisions at issue. It is absurd to suggest that an illegal act of breaching section 117 leads to the loss of confidentiality to which section 117 and the Code are attempting to protect.

68. I also note, leaving aside my legal conclusion above, that the City, through S.22(1) Personal Information provided me with ample evidence that shows that the City took steps to seek the return of the Report not only when Mayor Hamer-Jackson disclosed it in 2024, but in relation to the other disclosures that occurred in 2023. This factual background substantially weakens the force of Mayor Hamer-Jackson's submission that the City applied a different standard to his disclosures of the Report than to the earlier ones. Critically, I also note that the Mayor was aware of these efforts as the S.22(1) Personal Information wrote him specifically after the 2023 leaks. See Attachments N1, N2 and N3.

69. In sum, in this case, the City took concrete steps to seek the return of the Report (and the Resolution) each time it was disclosed, including by contacting all persons the City knew had a copy of it, issuing demand notices under section 73.1 of *FIPPA*, and consulting with the OIPC. Whether these steps were taken in relation to the initial leak is irrelevant. Not only did the City take steps to seek the return of the Report, but the evidence before me shows that its position with respect to the Report's confidentiality was expressed many times, both before and after the disclosures of the Report in 2023 and 2024, and including in direct communications with Mayor Hamer-Jackson's former and current legal counsel.

70. I find that the evidence clearly shows that the Report was a "record held in confidence" by the City. I find that Mayor Hamer-Jackson clearly breached sections 3.15(b) of the Code of Conduct and 117(1)(a) of the *Community Charter* when he released the Report to the media in early April 2024.

### **(b) The Resolution**

71. In respect of the Resolution, Mayor Hamer-Jackson argues that he had no reason to believe that the Resolution was confidential. This is because, he says, members of Council had spoken about the

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**S.22(1) Personal Information** publicly and the City had released a statement confirming that **S.22(1) Personal Information** had taken place.<sup>8</sup>

72. If the Resolution were focused only on **S.22(1) Personal Information**, then I may have found Mayor Hamer-Jackson's argument persuasive. However, the text of the Resolution goes far beyond this, and deals specifically with certain limitations that Council was placing on Mayor Hamer-Jackson. I will not reproduce these limitations in full (they can be found at subsection (b) of **Attachment H**), but note that they include a prohibition on Mayor Hamer-Jackson acting on personnel matters involving certain identified City staff.

73. Therefore, even though Mayor Hamer-Jackson was permitted to speak about and disclose that **S.22(1) Personal Information**, because such information had been released by the City, it is clear that the other information contained in the Resolution was not of a similar character. It had not been released by the City. I do not accept Mayor Hamer-Jackson's argument that he was entitled to disclose the Resolution in its entirety because its contents were public.

74. Mayor Hamer-Jackson makes two further arguments. He first says that the meeting at which the Resolution was passed cannot have been properly closed pursuant to the *Community Charter*. Second, he appears to say that nobody told him that the document was confidential.

75. There are two prongs to the Mayor's initial argument. First, he says that the meeting should have been below quorum due to conflicts of interest. Second, Mayor Hamer-Jackson says that there was no proper notice given of the meeting.

76. I do not find Mayor Hamer-Jackson's submissions compelling on the question of quorum for several reasons, the first being that he should have attended the meeting if he wished to confirm whether it had been conducted in accordance with the *Community Charter*. Failing that, he should have taken steps to determine whether, if he was not able to attend, the conflicts of interest he expected to occur had actually occurred. He appears to have done neither.

77. While there may be certain circumstances in which an elected official could reasonably believe that a Council meeting would not occur, whether because of a loss of quorum or for other reasons, it is still incumbent on that elected official to take steps to confirm that the meeting at issue was, in fact, closed. In this circumstance, the public agenda for the March 28, 2024 Special Council Meeting at which the reinstatement decision was made notes that staff's recommendation is that the meeting be closed pursuant to section 90(1)(c) of the *Community Charter* [labour relations or other employee relations]. A copy of the agenda is attached as **Attachment R**.

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<sup>8</sup> I note that Mayor Hamer-Jackson's submissions did not point me directly to the City's statement or to media reporting supporting his argument. However, the complaint form submitted by Councillor Bass contains X posts by certain reporters setting out Mayor Hamer-Jackson's disclosure of the Resolution. These X posts are attached as **Attachment S**.

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78. I will also note that pursuant to s. 100 of the *Community Charter*, a conflict of interest may be found where a council member has a direct or indirect pecuniary interest in a matter, or another interest that constitutes a conflict of interest. Examples of conflicts of interest include where trustees for an Islands Trust area failed to recuse themselves when they voted to award a contract to non-profit societies of which they were directors,<sup>9</sup> or where a council member voted on the City of Vancouver's Temporary Patio Program while owning a restaurant and a pub to which patio permits were later issued.<sup>10</sup> A conflict of interest cannot be based upon a remote, tenuous, or speculative connection between the council member and the matter that is before council.

79. The mere fact that the Mayor states that several council members had family members that **S.22(1) Personal Information** does not, in my view, constitute an obvious conflict of interest. Ultimately, on the limited evidence that is before me, the connection between the family members **S.22(1) Personal Information** was that they were all employed by the City, which falls far short of the direct or indirect pecuniary interest that is required to meet the standard set out under s. 100. The Mayor's submission on this point is not only weak from a lack of any specific evidence but he also asks me to speculate as to outcome.

80. The Mayor's submission with respect to the calling of the meeting at which **S.22(1) Personal Information** is also not particularly detailed – it simply objects to the “propriety” of the meeting, stating that it was not scheduled in accordance with appropriate timelines, rules, and procedures. As such, I am left guessing as to what Mayor Hamer-Jackson is driving at with this argument. I do not, therefore, consider that this argument could form a basis on which I might find the meeting at which the Resolution was passed was not, in fact, closed. I also note the public agenda at **Attachment R** as clear evidence of the nature of this meeting.

81. Even if the meeting did not follow the relevant rules of procedure, it does not follow that, as a matter of law, any documents emanating from it or material considered at it would lose their status as confidential under the Code of Conduct and *Community Charter*. If the Mayor felt, at the relevant time, that there was a procedural irregularity relating to **S.22(1) Personal Information** meeting, he should have addressed that through other avenues. It was not for him to simply decide that any materials coming from the meeting were of a public nature, when he had strong indications that the City was taking the contrary position. While I have dismissed this argument on the basis that it was not sufficiently particularized, I would dismiss it on this basis also.

82. In summary, arguing that the special meeting was not called correctly or that there were conflicts of interest has no impact on the confidentiality of the Report and the Resolution. Those documents are confidential by nature of the fact that they were held in confidence by the City. They both squarely fit within the definition of “confidential information” whether being released from a

<sup>9</sup> *Schlenker v Torgimson*, 2013 BCCA 9.

<sup>10</sup> *Redmond v Wiebe*, 2022 BCCA 244.



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closed meeting, or not. The question of whether the meeting was called correctly or whether there were conflicts of interest are separate legal issues which do not bear upon the Mayor's obligations in relation to the Report and the Resolution under the Code.

83. Further, even if I accepted Mayor Hamer-Jackson's argument that he was entitled to rely on the notion that there was faulty notice given for the meeting, or that it could not have been properly closed due to quorum or conflicts of interest, that would still not be enough. Indeed, Councillor O'Reilly wrote Mayor Hamer-Jackson an email that communicated the outcome of the meeting to him. The subject line of this email was "privileged and confidential". The body of the email also contained the phrase "passed by council in closed". Leaving aside any technical arguments about potential conflicts of interest or the procedure for calling meetings, it is clear that Councillor O'Reilly communicated to Mayor Hamer-Jackson that the Resolution was confidential.

84. When I put this to the Mayor in his interview, his only response was that he had never seen the email from Councillor O'Reilly. I have no reason to believe that the Mayor was being untruthful with me in respect of this detail. He may well receive a large volume of emails, and may well miss emails from time to time or even regularly.

85. However, the Resolution was also hand-delivered to Mayor Hamer-Jackson by Councillor O'Reilly as witnessed by Councillor Bass. The accounts of Councillor O'Reilly and Mayor Hamer-Jackson do slightly diverge here. While Mayor Hamer-Jackson said that no words were exchanged, Councillor O'Reilly said that he told Mayor Hamer-Jackson "here is a document from closed". I need not decide which version of events is more likely to have occurred, but I do note that Mayor Hamer-Jackson was on the telephone when he was handed the envelope. It may be that he was simply distracted and has no recollection of Councillor O'Reilly saying anything to him at that time. Of note, the Mayor confirmed he opened the envelope and copied the Resolution.

86. Weighing the totality of this background, I find that Mayor Hamer-Jackson either knew or should have known that the Resolution was confidential. His failure to take any steps to determine the status of the Resolution, before sharing it with the media, was reckless. The City clearly took reasonable steps to inform Mayor Hamer-Jackson that the Resolution was confidential, and there was no reasonable basis upon which Mayor Hamer-Jackson could have believed that the entire Resolution was of a public nature.

87. I find that this is a clear breach of both section 3.15(b) of the Code of Conduct and 117(1)(a) of the *Community Charter*.

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**RECOMMENDATIONS*****(a) Section 4.32***

88. As I have found a breach of the Code of Conduct, I am guided by section 4.32, which states that I must:

- a. Consider whether the Respondent took all reasonable steps to prevent the breach, or whether the breach was trivial or done inadvertently or because of an error in judgment made in good faith, in which case I am to recommend no sanctions; and
- b. If I do not make the determination above, make recommendations as to the appropriate censure, sanctions, corrective actions, and/or other measures to address the breach.

89. In my opinion, having considered the circumstances through which Mayor Hamer-Jackson breached the Code of Conduct, I cannot find that he took reasonable steps to prevent the breach, that the breach was trivial or inadvertent, or that the breach occurred because of an error in judgment made in good faith.

90. In relation to the Report, there was a clear and intentional act by Mayor Hamer-Jackson that he should have known would constitute a breach of the Code. He received the Report in an envelope addressed to him by an unknown person using a pseudonym, after the City had refused to release it on numerous occasions. Given the City's public position on the confidentiality of the Report – a position that, I accept, remained consistent since June of 2023 – its receipt under those circumstances could not give rise to the reasonable belief that he was free to distribute it. While I acknowledge that Mayor Hamer-Jackson's position is that the Report should have been released long ago, he must have been aware that the City did not share this position. He was, at best, reckless in his actions.

91. As regards the Resolution, I find that similar logic applies. Council, through Councillor O'Reilly, took reasonable steps to ensure that Mayor Hamer-Jackson knew that the Resolution was confidential. I will not recite those facts again, which I have set out in detail above. It is beyond doubt that Mayor Hamer-Jackson's breach in respect of his disclosure of the Resolution was not one that meets the criteria set out above.

***(b) The Recommended Remedies***

92. Under section 4.35 of the Code of Conduct, the following remedies are available to Council:

- a. A letter of reprimand from Council addressed to the Member;

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- b. A request from Council that the Member issue a letter of apology, in a form and with content acceptable to Council;
- c. The publication of the letters contemplated in subsections (a) and (b), along with the Member's written response, if any;
- d. Directions to the CAO or Corporate Officer regarding the terms and conditions upon which the Member may receive Council or other City documents including documents containing Confidential Information;
- e. Mandatory training on City business, the *Community Charter*, or this Bylaw;
- f. Mandatory training on respectful workplace communications or other interpersonal skills;
- g. Restrictions or conditions on access to certain City facilities;
- h. In accordance with the *Community Charter*, suspension or removal of the Member from some or all Committees and bodies to which the Member was appointed;
- i. Prohibition from representing the City at events and/or being reimbursed for attending conferences and seminars;
- j. Suspension or removal of the appointment of a Council Member as deputy mayor;
- k. The remuneration to which a Council Member would be otherwise entitled under Council Policy No. GGL -3, Remuneration, Travel Expenses, Insurance, and Communications Allowance be reduced in an amount and for a period considered to be reasonable in the circumstances;
- l. Referral to a prosecutor or police;
- m. Public censure of a member; and
- n. Any other sanctions, corrective actions, and other measures recommended by the Investigator or considered appropriate by Council, so long as those sanctions, corrective actions, and other measures are within Council's authority.

93. In my view, in recommending an appropriate remedy, I ought to look to the circumstances and nature of the breach and its severity. Reviewing these factors, I then must recommend a remedy that is proportionate to the degree of the wrongdoing. I am mindful of the words of the BC Supreme Court in *Skakun v. Prince George (City)*, 2011 BCSC 1796:

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[44] I think it reasonable to think in certain cases council need to state the standard of expected conduct, but I note this: it is a power to be exercised with great care and great discretion. Far too easily, this could turn into an abuse of process for cheap political gain, and any council that sets out in this direction must be careful in what it is doing.

94. As an investigator under the Code, I need to ensure that I take care to recommend a remedy that is proportionate to the breaches that I have found, not only because doing so is consistent with the purposes of the Code, but because of the Court's warning to municipal councils generally. I acknowledge that my recommendation will likely have a substantial effect on Council's ultimate decision when considering this investigation report.

95. My recommendation is informed by the fact that that the office of Mayor carries with it certain responsibilities that are distinct from those given to other members of council. Section 116 of the *Community Charter* sets out the Mayor's responsibilities. I will not reproduce the whole section, but I note specifically subsections (2) (a) and (g):

(2) In addition to the mayor's responsibilities as a member of council, the mayor has the following responsibilities:

(a) to provide leadership to the council, including by recommending bylaws, resolutions and other measures that, in the mayor's opinion, may assist the peace, order and good government of the municipality;

...

(g) to reflect the will of council and to carry out other duties on behalf of the council;

96. I highlight these two subsections because they are complementary of one another. The Mayor is Council's leader, and with leadership comes the responsibility of being the head of council and the chief executive officer of the municipality. However, being the head and leader of Council does not give the Mayor *carte blanche* to do as he pleases. Indeed, the legislature has, through subsection (g) made the Mayor responsible not only for leading, but for reflecting the will of the council.

97. In this case, it was clearly Council's will that the Report and the Resolution remain confidential documents. They took steps to ensure the confidentiality of both, and took steps to ensure that Mayor Hamer-Jackson knew that they were confidential. Mayor Hamer-Jackson was either willfully blind to those steps, or he intentionally disregarded them. Either way, the Mayor's behaviour is a substantial departure from the standard to be expected of a mayor.

98. Both breaches of the Code implicated personal information of City staff members. In the case of the Resolution, that staff member S.22(1) Personal Information, and as regards the Report, there was public disclosure to media outlets about a number of City staff members.

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99. These documents, while they were handed to reporters – as opposed to, for example, broadcast to the public directly through social media – were of a sensitive nature. Disclosure of them is serious, no matter the form that disclosure takes.

100. I also note that, while Mayor Hamer-Jackson has admitted to disclosing the Report and the Resolution, he has taken no responsibility for his actions. Beyond that fact that he has chosen to take no responsibility, he has consistently tried to cast blame on others, including the other members of Council (particularly Councillors O'Reilly and Sarai) in his legal submissions. These matters are not only irrelevant to the issues engaged in this matter, but show a lack of willingness to fulfill his statutory mandate as the leader of the Council.

101. It is incumbent on our leaders to take responsibility when they make mistakes.

102. I must also highlight the following submission which is, in my view, inappropriate:

S.22(1) Personal sparked the investigation, and should be held accountable.

103. Such a submission, directed at a staff member and made without any evidence, with no surrounding context provided, without a suggestion as to its relevance to this investigation, is in my view, illustrative of the Mayor's overall attitude toward this matter, which is that blame lies at the feet of others.

104. I acknowledge that Mayor Hamer-Jackson feels embattled, isolated, and undermined by the rest of the Council. However, that does not give him licence to ignore the ethical rules created by the legislature through the enactment of the *Community Charter* and reinforced by the Council through the adoption of the Code of Conduct.

105. In sum, breaches of closed meeting confidence are of a serious character, no matter the surrounding circumstances. Indeed, most of the BC case law dealing with motions of censure centre on an alleged breach of confidence.<sup>11</sup> Mayor Hamer-Jackson has shown no willingness to take any responsibility for his actions, and Council must proceed on the assumption that he is likely to continue to disclose confidential documents either through lack of care or simply when it suits him.

106. Accordingly, I recommend to Council that:

- a. As per section 4.35(m) of the Code, Council adopt a resolution publicly censuring Mayor Hamer-Jackson and adopting my finding that he breached the Code of Conduct on two occasions, in relation to the Report and the Resolution.

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<sup>11</sup> See for example *Skakun v. Prince George (City)*, 2011 BCSC 1796; *Dupont v. Port Coquitlam (City)*, 2021 BCSC 728; and *Anderson v. Strathcona (Regional District)*, 2024 BCCA 23.

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- b. As per section 4.35(m) and (n) of the Code, this investigation report or a summary of the report be published, with redactions necessary to protect personal information and privacy as per the *FIPPA* legislation (including removal of Attachments). Ultimately, public release is the most powerful tool Council has available to it in a process such as this. Codes of Conduct serve an important function in fostering transparency and accountability. Public release in a case such as this advances those important values.
- c. As per section 4.35(d) of the Code, Council direct the CAO and Corporate Officer to consider placing limits on Mayor Hamer-Jackson's access to confidential information that are necessary to protect the corporation. While Council must, of course, continue to allow him access to the documents necessary to fulfill his statutory role as Mayor, it may provide confidential information to him at a time and in a manner that best ensures records remain confidential. This could include such things as providing only hard copies of confidential records printed on a unique color of paper that would be made available to the Mayor sometime before closed Council meetings and then collected immediately at the end of the closed meeting.
- d. As per section 4.35(k) of the Code, Council reduce Mayor Hamer-Jackson's remuneration by 10% for a period of 12 months. I appreciate this will be seen as a punitive recommendation, but some form of deterrence should be considered by Council for what was the reckless behaviour by the Mayor in early April, 2024.

107. All of which is respectfully submitted this 5th day of September, 2024 for Council's consideration.



Reece Harding,  
Investigator

# APPENDIX 8

## SUBMISSIONS TO UBCM

### Discussion Paper: Potential For Change – Responsible Conduct Framework For Local Government Elected Officials

In September 2024, the Union of BC Municipalities (“UBCM”) published the Discussion Paper titled “Potential for Change: Responsible Conduct Framework for Local Government Elected Officials” (the “Discussion Paper”), wherein they invited local government councils to provide comments on the following questions:

- 1) Should the province be requested to develop legislation mandating codes of conduct modelled on established best practices for all local governments in BC?
- 2) Are legislated changes needed to support code of conduct administration and enforcement?
- 3) And, if so, what factors do you think are most important to the success of a new approach to code administration and enforcement?

At its October 22, 2024 closed meeting, Council for the municipal corporation of the City of Kamloops directed a working group to provide comments on behalf of Council. The comments agreed upon by Council were as follows:

#### In response to Question 1:

- Council agreed that the province should be requested to develop legislation mandating codes of conduct modelled on established best practices for all local governments in BC.

#### In response to Question 2:

- Council agreed that legislated changes are needed to support code of conduct administration and enforcement.

#### In response to Question 3:

- Council agreed that the following factors are most important to the success of a new approach to code administration and enforcement:
  - a) Council preferred an approach based on a modified form of Model II outlined in the Discussion Paper.
  - b) There should be a mandatory code of conduct, the contents of which are standardized across all BC local governments.

- c) The administration and enforcement of the code of conduct and all complaints thereunder should be fully funded by the province.
- d) The provincial funding should be consistent and at a level that is sufficient to ensure timely receipt, processing and investigation of as well as reporting on all codes of conduct complaints.
- e) Councils and boards retain the discretion to impose sanctions, censures and other measures as recommended by the independent investigator / ethics commissioner.
- f) Provisions in the mandatory code of conduct should include:
  - i. Mandatory training for all elected officials immediately after taking office that includes the following modules: responsible conduct, codes of conduct, good governance practices, respectful workplace conduct, privacy and confidentiality, among other topics.
  - ii. Standardized censures, sanctions, and other measures that may be imposed by councils and boards based on the findings of the independent investigator / ethics commissioner. Such measures to include, among other things:
    - The authority for councils and boards to suspend chairing duties if complaints against the mayor or board chair are substantiated and connected to poor chairing practices; and
    - The authority for councils and boards to temporarily suspend mayoral / chair duties (to be replaced by a deputy mayor or deputy chair) in the case of egregious or repeated violations of the code of conduct.
  - iii. Complaints from the public will not be accepted in order to prevent the political weaponization of codes of conduct (noting that the public already has the Office of the Ombudsperson and the *Judicial Review Procedure Act* as accountability measures for local elected officials).
- g) In addition, Council strongly recommends targeted statutory amendments to assist in the enforcement of responsible conduct, and in particular, to address misconduct targeted at local government staff:

### **WorkSafeBC Legislation**

- i. Inclusion of local elected officials as “workers” so that WorkSafeBC can freely investigate situations in which local elected officials create an unsafe workplace for staff by, among other things, engaging in bullying and harassment;



- ii. Inclusion of specific investigative powers for the above; and
- iii. Inclusion of specific remedial and punitive powers for WorkSafeBC in respect of the above, including the power to make orders for the protection of staff and fines directed at local elected officials personally.

***Freedom of Information and Protection of Privacy Act***

- i. Authorization for the Information and Privacy Commissioner to investigate local elected officials for repeated breaches of privacy, including intentional, unlawful use and disclosure of “personal information” belonging to staff and members of the public; and
- ii. Inclusion of specific remedial and punitive powers for the Information and Privacy Commissioner in respect of the above, including the power to make orders for the protection of staff and fines directed at local elected officials personally.