



Council Member Motion
For the Committee of the Whole Meeting of February 6, 2025

To: Committee of the Whole **Date:** January 31, 2025
From: Councillor Hammond
Subject: Requesting an Apology from Councillor Caradonna for Stating Councillor Hammond "lied to the public" at the Committee of the Whole Council Meeting January 23, 2025

BACKGROUND

During the discussion, debate and motivations regarding the CMM from Councillors Gardiner and Hammond titled "Balanced Information For Crystal Pool Referendum" Councillor Jeremy Caradonna stated that Councillor Stephen Hammond "lied".
To be precise, on the COTW video of January 23, 2025 at 2:16:40, this is the recorded conversation:

Councillor Caradonna: "That's a lie, Councillor Hammond. You just lied to the public. What else am I supposed to call it? Mayor, am I out of line here?"

Mayor Alto: "Yes you are."

Councillor Caradonna: "Ok, then I'm out of line."

Councillor Caradonna continued with his comments, leaving the public with the impression that Councillor Hammond deliberately lied to the public, when no such lie took place.

Being that this statement was made in public, and aired in the media, this may lead people to think Councillor Hammond deliberately lied to the public or made false statements of any kind. Councillor Hammond did no such thing, but some followers of Councillor Caradonna, or others, who do not know the character of Councillor Hammond, may now believe that Councillor Hammond lied: at that meeting; in his documents; or anything related to his Council Member Motion.

In a world in which some politicians regularly and deliberately create misinformation in hopes that people take the misinformation as fact, it is vital that, in our community and in particular in our Council Chambers, at all times we speak the truth. In Canada, and in Victoria there are, or should be, real consequences when saying a person has lied when they have not. At the very least there may be consequences with the City's Code of Conduct and there are other possible remedies and consequences in civil law for defamation of character.

According to the Dictionary of Canadian Law, fifth edition:

“Defamatory Statement. Any definite oral or written expression...that from the perspective of right-thinking persons would adversely affect the reputation of the plaintiff in their community. The remark must be: (a) harmful; (b) presumed to be false and malicious; (c) clearly aimed at the plaintiff; and (d) conveyed to and received by a third party.”

“Defamation, 1. Libel or slander. 2. An area of law concerned with the protection of reputation against the publication of falsehoods that are defamatory in the sense of tending to lower reputation in the estimation of reasonable persons in the Community.”

“Slander, The making of a defamatory statement orally or in another more transitory form.”

When anyone is told that Stephen Hammond or Councillor Hammond has “lied to the public” and this is not refuted, “right-thinking persons” might believe there is truth to that statement, or it gives them reason to suspect that the defamatory statement may be true. This may do harm to Councillor Hammond in numerous ways:

Business Reputation:

Stephen Hammond’s business for the last 32 years involves educating people about inappropriate workplace behaviour and how to address such behaviour. As part of this practise, Hammond has literally been hired to investigate workplace behaviour to determine who has told the truth and who has lied. If someone wants to hire Hammond, but finds a reference to Stephen Hammond making “lies,” without another reference to refute, retract or apologize for such statements, this can lead to reputational and actual financial harm to Hammond’s business.

Stephen Hammond is a proud member of the Law Society of British Columbia (non-practising). Even though Hammond has not practised law in decades, he renews his membership each year and ensures he’s up to date in his area of expertise: workplace behaviour and workplace human rights. Numerous clients have hired Hammond *because* of his legal standing. Hammond must uphold the highest standards of the Law Society. If an accusation of telling lies were left unchecked, this could do him reputational harm.

Community Reputation:

In the community, Hammond feels he has a reputation for being an honest person, a community builder and a good neighbour. If someone from Hammond’s community is told that Stephen Hammond (as councillor or otherwise) “lies” to the public, without other reference to refute, retract or apologize for such statements, this can lead to reputational harm to Hammond in his community.

City Council Reputation:

Councillor Hammond received enough votes in the last election to sit on Victoria Council as an equal member, making decisions for those who reside in, do business in, or visit, the City of Victoria. As a councillor, while Hammond offers his background, education and community involvement to the voters, he also offers his honesty to act in the best interest of the city. People may agree or disagree with the positions Councillor Hammond takes and his votes cast; however, they should never be of the impression that Councillor Hammond “lied to the public.” If Councillor Hammond chooses to seek re-election in 2026 and beyond, being left with an accusation of lying,

which goes unchecked, will diminish his standing among voters and will do him reputational harm in the eyes of Victoria's electorate and all others involved in Victoria's community.

Basis for the accusation that Councillor Hammond "lied to the public."

In Councillor Hammond's Council Member Motion at the COTW meeting of January 23, 2025, Council, at the suggestion of the Mayor, decided to reveal some of the information from a Closed Council meeting of September 12, 2024 where the Crystal Pool plan was discussed. At the January 23, 2025 meeting, the Mayor stated the "rise and report" revealed that at that Closed Council meeting, City Council "unanimously" "...agreed we would not take any position" on the referendum of the borrowing and location for the proposed Crystal Pool plan. In practical terms, that meant Council would not encourage voters to vote for the questions posed in the referendum which, at that time, had not been given a date (it's never been discussed to encourage voters to vote against the referendum).

For fear of being in violation of the Province's statute, the Community Charter, Section 117 (Confidentiality) Councillor Hammond, nor any other member of Council can reveal if a vote in Closed was unanimous, unless it's agreed to by a vote of Council. As a result, Councillor Hammond cannot reveal what the vote was, but he can state that the statement of the September 12, 2025 vote being "unanimous" was not factual.

As well, for fear of being in violation of Section 117 of the Community Charter, Councillor Hammond, nor any other member of Council can reveal what was in fact passed. However, Councillor Hammond can state that Council "would not take any position" is also not the wording of the Closed motion. It's not factual. There was something passed, but that was not it.

At the January 23, 2025 COTW meeting, the Mayor allowed the release of a number of PowerPoint Slides that formed part of the presentation given to Council. The slides gave examples of various communications the City could provide during the referendum period (and even before). These were the slides revealed at the January 23, 2025 COTW meeting:

Promoting “yes” vote

- Pros:
 - Clarity of message and purpose
 - Less likely to invite challenges
- Con:
 - Requires clear separation from statutory election advertising
 - Potential additional procedural requirements

4 Crystal Pool Referendum Options | September 12, 2024 Closed



Neutral and Balanced

- “Default” strategy
- Pros:
 - Provides information about the pool project
- Cons:
 - Vulnerable to attack as biased

3 Crystal Pool Referendum Options | September 12, 2024 Closed





Voting Information only

- Pros:
 - Limited communications with lower cost
- Cons:
 - No substantive information about the project potentially leaving public unclear about the merits of the referendum

Crystal Pool and Wellness Centre Referendum


Vote on
February 8, 2025





MORE INFO:
victoria.ca/referendum

5 Crystal Pool Referendum Options | September 12, 2024 Closed



These slides were shown to council members as options or possible options for the communications campaign, encouraging people to vote on this important referendum. At no time did Council vote on any of these communications strategies, nor did Council offer input about which message City Staff should present to the public. The majority of Council did vote on a motion, however, that motion cannot be revealed as it didn't form part of the rise and report from council.

While City Staff would follow Council's instructions in Closed (yet to be revealed), there was no prohibition preventing individual councillors from expressing their desired outcome, how they would vote, if they wanted to be part of, or lead a campaign on one side of the referendum questions, or the other sides, as long as they never suggested, implied or stated they were speaking for the City.

Councillor Hammond did not remember the detail of these slides, nor had he memorized these slides. Most likely, no councillor did either. Councillor Caradonna stated that Councillor Hammond "lied" to the public because Hammond, and all of council, was given the staff-confirmed message and wording back on September 12, 2024, and that the City's Communication staff would be disseminating this exact message to the public. Again, no one said any of these slides would form the communication's strategy for the City.


Because no one is allowed to reveal the details of the motion from Closed, the exact wording given to staff cannot yet be revealed. However, unless Council used the words "Neutral and Balanced" to staff, then no one can know for sure what the communications campaign was going to use for their communications to the public.

If, in fact, Councillor Hammond or other councillors were expected to remember, or memorize these slides, then Councillor Hammond and all councillors would have remembered that THE CITY'S OWN STAFF highlighted that their example of "neutral and balanced" would in fact be "vulnerable to attack as biased" [see wording inside blue line below for emphasis]. Therefore, using logic, a councillor might have thought that when Council gave direction to staff in Closed, staff

would not use the very wording THEY IDENTIFIED as “vulnerable to attack as biased.” [CAPS added for emphasis]

Neutral and Balanced

- “Default” strategy
- Pros:
 - Provides information about the pool project
- Cons:
 - Vulnerable to attack as biased



3 Crystal Pool Referendum Options | September 12, 2024 Closed

Hence, when on December 24, 2024, Councillor Hammond was surprised to see the bus shelter ad (below) on Fort Street near Douglas Street, he thought, just AS CITY STAFF HAD POINTED OUT, this advertisement was “vulnerable to attack as biased.” On that night in December, Councillor Hammond merely came to the same conclusion city staff identified, which is this advertisement might be perceived as “biased.” To add to the perception of “bias”, there is no reference at all to a referendum on this transit ad. People reading this ad might merely think that “A more accessible sustainable modern more inclusive bigger Crystal Pool and Fitness Centre” is coming to Victoria. When Council gave (the yet unknown) direction in Closed to city staff, there’s a very good chance that Council was not suggesting using advertising that stated nothing about the actual referendum or voting process. [CAPS added for emphasis]



Therefore, beyond the defamatory language that Councillor Caradonna directed towards Councillor Hammond in the Council chambers on January 23, 2025, it makes no sense that Councillor Caradonna would accuse Councillor Hammond of a “lie” when Councillor Hammond was merely stating the very thing City Staff pointed out to Councillors in the Closed meeting of September 12, 2024 and that has been revealed in the rise and report information on January 23, 2025.

The Code of Conduct is written as follows:

CODE OF CONDUCT FOR COUNCIL MEMBERS A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish standards for the conduct of elected officials in order to promote responsible governance for the City and create a process for investigating complaints about their conduct by an independent third party.

PART 2 – STANDARDS AND VALUES

General Principles

4 A member must uphold the following standards and values:

- (a) integrity: a member must be honest, demonstrate strong ethical principles, act fairly, and respect their duty to maintain confidentiality and privacy when it arises;**
- (b) accountability: a member must be accountable for their decisions and actions, competent and diligent, and act in the best interests of the City as a whole, without regard to the member's personal interests;**
- (c) respect: a member must treat members of the public, other members, committee members, and employees respectfully, without abuse, bullying or intimidation and ensure that the work environment is free from discrimination and harassment; and**
- (d) leadership and collaboration: a member must lead, listen to, and positively influence others, conduct duties in an open and transparent manner except where authorized by law, and work together with others to create or meet a common goal through collective efforts.**

PART 3 – COMMUNICATIONS AND CONFIDENTIALITY Public Communications by a member

5 (4) Without limiting the ability of a member to hold a position on an issue and respectfully express their opinions, a member must:

- (a) ensure that their communications accurately reflect the facts of Council decisions;**
- (b) ensure that all communications relating to Council business are accurate and not issue any communication that the member knows, or ought to have known, to be false; and**
- (c) ensure that all communications issued by, or on behalf of a member, including communications made via social media, are respectful and do not discriminate, harass, defame, or demonstrate disrespect toward any person or group.**

At first glance, and without limiting the ability to cite more or different sections of the Code of Conduct, in the future, it appears that Councillor Caradonna's actions may have violated Part 2, Section 4, subsections (a), (b), (c) and (d), along with Part 3, Section 5 (4) and subsections (a), (b) and (c).

To do the right thing, a public apology to Councillor Hammond is required, stating Councillor Caradonna's statement "That's a lie, Councillor Hammond. You just lied to the public" was false,

that Councillor Hammond did not lie in his Council Member Motion of January 23, 2025, or any of his statements, written or spoken at that meeting was a lie and that Councillor Caradonna fully and unequivocally, apologizes for making that statement.

However, even more than doing the right thing, a full and sincere apology will prevent Councillor Hammond from making a Code of Conduct complaint and/or taking civil legal action for defaming Councillor Hammond. Either process will be taxing on all parties, will likely be drawn out and will likely cost the taxpayers of Victoria money, when none is needed. A simple, full and sincere apology that is acceptable to Councillor Hammond will put an end to this matter.

Candidate Jeremy Caradonna, as he then was, prior to being elected Councillor Caradonna, during the election process in 2022, put in writing an apology to Stephen Hammond, as he then was, for statements he made about candidate Stephen Hammond, that were false. Presumably Councillor Caradonna already understands the importance of being truthful and not making false, inflammatory and defamatory statements about anyone, let alone a councillor who is in a position of trust for helping to run the City of Victoria.

If Councillors want to uphold the honourable principles of being respectful to one another, this requested apology is the minimum requirement when anyone makes false and defamatory statements about anyone, let alone fellow Councillors. Regardless of our stand on any position, and our close allegiance or friendship to any fellow council members, if this request is not supported, there is the risk future meetings will deteriorate to name calling and defamatory statements.

I believe City of Victoria Councillors are better than this.

RECOMMENDATION

That Council request Councillor Caradonna make a public, unequivocal and sincere apology to Councillor Hammond, stating Councillor Caradonna's statement "That's a lie, Councillor Hammond. You just lied to the public" was false, and that Councillor Hammond did not lie in his Council Member Motion of January 23, 2025, or in any of his statements, written or spoken at that meeting.

Respectfully submitted,



Councillor Hammond