

The Ontario PC Party Policy Process and Policy Convention

TO: PCPO Riding Presidents, PCPO MPPs, PCPO Executive

I am Bola Otaraki, the elected 3rd Vice President and Policy Chair of the Progressive Conservative Party of Ontario (PCPO).

On the weekend of February 21-22, 2020, the PCPO Executive has organized an event, which they are calling a “Policy Conference”. Before you attend, be aware that while this is a real event, it is not a validly constituted “Policy Conference”. I should know; I am the elected Policy V.P. for the party.

Since this is not a validly constituted “Policy Conference”, I, in my capacity as the Policy Chair of the PCPO, will not consider any deliberations (or “votes”) that come out of this event as being in any way a part of the “policy development process” of the PC party. If you want to attend the event, that is up to you, but be fully aware that there will be no legal or valid “policy decisions” made at this event.

I have three reasons for coming to this position, and they all involve a failure on the part of PCPO President Brian Patterson to properly observe the party constitution.

It seems that a majority of the PC Executive remain committed to following Mr. Patterson down this path of ignoring the constitution. All of this, despite the fact that the very first words of “Article 10 – Duties of Officers” of the PC Constitution reads: “Beyond any specific duties outlined below, it is the duty of every Officer to monitor and uphold the observance of this Constitution.”

Here are, in my view, the three constitutional breaches:

CONSTITUTIONAL VIOLATION #1: Brian Patterson and the PCPO Executive have circumvented the role of the Policy V.P. to oversee the Policy Process.

In November, 2018, as a Candidate for the position of 3rd V.P. (which is, ex officio, the “Policy Chair” of the PC Party), I made a commitment to serve the members of the Ontario PC Party and to honour the responsibilities to have a fair and honest policy process that respected the grassroots of this party.

In my election platform, I promised to deliver a PC Party Policy Process that would be accountable, fair, transparent and inclusive. This is what delegates voted for when they voted me in to this office, at the November 2018 PCPO General Meeting.

My plan was to present and implement a clear, simple, effective, transparent, and inclusive policy process that would adhere to the PCPO Constitution (see Articles 18 and 19 of the party constitution) and further, to open up the process and deliver the opportunity for grassroots and riding level dialogue and involvement.

Not every party member can attend a far away convention, for reasons of time and/or cost. To allow maximum participation, my intention was to hold a minimum of 6 preliminary policy meetings in various parts of Ontario, organized independently by the party's PACs (Policy Advisory Councils) with the outcomes to roll up into the proceedings for the Policy Convention.

Despite my best efforts, none of this was allowed to happen.

Unfortunately, with the usurpation of the process and "policy conference" by PCPO President, Brian Patterson, this plan has not been possible and I have not been able to fulfil my promise to the PCPO membership who elected me. From the onset, it has been "Brian's way or the highway", despite my appeal on several occasions to refer to the PC Party Constitution as a guide to our conduct.

Please note, there are two articles of the PC Party Constitution that deal with the "Policy process" of the party: Article 18 ("Policy Conferences") and Article 19 ("Policy Advisory Councils"). Without going too much into the history of these Articles, it is evident that they were adopted at different times and represent two different streams for policy development. At some point in the future (not today) this awkward fusion of two processes ought to be streamlined.

The key to the Party's current policy process is the "Policy Committee", a party committee that has regulatory power to help direct the process, with a mandate to "ensure that the Party's policy development process is maintained as a meaningful and effective instrument for the development of policy consistent with the principles of the Party." (19.7) The chair of this committee- the Policy Chair- is supposed to be me, the elected 3rd VP of the PCPO (12.1. f). That is meant to be my role: Policy Chair, and Chair of the Policy Committee. There is no co-chair, (19.6) nor is there any provision to have a co-chair. Because of the departure from constitution from the onset, I have not been a part of, not to mention the chair, of the Policy Committee.

The rest of Article 19 regulates an older "insider" policy process involving "Policy Advisory Councils" or PACs, wherein the President (Brian Patterson) and the Policy Chair (me, the 3d Vice-President, as per 12.1. (f) of the Constitution) are to jointly appoint "co-chairs" for various thematic "Policy Advisory Councils" (19.2).

The Ministry EAs who are to be one of the co-chairs was approved and concluded by Brian and Mike with the input and approval of the PC Party headed by Mr. Doug Ford (which was fine). For the 2nd co-chairs of the PACs, I started shortlisting people based on their interests and as Riding members approached me or emailed me. With the break in communication, I am not sure what direction they went with that.

Article 18 (“Policy Conferences”) outlines many other powers and responsibilities for the Policy Chair as it pertains to Policy Conferences, which is a process that is beyond the activity of the PACs outlined in Article 19. This section pertains more to the members of the party and the elected delegates at duly constituted policy conferences. Ultimately, it is up to the Policy Chair, mostly, to direct the process as to what happens at such conferences.

Below is a chronology of events that have led to the current Policy Chair of the PCPO (which is me, Bola Otaraki) having zero input in the Policy Process and the upcoming so-called “policy conference”.

1. To keep my campaign promises, I had developed a consultation process with the grassroots in order to generate policy resolutions as per 18.5a of the constitution. After several breaks in weekly meetings between Brian Patterson and Michael Crase (Executive Director for the PCPO) to accommodate various holidays and the October 2019 Federal election, an initial draft of my proposed animated policy process was ready for presentation to the executive and was submitted to Brian Patterson.
2. Patterson, however, did not share this information with me. And I am not sure if it was shared with the Executive.
I was never put on the agenda for this purpose and thus was not able to present this process to the executive or be a part of the approval engine for the approval of the policy process.
3. In the end, there was ZERO allowance made for a grassroots driven policy process, Patterson was insistent that the upcoming Policy Conference have a co-chair to work with me. This was completely unnecessary and in no way provided for by the constitution. A policy conference should be chaired by the Policy Chair and I requested no co-chair.
4. At an Ontario PC Party Executive meeting of September 14, 2019, a motion was put forward to appoint a PC Party Policy Conference Co-Chair and that motion was put to vote and approved.

5. In that meeting I had referred to Robert's Rules of Order RONR, 11th version, P. 176, II 7-18; p. 500, I. 22 to P. 500, I. 22 to P. 501, I. 1)" specifically stating "If the Ontario PC Party has adopted Robert's Rules of Order as it's Parliamentary Authority, no Committee thus created will have the power to appoint co-chairmen unless authorized to do so by the associations rules or by instructions given to it by its parent assembly"

6. The Policy Committee itself has only one chair, and even if there is a co-chair of the Policy Conference, it does not follow that such a person should be co-chair of the policy committee. Nonetheless, once the PC Executive successfully appointed another VP – Rubicon lobbyist Patrick Harris – as *Conference Co-chair*, Harris immediately presumed, with the encouragement of Patterson, that he was also now the co-chair of the *Policy Committee*, in violation of 19.6 which clearly outlines there is to be a single chair, the Policy Chair. Thus Patterson and the PC Executive orchestrated a complete usurpation of the policy process in clear violation of the constitution.
 Harris and the Policy Committee have met several times and planned the upcoming "event" called a "Policy Conference" without any input from me, the elected "Policy Chair". I was invited to these meetings as a courtesy; however, considering that the entire process has been hijacked by those who have willfully decided to ignore the constitution, I chose not to be a part of it.

7. During two of the recent PCPO Executive meetings that I did attend, I spoke and expressed my concern with these breaches of the Constitution and stated I would not be a part of this process, especially if I am not allowed to deliver on the commitment and promise of grassroots democracy and transparency that I made at the time of being elected into office.

CONSTITUTIONAL VIOLATION #2: Policy Conference should be held in conjunction with the Annual General Meeting.

According to the constitution, there is to be a policy conference annually except in "the event of a federal election or a provincial leadership election" in which case "the Executive may postpone a Policy Conference for a period not longer than six months from the date when such meeting ought to have been held". Because of the scheduled 2019 Federal election, no Policy Conference was held in 2019. But seeing that we are now in 2020, a year when we are required to have a full Annual General Meeting, this annual policy conference, delayed from 2019 to 2020, must take place in conjunction with an Annual Meeting, and this is spelled out in the Constitution (18.1): "In years when a General Meeting of the Party is to be held, the Policy Conference shall be incorporated into the General Meeting." Note the use of the words "shall be" – this means that this is not optional. The PCPO is not authorized by the Constitution to hold a policy conference in 2020 separate from an Annual General Meeting.

CONSTITUTIONAL VIOLATION #3: Policy Conferences and AGMs MUST be delegated.

“No delegates? No Policy Conference!” Brian Patterson and the PCPO Executive have misled party members by claiming that participants at the February 2020 “event” in Niagara Falls can vote on and dispose of the “recommended resolutions” from the November 2018 PC Annual General Meeting/Policy Conference. This position is invalid. Beyond the other reasons stated in this memo, there is one other obvious reason for this: *there are no delegates*.

In direct violation of the constitution, Brian Patterson and the PCPO Executive have organized this “event” in Niagara Falls that is being called a “Policy Conference” with no delegates elected from the ridings. It seems that, for the first time ever, there will be “votes” that purport to represent the entire party’s will, but in open and bald violation of the clear principle that “every riding is equal”. Riding equality is a foundational principle of our party that governs every party-wide decision. For the election of the Leader, each riding is equal, as provided for in Article 25. The selection of the PCPO Executive is conducted through voting, mostly by elected delegates, and these elections are conducted based on the equality of ridings, as outlined in Article 17. The process by which we amend the party Constitution itself is restricted, by Article 29, to General Meetings and Special General Meetings that accord with the principle of equality of ridings, again, as per Article 17. Explicitly, Policy Conferences (when taking place in a year when a General meeting is due) are to be incorporated in the *delegated* Annual meeting (18.1), wherein every riding is equal, and every policy convention that involves voting on “resolutions” involves consideration of “delegates” (18.6).

But there will be no “delegates” at this “event”. There will only be “participants” whose only requirement is to be party members. I understand that, in years past, there have been “participant only” events, but, in such cases, there were no binding “votes” taken. But now, Patterson is introducing “votes” at a non-delegated event. In other words, this is a pure “one member, one vote” affair that in no way respects the principle of the “equality of ridings”.

CONCLUSION: What, if anything, can come of this so-called “policy conference”?

Nothing. As outlined in this memo, this February 2020 “event” is not a policy conference, although Patterson and others on the Executive are peddling it as such. This event is nothing more than a glorified “pep rally” and has no relationship whatsoever with the minimal “Policy Process” outlined in Article 18 of the PCPO Constitution.

The policy committee has been run from start to finish without any oversight or input from me, the ELECTED VP responsible for policy and the ex-officio Policy Chair. The process has been manipulated by President Brian Patterson, and by VP Patrick Harris in blatant disregard to the PCPO Constitution.

I am sending you this email as I have an obligation and responsibility to the entire membership of the PCPO who have entrusted in me the duty to lead the Policy Process.

I urge you to contact the PCPO Executive and ask them why they are choosing to violate the constitution with this event.

As the party in Government it is important that we are transparent and accountable especially in our Policy Process. Kindly help to hold Executive officers accountable for their actions. There will be an Annual General Meeting of the PC Party – sooner or later – and I encourage you to become a delegate and attend that convention and elect a new PC Executive that will respect both the membership of our party and will also follow the party constitution and the spirit of representative and grassroots democracy.

Sincerely,

Bola Otaraki

3rd Vice President and Policy Chair

The Progressive Conservative Party of Ontario (PCPO)