

P
GG
PROTOCOL
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Office Holder



Office Chair

**The
Public Office
Governance Guide**

Candidate's Playbook



PUBLIC OFFICE GOVERNANCE GUIDE

by Shelagh McFarlane

The Public Office Governance Guide (POGG) was written to help people understand the two government structures presently operating in their town, and how to reestablish the line between them, which was blurred by the 2001 municipality amalgamations.

There are two POGG Playbooks:

For Sitting Officials: outlines how the public office is to operate, and the duties of elected officials. It identifies key structural defects in the present operations, and concludes with the *“Re-Public the Public Office”* protocol for them to take.

For Candidates & Constituents: outlines the steps to take to clarify local public authority, the *“Re-Public the Public Office”* Notice templates, and campaign materials for candidates preparing to run for their local public office this year.

Why the POGG Playbooks Exist

Local governance involves both public duties and service administration to operate side-by-side and in unison, but the dividing line between them has become dangerously blurred.

The Playbook can help constituents, candidates and sitting Officials reestablish this line, to peacefully separate the public duties of stewardship from administrative (Municipality) control, and without any disruption to local/municipal services.

They provide a non-adversarial protocol for:

- ⇒ public office clarification and realignment
- ⇒ municipal record/registration correction, and
- ⇒ a simple pathway to judicial oversight if needed

Although the POGG Playbooks are not legal advice, they’re founded on the Doctrine of Competent Jurisdiction, applicable to all areas of law: that personal, subject matter, and territorial jurisdiction must be verified before any man, woman or person can be charged.

Verifying authority doesn’t destroy governing institutions, it’s the very thing needed to determine what the institution is.





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NOTICE TEMPLATES FOR ACTION PATHS

A-Path: For Sitting Officials

- A1 – Public Statement of Realignment in Trust
 - ⇒ Affirms fiduciary duty to area & stewardship of local public resources

Initial Letter to Officials

- B1/C1 – Notice of Concern & Local Assembly Formation
 - ⇒ Informs Official that collective action is being taken due to fiscal concerns

B-Path: For New/Former Candidates

- B2 – Request for Office/Jurisdiction Clarification
 - ⇒ Seeks disclosure of past & future election administration
- B3 – Notice of Concern/Opportunity to Cure
 - ⇒ Identifies election procedural defect & public officeholder seat vacancy
- B4 – Notice of Default/Emergency; Intent to Seek Judicial Review
 - ⇒ Preserves the record & signals transition to adjudication

C-Path: For Constituents

- C2 – Request for Capacity/Jurisdiction Clarification
 - ⇒ Seeks to clarify if Official is public officeholder or administrative chair
- C3 – Notice of Concern/Opportunity to Cure
 - ⇒ Identifies capacity defect & trust misalignment
- C4 – Notice of Default/Emergency; Intent to Seek Judicial Review
 - ⇒ Preserves the record & signals transition to adjudication

Optional: For Economic Emergencies & Vulnerable Accounts (de facto possession)

- C5 – Notice of Record Correction: Municipal Registration Error
 - ⇒ Identifies record inaccuracies - used for ultra vires taxation of land/property
- M1 – Mayor-Only Stewardship Notice
 - ⇒ Affirms Mayor's in stewardship - used for ultra vires by-law enforcements

Small Claims Court Cover Letter

- ⇒ Summary of pre-trial actions; urgency due to local state of emergency; all good faith & judicial venues exhausted

THE CANDIDATES GUIDE

Flyers, town hall scripts, handouts, Questions Constituents May Ask
How to Unincorporate Your Local Office from the Municipality Structure
Operation: POGG — A Transitional Governance Model

WHAT IS LOCAL GOVERNANCE?

Most people think they have a “Local Government” (elected public representatives). But what’s actually operating day-to-day is “Municipal Administration” (operations).

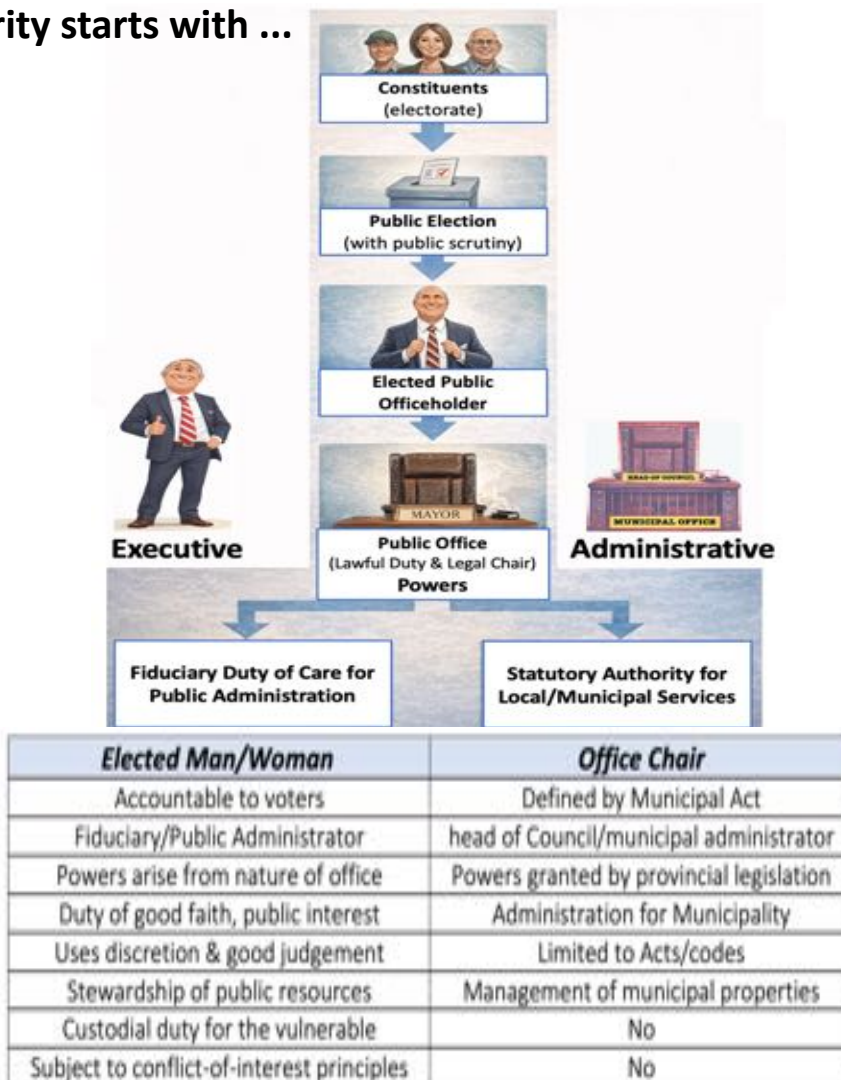
Knowing the difference between the officeholder (man) and the office (chair) is key to understanding how the local public office should function.

The Man and The Chair

Every legal system requires a man/woman decision-maker, however their legal authority is exercised through an office chair. This maintains continuity of government during election cycles.

The “chair” carries the legal powers, but the elected officeholder is the one responsible for how those legal powers are executed and how the public duties are exercised.

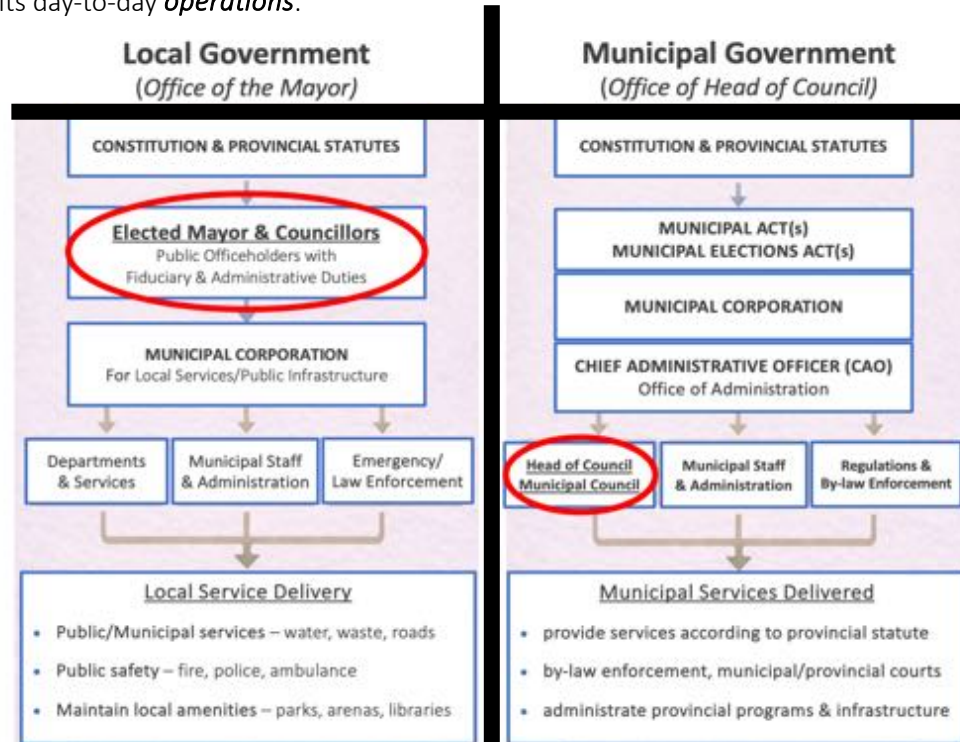
Local Authority starts with ...



LOCAL vs MUNICIPAL GOVERNMENTS

Since Mayors and Councillors are elected to represent people and are responsible for their shared public resources, “**Local Government**” is a trust relationship and *stewardship*.

“**Municipal Government**” however, is the internal governance of the service corporation, and its day-to-day *operations*.



“**Stewardship**” is the responsible management of something entrusted to one's care, and the role differs significantly from “**Municipal Operations.**”

Constituents, as voters and taxpayers, need to know which structure is “Government”, which is “Administration”, and which one holds public fiscal authority.



Defect #1

Election Administration & Office Confusion

While a municipal election may be procedurally valid, it can fail entirely in its public purpose.

Election integrity relies not only on the legality of the process, but on voters (and candidates) fully understanding what the municipal election is actually for.

1.1 THE ISSUE - What is a municipal election for?

When election administration shifted from a public function to an administrative one, it altered the legal character of the election, which alters the results.

Voters assume they're choosing representatives to hold public office, but a municipal election is for a municipal Chair. They see "Mayor" on the ballot, but are confused when the administrative title "Head of Council" is issued at inauguration.

1.2 THE RESULT - "Man vs. Chair" Confusion

If voters don't understand what a municipal election is for, they end up feeling confused and "administrated" instead of governed in good faith.

This is called administrative substitution or "mission creep" - when a political Agenda creeps into a public office and "reupholsters the Chair" without the elected officials even knowing.

In a municipal government structure, a provincial "Action Plan" can take over the local Office Chair, and there's no man or woman there with discretionary powers to stop it.



Local Fiduciary	Municipal Administrator
Money used to serve local people	Money pays for administration
Public trust is properly administered	Public assets used as surety for funding
All risk is disclosed and limited	No public input on local projects/risks
Fully accountable or in dereliction of duty	Can run deficits/borrow long-term

With no fiduciary oversight, public services get sacrificed for office space & salaries

1.3 WHY THIS MATTERS

When elections create an administration in lieu of a fiduciary duty, the system may be “legal”, but not consensual; no one can agree to something they don’t know.

If voters don’t know what they’re voting for, it negates the office and the officeholder the municipal election created. This is the first major structural defect:

A municipal election produces an officer who holds an office, but holds no legal authority over the men, women or territory they were elected to serve.

1.4 LAWFUL CORRECTION - Clarify Election & Office Jurisdiction

Most elected Officials don’t understand the different roles and legal capacities they’re elected (and expected) to act in, so the first step is for constituents to send them “The POGG Official’s Playbook.”

This briefly summarizes their conflicting roles, and provides the protocol for realigning the office and officeholders back to public purpose. At the same time, candidates clarify the purpose of the 2026 municipal election.

A/B/C ACTION PATHS - See Appendix for Notice Templates

A- Sitting Officials: Read *The Official’s Playbook* information package

⇒ **Issue A1** - Public Statement of Realignment in Trust

Purpose: To affirm:

⇒ fiduciary duty to constituents, public office purview, and public trust

B- Candidates: Send to sitting Official and Clerk

⇒ *The Official’s Playbook* information package

⇒ **B1/B2** - Notice of Concern, Request for election/office jurisdiction

Purpose: To clarify:

⇒ election administration & ensure 2026 election is for public office/holders

C- Constituents: Send to sitting Official

⇒ *The Official’s Playbook* information package

⇒ **C1/C2** - Notice of Concern, Request for office/holder jurisdiction

Purpose: To clarify:

⇒ legal capacity of Official & correct municipal registrations/accounts

IN CLOSING

Elections don’t automatically create trust or stewardship. When legal capacities are co-mingled or concealed, clarifying who holds local authority becomes the #1 priority of every sitting Official, candidate and constituent.

Local governance doesn’t need a major overhaul - it just needs to be clarified, and realigned to its public purpose and original intent.

Defect #2

Fiduciary Duty & Public Accountability

Canadian courts have consistently recognized that public officeholders carry fiduciary duties of proper purpose to those who put them into office. (see page 17)

This section explains how the local office slowly drifted from trusteeship to operations, which contributed to the current role and governance confusion.

2.1 THE ISSUE- Head Fiduciary or Head of Council?

A public office is “fiduciary” in nature, which means it’s to be administrated for the benefit of others, not for administrative convenience or personal gain.

Local officials are deemed “fiduciaries” because they manage public land, infrastructure, and public revenue for the benefit of those living in the geographical area. This carries a duty of care and accountability, performed under two different roles/titles:

1. **Fiduciary Role: Mayor** (warden/peace officer): accountable to wards/constituents
 - granted discretionary powers, fiduciary duty of care
2. **Statutory Role: Head of Council** (CEO): accountable to internal hierarchy (Board)
 - defined administrative powers, duty to “procedure”

A **Mayor**/trustee would receive an *honorarium* for their public (charitable) service, however, a **CEO** would receive a *salary/paycheque* from the municipal (commercial) corporation.

2.2 THE RESULT - Administrative Substitution or Mission Creep

When public purpose is substituted by municipality (administrative) policies, local governance quickly becomes misaligned.



2.3 WHY THIS MATTERS - Public or Municipal Administrator?

When these roles merge, Officials may be administering an office, but not one that can recognize the will of the people. Officials soon find themselves immersed in the existing municipal system, rather than exercising sound judgment for the area's best interest.

2.4 LAWFUL CORRECTION - Clarify Official's Legal Capacity

For a trusteeship to exist, there must be:

- ⇒ clearly defined parties (who is trustee, who holds beneficial interest?)
- ⇒ acceptance of fiduciary duties and purview, and
- ⇒ transparency in all matters pertaining to the trust.

If an Official doesn't respond to the *Notice of Concern*, it indicates a breach in trust (and public security), which starts the POGG 3-Notice Protocol.

The purpose of the POGG 3-Notice Protocol:

- ⇒ establishes the Official has knowledge of the defects
- ⇒ provides them an opportunity to voluntarily realign to purpose, and
- ⇒ supports future claim for breach of public security and trust redemption

A/B/C ACTION PATHS

A- Sitting Officials: Issue A1

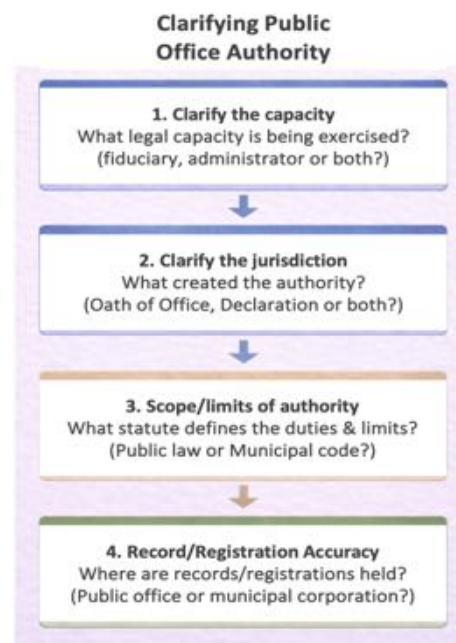
- ⇒ Public Statement of Realignment in Trust
- Affirm fiduciary duty to constituents

B- Candidates send to sitting Officials:

- ⇒ **B3-** Notice- Opportunity to Cure/Realign
- Suspected public security breach

C- Constituents send to sitting Officials:

- ⇒ **C3-** Notice- Opportunity to Cure/Realign
- Suspected public security breach



IN CLOSING

Public trust depends on more than just "legality" and an office chair. It depends on fully disclosed capacity, clearly defined limits, and officeholders acting in good faith.

Municipal staff - although unelected and "doing their job" - are **ALSO** expected to act as stewards of the local resources, even though **Municipalities hold no constitutional (public) status**. They are non-governmental entities overseeing municipal operations only.

Defect #3

Municipal Records & Taxation Authority

Because elected Officials deal with public lands, people and their shared resources, the position carries heightened expectations of fiscal responsibility and transparency.

When administration acts as if it *IS* the public office, administrating the municipal record will always take priority over the man or woman behind it.

3.1 THE ISSUE - Municipal Record Administration

Municipal authority begins with an application or recording, and municipal record registration operates very quietly behind the scenes, out of public view.

With no public Official oversight or stewardship, taxation powers soon drift from “for public purpose only” to funding a Municipality’s growing administration, i.e., Regional staff, District offices, municipal “Sunshine Salaries” and retirement pensions (OMERS).

3.2 THE RESULT - Regulatory (Statutory) Capture

“Regulatory capture” is when a regulatory body, tasked with acting in the area’s best interest, ends up serving the private interests of a Board of Directors and a corporate Agenda instead.

When public revenue is used to fund private initiatives in lieu of essential services, everything and everyone is affected, especially home owners and their families.

The area experiences escalating property taxes, huge budgets, generational debt from compound interest, and ultimately, the people and/or the town go bankrupt.



(a) Regulatory Capture of Taxation, Value “Assessments” and Tax Sale Powers

Property tax powers are powerful. Landholders can receive an unexpected tax claim or arrears notice based on record inaccuracies or an error made at registration.

(b) Regulatory Capture of Enforcement Powers over Public/Private Property

Municipalities enforce their code using by-law officers, inspectors, and administrative penalty systems. These all operate administratively, outside of the judiciary.

3.3 THE PROPERTY “ASSESSMENT TO TAX SALE” CHAIN



THE WEAKEST LINK: Municipal Record & Registration Errors

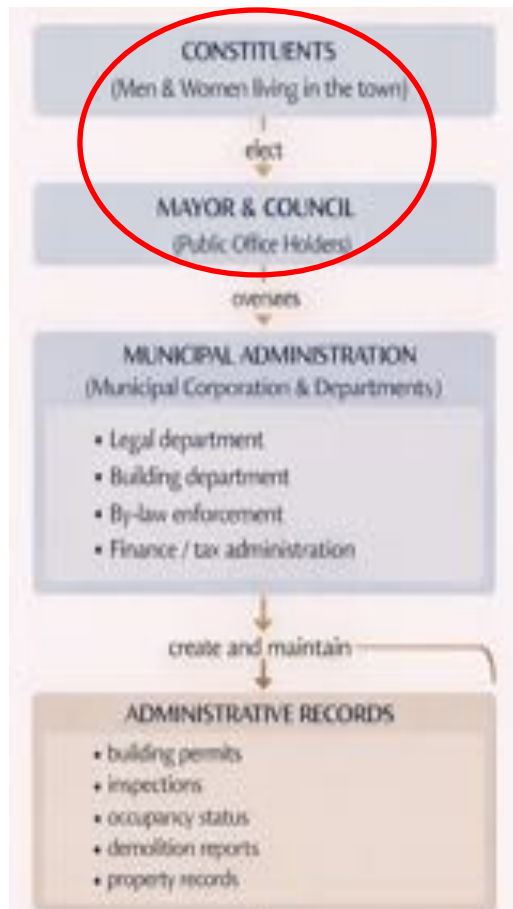
Most by-law enforcement actions rely on unverified records created internally and quietly. Because of this, tax arrears statements can be grossly inaccurate and indefensible.

And if the registration was wrong to begin with, the tax “bill” will be wrong too. This is why clarifying all municipal records is crucial to restoring local land registries and stewardship.

Which Registry created the tax bill? The Land Registry or MPAC?

Local Land Administration

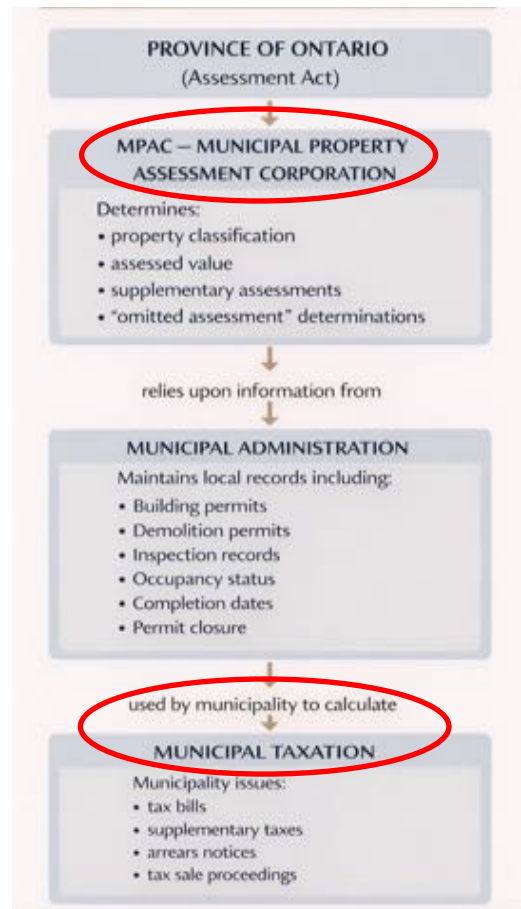
Public Trust Land Registry



vs

Municipal Property Taxation

MPAC/TeraView/Electronic Registry



3.4 LAWFUL CORRECTION - Clarify Records & Registration

The accuracy of municipal records is *paramount* to restoring trust in local governance. Full disclosure can quickly restore public land stewardship in lieu of MPAC's electronic registration, and with no restructuring required.

Public confidence soon returns when taxation powers are clearly defined and the area is back under trusted stewardship and local regulatory control.

THE POGG PROTOCOL FOR RECORD CLARIFICATION

The 3-Notice Protocol is used to show that all venues to correct municipal registrations were exhausted and ineffective, and the matter now requires judicial review.

The Notices themselves aren't legal closure, they're used as evidence for legal closure; as proof that the Official acted beyond purview, in bad faith, resulting in harm or loss.

The 3-Notice Protocol is used to establish:

- ⇒ jurisdictional defects with respect to parties (trustee/benefactor)
- ⇒ errors in public record administration, and
- ⇒ willful negligence by a public (peace) officer

This allows for:

- ⇒ Small Claims Court actions, emergency injunctions
- ⇒ judicial review to set aside penalties, seizures or tax sales, and
- ⇒ remedy for ultra vires by-law trespasses or wrongful levy

A/B/C ACTION PATHS

A- Sitting Officials issue: Issue A1

- ⇒ Public Statement of Realignment in Trust

B- Candidates send to sitting Officials:

- ⇒ **B4** - Notice of Default
Breach of Trust/Public Security
- ⇒ **State of Emergency** (*de facto possession*)
Intent to Seek Immediate Judicial Review

C- Constituents send to sitting Officials:

- ⇒ **C4** - Notice of Default
Breach of Trust/Public Security
- ⇒ **State of Emergency** (*de facto possession*)
Intent to Seek Immediate Judicial Review



IN CLOSING

Municipal actions must be founded in lawful authority, public purpose, and supported by verifiable records.

Under the **Public Stewardship Doctrine**, elected officials have inherent obligations of welfare, transparency and due diligence. Their role requires balancing the interests of constituents and guaranteeing fiscal responsibility over their shared public resources.

All parties to the local trust - constituents, officials and municipal staff - need to understand (and agree on) what is the “law,” what is a municipal “by-law,” and what is just a non-public **Municipality’s “Recommendation to the Public.”**

Defect #4

Judicial Authority & By-law Enforcement Powers

Historically, peace officers kept the peace and county courts were in every town to handle man/merchant disputes. Today, local “justice” consists of administrative procedures.

When people become the objects of a Municipality structure, unelected staff can “legally” claim authority over private property by quoting a Municipal Act, in lieu of verifiable proof.

4.1 THE ISSUE - Local Judicial Capture

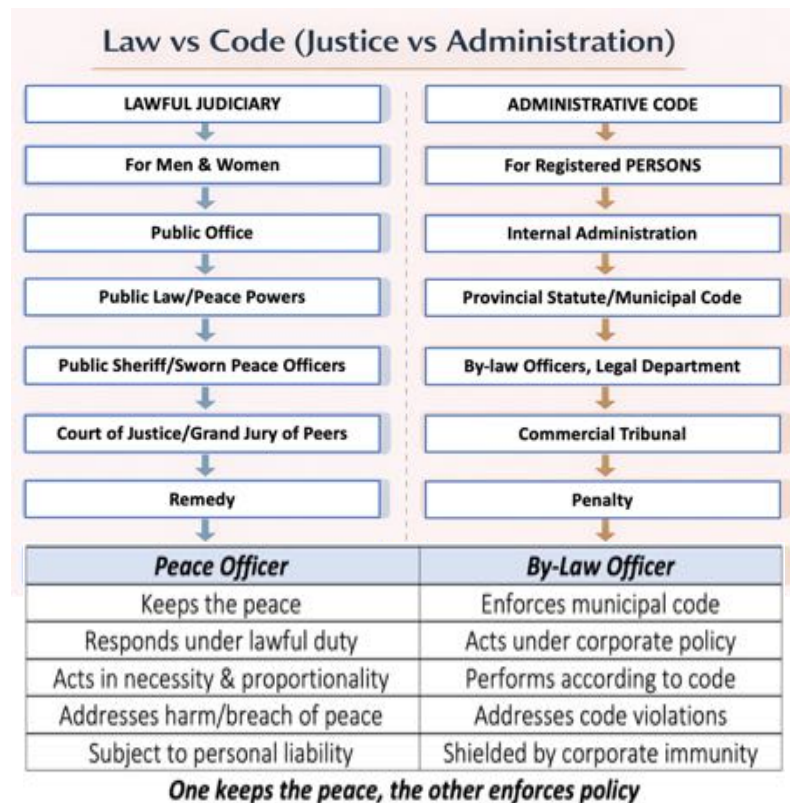
“Judicial capture” is the gradual shift from de jure law enforcement to municipal by-law interventions and legal/administrative loops.

Municipalities (funded by local public revenue) *often* move aggressively to a CITY Solicitor when any “administrative defects” are mentioned, i.e., a broken election system, blurred authority lines and land title registration inaccuracies.

If a landowner questions a Municipality’s authority too “aggressively”, hired lawyers will issue a “Prohibition Notice” - not for public safety, but for risk and damage control.

Sending the local land matter to “LEGAL” does two things:

- ⇒ stops public input & direct contact with the elected Officials and municipal staff
- ⇒ prevents land (title) registrations & MPAC property records from being corrected.



4.2 THE RESULT - Administrative Penalty Loops

When justice is replaced by an “*Administrative Penalty System*” that operates outside the judiciary, people soon become the subjects and objects of commercial regulations.

This produces a system where:

- ⇒ public services (water, hydro) can be *shut off* for refusing a SMART meter
- ⇒ properties can be over-assessed to increase provincial tax revenue, and
- ⇒ officers enforce commercial by-laws in lieu of public law/lore of the land.

When this happens, there is no “Law” - only administrative powers and penalty loops.

4.3 LAWFUL CORRECTION - Seek independent judicial review

When municipal administrators can’t resolve property registration disputes and the existing system is incapable of correcting public records, people find themselves in a “*Local State of Economic Emergency*,” and **must** seek independent judicial review.

Without independent judicial review:

- ⇒ local election defects will continue unchecked
- ⇒ local fiduciary authority can’t be realigned to public purpose, and
- ⇒ municipal records remain inaccurate and subject to arbitrary fines/taxation

Due to the economic urgency, The POGG Notices address all structural defects at once. The Notices themselves don’t correct the defects — they set the stage for non-administrative (judiciary) oversight, and are used for non-adversarial (man to man) resolution.

4.4 LAWFUL VENUE - Small Claims Court

If municipal actions exceed statutory limits, or elected office holders lack transparency, Small Claims Court provides a neutral forum for record correction and redemption.

A Small Claims Administrative Judge can:

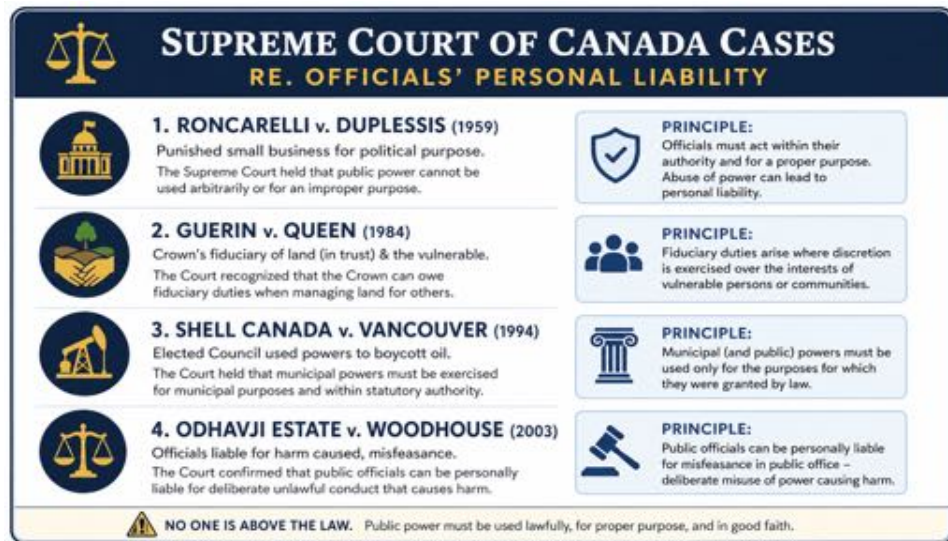
- ⇒ review evidence submitted with a claim (adjudicate a non-statutory matter)
- ⇒ determine if there was breach, loss, or injury, and
- ⇒ assist in correcting the public and municipal administration records

- Step 1:** Read The POGG Primer, Protocol, and Playbook (≈ 20 pages each)
- Step 2:** Form your local council assembly to do the Action Paths collectively
- Step 3:** Send “*The Officials Playbook*” & initial letter to your sitting Officials
- Step 4:** When ready, send the Notice associated with each Action Path
- Step 5:** Allow reasonable response time between Notices, and if necessary
- Step 6:** File in Small Claims Court for trust estate claim, record realignment

In Conclusion

Canadian courts have consistently ruled that public officials are fully liable if they:

- ⇒ **knowingly** act beyond their legal authority and purview of the office
- ⇒ **willingly** engage in actions that cause harm or risk public health/security, or
- ⇒ **deliberately** use a public office for personal, political or financial gain



“Authority” relies on three fundamental jurisdictional elements which must be proven before any man or woman can be charged:

1. **Personal** - who are the parties involved? (man or registered resident?)
2. **Subject matter** - what law is being relied on? (public law or municipal code?)
3. **Territorial** - where did it occur? (public/private land or municipal/ity property?)

Under the POGG Doctrine in Law, a public office is to operate in complete alignment with “Peace, Order and Good Governance” or the administration is deemed “tyrannical.”

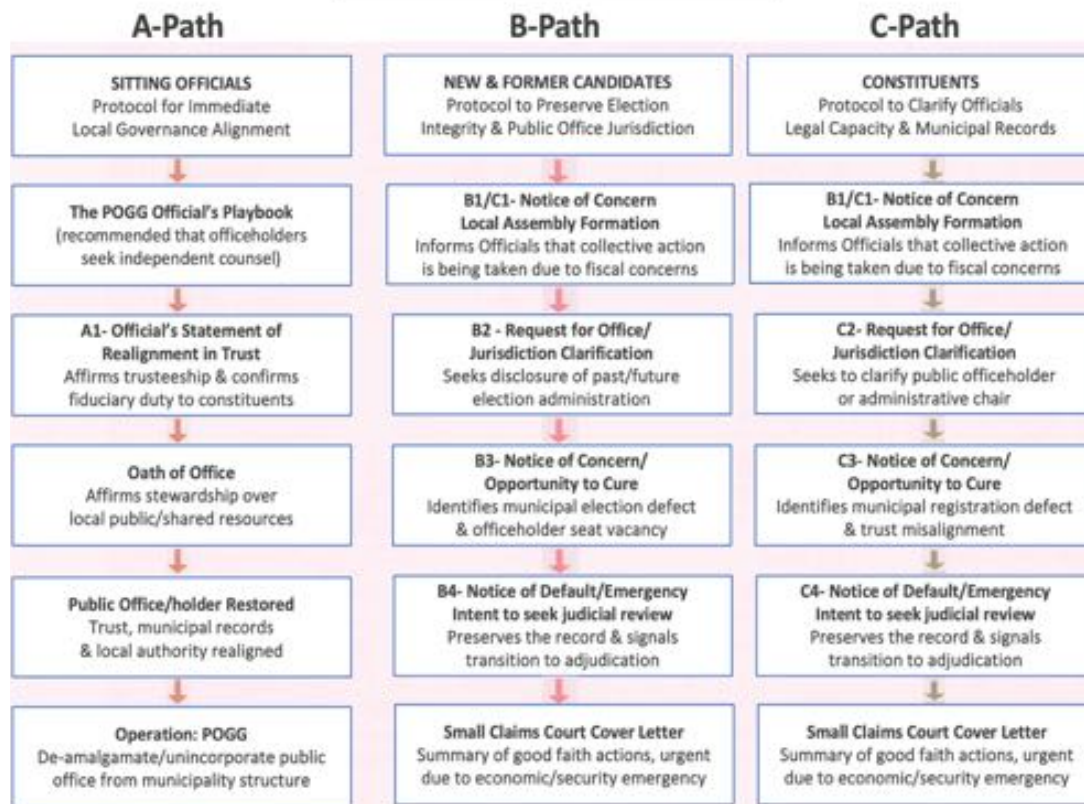
Elected Officials have a duty to protect the health, welfare and security of **every person** in their geographical area. If they don’t, their local authority is “illegitimate” and “de facto.”

Every living man, woman and child in Canada has a moral (and statutory) duty to disobey de facto possession of their sovereign, lawful, peaceful powers, especially if a “government” is causing harm to their loved ones, homestead, and public/private affairs.

So Help Them God, and thank you.

Shelagh McFarlane
(She/Law)

The POGG Action Paths



A-Path for Sitting Official

- ✓ Preserves dignity of the office and all officeholders
- ✓ Restores local fiduciary powers immediately
- ✓ Corrects all municipal land registrations and records at once
- ✓ Simplest way to end co-mingling of public/private trust accounts



B-Path for Candidates

- ✓ Clarifies jurisdiction of the office and all officeholders
- ✓ Preserves the integrity of local public elections
- ✓ Ensures public stewardship & the POGG Doctrine in the future
- ✓ Educates constituents and initiates the transition to lawful governance



C-Path for Constituents

- ✓ A safe & effective way to clarify municipality records
- ✓ Provides an inexpensive judicial process for unresolved concerns
- ✓ Offers Officials an opportunity to realign without penalty
- ✓ Easy 3-Notice Protocol to empower and restore balance, equity & peace

(See Appendix for Notice Templates & Instructions)

The POGG Protocol Playbook can be used by anyone in any town or city across Canada.