

30 December 2021

At a council meeting on 13 December, 2021, St Catharines city council acted to fill the vacancy at Regional Council. In so doing members of St Catharines council committed numerous breaches of the code of conduct and the Municipal Conflict of Interest Act (MCIA)

Defying the recommendation of the combined staff of the Region and the City, St Catharines council elected to forego the prescriptive policy that was in place by voting down the person who would have been appointed under the policy (Mike Britton). Subsequently they nominated Councillor Matt Siscoe to fill the vacancy,

City policy LCS 2015-9 states in part, "If the vacancy occurs within the last year of the term, the next place finisher shall be appointed if this individual received 70% of the votes that were achieved by the sixth-place finisher in the case of Regional Council." The next place finisher was Mike Britton, who received 93.5% of the votes of the seventh-place finisher and, who therefore, should have been appointed as per the policy.

Section 12.1 of the St Catharines [Code of Conduct](#) states:

"A member shall observe and adhere to the policies. Procedures and rules established from time to time by Council."

Seven members of St Catharines council voted to reject Mike Britton despite the policy being directive and giving them no choice in the matter. This is in violation of section 12.1 of the Code of Conduct as there was a prescribed policy in place.

The clerk of the Region and the clerk of the City conferred and agreed that the St Catharines City Council was in its last year of mandate and correctly recommended that Mike Britton should be the appointee. Interestingly, only Councillor Siscoe argued against the conclusion reached by staff. In what can easily be seen as a conflict-of-interest, Councillor Siscoe argued that they were not in the last year and therefore the policy had gray areas. Given that the municipal position provides considerably more remuneration than Siscoe receives as a city councillor and that his contention directly contradicted the decision by both regional and municipal staffs, it appears to that Mr Siscoe was forwarding this argument for his own benefit.

Councillor Siscoe was quickly nominated for the vacant position after Britton was eliminated. His nomination came from Councillor Karrie Porter, who stated in Council that Siscoe has "declared an interest in filling the seat." She went on to say that "Councillor Siscoe was willing to fill the spot for a number of reasons." These statements by Porter were made in open Council moments after the original motion to appoint Britton had been defeated and clearly demonstrate that she and Siscoe had planned for the defeat of Britton and the subsequent nomination of Siscoe. The meeting is recorded for verification if required.

It is clear that Councillor Siscoe engaged in dialogue and planning with other members of council prior to the meeting with the intention of defeating Mike Britton's appointment and inserting himself instead. In effect, Councillor Siscoe colluded with other councillors to ignore prescriptive policy and instead appoint himself to the vacant regional position, a clear violation of the code of conduct at the very least.

It is apparent that Mayor Sendzik was also part of this collusion. He cast the deciding vote to defeat the original motion to approve Britton and immediately called on Councillor Porter to bring the nomination of Siscoe forward. Moreover, in naming Siscoe's municipal replacement, Mayor Sendzik supported the nomination of the person selected, whom he publicly describes as being "part of my core campaign team." (See <https://janiceandrobin.com/our-clients/>.) This violates [Code of Conduct](#) regulations against non-pecuniary conflicts of interest (section 11.1).

As a result of these actions, complaints have been filed regarding MCIA and Code of Conduct violations on the part of the Mayor, Councillor Siscoe and the other five councillors who combined to defeat the original appointment. Obviously, the ensuing investigations will take time, but they will take place.

These policies are in place for a reason, and if they are prescriptive in nature, as these policies are, then the Code of Conduct is clear, and the prescribed action must be followed. In violating them, the City council has laid waste to good governance.

This type of behaviour is precisely what citizens around Niagara spoke loudly against in the election of 2018. The hubris of power that allows any individual to assume that governing policies do not apply to them is being repeated, this time not at the regional but at the municipal level. The Region has options; you are not compelled to approve and encourage this behaviour. I ask Regional Council to explore all options available and to not multiply this affront to good governance. I ask that you require the City of St Catharines to comply with provincial acts and policies by overruling their action and instate the legitimate regional councillor, Mike Britton. The only person eligible under the correct democratic processes.

Ed Smith
Citizen