

August 26, 2019

Common Council  
City of Saint John  
8<sup>th</sup> Floor City Hall  
15 Market Square  
Saint John, NB  
E2L 1E8

**Re: Possible violations of Bylaw LG-5 and Local Governance Act by Councillor David Hickey**

On Friday, July 23, 2019, Ward 3 Councillor David Hickey may have usurped Council's authority in requesting City Manager John Collin to have an electronic calendar removed from the City of Saint John website at [www.saintjohn.ca](http://www.saintjohn.ca), pending establishment of a policy concerning the posting of community events. If so, Councillor Hickey violated the Code of Conduct for Elected Representatives (see additional letter asking for a legal opinion of Bylaw LG-5 by the City Solicitor) and the Local Governance Act.

Article 5.1 of the Code of Conduct for Elected Representatives, unanimously adopted by Common Council on July 8, 2019, states clearly that decision-making authority lies with Council, and not any individual member and further that "no member shall, unless authorized by Council, attempt to bind the City of Saint John or give direction to employees". In addition, Article 5.3 states that **only Council as a whole and no single Member including the Mayor has the authority to direct staff...** unless specifically authorized by Council". Councillor Hickey had a duty to wait until the regularly scheduled meeting of September 9, 2019 to introduce a motion to ask council as a whole to make a request of this nature to the City Manager. Instead, it appears as if Mr. Hickey may have deliberately created a false sense of urgency because of his own personal objections to the showing of a controversial movie at Saint John High School and applied political pressure on the city's senior manager. If so, this was both inappropriate and unbecoming of the office that he holds.

The City Manager's acceding to such a request without approval of Common Council as a whole also needs to be addressed, as politicizing the role of City Manager jeopardizes our entire system of local government. Mr. Collin does not work for Mr. Hickey. He works for ALL citizens of Saint John. We deserve to know on whose authority Mr. Collin acted in ordering the removal of the events calendar from the city's website and why it was done with such urgency. I look forward to receiving the results of an appropriate review of this matter in the interests of openness and transparency of city government.

If Councillor Hickey did pressure or even request that the City Manager remove the events calendar for any reason, he must be reprimanded for violating the Code of Conduct. Likewise, if he did so because he objected to the *Unplanned* movie event posting, he again violated the Code of Conduct and owes an apology to organizers of the event, citizens who may have had an interest in attending the event and, indeed, to the organizers of all other events who lost their opportunity to promote their own community show, meeting, performance etc. because of this unwarranted action.

Failure to take appropriate action on this matter, especially in light of Council's failure to censure or otherwise reprimand Mayor Don Darling and Councillor David Merrithew for earlier violations of this by-law, will firmly establish that this body has no desire to conduct itself in a professional, ethical manner.

Yours sincerely;

Douglas James