

ADVISORY BULLETIN

REGARDING MEMBER STATEMENTS AND CONDUCT CONCERNING COUNCIL DECISIONS

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Integrity Commissioner
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MEMBER STATEMENTS AND CONDUCT CRITICIZING COUNCIL DECISIONS

- [1] From time to time, Members of Council may encounter instances where they do not agree – or even vehemently disagree – with the outcome of a Council vote on a particular matter. Members may feel the need, whether based upon personal conviction or the reaction of constituents, to speak out or take action regarding the outcome of a vote of Council in order to register their disagreement with the result. When doing so, Members must act within the bounds set by the **Code of Conduct** and the **Procedure By-law**.
- [2] Decisions made by Council become the official policy of the City of Windsor. When Members of Council speak out or engage in conduct indicating opposition to official City policy outside the deliberative confines of the legislative process, their comments or conduct can diminish the integrity of Council decisions in the public eye and, subsequently, damage public confidence in Council itself.
- [3] This is not to say that all Members must be in complete agreement with every decision of Council. Rather, all Members are reminded of Rules 16 and 20 of the **Code of Conduct** and Section 14.1(e) of the **Procedure By-law**.

THE CODE OF CONDUCT AND THE PROCEDURE BY-LAW

- [4] Rule 16, entitled “Transparency and Openness in Decision-Making”, speaks directly to this issue. Specifically, sub-rule 16.2 states that “*Members shall refrain from making disparaging comments about other Members or about Council’s processes and decisions*”. Any such conduct, regardless of whether it is conveyed in print, social media, through an in-person conversation, or expressed through a Member’s actions (e.g. signing a petition) may be in contravention of this Rule and, hence, the **Code of Conduct** itself.
- [5] Additionally, sub-rule 16.4 of the **Code of Conduct** reminds Members that section 14.1(e) of the **Procedure By-law** requires that Members refrain from criticizing decisions of

Council except for the purpose of introducing a motion for reconsideration under section 13 of the **Procedure By-law**. Rather than making public statements that disparage the legitimate decisions of Council, the reconsideration process is the appropriate avenue for any Member wishing to revisit a decision of Council.

- [6] Of course, Members are free to explain why they voted as they did during the Council deliberations. They should, however, acknowledge the legitimacy of Council's decision as resulting from the deliberative and democratic processes of Council.
- [7] Members are also reminded of the Integrity Commissioner's *Advisory Bulletin Regarding the use of Social Media*, published 15 August, 2016, which states in paragraph 11 that "*any social media conduct from a Member's official account that contravenes the **Code of Conduct** will be assessed in an identical manner as any other conduct.*" Paragraph 13 of the Bulletin restates the preamble to the **Code of Conduct**, namely that Members are to be held to the highest standards of conduct so as to protect and maintain the City's reputation and integrity – these high standards extend to Members' online conduct.
- [8] Members are reminded that under s.223.3(5) of the *Municipal Act*, referenced in Rule 20.0 of the **Code of Conduct**, Council is authorized to reprimand a Member of Council or suspend remuneration for a period of 90 days should a report by the Integrity Commissioner conclude that there has been a violation of the **Code of Conduct**. This rule, entitled "Compliance with the Code of Conduct", also makes other remedies available to the Integrity Commissioner in the event of a violation of the **Code of Conduct**.

FURTHER INFORMATION

This Advisory Bulletin is intended to provide general information. To rely on the advice of the Integrity Commissioner with respect to specific situations, members of Council must seek written advice consistent with the provisions of Rule 19 of the **Code of Conduct**.

If you have any questions or seek written advice on this matter, please contact:

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