

Nov. 26, 2012

**Joni Baechler – Speaking Notes Finance & Administration Committee**

I appreciate the Mayor and his family are going through a distressing time. I don't take any pleasure in raising this issue; it is a troubling time for councillors as well. This motion is one of the most difficult things I have had to do in my 12 years on council.

At the outset, I want to preface my remarks by stating unequivocally my comments are not intended to make any judgement on the issue of innocence or guilt with respect to the charges facing Mayor Fontana.

Every member of council was elected with a mandate - the authority to govern. That mandate, however, isn't without parameters. In carrying out our obligations, we must exercise a fiduciary responsibility to those we serve. Fides is Latin for faith and fiducia trust. The public must trust we will faithfully carry out our responsibilities with competence, responsiveness, integrity, and in the best interests of the corporation. Each element is what makes municipal government legitimate in the eyes of its citizens.

The following quote from a court decision describes this responsibility, "Council members are the repositories of the citizens' highest trust. They must at once be strong in their debate to put forward their electorates' concerns; they must always have an ear to dissent in their voters. They must not only be shakingly honest, they must be seen to be so, by those who voted for them and those who voted against them. Their role though noble in calling, is demanding in its execution." (*Halton Hills (town) v. Equity Waste Management of Canada, 1995*)

Each of us has a responsibility to lead and we must have the confidence of the public to do so. The public confidence and trust in our government has been shaken with the recent charges laid against the Mayor. Emails, phone calls, tweets, public commentary have clearly indicated the growing concern. If we are to exercise our fiduciary responsibility we will be acting in the best interest of the corporation and the electorate when we request the Mayor steps aside until the charges have been conclusively determined in court. My fiduciary responsibly demands I raise the issue otherwise I am not fulfilling my obligations to the constituents I was elected to serve.

This is not an irrelevant motion. There has not been any council discussion on arguably one of the most important issues to face council in decades. To not discuss this issue is absurd at best and a dereliction of duty at worst. Councillors must be accountable and the only forum to demonstrate our accountability to the electorate is at council. Regardless of the Mayor's willingness to step aside, regardless of whether or not there is the force of law or by-law to make him do so, and regardless of the effectiveness of moral suasion on the Mayor, the public must see Council act in their best interest.

It is standard procedure in most places of employment to ask an individual criminally charged to take a leave of absence until criminal proceedings conclude. The Mayor has resigned from the Police Services Board; yet he has not taken a leave from council. I appreciate the issue of public trust with respect to the police, but surely the public trust in elected officials should be subject to an equal standard.

We must assert our responsibility as elected officials to protect the public trust in our government and to give voice to the citizens that elected us. Council must resolutely indicate we are disturbed by this issue and the implications to public trust, citizen engagement, and the well-being of the city of London. The legal process may well take a year or more to be resolved, encumbering our actions over a long duration. A question mark will punctuate the actions of the Mayor; council will not be immune. This is an untenable situation.

In the interest of the corporation and its citizens, I move that the Mayor take a leave of absence with pay until final disposition of the criminal charges against him.