



Ville de Saint-Lazare



Mayor Office



Saint-Lazare (Québec)
June 14, 2010

A word from the Mayor

Working together for your interest

In March 2010, I officially asked all district Councillors to sign a privacy and confidentiality agreement as a commitment to protecting information with which residents or others entrust us with. This agreement is meant to prevent premature disclosure and leak of confidential, private and privileged information which is transmitted to us and to which we have access. We need to avoid the possibility that third parties, interest groups, private interests, investors, political contributors, potential bidders, or friends could profit from information that is disclosed too quickly.

This confidentiality agreement was brought into place because Council was discussing land purchase and appropriation in connection to bringing a much needed school to Saint-Lazare and in connection to a much needed conservation plan. Knowing some Council members may not favour these projects, it was necessary to implement measures which, on one hand would prevent any Council member from plotting with developers to sabotage the Council's objectives and, on the other hand, prevent any real estate speculation that could increase the sales price of properties to the taxpayers' detriment. Some members of Council refuse to commit themselves.

The privacy and confidentiality agreement is meant to prevent abuse and corruption and protect our community's collective interest, beyond the current Law which sets the legal ethical standard at a bare minimum. I want the Saint-Lazare Council to raise the bar and for all Councillors to lead by example.

Elected officials must be held accountable to a higher ethical standard like other professionals are, including police officers, lawyers, doctors, and journalists who are subjected to a client, patient or source confidentiality privilege. The appropriate handling of confidential and private information is an important aspect of a Council member's job and must not be questioned. A confidentiality agreement does not in any way restrict or refrain an elected official (nor a professional for that matter) from effectively doing the job he or she was mandated to do, which is to serve and represent fairly and honestly his or her district residents, and look after the collective good. In fact, confidentiality is often required in order to do our job correctly.

Let me be absolutely clear: I welcome and encourage the involvement of residents in the decision making process. Moreover, I have stressed on many occasions to members of Council the importance to openly and freely vote against any resolution with which they disagree. No Council member should hide behind other members or the so-called «party line». I will not defend "yes men" or "yes women". At the same time, it is an outright distortion to allege that the confidentiality agreement prevents a member of Council from meeting with residents, listening to their positions and informing the orientations of the Council or of the Council member. The Council member must however be discrete with information that has an impact on the dossier itself, as explained above.

Leaking information as a means to express an opinion, voice or organize opposition, gain political capital or show solidarity with small interest groups or a few individuals as opposed to actively participating in meetings and decision making, is an irresponsible, unproductive behaviour which in no way reflects the seriousness of a legitimately elected official but rather that of a disgruntled opposition ultimately preparing for the next election. Elected officials are elected to make things happen. Leaks are counterproductive sabotaging acts that waste everybody's time, especially taxpayers' money, by forcing Councillors and Town employees into "reaction mode" rather than "proactive mode". When Councillors and Town employees are constantly deployed to put out intentionally set fires, they aren't servicing you and important files have to be put on hold. This has been the case numerous times since I took office last year and the many instances that have taken place have prompted me to take action and exclude two Councillors from my caucus until further notice, which as Mayor I have the authority to do.

Trust is required for an effective work environment. It is not in the collective interest for certain Council members to unilaterally decide that they will meet with land developers never informing the mayor, Council and city officials. It is not in the public interest for Council members to discuss confidential information with former members of Council before deciding on a position to take within the present Council. It is not in the public interest for information and complaints from residents to be kept from the mayor and the rest of Council for purposes of "capitalizing", politically speaking. Council members who conduct themselves in any manner along these lines do not have my trust. Moreover, because of these or other incidences, members of Council do not fully trust other members of Council and therefore will not speak openly and freely within Council, thereby preventing Council members from effectively performing their duties for their districts. As stated, it is my responsibility to create a work productive work environment at City Hall.

As some of you may know, all but two Council members have agreed to sign the confidentiality and privacy agreement last March 2010. Their refusal has contributed to an already difficult Council work environment and has added to the existing climate of distrust prompting additional meetings to take place with only some members of Council to review confidential files, preventing myself and the other members of Council from doing an effective job.

Some residents were led to believe that signing this privacy and confidentiality agreement would prevent Councillors from being transparent – this is not true. Confidentiality does not oppose transparency. Transparency is the fair, honest, timely and general disclosure of public information which does not compromise a person or third party's right to privacy and confidentiality or cause the person or third party prejudice and irreparable damage. Transparency, first and foremost, ensures that no city contract is granted with favouritism. Speaking publicly or behind closed-door of any information prematurely, may jeopardize, sabotage and cause irreparable financial damage to a person or a municipal project, company's investment and be a cause for lawsuits. Councillors who signed the agreement have had no reluctance to do so out of a sense ethical responsibility and duty. In no way do they feel gagged or compromised in their freedom to fully and fairly serve their residents.

Leadership requires making difficult decisions which are not always popular at first. I assume that leadership role. As Mayor, I was mandated to use my judgement. I assessed that the work environment was unproductive and occasionally counterproductive to achieving Council's objectives. I don't make decisions to avoid the risk of an embarrassing situation or newspaper editorial; I make decisions for the collective good with the support of the majority of Council. The legal and official role of a Councillor is to make unbiased decisions at public Council meetings. I have in no way excluded any Councillor from the legal role for which they were elected by taxpayers. Meili Faille and Pauline Marois are good examples of public officials that are not part of the federal or provincial caucus but still represent well their constituents, according to the last elections. Until recently, several attempts were made to achieve a fully inclusive caucus however, out of a sense of responsibility; I have had no choice but to revise my decision.

Other than situations where developers could profit or organise themselves against the objectives of the city a simple daily situation requiring the need for confidentiality is when a resident complains to the Mayor on his or her next door neighbour, this information must remain confidential. Without the plaintiff's approval of disclosure, leaking the complaint may have important consequences for both the plaintiff, the Town and even worsen the neighbour's relationship. Even information exchanged during any of our Town-resident committee such as the Urban Planning Advisory Committee (CCU) meeting must remain confidential to ensure neutrality, objectivity, a fair and apolitical review and treatment of a file.

Saint-Lazare will adopt an Ethics Code in upcoming months, as are many municipalities. The Ethics Code, just like those signed by other municipalities, will include a similar formal commitment to confidentiality, as recommended by the UMQ. The Ethics Committee has taken on the role of reviewing other municipal codes of ethic already in place in other municipalities and tailoring them to our municipality. This type of pledge to ethical conduct will also be asked of city hall employees. The intention is that Council members will take legally bindings oaths to follow a municipal code of ethics, as recommended by the UMQ. As Mayor I stand by my principles. I do so with conviction.

The Mayor,

A handwritten signature in blue ink, appearing to be 'PK' followed by a horizontal line and a small flourish.

Pierre Kary