

Tate defends legal bill

Continued from pg. 1

Within that model, trustees had set broad strategic targets for staff under the management of the education director.

It had been a contentious issue among some trustees who felt strongly that it limited their decision-making abilities.

Tate— at that time— said he became concerned that the board might not be operating lawfully under policy governance and believed an independent legal opinion was needed as quickly as possible.

At Tate's request, Lauwers attended the May 16 and 18 special board meetings.

In Lauwers' opinion the board had been operating unlawfully by stating a two-thirds majority vote be required on decisions that are revisited, rather than a simple majority.

Trustees passed a motion that altered how they can amend bylaws. That means a simple majority - or six votes - is only required, which is a change from the previous policy that mandated a two-thirds majority or eight votes

Tate told the Post in May that Lauwer's fee for work provided would be around \$10,000 and would come from the board's \$500,000 legal fees fund.

When policy governance was altered at the May 18 board meeting, later that night Dusty Papke announced he was resigning as education director at the end of June. He eventually departed with a controversial severance package of more than \$600,000.

The policy governance changes and bylaw amendments passed 6-5.

Those voting for the changes were Tate (Milton), Jennifer Hlusko (Burlington), Wes Pulling (Burlington), Russell (Burlington), Bruce Jones (Oakville) and Susan Shepherd, (Oakville).

Those voting against the policy governance changes and bylaw amendments were Ethel Gardiner (Halton Hills), Debbie Downs (Burlington), Janie Hames (Burlington), Kelly Amos (Oakville) and Mary Chapin (Oakville).

Gardiner originally asked in June for a report breaking down how much it cost the board for the legal services, as well as a court reporter and two Halton police detectives who were present in May when policy governance was being discussed.

It has since been revealed the board paid \$700 for the court reporter; the two police officers were on duty and didn't require payment.

Tate said the law firm was not revealed on Nov. 2 in the public document of the committee of the whole agenda because that would mean all firms should be identified.

"We don't feel it's appropriate to name one (firm) without naming the others," he said. "We didn't feel it appropriate to name any of them."

When asked why his hiring of Miller Thomson wasn't discussed at the board table, Tate said that has never been done by past boards.

"It has never been discussed ever in public who the board was going to hire for a lawyer— ever," he said. "I don't mind being held to a standard that others have followed, but I don't need to be held to a standard that wasn't followed by anybody else."

"When I get held to a standard that nobody has been held to, that is unfair."

Tate noted he has used Miller Thomson for personal and business use for 20 years prior to enlisting their services regarding policy governance at the public board.

He said he wished no money was spent on lawyer's fees, but in the end, he felt that it was appropriate and well spent.

Calling Miller Thomson an "excellent firm," Tate reiterated that he felt there needed to be a legal decision determining whether the board was acting lawfully under policy governance. The board has hired quality staff with a new education director and superintendent of business services, he noted.

The issue of legal costs was discussed at the board's committee meeting last Wednesday. While not addressing any specific amount of money paid for any particular lawyer or law firm, Tate told trustees he would like to move on from the issue of spending money on legal services.

"It's in the past, and we, as a board, should look to the future," he said.

Chapin said the amount of cash spent on legal fees is upsetting. She said that's money that could have gone into the classroom.

"It was an unnecessary expenditure," she said. "This, in my opinion, is a serious misuse of fiscal responsibility to our constituents."

"The public should be asking some hard questions of this school board."

Gardiner believes the fact that money was spent on lawyers' fees has been a waste.

"I feel that somehow the point has been missed that it was an unnecessary expenditure," she said.

—By Jason Misner, special



ETHEL GARDINER



Gail Williamson of Confederation Street examines a pine tree that blew over on her property during Sunday night's wind storm. Photo by Ted Brown

High winds keep town crews busy

Gusty winds kept Halton Hills Public Works staff busy for about four hours Sunday night.

Public Works senior supervisor Dick Spear said two staff members were working overtime Sunday cleaning up downed trees and limbs.

That night Spear said a top half of a

tree landed on a parked car and across Fifth Line at 22 Sideroad, and a tree near the Gellert Centre came down and blocked the southbound lane of Eighth Line.

The works crew removed those trees and cleaned up branches that had come down elsewhere in the town.

Director tries to plug board leak

Upon learning the *Burlington Post* had obtained confidential documents related to legal fees billed to the Halton District School Board, Education Director Wayne Joudrie cautioned trustees against commenting to the media.

The *Post* had earlier contacted Joudrie about costs associated with the law firm Miller Thomson. The education director said he couldn't comment on information contained in confidential board documents.

Shortly after the telephone conversation with the reporter, Joudrie sent the following (unedited) e-mail to trustees:

Good Afternoon.

I heard from Ethel that the *Burlington Post* may have a copy of the In Camera materials. She wanted to assure me that she was not the source.

In a conversation this morning with Jason Misener (*Burlington Post*) I had him confirm that he is in possession of the copy of the In Camera Legal Matters Report.

He would not divulge his source when asked. He asked me questions on detail and I indicated "No Comment" in that the material is confidential.

I have since been contacted by both Paul and Peggy who have also heard from the *Post* regarding the information.

I advise all Trustees to avoid making any comments to Jason Misener on this issue in that the information is confidential.

I have also been in contact with the Editors-in-Chief with the paper to question their ethics around using confidential information in their

newspaper. They appear to be hiding behind "the public's right to know".

I cautioned them against using any information from the confidential source in that individuals have been named and situations identified.

I also indicated that confidentiality agreements have been signed with respect to staff and that if broken would leave the Board and the paper in a position of risk with respect to litigation.

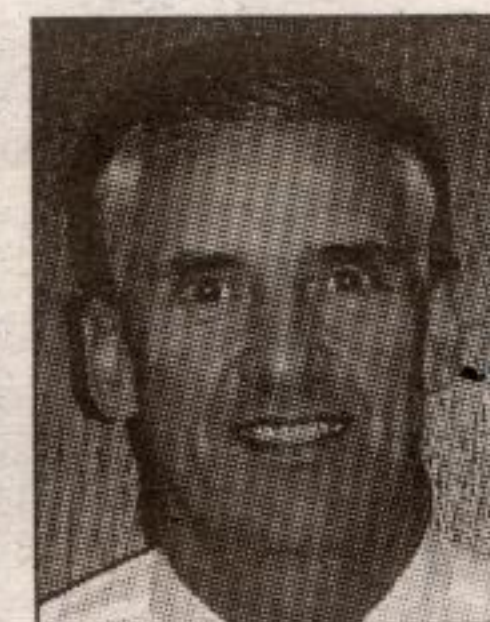
I was particularly adamant with respect to any identification with respect to individuals associated with Tribunals (specifically students names). The editor assured me that this was not part of what they were considering in the story. I expressed my disappointment and indicated that I would likely be back to them with further communication.

I believe that I have "slowed down" and tempered their interest in releasing the information but the Editors would not commit to a non-release.

I will be in contact with our legal counsel with respect to investigating any avenues to restrict publication as well as to investigate recourse with respect to identifying the source of the leak.

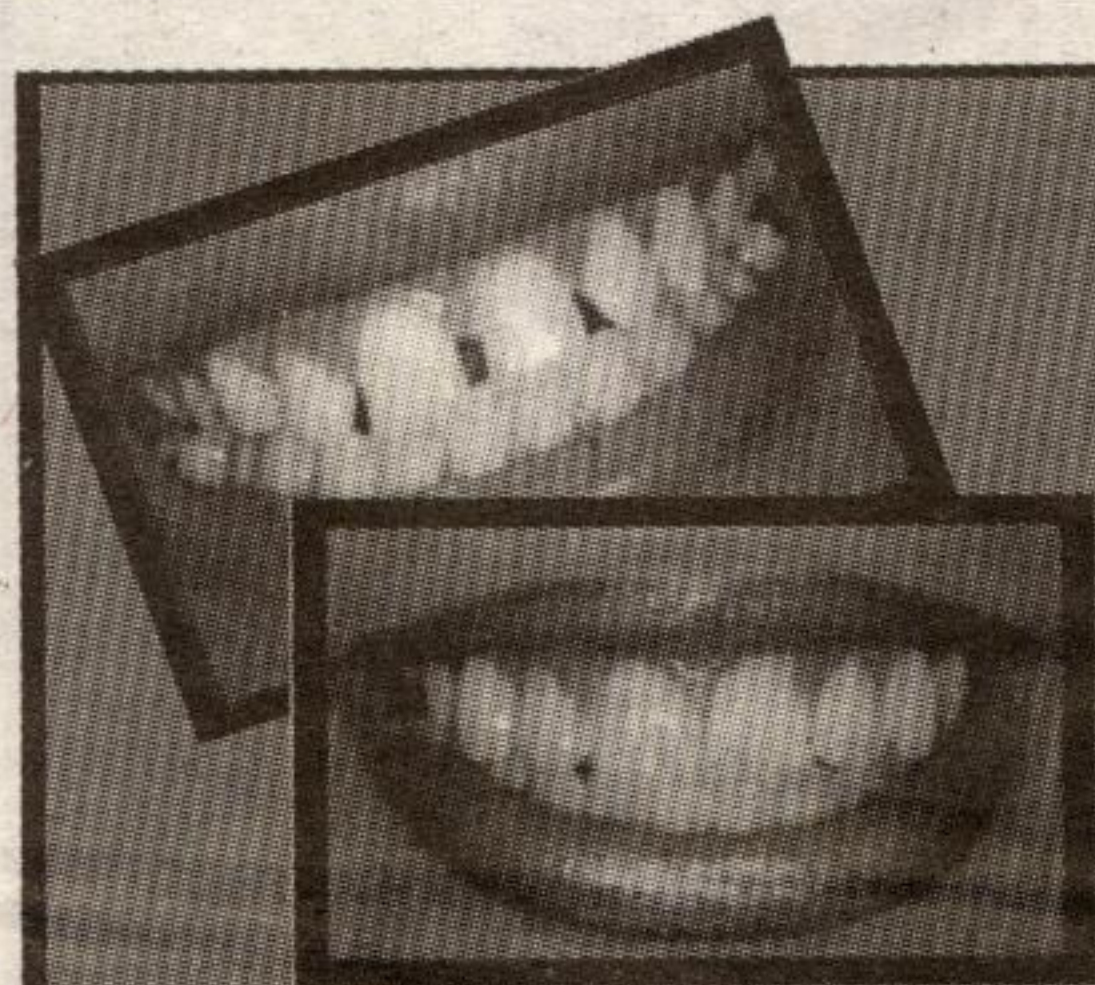
As you can imagine, I am not pleased, nor should you be!

I will keep you all posted as I continue with the investigation. In the interim, lets not jump to any conclusions about the who and why...Let me do my work first. We really don't need any more fuel added to this fire!



WAYNE JOUDRIE

Take Care
Wayne Joudrie, Director and Secretary
Halton District School Board



ZOOM TOOTH WHITENING SYSTEM

Shade changes of 6 to 10 shades in about an hour

your smile says so much.

Genetic Dentistry

22 Guelph Street

downtowngeorgetowndental.com

(905)877-4371