

Governance debate gets costly

By MELANIE CUMMINGS
Special to The Champion

Some special guests invited to an unscheduled Monday night meeting of the Halton District School Board — to discuss the legalities of a board requirement for two-thirds majority votes — may eventually cost taxpayers more than \$10,000.

A court reporter and an outside lawyer, who told trustees he charges \$575 per hour, were invited to the meeting by Chair Paul Tate and Vice-Chair Peggy Russell, much to the surprise of several trustees.

Not only did the general list raise red flags, but also the speed in which policy governance changes at the board are being proposed.

"You seem to be calling in people we haven't approved, without any discussion," said Ward 3 Burlington Trustee Janie Hames.

A verbatim record of board meetings is unusual. Typically, a staff clerk takes minutes and provides a summary report to trustees. The meetings are also video and audio taped.

Mr. Tate told board members that he

brought in a court reporter because he wanted the meeting accurately reported "to protect everyone."

Mr. Tate said he brought in outside counsel too because he didn't want to "jeopardize" staff lawyer Robert Keel's ongoing relationship with the board.

Mr. Tate said he didn't want Mr. Keel to be "the meat in the sandwich. We wanted to preserve his position as a fair arbitrator on behalf of the board," he added.

In the legal opinion of Peter Lauwers, from the law firm Miller Thomson, the board is currently operating in an unlawful manner by requiring two-thirds — or eight of 11 trustee votes — on decisions that are revisited, instead of just a majority or six votes.

Conversely, the board's staff lawyer Robert Keel said that he tends to lean on the other side of the debate, contrary to Mr. Lauwer's opinion. Although he added the consultant's opinion has "validity and substance."

The bottom line is the board needs to decide how to govern itself, said Mr. Keel.

Mr. Tate said he believes that a simple majority is the only reasonable and fair way to operate, and that he shouldn't be saddled with decisions made by previous Halton trustees.

"If this (legal opinion) is accurate, then this board has been operating illegally for the past 10 years I've been on the board," said Ethel Gardiner, Halton Hills trustee and former chair of the board.

Trustees turned down a request to formally seek public opinions on the governance issue by a 6-5 vote. Those against were: Mr. Tate, Ms Russell, Jennifer Hlusko (Ward 6 Burlington), Bruce Jones (Ward 1, 2 Oakville), Wes Pulling (Ward 1

Burlington) and Susan Shepherd, (Ward 4, Oakville).

"I don't agree we should go to the public and ask them whether we should be legally compliant, or ask their permission to do things wrong," said trustee Mr. Jones.

Pointing to the 21 spectators in the gallery, trustee Debbie Downs (Ward 2 Burlington) noted that this is the largest number of attendants over the past 18 months.

"Obviously this is an issue of interest to constituents," she said.

Trustees were notified last Friday afternoon of Monday night's special meeting. When asked why these concerns over policy governance weren't sent to the board's Policy, Bylaw and Governance Committee, Mr. Tate said the matter was too urgent to wait.

"We have to tackle these issues immediately," he added.

Progress hasn't been made in the 18 months he has been on the board, said Mr. Tate, because the two-thirds vote requirement is holding back the real work of the board.

The rationale typically provided along with recommendations for change didn't accompany the agenda items submitted by Mr. Tate. They were included on the items slated for Wednesday's regular board meeting.

Back in court June 8

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tified. "The tree removal... did not significantly alter the size, diversity or ecological function of ESA 16."

He did, however, say the tree removal could cause soil erosion, an issue that should be addressed with added buffers.

ESAs are fluid, court heard, and are constantly being impacted by urbanization.

Mr. Charleton showed court a photo of the crop that's currently growing in the cleared area.

"This site is extremely well cleared and well prepared for planting," he told the court.

The next court appearance will be June 8, although that will be simply to see if the trial can continue earlier than the December 20 date set Tuesday.

Stephanie Thiessen can be reached at sthiessen@milton-canadianchampion.com.

Papke resigns from board

Halton District School Board Chair Dusty Papke announced his resignation near the end of a lengthy board meeting Wednesday.

In a prepared statement, he said he was leaving effective June 30.

See full story in Tuesday's edition of The Champion.

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