

Endorsement of the Honourable Charles T. Hackland, Regional Senior Justice

June 19, 2009 (argued and reserved) ex parte Motion

Mr. Frank Tierney for the applicant school board

This is an application under section 7(2) of the *Municipal Conflict of Interest Act*. On my [re]view of the affidavit materials from Mr. G. Greffe and the concerned Trustees, and after considering Mr. Tierney's submissions, I am of the view that the disclosed 'conflicts' are so minor in relation to the budgetary issues at hand, that section 4(k) of the Act applies and that a declaration under section 7(3) of the Act is properly made. Accordingly, an Order will issue in the form which I have signed.

Charles T. Hackland R.S.J.

June 22, 2009

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BEFORE THE HONOURABLE)
CHARLES T. HACKLAND)
REGIONAL SENIOR JUSTICE)

MONDAY THE 22nd DAY
OF JUNE, 2009

BETWEEN:

CATHOLIC DISTRICT SCHOOL BOARD OF EASTERN ONTARIO

Applicant

Pursuant to section 7 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50

ORDER

THIS APPLICATION MADE WITHOUT NOTICE WAS HEARD ON Friday June 19, 2009 at 161 Elgin Street, Ottawa, Ontario.

ON READING the Application Record filed, and on hearing the submissions of counsel for the Applicant,

THIS COURT ORDERS AND DECLARES AS FOLLOWS:

1. Section 5 of the *Municipal Conflict of Interest Act* is declared not to apply to any pecuniary interest in any matter that Trustees Ronald F. Eamer, J. Brent Laton, Todd J. Lalonde, and Sue Wilson may have, by reason that the interests of the respective Trustees are declared to be sufficiently remote or insignificant in their nature that they are not to be regarded as likely to influence the said Trustees.

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2. The Applicant will conduct its consideration of the 2009-2010 budget in three parts, as follows:
 - a) Special Education;
 - b) Transportation; and
 - c) All other budgetary matters.

3. Trustee Karen McAllister will recuse herself from any *in camera* session during which the Transportation component of the 2009-2010 budget is considered and/or discussed.

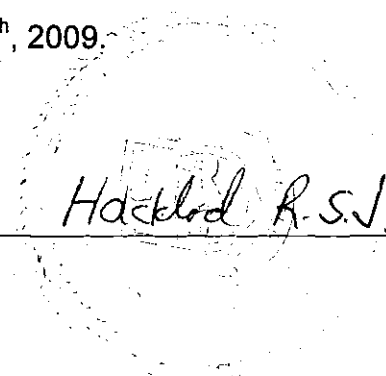
4. Trustee Karen McAllister may be present when the 2009-2010 budget is presented at a public meeting of the Board of Trustees but will refrain from voting with respect to the Transportation component of the 2009-2010 budget.

5. Trustee Robin Reil will recuse himself from any *in camera* session during which the Special Education component of the 2009-2010 budget is considered and/or discussed.

6. Trustee Robin Reil may be present when the 2009-2010 budget is presented at a public meeting of the Board of Trustees but will refrain from voting with respect to the Special Education component of the 2009-2010 budget.

7. Trustees Karen McAllister and Robin Reil shall not attempt in any way whether before, during or after the meeting, to influence the voting on the Transportation and Special Education components of the 2009-2010 budget, respectively.
8. Subject to paragraphs 3, 4, 5 and 6 of the within Order, section 5 of the *Municipal Conflict of Interest Act* is declared to not apply to Trustees Karen McAllister and Robin Reil of the Board of Trustees of the Catholic District School Board of Eastern Ontario in respect of the 2009-2010 budget, thereby permitting Trustees Karen McAllister and Robin Reil to give consideration, discuss and vote upon the 2009-2010 budget.
9. The Applicant shall post a copy of the within Order and the endorsement of this Honourable Court on its website, accessible to its electors and staff.
10. The Applicant shall read the content of the within Order and the endorsement of this Honourable Court at the meeting of the Board of Trustees scheduled to take place on June 29th, 2009.
11. The Applicant shall ensure that a copy of this Order and the endorsement of this Honourable Court will be sent to each of the Trustees of the Catholic District School Board of Eastern Ontario.
12. Any interested party seeking to set aside the within Order must seek leave from

the Honourable Mr. Justice Hackland to obtain standing to bring an application
before the Court, by no later than June 25th, 2009.


Hackland R.S.J.

**CATHOLIC DISTRICT SCHOOL BOARD OF EASTERN ONTARIO
Applicant**

Court File No. 09-45278

SUPERIOR COURT OF JUSTICE

Proceeding commenced at OTTAWA

ORDER

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