



DIRECTOR'S OFFICE

Briefing Notes

Date: November 11, 2008

Topic: CONFLICT OF INTEREST WHILE THE BOARD IS UNDER
MINISTRY SUPERVISION

1. This report describes a trustee's obligations under the *Municipal Conflict of Interest Act* where the control and charge over the administration affairs of the Board are vested in the Ministry of Education pursuant to subsection 257.31(2) of the *Education Act*.

2. On June 4, 2008 the Lieutenant Governor in Council placed the Toronto Catholic District School Board under the control of the Ministry of Education.

On the same day, Norbert Hartmann was appointed Supervisor and Norm Forma was appointed Associate Supervisor of the Board, referred to in this report as the Ministry Supervision Team.

3. The Ministry Supervision Team holds a monthly meeting, which Board Trustees, the Director of Education, staff and other interested parties attend.

4. At the monthly meeting the trustees discuss matters on the meeting agenda but do not vote on any matter considered at the meeting, the decision making authority is vested exclusively in the Ministry Supervision Team.

5. The Ministry Supervision Team monthly meeting is a "meeting" for the purposes of the *Municipal Conflict of Interest Act* and therefore the *Municipal Conflict of Interest Act* applies in exactly the same manner as it does if the Board were not under Ministry Supervision.

6. Section 1 of the *Municipal Conflict of Interest Act* defines a meeting as including

"any regular, special, committee or other meeting of a council or local board, as the case may be"

7. The legal opinions of April 13, 2008 and May, 2009 (attached as Appendix A) previously provided to trustees describes in detail the obligations of trustees under the *Municipal Conflict of Interest Act*.

8. In summary, the *Municipal Conflict of Interest Act* imposes the same obligations on trustees when the Board is under Ministry Supervision as when the Board is not under Ministry Supervision.