

From: Patrick O'Connor
Sent: February-01-11 2:15 PM
To: 'John Woudzia'
Subject: ATTENTION: DR. JOHN WOULDZIA, SUPERINTENDENT SD #40 - RE: SCHOOL TRUSTEE
CONFLICT OF INTEREST

February 1, 2011 Via email

Dear Dr. Woudzia (John),

As you are likely aware, I have recently raised concerns about trustee conflict of interest in the New Westminster School District. Specifically, I've raised questions about conflict of interest on the part of Trustee Lori Watt in relation to the interests of her employer, the Canadian Union of Public Employees (CUPE BC).

Although Trustee Watt's recent efforts to ban bottled water in the school district have served as a focal point for my concerns, banning bottled water is certainly not the only example of an interest CUPE BC has that would constitute a conflict of interest for Trustee Lori Watt.

Trustee Watt's failure to acknowledge that her employment with CUPE BC represents a conflict of interest wherever and whenever school district matters have an impact on the interests of CUPE BC is very troubling to me. It is truly unfortunate that this conflict of interest has gone unacknowledged for so long.

Equally unfortunate is the fact that, under the School Act, the only mechanism that seems to be available for addressing and resolving an unacknowledged conflict of interest on the part of a school trustee is for an elector like myself to step forward and make application to the Supreme Court of British Columbia for a determination.

As Section 62 of the School Act states (under "Application to court") in relation to the duty of a trustee to recuse themselves from any matter in which they or their employer have a pecuniary interest: "62 (1) Subject to subsection (3) an elector may, within 6 weeks after the fact comes to the elector's knowledge that a trustee may have contravened section 58, apply to the court for a determination of the question of whether the trustee has contravened section 58."

As a matter of principle, I feel compelled to consider this course of action, should it be necessary, and I am prepared to secure and commit the necessary resources to make such an application to the Supreme Court of British Columbia in order to bring this question to a resolution.

As an interim step, and largely to confirm my own understanding of the School Act as it pertains to this matter, I've sought a written legal opinion from Roy W. Millen of Blake, Cassels & Graydon LLP (a highly respected and accomplished law firm) and attached a copy of that written opinion to this correspondence (see the attached PDF). It is my

sincere hope that his objective, professional assessment of Trustee Watt's situation will be informative to you and to the other members of the school board.

I also sincerely hope that Trustee Watt will heed the information contained in Roy Millen's written legal opinion and that she will take steps to recognize and acknowledge her conflict of interest in matters relating to the interests of her employer and recuse herself from these matters.

As you know, I've been closely observing and participating in the affairs of the New Westminster School District for more than a decade now, including many years serving as a Community Representative on the district's Finance and Administration Committee, and upon occasion commenting publicly. Throughout that time I have often found myself troubled by questions of trustee conflict of interest that were going unacknowledged and unaddressed.

I therefore feel very strongly that resolving the longstanding question of trustee conflict of interest in the New Westminster school district is long overdue and that it is in the best interests of the school district, its students and staff, and the community at large.

I am also hopeful that the steps I have taken to date will help to resolve this question once and for all without impacting education dollars that are better spent in the classroom. But as I have indicated above, I am prepared to secure and commit the resources necessary to take this issue to the Supreme Court of British Columbia if that is what is required.

Sincerely,

Patrick O'Connor
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