

MINUTES OF PROCEEDINGS OF THE
ENGLISH MONTREAL SCHOOL BOARD

A Special Board Meeting of the English Montreal School Board has taken place on Tuesday September 15, 2020 at 7:00 P.M. in the Laurence Patterson Conference Room, 6000 Fielding Avenue.

Chairman

Commissioners Present:

Me Joe Ortona, Acting-Chairman (in person)
Mr. Agostino Cannavino, Commissioner (by phone)
Mr. Julien Feldman, Commissioner (in person at 7:15 P.M)
Mr. Norm Gharibian, Parent Commissioner (in person)
Mr. James Kromida, Commissioner M. Mughal (by Phone at 7:27 P.M)
Mr. Joseph Lalla, Commissioner (in person)
Ms. Sylvia Lo Bianco, Commissioner (by phone)
Mr. Pietro Mercuri, Parent Commissioner (by phone)
Mr. Rosario Ortona, Commissioner (in person)
Mr. Mario Pietrangelo, Commissioner (in person)
Mr. Andrew Ross, Parent Commissioner (by phone)

Commissioners Absent:

Mr. Mordechai. Antal, Commissioner
Mr. Bernie Praw, Commissioner
Ms. Mubeenah Mughal, Parent Commissioner

Administrators Present:

Ms. E. Alfonsi, Interim Director General
Me B. Duhême, Assistant Director General, Administration Division
Me N. Lauzière, Secretary General
Me L. Roy, Director, Legal Services
Ms. B. Sellato, Consultant, Communications

One lawyer present, in person, and one lawyer present by phone, to update the council to the court cases.

1. Proper Notice of the Special Meeting

Me Nathalie Lauzière confirmed that proper notice of this meeting was given.

2.	<p><u>Approval of the Agenda</u></p> <p>IT WAS MOVED BY MR. J. LALLA, AND RESOLVED THAT the agenda be approved:</p> <p>Vote 9-0-0 Adopted</p> <p style="text-align: right;"><u>Resolution #20-09-15-2</u></p>
3.	<p><u>Question Period</u></p> <p>Mr. Joe Ortona responded to a question posed by Mr. Eustace regarding clarification of point 4.2.5</p>
4.	<p><u>In Camera</u></p> <p>4.1 - Motion to Move in Camera</p> <p>IT WAS MOVED BY MR. R. ORTONA to move in camera at 7:08 P.M.</p> <p>Vote 9-0-0 Adopted</p> <p style="text-align: right;"><u>Resolution #20-09-16-4.1</u></p> <hr/> <p>Back from in Camera at 9:28 P.M.</p> <p>4.2 - Update on All Legal Cases</p> <p>4.2.1 - Bill 40</p> <p>4.2.2 - S/477.1.1 of the Education Act</p> <p>4.2.3 - Bill 21</p> <p>4.2.4 - Other Legal Cases</p> <p>4.2.5 - Transfer to QESBA for the Bill 40 Court Challenge</p> <p>4.2.6 - Resolution to Protect and Defend EMSB's Legal Interests</p>
5.	<p><u>Adoption of the Resolution(s) from in Camera</u></p> <p><u>Transfer to QESBA for the Bill 40 Court Challenge</u></p> <p>WHEREAS the Quebec English School Boards Association (QESBA) and its member boards have embarked upon a court challenge to Bill 40: An Act to amend mainly the Education Act with regard to school organization and governance;</p>

WHEREAS QESBA had a budget set aside for a portion of the total cost of a court challenge that could last up to five years;

WHEREAS QESBA was granted the initial challenge for a stay;

WHEREAS the Government of Quebec has decided to challenge and appeal this ruling;

WHEREAS it is our responsibility to protect and promote English public education in Quebec;

WHEREAS the QESBA Board of Directors adopted a resolution for a special assessment of \$2.00 per pupil to help offset the growing legal fees to the Association;

IT WAS MOVED BY MR. J. FELDMAN AND UNANIMOUSLY RESOLVED that the English Montreal School Board transfer \$88,000 to the QESBA for the Bill 40 court challenge.

Vote: 9-0-2 Adopted (Mr. A. Ross and Ms. S. Lo Bianco abstained from the vote, Mr. M. Antal, Mr. B. Praw and Mr. J. Kromida were not present for the vote)

Resolution #20-09-15- 4.2.5

Resolution to Protect and Defend EMSB's Legal Interests

WHEREAS Power Law has provided the Council of Commissioners with a legal opinion on the scope of the council of commissioners' functions and powers;

WHEREAS English language school boards are a constitutionally protected body under s. 23 of the Canadian Charter of Rights and Freedoms;

WHEREAS numerous discussions were held in camera and in caucus;

WHEREAS there is a period of uncertainty regarding the pending constitutional challenge to Bill 40, An Act mainly to amend the Education Act with regard to school organization and governance, before the Court of Appeal of Quebec;

IT WAS MOVED BY MR. R. ORTONA AND UNANIMOUSLY RESOLVED THAT the EMSB Council of Commissioners mandate Power Law to take the necessary steps to defend the EMSB's legal interests and ensure that its constitutional rights as well as all laws of Quebec and Canada are respected in its regard.

Vote: 7-0-4 Adopted (Mr. A. Ross, Mr. P. Mercuri, Mr. N. Gharibian, and Ms. S. Lo Bianco abstained from the vote, Mr. M. Antal, Mr. B. Praw and Mr. J. Kromida were not present for the vote)

Resolution #20-09-15-4.2.6

6.

Adjournment

On a motion by Mr. J. Lalla, the meeting was adjourned at 9:35 P.M.

Adopted

Resolution # 20-09-15-6

Signed in Montreal,

Me. Joe Ortona, Interim Chairman

Me Nathalie Lauzière, Secretary General