

February 26, 2019

MAYOR AND COUNCIL
THE UNITED TOWNSHIPS OF HEAD,
CLARA & MARIA
15 TOWNSHIP HALL ROAD
STONECLIFFE, ON K0J 2K0

Dear Mayor Grills and Council:

RE: Order Re: Missing Link Snowmobile Club
Our File No.: 17439-25

I am pleased to report that I attended the Ontario Superior Court of Justice in Pembroke on February 26, 2019 and was successful in obtaining an Order from Justice James permitting Council to consider issues affecting the pecuniary interest of the Missing Link Snowmobile Club (the "MLSC").

I was pleased that Mayor Grills, Councillor Allen (President of the MLSC) as well as Peggy Young-Lovelace as a representative of E4m, the Municipality's Integrity Commissioner were able to attend with me.

After describing the intricacies of the *Municipal Conflict of Interest Act* (the "MCIA"), the Bill 68 amendments and the operations of MLSC, Justice James granted us the Order we were seeking.

This Order permits Council to consider, discuss, and vote on matters in which the MLSC has a financial interest in. This is important because four (4) of the five (5) members of Council are members of the MLSC and, would therefore have indirect conflicts in such matters per the *MCIA*.

This means that **all** of Council can participate in MLSC related matters.

A few important issues/qualifications arise:

1. This Order applies only to the current Council for the term of Council. It will not "transfer" or be passed on in the next election set for 2022. If we have a Council in 2022 that has a similar conflict situation, we will need to renew this Order;
2. This Order excuses **only** "Indirect Conflicts" that Mayor and Council have as members of the MLSC. This would include indirect conflicts arising from personal membership in the MLSC or the membership of a parent, spouse or child in the MLSC;

3. This Order does NOT therefore excuse Councillors from direct conflicts. These are distinct from indirect conflicts as they arise not simply from being a member of the MLSC, but from a situation where the Councillors could experience an immediate financial impact, positive or negative, from MLSC related matters. Likewise, this Order does NOT excuse Councillors whose parents, spouses, or children could experience such a financial impact.

Should Council have any questions about the above distinction between indirect and direct conflicts, I would encourage Council to contact me or the Integrity Commissioner after March 1, 2019.

Justice James was interested in knowing that this Order would be made public. As such, Council should put the matter on the agenda, receive the Order and my opinion regarding the Order in open session, ensure that discussion and acceptance of the Order is appropriately documented in the minutes and that the Order is made public on your website and newsletter.

I am pleased with this result and am glad that we were able to assist you so that Council can now consider MLSC issues without an allegation of Conflict.

Please let me know if you have any questions.

Yours very truly,
WISHART LAW FIRM LLP



J. Paul R. Cassan
 Telephone Ext.: 230
 Email: pcassan@wishartlaw.com
 Assistant: Linda Hurdle
 Email: lhurdle@wishartlaw.com
 JPRC:lh

cc:	Integrity Commissioner – E4m	
	Attention: Peggy Young-Lovelace	Via Email
	Crystal Fischer	Via Email
	Mayor Grills	Via Email