

# COMMITTEE OF THE WHOLE

Tuesday, June 14, 2022 | 6:00 PM

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Meeting ID: 820 8792 8624  
Passcode: 351106  
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## PUBLIC AGENDA

### 1.0 Call to Order

#### 1.1 Land acknowledgement

We would like to open this meeting by acknowledging the traditional territories of the Anishinaabe, on which all schools of the NNDSB are situated. The Board Office is specifically located on the traditional territory of the Nipissing First Nation. We value the cultures, histories and relationships with the Indigenous People of Turtle Island. We are grateful to be gathered here today.

#### 1.2 Attendance

Confirmation of Quorum

#### 1.3 Declaration of Conflict of Interest

### 2.0 Approval of the Agenda and Previous Minutes ✓

Motion: That the agenda for the Committee of the Whole meeting of June 14, 2022, and the minutes of the previous meeting of May 10, 2022, be approved.

### 3.0 In-Camera

Motion: That the Board move into a Committee of the Whole Private Session

### 4.0 Arise and Report

### 5.0 Business Arising

Nil.

### 6.0 New Business

6.1 Summer Committee Work

6.2 NNDSB Charity Works Report ✓

**7.0 Adjournment**

Motion: That on June 14, 2022 we do now adjourn at \_\_\_\_pm.



Jay Aspin, Chair

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Craig Myles, Director of Education

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The May 10, 2022 **Committee of the Whole Public Session** of the Near North District School Board was held via video and/or teleconference.

**Trustees Present:**

Jay Aspin, Chair  
John Cochrane, Vice-Chair  
Al Bottomley  
Bill Steer  
Caren Gagne  
Donna Breault  
Louise Sargent  
Rob Learn \*  
Cecilia Darling, Student Trustee

**Administrative Staff Present:**

Craig Myles, Director of Education  
Gay Smylie, Superintendent of Education  
Deb Bartlett, Communications Officer  
Krista Messenger, Executive Assistant  
Melanie Gray, Superintendent of Education  
Seija Van Haesendonck, Superintendent of Business  
Tim Graves, Superintendent of Education

**Other:**

Staff, media and community partners

**Trustees Absent:**

Nichole King  
Allen Lewis Trodd, Student Trustee

\* Joined the meeting following the roll call. Attendance noted within the minutes.

**1.0 Call to Order**

Chair Aspin called the Committee of the Whole meeting to order at 6:00 pm.

**1.1 Land acknowledgement**

Chair Aspin read the declaration aloud.

**1.2 Attendance**

Attendance indicated that eight trustees are present at this point in the meeting, including one student trustee.

**1.3 Declaration of Conflict of Interest**

NIL

**2.0 Approval of the Agenda and Previous Minutes**

*Motion: J. Cochrane/ C. Gagne*

That the agenda for the Committee of the Whole meeting of May 10, 2022, and the minutes of the previous meetings of April 12, 2022, be approved - **Carried**.

### **3.0 In-Camera**

At this time, Chair Aspin advised the Committee of the Whole would be moving into a private session. Members of the public were excused and advised they would be permitted back into the meeting once the Board arose in public session.

*Motion: A. Bottomley/ D. Breault*

That the Committee of the Whole move into an in-camera session. - **Carried.**

A brief pause was noted to coordinate the appropriate video conference controls.

### **4.0 Arise and Report**

The Committee arose and reported in the public session of the Committee of the Whole. A brief pause was noted to coordinate the appropriate video conference controls to permit members of the public to re-enter the virtual meeting.

*Trustee Learn has joined the meeting. At this point it is noted that 10 trustees are present, including Student Trustee Darling.*

### **5.0 Business Arising**

Chair Aspin noted this is a nil report this evening.

### **6.0 New Business**

#### **6.1 OPSBA Award- Trustee Steer**

Chair Aspin invited Trustee Steer to speak to this item. Trustees were referred to the brief included in the agenda package regarding the criteria for the 2022 OPSBA Bernardine Yackman Award. In his capacity as the Board's OPSBA representation, Trustee Steer noted that he is pleased to be seeking consensus to nominate Board Chair Jay Aspin for this award. It is noted that the award is given to an individual for outstanding contributions to education with special recognition for Northern Ontario service. Trustee Steer noted Board Chair Aspin's length of service and commitment to public service have served students and the education system very well.

Vice-Chair Cochrane noted his full support for the nomination of Board Chair Aspin recognizing how his leadership has positively impacted NNDSB in many ways.

Closing comments from Chair Aspin to thank trustees for their support for the nomination. Appreciation was expressed to trustees for continuing to work together alongside administration. This practice has elevated the NNDSB Board of Trustees, and the work accomplished.

#### **6.2 Notice of Motion- "Four-Day Work Week Investigation"- Trustee Steer**

It is noted that Trustee Steer provided a Notice of Motion in alignment with NNDSB Bylaw 102. Chair Aspin referred trustees to the brief included in the agenda package and advised Trustee Steer would be given one minute to speak to this item and then the floor would be open to discuss and determine consensus.

Remarks from Trustee Steer to note he is seeking consensus to bring a motion forward recommending OPSBA begin to investigate the four-day work week model as its application and impact to the educational system. It is noted that there is increasing traction for this work week model with employers in the province so proactive engagement by OPSBA would be very timely.

Chair Aspin inquired if a trustee was willing to second the proposed motion as outlined on Trustee Steer's Notice of Motion. Vice-Chair Cochrane noted he would be pleased to; therefore, Chair Aspin opened the floor for discussion on this item. Highlights are noted as:

- Trustee Bottomley noted his support given the positive environmental impact expected. Specifically, a reduction in the use of school buses would decrease the carbon footprint immensely.
- Trustee Gagne noted her support to initiate this investigation, given other fields are looking at this progressive model as well (such as the medical field).
- Vice-Chair Cochrane reflected on a suggestion that arose during his mining career. Despite initial hesitations, the 4-day work week has proven to be a very positive model for employee satisfaction and productivity.
- Trustee Breault inquired if this request would require any action by NNDSB administration. Clarification to note Trustee Steer is recommending OPSBA investigate so that findings can be shared with all provincial colleagues. With this clarification, Trustee Breault expressed her full support.
- Trustee Sargent suggested involving union federations in this discussion so their perspectives could be fully incorporated. Trustee Steer noted this is a preliminary motion, though it is expected that OPSBA would consider this in alignment with how other labour relations issues are managed.

With no further comments to note, Chair Aspin noted his support for this motion to be presented to OPSBA, as the pandemic has provided a refreshed perspective on virtual work and productivity possibilities. It is noted that consensus is achieved on this item and a motion will be presented for approval during the regular session.

### **6.3 Notice of Motion- "Fossil Fuel Elimination Planning"- Trustee Bottomley**

It is noted that Trustee Bottomley provided a Notice of Motion in alignment with NNDSB Bylaw 102. Chair Aspin referred trustees to the brief included in the agenda package and advised Trustee Bottomley would be given one minute to speak to this item and then the floor would be open to discuss and determine consensus.

Before presenting, Trustee Bottomley offered an apology to Chair Aspin, Trustee Steer and Director Myles for the remarks he made via communication of his preliminary comments on introducing this motion to the Board. The apology was verbally accepted by all three individuals.

Remarks from Trustee Bottomley to note he is seeking consensus to bring a motion forward requiring NNDSB to eliminate the use of all fossil fuels by the year 2035. The Director would be responsible for developing a plan to achieve, which is to be presented to Board by January 2023. Trustee Bottomley noted NNDSB must act immediately while there is hope. Trustee Bottomley noted he is currently working with a municipality to take inventory of what needs to be changed and develop solutions.

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Technology has advanced to the point of making this manageable, and by developing these plans now NNDSB can be prepared and able to react swiftly should any government funding opportunities to offset costs be presented.

The floor was opened for questions and discussion. Highlights are noted as:

- Trustee Steer recalled the previous resolution passed by the Board on May 18, 2021, that directed NNDSB to implement practices and procedures towards reducing its environmental impacts. The motion being proposed by Trustee Bottomley is much too prescriptive and therefore he is not in support.
- Trustee Breault inquired if other school boards in the province have made this commitment. Trustee Bottomley noted he was not aware of any in Canada, though there are examples in the United States of America.
- Trustee Learn noted the proposed timeline is not achievable. Though the technology may be created, it is not readily available or affordable.
- Trustee Gagne noted climate change is cyclical and there are schools of thought that dispel humankind's ability to affect any change.
- Trustee Sargent noted the board has made some progress and this momentum should continue with further discussions.
- Chair Aspin invited Director Myles to speak to the board's work on this item. The Director noted NNDSB is doing many good things throughout the board's operations to ensure NNDSB is doing the best it can within its means to help reduce the environmental footprint. The May 2021 resolution cited by Trustee Steer precipitated the formation of an Environmental Committee that has initiated many projects, partnerships and programs that have furthered this commitment.

With no further comments from trustees, Chair Aspin recognized Trustee Bottomley's fortitude and passion on this topic. Following the previous resolution, Director Myles ensured much progress has been made. Chair Aspin noted the current Board's term will end in November 2022, so it is not prudent to commit the Director to a plan that extends so far beyond the current term. Chair Aspin noted he could not support the motion brought forward but remained in full support of Trustee Bottomley's previous motion concern environment passed on May 18, 2021. The outcome of the current motion ought not to misconstrue the Board's support towards mitigating the negative impacts of climate change.

To confirm if consensus has been achieved, Chair Aspin advised a recorded vote would be conducted. The proposed resolution was read aloud, and trustees were called upon individually to cast their vote.

Proposed motion: BE IT RESOLVED, that the NNDSB put in place a plan crafted by the Director of Education to eliminate the use of all fossil fuels by the NNDSB by the year 2035. The Director will develop such a plan no later than the January 2023 NNDSB Board meeting"

Trustee:	Vote in Favour	Vote Against	Abstain	Absent
Aspin, J.		✓		
Cochrane, J.		✓		
Bottomley, A.	✓			
Breault, D.		✓		

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Gagne, C.		✓		
King, N.				✓
Learn, R.		✓		
Sargent, L.	✓			
Steer, B.		✓		
Total	2	6		1

Based on the results of the poll, it is noted that consensus has not been achieved on this item.

With no further business to note, Chair Aspin noted the Board would proceed to adjournment.

**7.0 Motion to Adjourn**

*Motion: B. Steer/ J. Cochrane*

That we do now adjourn at 6:44 PM. – **Carried**

Unofficial

<b>Title:</b>	<b>NNDSB Charity Works Report</b>
<b>Contact:</b>	Seija Van Haesendonck, Superintendent of Business
<b>Date Submitted:</b>	June 14, 2022
<b>Mandate</b>	<p><b>Multi-Year Strategic Plan Objectives:</b></p> <p>Create opportunities for equitable access to programs and services for students.</p> <p>Provide an equitable and inclusive environment that champions learning opportunities for all.</p> <p>Enhance the safety and well-being of students and staff.</p>
<b>Background</b>	<p>In February, the Board received a report from the NNDSB Charity Works Committee regarding the intent to investigate the creation of a Foundation. The goal of the investigation was to find the most effective way of enhancing fundraising opportunities and expand the Board's ability to support its schools, students and their families.</p> <p>Through Motion, trustees approved the recommendation from the Charity Works Committee to pursue and research the establishment of an NNDSB Foundation to assist and benefit our area students.</p> <p>Since this time, the SBO's Office has completed research with regard to the expectations of the Charities Directorate of the Canada Revenue Agency, the main regulator of registered charities in Canada, and consulted with colleagues for expertise from an audit and DSB lens. This information is presented below to provide insight to support the establishment of next steps regarding this discussion.</p>
<b>Charity Structure:</b>	<p><b><u>Is the charity a separate entity?</u></b></p> <p>Yes, the charity is a separate entity, governed by a separate board. Ultimately, the school board has control of the operations, given that in the event of any wind up of the charity, the funds would revert to the school board and the fundraising activities are for the benefit of the board. The charity financials must also be consolidated in the board's financial statements, and the board is considered a related party, as per the following note in the charity's audited financial statements:</p> <p><i>The Organization operates under the control of the Near North District School Board (NNDSB), whereby the NNDSB appoints all the directors of the board that governs the organization.</i></p>

**How can the charity’s funds be expended/disbursed?**

When the charity was established, the objectives of the organization were noted in the constitution as the following:

- Advancement of education by providing scholarships, bursaries, and prizes for scholastic achievement.
- Advancement of education by providing scholarships, bursaries, and prizes for high achieving students wishing to pursue post-secondary stature without needed financial resources.
- Provide assistance to schools for needed supplies, breakfast programs and other programs to benefit children and create an environment in preparation for life-long learning (purpose beneficial to the community of children of local area schools).

The charity can direct its funds on any items that fit within the parameters noted above.

The board’s charity also has restricted funds that were donated and/or fundraised for specific purposes, and those funds can only be expended toward the intended purpose (endowment funds for scholarships or bursaries for example). As at August 31, 2021, of the charity’s total assets of \$897,000, nearly \$830,000 are considered restricted assets, including approximately \$289,000 of endowments, subject to externally imposed restrictions stipulating that the resources be maintained permanently. Investment income on the endowed funds is restricted for the purpose of funding bursaries, scholarships and other awards.

Also of importance is the Ministry of Education’s established [fundraising guideline](#), that notes the following:

*Funds raised for school purposes:*

- *Should not be used to replace public funding for education; and*
- *Should not be used to support items funded through provincial grants, such as classroom learning materials, textbooks and repairs or for capital projects that significantly increase operating costs.*

*Examples of Acceptable Uses of Fundraising Proceeds*

- *Assistance fund (for example, a fund serving a charitable purpose to benefit students, such as providing payment for the cost of a field trip for students who cannot afford it);*

- *Supplies, equipment or services which complement items funded by provincial grants (for example, extracurricular band equipment, audio-visual equipment);*
- *Field trips or other excursions (for example, in-province, out-of-province, or trips abroad);*
- *Guest speakers or presentations;*
- *Ceremonies, awards, plaques, trophies or prizes for students;*
- *Scholarships or bursaries;*
- *Extracurricular activities and events (for example, travel and entry fees for sports competitions, school team uniforms, school band, choir, clubs);*
- *School yard improvement projects (for example, playground equipment, shade structures, gardens, outdoor skating rink);*
- *Upgrades to sporting facilities such as running tracks, installation of artificial turf and scoreboards;*
- *Support for activities that are unique to the denominational or cultural character of the school (for example, student retreats).*

### **How can the charity fundraise?**

There are many ways to fundraise as long as it doesn't appear that the charity is running a business within its activities. The charity can accept donations, establish fundraising events such as a golf tournament, or even sell goods and services (but that would need to be related to the purposes for which the charity was established). Examples were noted of a centre for aging seniors – they could operate certain card tournaments or fitness classes, provided they are for the benefit of the seniors. A charity can also benefit from things like arranging with a restaurant in town that 15% of the sales will be donated to the charity.

As noted in *Guidance CG-013 Fundraising by registered charities*:

*All charities registered under the Income Tax Act are required by law to devote their resources to exclusively charitable purposes and activities. Although a charity can use some of its resources for fundraising to support the charitable activities that further its charitable purposes, it is the CRA's position that fundraising is not a charitable purpose in itself or a charitable activity that directly furthers a charitable purpose.*

*4. As a general rule, fundraising is any activity that includes a solicitation of present or future donations of cash or non-cash gifts, whether the solicitation is explicit or implied.*

*5. Fundraising by registered charities must be conducted within legal parameters. Fundraising is acceptable provided it is not:*

- *a purpose of the charity (a collateral, non-charitable purpose)*
- *delivering a more than incidental private benefit (a benefit that is not necessary, reasonable, or proportionate in relation to the resulting public benefit)*
- *illegal or contrary to public policy*
- *deceptive*
- *an unrelated business*

The guideline provides further detailed information on fundraising that would be taken into consideration if new events were considered by the charity.

**Within the scope of a charity, can the board plan for long-term fundraising projects?**

As long as the planned expenditure falls within the charity's established purposes, then the charity can run long-term fundraising campaigns. There are CRA rules about disbursement quotas, as noted on the CRA website:

*The disbursement quota is the minimum amount a registered charity is required to spend each year on its own charitable activities, or on gifts to qualified donees (for example, other registered charities). The disbursement quota calculation is based on the value of a charity's property **not** used for charitable activities or administration.*

If a charity is fundraising for a larger value item, and is setting aside funds over a period of time with a specific purpose, but not purchasing unrelated assets or hoarding funds without a defined purpose that the charity would fall within CRA boundaries.

Currently the charity's established purposes would not support fundraising for capital items such as playground equipment or refurbished tracks. The charity would have to revise its constitution to reflect a change to its established purposes, then submit those changes to the Charities Directorate, as noted by the CRA website:

*A registered charity must be established for charitable purposes (sometimes referred to as 'objects'). If a charity introduces purposes or*

	<p><i>undertakes activities that do not qualify as charitable, it is placing its registered status in jeopardy.</i></p> <p><i>By consulting with the Charities Directorate before making changes to its purposes, a charity can avoid the need to further amend its purposes.</i></p> <p><i>A charity that wants to undertake programs and activities that are different from those previously approved should also check with us beforehand to ensure that the proposed activities are charitable and that they fall within the charity's approved purposes. In some cases, a charity may also have to amend its purpose(s) so that it has a basis for undertaking the proposed activities.</i></p>
<p><b>Foundation structure:</b></p>	<p>In discussions with DSB colleagues with an established Foundation, the following thoughts were regarding the creation of a foundation from a board perspective:</p> <ul style="list-style-type: none"> <li>• a public foundation has its own board and bylaws, and there is less control on the part of the school board;</li> <li>• in order to have a successful foundation, the board would have to commit to providing staff for the foundation for several years (funded through board funding) until it becomes self-sustaining;</li> <li>• In order to be self-sustaining and able to cover the salaries of its staff, the public foundation would have to have regular corporate or private donors, and have regular fundraising events, with some of those funds covering overhead;</li> <li>• For a smaller organization, it likely makes sense to work within the bounds of the charity, rather than move to a public foundation;</li> </ul> <p>Public accounting colleagues provided similar thoughts on the challenges of having a public foundation, with the additional note that several clients in the public sector who have had foundations for years have started winding up those operations as they are an administrative burden.</p>
<p><b>Next Steps:</b></p>	<p>As part of the introduction of the Ontario Not-for-Profit Corporations Act (ONCA), the charity has until October 2024 to ensure it is following the legislation. This will require the support of legal counsel to redraft the constitution to ensure that all legal requirements are met, including possibly expanding the number of arm's length directors of the charity.</p> <p>As part of this legal review, it may be in the charity's best interest to consider expanding its established purposes, and redrafting them, as long as they fall within the four categories as identified by CRA:</p> <ul style="list-style-type: none"> <li>• the relief of poverty</li> </ul>

	<ul style="list-style-type: none"> <li>• the advancement of education</li> <li>• the advancement of religion</li> <li>• other purposes that benefit the community in a way the courts have identified as charitable</li> </ul> <p>This would then allow the charity to move forward with increasing and broadening its charitable activities, while reducing the administrative cost and burden to the board.</p>
<b>Recommendation</b>	That the Board of Trustees considers the information presented in order to provide direction to the NNDSB Charity Works Committee.