

SPECIAL BOARD MEETING

3:00 pm Monday, April 22, 2024

Join Zoom Meeting

<https://nearnorthschools-ca.zoom.us/j/82203463266?pwd=Ko7XaGd9pbHNCMhJklOHrkmHt1RjeI.1>

Meeting ID: 822 0346 3266

Passcode: 622966

AGENDA

1. **Call to Order**
Land Acknowledgement
2. **Attendance and Declaration of Conflict of Interest**
3. **Review of the Agenda**
Special Board meeting process

Motion:

That the agenda for the Special Board meeting of April 22, 2024 be approved.

4. **Trustee Vacancy** ✓
5. **Adjournment**

Motion:

That on April 22, 2024, we do now adjourn at _____ pm.

Title:	Trustee Vacancy Process Report
Contact:	Craig Myles, Director of Education
Date Submitted:	Board of Trustees Special Board Meeting April 22, 2024
Background	<p>Following the resignation of trustee and chair Erika Lougheed effective April 9, 2024, the Board was advised that the Director of Education would be providing a board report for review and decision-making purposes at a Special Board meeting.</p> <p>School boards have a maximum of 90 calendar days to fill a trustee vacancy. Based on the resignation date of April 9, 2024, the NNDSB must fill the vacancy no later than July 8, 2024.</p> <p>It is advised that NNDSB expedite the process as there is much work to be accomplished moving forward. It is important that the vacancy is filled in a timely manner considering the current end of year pressures and Ministry reporting timelines.</p>
Education Act * *see Ed Act addendum attached.	<p>Under the <i>Ontario Education Act</i> s.221 (1), all vacancies on the board must be filled, unless the vacancy occurs within one month of the next municipal election.</p> <p>As per the <i>Education Act</i>, school boards can fill a trustee vacancy by one of the following means.</p> <p><u>Appointment Process (s.221(1)(a))</u> The <i>Act</i> is silent on the appointment process.</p> <p><u>By-Election (s.221(1)(b))</u> The Board has the option to run a by-election to fill a trustee vacancy. Any such by-election must adhere to the process as per the <i>Municipal Elections Act</i>. The municipal clerk oversees conducting the by-election and the Board must bear the financial cost and any other associated resources.</p>
OPSBA **See OPSBA details in attached addendum	<p><u>Appointment</u> The <i>Education Act</i> does not set out criteria for appointment. OPSBA endorses the following approaches to appointment:</p> <ul style="list-style-type: none"> • appointing the candidate who finished second in the last election • inviting interested persons to apply for the position • appointing a member of the community

<p>Option 1</p>	<p><u>By-election – Not Recommended</u></p> <ul style="list-style-type: none"> • approximate cost of \$100,000 or more • lengthy time commitment whereby the seat remains vacant • additional workload to board staff/community resources • a by-election could result in no additional candidate stepping forward as there were only two candidates from the “zone” for the original election thus committing Board finances/time/resources with no success
<p>Option 2</p>	<p><u>Appointment Options</u></p> <p>i) <u>Appointee - Not Recommended</u></p> <ul style="list-style-type: none"> • would not align with NNDSB commitment to building positive relationships with community members to foster an engaged and inclusive Board culture • perception of “tapping” and non-transparency • lengthy time commitment • additional workload on Board staff <p>ii) <u>Application Process- Not Recommended</u></p> <ul style="list-style-type: none"> • lengthy time commitment whereby the seat remains vacant • associated costs/commitment of resources • additional workload on Board staff • counter-productive to supporting a healthy democratic environment through which all trustees at the table have been elected • perception of “tapping” and non-transparency <p>Note: Option 1 or 2 appointment options would delay filling the seat. The appointment may not occur for some time, which would impact the busy spring season for trustees and the Board.</p> <p>iii) <u>Appoint “zone 2” election runner-up - Recommended</u></p> <ul style="list-style-type: none"> • upholds the integrity of the democratic process • most efficient process • no financial cost • insignificant impact on staff/Board resources • satisfies our voting public from the vacated region as it would recognize and respect the results of the electoral process in the choice of a previous candidate • provides vacated area voters with a familiar candidate from the vacated area to represent them • expedites the filling of the vacancy with a potential swearing in at the May 14 Board Meeting • Board can immediately resume business of the Board

	<p>It is also noted that this timely option allows students from the vacated area to be represented at graduation ceremonies and other year-end school celebrations, which begin soon. It is important for the students in “zone 2” to have locally appointed trustee representation supporting these significant milestones.</p> <p>With a “zone 2” candidate immediately in place, the Board would be operating at full capacity in the service of all regions of the Board, all stakeholders, and the NNDSB community as a whole.</p>
<p>Concluding Rationale</p>	<p>In alignment with the 2021-2026 Multi-Year Strategic Plan, the Board is committed to Excellence in Relationships and Excellence in Communication.</p> <p>The recommended option speaks to the commitment to building positive relationships, communication, and transparency with community members across the region. It demonstrates fiscal responsibility with no cost to the Board. It has little impact on staff and physical resources. It fosters an engaged and inclusive Board culture that embraces a transparent democratic process and supports local decision making by endorsing the voters’ second choice of candidate.</p> <p>Respectfully submitted.</p>
<p>Recommendation</p>	<p>That the Near North District School Board pass a motion to fill the current trustee vacancy with the 2022 election runner-up from “zone 2”.</p>

* Excerpts from the *Education Act*

Vacancies

221 (1) Subject to section 224, if the office of a member of a board becomes vacant before the end of the member's term,

(a) the remaining elected members shall appoint a qualified person to fill the vacancy within 90 days after the office becomes vacant, if a majority of the elected members remain in office; or
(b) a by-election shall be held to fill the vacancy, in the same manner as an election of the board, if a majority of the elected members do not remain in office. 1997, c. 31, s. 112; 2009, c. 25, s. 26.

Optional election

(2) Despite clause (1) (a), if members of the board are elected under the *Municipal Elections Act, 1996*, the remaining elected members may by resolution require that an election be held in accordance with that Act to fill the vacancy if the vacancy occurs,

(a) in a year in which no regular election is held under that Act;
(b) before April 1 in the year of a regular election; or
(c) after the new board is organized in the year of a regular election. 2002, c. 18, Sched. G, s. 10.

Same

(3) The secretary of the board shall promptly send to the clerk of the appropriate municipality a certified copy of the resolution under subsection (2). 1997, c. 31, s. 112.

Notice re clause (1) (b)

(4) Where clause (1) (b) applies, the secretary of the board shall promptly send to the clerk of the appropriate municipality a notice that clause (1) (b) applies and the notice shall be deemed to be a resolution indicating a by-election is required for the purposes of section 65 of the *Municipal Elections Act, 1996*. 1997, c. 31, s. 112.

Term of office

(5) A member appointed or elected to fill a vacancy shall hold office for the remainder of the term of the member who vacated the office. 1997, c. 31, s. 112.

** OPSBA, 2022-2026 Guide to Good Governance

Filling Vacancies Via Appointment:

All vacancies on the board must be filled unless the vacancy occurs within one month of the next municipal election ((*Education Act* [s. 224(a)]). A vacancy that occurs after the election but before the new board is organized shall be filled after the new board is organized. *Ed. Act* [s. 224(b)].

Three Approaches:

- appointing the candidate who came second in the last election
- inviting interested persons to apply for the position
- offering the appointment to a member of the community