



Trustee Vacancy Ad Hoc Committee

Tuesday May 24, 2022

Zoom Meeting – 6:30 p.m.

1. Call to Order
2. Declarations of Interest
3. Approval of Agenda
4. Establish the Chair of the Committee
5. Report: Process for Filling Trustee Vacancy
6. Date of Next Meeting: TBD
7. Adjournment

DURHAM DISTRICT SCHOOL BOARD ADMINISTRATIVE REPORT

REPORT TO: Trustee Vacancy Committee

DATE: May 24, 2022

SUBJECT: Process for Filling Trustee Vacancy

PAGE: 1 of 5

ORIGIN: Norah Marsh, Director of Education and Secretary to the Board
Patrick Cotter, General Counsel
Robert Cerjanec, Executive Lead

1.0 **Purpose**

The purpose of this report is to provide the Board of Trustees with information related to filling a trustee vacancy, including options available to fill the vacancy and a proposed timeline.

2.0 **Ignite Learning Strategic Priority/Operational Goals**

Success – *Set high expectations and provide support to ensure all staff and students reach their potential every year.*

Well-being – *Create safe, welcoming, inclusive learning spaces to promote well-being for all students and staff.*

Leadership – *Identify future leaders, actively develop new leaders and responsively support current leaders.*

Equity – *Promote a sense of belonging and increase equitable outcomes for all by identifying and addressing barriers to success and engagement.*

Engagement – *Engage students, parents and community members to improve student outcomes and build public confidence.*

Innovation – *Re-imagine learning and teaching spaces through digital technologies and innovative resources*

3.0 **Analysis**

Due to the resignation of Trustee Linda Stone (Oshawa), accepted by the Board on Monday, May 16, 2022, a position of Trustee, Oshawa is now vacant.

In considering the filling of this vacancy, the terms of the Education Act and the Board's Bylaws need to be considered:

The Education Act

Section 221 of the *Education Act* provides for the Board to fill a Trustee vacancy by either:

- i. Requiring the municipality to hold a by-election, or
- ii. appointing a qualified person (as defined in the *Education Act*) to the position, within 90 days of the office becoming vacant. The method of appointment is not specified in the Act.

Durham District School Board Bylaws

The vacancy occurred on May 16, 2022, so it must be filled by no later than August 15, 2022. In accordance with the Board's Consolidated Bylaws, the Board has established a Vacancy Committee to determine and undertake the process for filling the vacancy.

Given the timing of this vacancy, the vacancy is to be filled by appointment (rather than by-election). For the appointment, there are two options:

- i. appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area providing the candidate remains a qualified person as defined under the *Education Act*; or
- ii. consider a broader range of electors for the appointment in which case, the following actions will occur:

(a) Advertising

The vacancy shall be advertised in all the local papers.

(b) Applications

- Individuals interested in the position shall be required to submit, in writing, an application for the position, to be received by the Secretary to the Board.
- The Vacancy Committee shall establish a deadline for the appointment process.

(c) Information Required

Applicants shall be asked to provide the following information:

- i. Confirmation of eligibility;
- ii. Why they are interested in the position;
- iii. Background, interests, experience, concerns;
- iv. Other information they think is pertinent.

Application material shall be copied and distributed to all Trustees at least 48 hours prior to an interview date.

(d) Information Provided

Upon written or verbal indication from an individual that she/he intends to apply for the position, a package of information shall be made available for pick-up from the Trustees' Secretary, as follows:

- i. Durham District School Board Facts Folder;
- ii. These Bylaws including the Member Code of Conduct;
- iii. Schedule of Board and Committee Meetings;

iv. Committee Membership List.

(e) Interviews

- i. The Vacancy Committee shall establish the interview date and the schedule of interviews.
- ii. Only candidates who have submitted written applications by the deadline date shall be interviewed. Interviews shall be conducted in the Boardroom. All Trustees shall be invited to participate in the interviews. Trustees shall be asked to indicate their intentions about their attendance and participation in the interviews. Each candidate shall be requested to address the Board for up to five minutes, and to respond to questions from the Trustees for up to five minutes. Interviews shall be conducted on the Monday of the Board meeting, arranged so that all interviews shall be completed by 4:30 p.m. If an inordinate number of candidates is to be interviewed, a second day for interviews shall be determined by the Chair, after consultation with Trustees. If a quorum of Trustees is present for the interviews, the interviews shall be conducted as part of a special Board meeting. Should a quorum of Trustees not be present, those present shall form a Selection Committee which shall make a recommendation to the Board. The chairperson of the Board or designate shall preside over the interviews and be responsible for adhering to the timelines. The interviewing process shall be open to the public. Candidates shall be advised of their right to attend any or all interviews.

(f) Voting

- i. Only Trustees present for all interviews are eligible to vote.
- ii. Voting shall be by secret written ballot.
- iii. The Director and Superintendent of Education/Business and Finance shall count the ballots.
- iv. On the first ballot, Trustees shall vote for three (3) candidates. (Any ballot without three names shall be considered a spoiled ballot).
- v. The ten (10) candidates achieving the greatest number of votes shall proceed to the second ballot. Their names shall be posted in the Boardroom.
- vi. On the second and subsequent ballots, Trustees shall vote for only one (1) candidate.
- vii. Voting shall continue, and on each subsequent vote the candidate(s) receiving the lowest number of votes shall be dropped from the ballot until one (1) candidate receives at least a simple majority of votes cast, except on the first ballot.
- viii. Any candidate who does not receive any votes will be dropped from subsequent voting. This shall also apply to all subsequent ballots.
- ix. In the event of a tie, a second ballot shall be cast. If a tie remains, the decision shall be determined by lot.
- x. Following the swearing in of the successful candidate, all ballots shall be destroyed.

- (g) A recommendation shall be brought forward to the Committee of the Whole (closed session) to approve the appointment. All Trustees are eligible to vote on the recommendation. The person shall be advised by telephone of the Board's decision.
- (h) The appointed candidate shall attend the next Board meeting at the beginning of the public session to be sworn in.

As to option 1: The results of the previous election for Oshawa are attached as Appendix A.

As to option 2: A draft timeline for appointment process is attached as Appendix B.

4.0 Financial Implications

There would be some costs associated with option 2. Costs to circulate advertisements in local Oshawa media outlets would be approximately \$2,000. This expense can be accommodated within the existing budget.

5.0 Evidence of Impact

Filling the trustee vacancy is mandatory under the provisions of the Education Act.

6.0 Communication Plan

If the Trustee Vacancy Committee chooses to fill the vacancy by appointing a candidate from a broader range of electors, the vacancy will be advertised in local newspapers and on social media. Once a candidate has been appointed, the DDSB website will be updated and information will be shared with stakeholders. School websites within the electoral area of Oshawa will be updated to confirm the name of the new trustee.

7.0 Conclusion and/or Recommendations

This report is provided to the Vacancy Committee to inform the Committee's decision to either appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area, or, consider a broader range of electors for the appointment.

8.0 Appendices

Appendix A – Previous Election (2018) Results for Vacated Electoral Area (Oshawa)

Appendix B – Proposed Timeline for Interview and Appointment from a Broader Range of Electors

Report reviewed and submitted by:



Norah Marsh, Director of Education and Secretary to the Board



Patrick Cotter, General Counsel



Robert Cerjanec, Executive Lead

APPENDIX A

Previous Election (2018) Results for Vacated Electoral Area (Oshawa)

Office of Trustee, Durham District School Board

ARNOLD, Valerie.....	5,222
BARRETT, Michael.....	7,122
BELLAMY, Derek.....	2,905
FORBES, Darlene.....	6,836
JEYES, Robert S.....	1,322
MANSFIELD, Zac.....	2,020
NOBLE, Ashley.....	6,576
RILEY, Garth.....	2,091
STONE, Linda.....	6,412

APPENDIX B

Proposed Timeline for Interview and Appointment from a Broader Range of Electors

Date (2022)	Activity
May 16	Trustee vacancy confirmed. Vacancy Committee established.
May 24	First meeting of the Vacancy Committee to determine whether a candidate will be appointed from the unsuccessful candidates of previous election or from a broader range of electors. If option 2 is selected, establish timeline for applications and interview date.
May 30 – June 10	Vacancy advertised in local newspapers and social media.
June 13	Application deadline for candidates.
June 16 or 17	During the day and completed by 4:30 p.m.: Candidate interviews and voting by members who were part of the interview process. Special Board meeting the same day for the Vacancy Committee to report to the Committee of the Whole – Closed Session with recommended candidate. The successfully appointed candidate will be notified by telephone.
June 20	The successfully appointed candidate will attend the Board meeting, public session, for the Declaration of Office/Oath of Allegiance.
August 15	Deadline to fill trustee vacancy.