



Trustee Appointment Ad Hoc Committee Meeting
Tuesday, November 17, 2020 – 5:30 p.m.
Agenda

1. Call to Order
2. Declarations of Interest
3. Establish the Chair of the Committee
4. Trustee Vacancy – City of Oshawa
5. Date of Next Meeting
6. Adjournment

BY-LAW

Filling Trustee Vacancies on The Board of Education

a) Background

- b) The Education Act, 1998, allows a Board to fill a trustee vacancy by either of two means:
- i. require the municipality to hold a by-election, or
 - ii. appoint a qualified person to the position.
- c) A by-election may not be held after March 31 in an election year (i.e., within approximately 8 months of a regularly scheduled municipal election). All costs for a by-election are borne by the Board (subsection 7(3) Municipal Elections Act, 1996).
- d) The method of appointment is not specified in the Act (Section 221(1)(a)).

e) The Following Steps/Decisions Need to be Considered:

f) By-Election or Appointment:

- a) If by-election, the matter is virtually out of the hands of the Board and is the responsibility of the municipality. The process for filling a vacancy in this manner takes approximately 2-1/2 months. Information regarding the implications of holding a by-election, including previous election results and estimated costs, will be provided to the Board.
- b) If appointment, the Education Act requires the vacancy to be filled within ninety days after the office becomes vacant. The Board, will by special motion, establish an Appointment Committee with the authority to interview and appoint. The Committee must have quorum of the Board.

g) Qualifications:

- a) The Education Act, 1998, Section 219(1) specifies the qualifications necessary to be elected as a member of a Board (and, presumably, to be appointed):
 - qualified to vote for members of the Board
 - a resident in the area of jurisdiction of the Board
 - disqualifications are outlined in the Education Act, 1998 Section 219(4)(5)(7).
- h) The Board may choose to appoint one of the unsuccessful trustee candidates from the last municipal election in the vacated electoral area providing the candidate remains a qualified person. IF the Board chooses to offer the position to a broader range of electors, 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 Appointment 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 as per Section 2.2 (a);
- 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. By-Law #8 - Responsibilities and Code of Conduct;
- iii. Schedule of Board and Committee Meetings;
- iv. Committee Membership List.

e) Interviews

- i. The Appointment 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 Board room. 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 Chairperson, 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 Board Room. Any candidate who does not receive any votes will be dropped from subsequent voting.
- 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 Board in Committee of the Whole to approve the appointed candidate. All trustees are eligible to vote on the recommendation. of the selection committee. 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.

Appendix:

None

Effective Date

93-05-25

Amended/Reviewed

93-11-08

94-11-28

99-10-18

2006-08-08

2010-02-16

2015-11-16