

SPECIAL BOARD MEETING

AGENDA

Wednesday, July 4, 2018 at 7:15 pm
Boardroom

The meeting is being held on the traditional unceded territory of the Musqueam, Squamish and Tsleil-Waututh Coast Salish peoples.

- 1. CALL MEETING TO ORDER**
- 2. NEW BUSINESS / ENQUIRIES**
 - 2.1 Trustee Election Bylaw No. 5
 - 2.2 Disposal of Property re BC Hydro Substation Proposal
- 3. ADJOURNMENT**



Memorandum

vancouver school board



Date: July 4, 2018
To: Board of Education
From: J. David Green, Secretary Treasurer
Re: **Trustee Election Bylaw No. 5**

ITEM 2.1

REFERENCE TO STRATEGIC PLAN:

Goal 4: Provide effective leadership, governance and stewardship

Objectives: Advocate for public education

INTRODUCTION:

This report contains a recommendation.

BACKGROUND:

One of the most important roles for a Board of Education and its elected trustee members is to advocate for public education. To do that there needs to be strong governance structure in place. A foundation of that governance structure is a widely understood mechanism for community members to decide who to place in that governance role to advocate on their behalf for public education. That is accomplished through the democratic election process.

The election of trustees to a Board of Education in Vancouver is governed by legislation in the *School Act*, the *Local Government Act* and the *Vancouver Charter* and the processes used have to be adopted by bylaw. The City of Vancouver runs the trustee election on behalf of the District. The District is responsible for conducting the election in the Endowment Lands.

While the City will run the trustee election this fall for the District it cannot, under legislation, adopt a bylaw under a provision of the *Local Government Act* and the *Vancouver Charter* referred to in section 45 (9) of the *School Act*, but, instead, a Board of Education may adopt bylaws under those sections for the trustee election. Section 45(9) of the *School Act* basically provides for the Board of Education to have its own bylaw with respect to the following:

- The number of nominators
- The order of names on the ballot
- Resolution of tied votes after judicial recount
- Nomination deposit amount

The Board does have an election bylaw - Trustee Election Bylaw No. 4 (attached), written in 2014,

which has the order of names on the ballot as alphabetic as well as a provision for resolving a tie after a judicial recount and a requirement for a nomination deposit of \$100. The bylaw also, for the purpose of harmonizing the two elections (council and board), adopts the City's Election Procedures Bylaw except where the *School Act* stipulates otherwise.

DISCUSSION:

On May 30, 2018 the City of Vancouver served notice of a potential amendment to the City of Vancouver's bylaw governing election for city council. The proposal was that the order of the names on the ballot be selected by lot (randomized). City Council approved the amendment on June 6, 2018 and it will apply for the civic election in the fall. District staff was asked both before and after the Council's approval if there was any interest on the part of the Board of Education to consider moving to a randomized ballot.

The matter was discussed at the June 11, 2018 Committee V meeting and the Committee recommended that Board consider moving to having the names on the ballot selected by lot.

The Board of Education considered the recommendation at the June 25, 2018 public meeting and passed the following motion:

That the Board of Education adopt a new Trustee Elections Bylaw that would include changing the order of names on the ballot to be selected by lot to agree with the City of Vancouver.

This motion requires the current Trustee Election Bylaw to be updated and as per legislation, this has to be done prior to August 6, 2018.

RECOMMENDATION:

IT IS RECOMMENDED that the Board of Education of School District No. 39 (Vancouver) Bylaw No. 5 be given all three readings on the 4th day of July, 2018.

Read a first time the 4th day of July, 2018.

Read a second time the 4th day of July, 2018.

Read a third time, passed and adopted the 4th day of July, 2018.

TRUSTEE ELECTION BYLAW NO. 5

BOARD OF SCHOOL TRUSTEES OF SCHOOL DISTRICT #39 (VANCOUVER)

A bylaw to provide for the determination of various procedures for the conduct of general school elections and other trustee elections.

This bylaw supersedes Trustee Elections Bylaw No. 4 adopted August 5, 2014.

Preamble:

Under section 38 of the *School Act*, the Board of Education may enter into an agreement with a local government referred to in section 13 of the *Vancouver Charter*, under which one party to the agreement may conduct an election for the other, or in conjunction with an election of the other, in accordance with the terms of the agreement.

The Board of Education has entered an agreement with the City of Vancouver by which the City will conduct general school and other trustee elections.

The Board of Education wishes to establish various procedures and requirements under the authority of the *School Act* for trustee elections.

The Board of Education therefore enacts as follows:

1. Definitions

The terms used in this bylaw shall have the meanings assigned by the *School Act* and the *Vancouver Charter*, except as the context indicates otherwise.

"Board" or "Board of Education" means the Board of Education of School District No. 39 (Vancouver).

"By-election" means a trustee election to fill a vacancy on the Board in any of the circumstances described in section 36 of the *School Act*.

"Election" means a trustee election.

2. Application

This bylaw applies to both general elections and by-elections unless otherwise indicated.

3. Order of Names on the Ballot

The order of names on the Ballot shall be arranged by lot in accordance with section 79 of the *Vancouver Charter*.

4. Resolution of Tie Votes after Judicial Recount

In the event of a tie vote after a judicial recount, the tie vote will be resolved by lot.

5. Nomination fee

The nomination for the office of trustee must be accompanied by a deposit of the sum of \$100 to be dealt with in accordance with Section 44.1 of the *Vancouver Charter*.

6. Application of City of Vancouver Election By-law

For the purpose of harmonization, the election bylaws of the City of Vancouver (Election Bylaw No. 9070, as amended) will apply to an Election except where the *School Act*, *Vancouver Charter*, or the *Trustee Election Bylaw No.5* stipulate otherwise.

7. Minimum number of nominators

The minimum number of nominators for a candidate for a position of trustee is twenty five.

Read a first, second and third time, finally passed and adopted the 4th day of July, 2018.

C/S

Chairperson of the Board

Secretary-Treasurer

I hereby certify this to be a true original of School District No. 39 (Vancouver) Trustee Election Bylaw No. 5.

Secretary-Treasurer

DRAFT