

G. **TRUSTEES' REMARKS**

*Chair

H. **FUTURE MEETINGS**

*Chair

April 9, 2019
May 7, 2019
June 11, 2019

I. **ADJOURNMENT**

*Chair

Motion:

That the meeting be adjourned ().

RAINBOW DISTRICT SCHOOL BOARD
Minutes of the
STRATEGIC PLANNING COMMITTEE MEETING

held in the Ernie Checkeris Boardroom
408 Wembley Drive, Sudbury
on Tuesday, February 5, 2019 at 5:00 pm.

Present: Trustees: D. Morrison (chair), B. Clement, D. Dewar, A. Gibson, J. Hunda, J. Kosmerly, K. St. Jean, M. Stringer (via Google Hangout), Student Trustee H. Golden
Officials: N. Blaseg – Director and Secretary of the Board
D. Bazinet – Superintendent of Business
B. Bourget, J. Noble, K. Wachnuk – Superintendents
Staff: N. Charette, H. Thirkill, D. Kitching, C. McDonald, T. Batchilder, S. Ackroyd

A. **APPROVAL OF AGENDA**

Motion: J.Hunda/J.Kosmerly

That the agenda for the Strategic Planning Committee meeting for February 5, 2019 be approved. - **Carried**

B. **PRELIMINARY DECLARATIONS OF PECUNIARY INTEREST** NIL

C. **PRESENTATIONS**

What 2019-B:03 means to Rainbow District School Board

Director Blaseg shared information with trustees about the January 23, 2019 memo from the Ministry of Education regarding the Ontario School Board Hiring Practices and Consultation Paper and the Class Size Engagement Guide. He advised that the Ministry is seeking input by February 22, 2019.

Superintendent Bourget provided a PowerPoint presentation to trustees explaining Rainbow's class size and hiring practices.

Trustees appreciated the information and had the opportunity to discuss and ask questions.

D. **OLD BUSINESS**

Minutes

1. Motion: J.Kosmerly/B.Clement

That the minutes of the Organizational Meeting of the Strategic Planning Committee meeting held on January 15, 2019 be approved. - **Carried**

2. Motion: J.Hunda/D.Dewar

That the minutes of the Strategic Planning Committee meeting held on January 15, 2019 be approved as amended. The amendment being an additional comment under TRUSTEES' REMARKS by Trustee Gibson. *Trustee Gibson had asked how the public would be advised of the live-streaming. The Director responded there would be notification on the board website.* - **Carried**

3. Revitalization Projects - Superintendent Bazinet

Sandi Ackroyd, Manager of Capital Planning, provided trustees with preliminary drawings of revitalization projects scheduled at Manitoulin Secondary School and Lo-Ellen Park Secondary School, scheduled to begin in March 2019.

Trustees had an opportunity to ask questions and comment.

E. **NEW BUSINESS**

F. **FUTURE ITEMS**

Comprehension

EQAO

Poverty

Policy Review

○ Policy No. GOV-05: Code of Conduct: Board Members

○ Policy No. GOV-15: Student Accommodation

Speech Pathology

G. **TRUSTEES' REMARKS**

Trustee Dewar spoke about possible savings through the reduction in the number of school boards.

Motion: D.Dewar/M.Stringer

That the Strategic Planning Committee recommend to the Board that a letter be sent to the Minister of Education re-iterating and expanding on our previous

requests that the Ministry consider one school board; two languages as the most efficient method for fiscal responsibility while maintaining our primary focus on student success. – **Carried**

Trustee Clement advised of discussion of one board at northern board meeting during the PES conference last week.

Trustee Stringer suggested that trustees read a January 31, 2019 Toronto Star article *There is nothing to gain from increasing class sizes*.

H. **FUTURE MEETINGS**

March 5, 2019
April 9, 2019
May 7, 2019
June 11, 2019

I. **ADJOURNMENT**

Motion: J.Hunda/D.Dewar

That the meeting be adjourned (7:30 pm). - **Carried**



ONTARIO PUBLIC
SCHOOL BOARDS'
ASSOCIATION

Leading Education's Advocates

Ontario Public School Boards' Association
439 University Avenue, 18th Floor
Toronto, ON M5G 1Y8
Tel: (416) 340-2540
Fax: (416) 340-7571
webmaster@opsba.org
www.opsba.org

Cathy Abraham
President

W.R. (Rusty) Hick
Executive Director

January 2019

OPSBA Overview re: Conflict of Interest Updated Requirements

Background Information:

Bill 68, *Modernizing Ontario's Municipal Legislation Act* was introduced on November 26, 2016 and received Royal Assent on May 30, 2017. New requirements concerning Conflict of Interest become effective March 1, 2019. OPSBA has summarized the trustee and board requirements below and provided recommendations for consideration.

What is Conflict of Interest?

The main purpose of the *Municipal Conflict of Interest Act* (MCIA) is to protect the public interest by ensuring that public officials do not improperly take advantage of their positions of trust to seek personal gain. The *Act* applies to all members of local councils, committees, and boards, including school boards, either elected or appointed. The *Act* also applies to members of advisory committees and other committees established under the *Education Act*. Student trustees are subject to the 2007 Ministry of Education Guideline respecting conflict of interest.

Conflict-of-interest legislation is concerned only with pecuniary, or financial, interests. The MCIA refers to three kinds of pecuniary interest: direct, indirect, and deemed. The following are examples of each:

- A trustee would have a direct interest if the board was considering buying property that the trustee owns.
- A trustee would have an indirect interest if the trustee is a senior officer of a company bidding for a board contract.
- A trustee would have a deemed interest if the trustee's spouse, child, or parent owns a company that is bidding for a board contract.

How do you declare a Conflict of Interest?

A member who identifies a direct, indirect, or deemed conflict of interest in a matter and is present at a meeting of the board or committee of the board at which the matter is the subject of consideration, must declare the conflict before any discussion of the matter begins.

Specifically, the member must follow these steps:

- Publicly declare the conflict of interest, state the general nature of the interest, and have the declaration recorded in the minutes
- Effective March 1, 2019, file a written statement of the interest and its general nature with the secretary of the committee or board
- Do not vote on any question in respect of the matter

- Do not take part in the discussion of the matter
- Do not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter
- When a committee of the board, including a committee of the whole board, is in closed session, leave the room for as long as the matter is under consideration, and have the fact that he or she left the room recorded in the minutes. At the next meeting that is open to the public, the declaration of interest shall be recorded in the minutes but not the general nature of that interest.

If a member is absent from a meeting during which that member would have been placed in a conflict of interest, at the next meeting attended by the member, the member must disclose the interest and otherwise refrain from discussing, influencing, or voting on the matter. **If there are any doubts about a possible conflict of interest, trustees should seek legal advice.**

Effective March 1, 2019

1) **Written Disclosure of Interest**

- At a meeting at which a member discloses a pecuniary interest, the member will be required to file a written statement of the member's interest at the meeting, or as soon as possible afterwards. (new Section 5 MCIA)

OPSBA notes and recommendations:

- Section 5.1 of *Municipal Conflict of Interest Act* states the member has to file a written statement at each meeting where the member has a conflict or as soon as possible afterwards.
- This requirement is for all board meetings (regular/special) and committee meetings.
- The trustee statement could contain the following information:
 - Name of member
 - Type of Meeting
 - Date of meeting matter was considered
 - Subject matter/report title/agenda item
 - General nature of the conflict* (except if it was an in camera or closed meeting)
 - Date of meeting at which Conflict of Interest was declared (this may have been declared at the next meeting because the trustee was absent from the actual meeting)
- The member should sign and date the statement.
- A board could have this form online and members could complete, print, sign and hand in at the meeting.

* General nature would include stating what kind of pecuniary interest is involved (direct, indirect or deemed) and the type of relationship (parent, child, or spouse) connected to the trustee.

2) **Registry**

- Requires school board to establish and maintain a registry of statements and declarations of interests of members. The registry would be made available for public inspection. (new Section 6.1 MCIA)

OPSBA notes and recommendations:

- Section 6 of MCIA states that the declarations of conflict also have to be recorded in the minutes of each meeting.
- The board's registry should then contain the member's signed statement and an excerpt from the minutes of the meeting where the declaration is made.
- The board's registry could be organized by date and type of meeting and the statement and declaration documents filed for each trustee that declares an interest.

Additional Information Effective March 1, 2019

- Conflict of interest applications can be brought by, "An elector, an Integrity Commissioner of a municipality or a person demonstrably acting in the public interest." (new section 8.1 MCIA)
- Where a member has a direct, indirect or deemed pecuniary interest in a matter that is being considered by an officer or employee of the Board, the member shall not use their office in any way to attempt to influence any decision or recommendation that results from the consideration of the matter
- Applications can be brought against a former member of the board, for a breach that may have occurred while they were a member. All applications still have to be brought within six weeks of when the breach comes to the attention of the applicant and that could be up to six years after the breach is alleged to have occurred. (new section 8.1 MCIA)
- Penalties: If a judge determines that a contravention occurred, the judge may:
 - reprimand the member or former member,
 - suspend the member's remuneration for a period up to 90 days,
 - declare the member's seat vacant,
 - disqualify the member or former member during a period of not more than seven years,
 - and/or require the member or former member to make restitution. (new section 9.1 MCIA)

Reference Documents:

- *Municipal Conflict of Interest Act*
- *Education Act*
- Other relevant Board policies/procedures.

This overview is produced by the Ontario Public School Boards' Association. It is based on the law in effect as of March 1, 2018. The information contained in this publication is not intended to be legal advice. It is general information only.

The Ontario Public School Boards' Association does not guarantee the accuracy or completeness of any information published herein and is not responsible for any errors, omissions, or claims for damages arising out of the use, inability to use or with regard to the accuracy or sufficiency of the information contained in this publication and similarly disclaims all responsibility for all consequences of any person acting on, or refraining from acting in reliance on, information contained herein.

13. Governance By-Law 13: Conflict Of Interest

13.1. a) All clauses related to By-Law 13 are subject to the provisions of *The Municipal Conflict of Interest Act*, and any amendments thereto.

b) The Act applies to all members of local councils, committees, and boards, including school boards, either elected or appointed and to members of advisory committees and other committees established under the Education Act.

c) Student trustees are subject to the 2007 Ministry of Education Guideline respecting conflict of interest.

13.2 Conflict-of-interest legislation is concerned only with pecuniary, or financial interests.

13.3 When a situation of conflict of interest exists, the Board member when present at any meeting, including committee, *in-camera* or any other meeting of the Board ~~shall~~ **must**:

a) ~~as soon as practicable after the commencement of the meeting disclose his/her interest;~~ publicly declare the conflict of interest before any discussion of the matter begins, state the general nature* of the interest, and have the declaration recorded in the minutes;

b) file a written statement of the member's interest and its general nature*, with the secretary of the committee or board;

c) not take part in the consideration or discussion of the contract, proposed contract or other matter;

d) not vote on any question with respect to the contract, proposed contract or other matter; and

e) not attempt in any way, **whether before, during or after**, to influence the voting on any such question.

13.4 When a committee of the board, including a committee of the whole board, is in closed session, the Board member must leave the room for as long as the matter is under consideration and have the fact that he or she left the room recorded in the minutes. At the next meeting that is open to the public, the declaration of interest shall be recorded in the minutes but not the general nature* of that interest.

13.5 Where the interest of the member of the Board has not been disclosed by reason of his/her absence from the meeting at which the matter was considered or voted upon:

- a) he/she shall **must** disclose his/her interest ~~and otherwise comply with section 13.2 at the first meeting of the Board attended by him/her after the meeting at which the matter was considered;~~ **or and otherwise refrain from discussing, influencing, or voting on the matter. If there are any doubts about a possible conflict of interest, trustees should seek legal advice.**
- b) ~~at the first meeting attended by him/her after acquiring such interest by reason of such interest having been acquired after such meeting.~~

13.4.1 ~~No member of the Board or other officer or employee, whether unpaid or paid, in whole or in part, shall engage in any business or transaction or shall have a financial interest or other private interest, direct or indirect, which is in conflict with the proper discharge of his/her duties.~~

13.4.2 ~~Any potential conflict of interest by a member of the board shall be declared in writing to the Director of Education.~~

13.6 ~~**Disclosure:** A member of the Board, or officer, who has a direct or indirect financial or other private interest in any proposed legislation under consideration by any such body shall publicly disclose, in the official records, the nature and extent of such interest and shall refrain from entering into any discussion or vote on the matter.~~

13.6 **Gifts and Favours:**

- a) No member of the Board or officer or employee, whether paid or unpaid, shall accept any gift of value, whether in the form of service, loan, thing or promise, or any other form of gift of value from any person, firm or corporation which, to his/her knowledge is interested indirectly or directly, in any manner whatsoever, in business dealings with the Board and its schools.
- b) No member of the Board or officer or employee shall accept any gift, favour or thing of value that may tend to influence him/her in the performance of his/her duties, or grant any improper favour, service or thing of value in the discharge of his/her duties.

* **General nature would include stating what kind of pecuniary interest is involved (direct, indirect or deemed) and the type of relationship (parent, child, or spouse) connected to the trustee**