

## REGISTER OF OFFICIAL DOCUMENTS

### Replacement Process of a Vacant Commissioner's Position

**Category and Code:** R – 2.0

**Date of Coming into Force:** November 26, 2018

**Number of Pages:** 11

**Origin:** Legal Department

**Operator and Storage Site:** Legal Department

**History:**  
Adopted by Resolution 2018-06-#17  
Amended by Resolution 2018-11-#05

## Contents

Cover Page .....	1
Contents .....	2
1. SCENARIO 1: The position of Chair becomes vacant.....	3
SCENARIO 1A: There are internal candidates for the position of Chair.....	3
SCENARIO 1B: There is no internal candidate to the position of Chair.....	5
2. SCENARIO 2: The position of Commissioner representing a ward becomes vacant.....	6
3. SCENARIO 3: A position of Commissioner representing the Parents Committee becomes vacant.....	7
4. ADDENDUM 1: Declaration concerning the quality and eligibility of a candidate to the position of member of the Council of Commissioners of the Lester B. Pearson School Board : Term remaining between 12 to 4 months before the polling day.....	8
5. ADDENDUM 2: Declaration concerning the quality and eligibility of a candidate to the position of member of the Council of Commissioners of the Lester B. Pearson School Board : Term remaining 4 months or less before the polling day.....	10

As prescribed by section 199 of the School Elections Act (SEA), the following replacement process applies in all cases where a vacancy in the position of Commissioner (including Chair position) occurs between 4 and 12 months before the scheduled date of the next school elections.

If a vacancy in the position of Commissioner occurs within 4 months of the scheduled date of the next school elections, the Council of Commissioners may fill the vacancy by following this replacement process or leave the position vacant until the next school elections.

The Declaration concerning the quality and eligibility of a candidate to the position of member of the Council of Commissioners of the Lester B. Pearson School Board (addendum 1 or addendum 2, as applicable) must be completed by every candidate to a vacant position on Council.

## **TIMELINE**

### **SCENARIO 1: The position of Chair becomes vacant**

#### **SCENARIO 1A): There are internal candidates for the position of Chair**

- **DAY 1**

Secretary General calls for internal candidates to the position of Chair (email to all Commissioners). Responses of interested candidates are due within 10 days (email to Secretary General).

Secretary General initiates the consultation under s. 199 SEA with the Parents Committee (email to Parents Committee Chair, cc to all Commissioners).

The Parents Committee may make recommendations to the Council of Commissioners on the criteria of a potential candidate (email to Secretary General) before DAY 11.

- **BEFORE DAY 9**

Secretary General sends a special meeting notice to all Commissioners and posts it on the LBPSB website.

- **DAY 10**

Parents Committee provides its recommendations (if any) by email to the Secretary General.

- **DAY 11**

Special meeting of the Council of Commissioners:

Resolution adopted to appoint an internal candidate to the position of Chair by a majority vote. The position vacated by the appointed Chair must be filled thereafter starting the process again from DAY 1.

The Secretary General publishes a notice of the appointment on the LBPSB website and in the newspaper.

**OR**

Resolution adopted to seek external candidates for the position of Chair if no internal candidate is appointed.

**AND**

A selection committee composed of at least 7 commissioners, including at least one Parent Commissioner, wishing to participate in the review of external applications for the position of Chair is formed, with the mandate to make recommendations to the Council of Commissioners meeting scheduled on DAY 30.

- **DAY 12**

If no internal candidate is appointed, the Secretary General publishes a notice in the newspaper to seek external candidates to the position of Chair, with responses of interested candidates due within 5 days (email to Secretary General). Applicants are asked to include a 100-word "bio" to be published on the LBPSB website.

- **DAY 18**

Secretary General posts the applicants' "bios" on the LBPSB website

- **DAYS 19 to 29**

Meeting(s) of the selection committee, taking into account the Parents Committee's recommendations.

- Selection committee reviews applications.
- Secretary General arranges for individual interviews.
- Selection committee recommends one name to be moved forward to Council for consideration.

- **BEFORE DAY 28**

Secretary General sends a special meeting notice to all Commissioners and posts it on the LBPSB website.

- **DAY 30**

Special meeting of the Council of Commissioners:

Resolution adopted to appoint the external candidate as Chair by a majority vote.

Secretary General subsequently publishes a notice of the appointment on the LBPSB website and in the newspaper.

**SCENARIO 1B): There is no internal candidate to the position of Chair**

The consultation with the Parents Committee on the criteria of a potential candidate has been initiated (refer to DAY 10).

- **DAY 3**

Secretary General publishes a notice in the newspaper to seek external candidates to the position of Chair, with responses of interested candidates due within 7 days (email to Secretary General). Applicants are asked to include a 100-word "bio" to be published on LBPSB website.

- **DAY 10**

Parents Committee provides its recommendations (if any) by email to the Secretary General.

- **DAY 11**

Secretary General posts the applicants' "bios" on the LBPSB website.

- **DAYS 12 to 29**

A selection committee composed of at least 7 commissioners, including at least one Parent Commissioner, wishing to participate in the review of external applications for the position of Chair is formed, with the mandate to make recommendations to the Council of Commissioners meeting scheduled on DAY 30.

Meeting(s) of the selection committee, taking into account the Parents Committee's recommendations.

- Selection committee reviews applications.
- Secretary General arranges for individual interviews.
- Selection committee recommends one name to be moved forward to Council for consideration.

- **BEFORE DAY 28**

Secretary General sends a special meeting notice to all Commissioners and posts it on the LBPSB website.

- **DAY 30**

Special meeting of the Council of Commissioners:

Resolution adopted to appoint the external candidate as Chair by a majority vote.

Secretary General subsequently publishes a notice of the appointment on LBPSB website and in the newspaper.

## **SCENARIO 2: The position of Commissioner representing a ward becomes vacant**

- **DAY 1**

Secretary General initiates the consultation under s. 199 SEA with the Parents Committee (email to Parents Committee Chair, cc to all Commissioners).

The Parents Committee may make recommendations to the Council of Commissioners on the criteria of a potential candidate (email to Secretary General) before DAY 11.

Secretary General publishes a notice in the newspaper to seek candidates to the position of Commissioner representing the vacant Ward, with responses of interested candidates due within 10 days (email to Secretary General). Applicants are asked to include a 100-word "bio" to be published on the LBPSB website.

- **DAY 10**

Parents Committee provides their recommendations (if any) by email to the Secretary General.

- **DAY 11**

Secretary General posts all applicants' "bios" on the LBPSB website.

- **DAYS 12 to 29**

A selection committee composed of at least 7 commissioners, including at least one Parent Commissioner, wishing to participate in the review of applications for the position of Commissioner is formed, with the mandate to make recommendations to the Council of Commissioners meeting scheduled on DAY 30.

Meeting(s) of the selection committee, taking into account the Parents Committee's recommendations.

- Selection committee reviews applications.
- Secretary General arranges for individual interviews.
- Selection committee recommends one name to be moved forward to Council for consideration.

- **BEFORE DAY 28**

Secretary General sends a special meeting notice to all Commissioners and posts it on the LBPSB website.

- **DAY 30**

Special meeting of the Council of Commissioners:

Resolution adopted to appoint the candidate as Commissioner representing a Ward by a majority vote.

Secretary General subsequently publishes a notice of the appointment on the LBPSB website and in the newspaper.

**SCENARIO 3: A position of Commissioner representing the Parents Committee becomes vacant.**

In accordance with sections 145 and 147 of the Education Act: Parents Committee Chair or Secretary General schedules a special meeting of the Parents Committee to appoint a Commissioner representing the Parents Committee by a majority vote.

## **ADDENDUM 1: Term remaining between 12 to 4 months before the polling day**

### **Declaration concerning the quality and eligibility of a candidate to the position of member of the Council of Commissioners of the Lester B. Pearson School Board**

(ss. 20-21.4 and 199 paragraph 1 of the Act respecting School Elections )

I, \_\_\_\_\_, candidate to the position of Commissioner of the Lester-B.-Pearson School Board, as Chair or as representative of ward number \_\_\_\_\_ (hereinafter the commissioner position), declare that:

- I have been domiciled in the territory of the Lester-B.-Pearson School Board for at least 6 months or will have been on the day of the appointment;
- I do not occupy the position of Member of the National Assembly or of the Parliament of Canada, Justice of a court, Chief Electoral Officer or member of the Commission de la représentation, public servant of the Ministère de l'Éducation et de l'Enseignement supérieur on a permanent basis, employee or election officer of the school board or employee of the Comité de gestion de la taxe scolaire; or if I currently do, I hereby declare my intention to resign from this position if I am appointed to the commissioner position and I understand that I will not be eligible for this commissioner position until I submit said resignation and inform the Secretary General;
- I was not sentenced to imprisonment for an offence for which I have not obtained a pardon;
- I was not a candidate in the previous school elections, or if I was, I declare that:
  - I submitted the required financial report or the return of election expenses report;
  - I have paid all debts arising from my election expenses and transmitted the financial report establishing such payment, or more than (4) years have passed since the 31<sup>st</sup> of December of the year following the date of the previous school elections;
- I do not hold office as member of council of another school board or as member of council of the Lester B Pearson School Board, or if I currently do, I hereby declare my intention to resign from this office if I am appointed to the commissioner position and I understand that I will not be eligible for this commissioner position until I submit said resignation and inform the Secretary General;
- I am not a candidate to the office of member of council of another school board, or if I currently am, I hereby declare that I will remove my candidacy if I am appointed to the commissioner position and I understand that I will not be eligible for this commissioner position until I submit said resignation and inform the Secretary General;

ADDENDUM 1: Term remaining between 12 to 4 months before the polling day (continued)

- In the last 5 years, I have not been convicted of an offense of corrupt electoral or referendum practice as per s. 176 of the Education Act for which the final judgment is no more subject to appeal (res judicata).

**To be declared before a Commissioner for taking affidavits or any other person authorized by law to administer an oath:**

I solemnly declare that that the answers and information herein contained are true and make this solemn declaration conscientiously believing it to be true.

IN WITNESS WHEREOF, I have signed

\_\_\_\_\_  
(Candidate name)

Solemnly sworn before me in \_\_\_\_\_ (city) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Commissioner of Oath (or notary public or lawyer)

Name:

Number (if applicable):

## **ADDENDUM 2: Term remaining 4 months or less before the polling day**

### **Declaration concerning the quality and eligibility of a candidate to the position of member of the Council of Commissioners of the Lester B. Pearson School Board**

(ss. 21-21.4 and 199 paragraph 2 of the Act respecting School Elections )

I, \_\_\_\_\_, candidate to the position of Commissioner of the Lester-B.-Pearson School Board, as Chair or as representative of ward number \_\_\_\_ (hereinafter the commissioner position), declare that:

- I do not occupy the position of Member of the National Assembly or of the Parliament of Canada, Justice of a court, Chief Electoral Officer or member of the Commission de la représentation, public servant of the Ministère de l'Éducation et de l'Enseignement supérieur on a permanent basis, employee or election officer of the school board or employee of the Comité de gestion de la taxe scolaire; or if I currently do, I hereby declare my intention to resign from this position if I am appointed to the commissioner position and I understand that I will not be eligible for this commissioner position until I submit said resignation and inform the Secretary General;
- I was not sentenced to imprisonment for an offence for which I have not obtained a pardon;
- I was not a candidate in the previous school elections, or if I was, I declare that:
  - I submitted the required financial report or the return of election expenses report;
  - I have paid all debts arising from my election expenses and transmitted the financial report establishing such payment, or more than (4) years have passed since the 31<sup>st</sup> of December of the year following the date of the previous school elections;
- I do not hold office as member of council of another school board or as member of council of the Lester B Pearson School Board, or if I currently do, I hereby declare my intention to resign from this office if I am appointed to the commissioner position and I understand that I will not be eligible for this commissioner position until I submit said resignation and inform the Secretary General;
- I am not a candidate to the office of member of council of another school board, or if I currently am, I hereby declare that I will remove my candidacy if I am appointed to the commissioner position and I understand that I will not be eligible for this commissioner position until I submit said resignation and inform the Secretary General;

ADDENDUM 2: Term remaining 4 months or less before the polling day (continued)

- In the last 5 years, I have not been convicted of an offense of corrupt electoral or referendum practice as per s. 176 of the Education Act for which the final judgment is no more subject to appeal (res judicata).

**To be declared before a Commissioner for taking affidavits or any other person authorized by law to administer an oath:**

I solemnly declare that the answers and information herein contained are true and make this solemn declaration conscientiously believing it to be true.

IN WITNESS WHEREOF, I have signed

\_\_\_\_\_  
(Candidate name)

Solemnly sworn before me in \_\_\_\_\_ (city) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Commissioner of Oath (or notary public or lawyer)

Name:

Number (if applicable):