

DATE: September 22, 2020

TO: Board of Trustees

FROM: Darrel Robertson, Superintendent of Schools

SUBJECT: Trustee representation for Ward A

ORIGINATOR: Karen Mills, Director Board and Superintendent Relations

RESOURCE STAFF: Grace Cooke

REFERENCE: [Local Authorities Election Act](#)
[Education Act](#), Section 81
[Trustees' Handbook](#), Section 16.2 – Resignations

ISSUE

On June 24, 2020, Cheryl Johner resigned her position as Ward A Trustee. One year remains in the current Board of Trustees' term before the next municipal general election.

BACKGROUND

The last by-election held by the Board was in 2015 following the resignation of Ward G Trustee Sarah Hoffman two years into the Board's four-year term, following her election to the provincial legislative assembly. That by-election saw eight candidates vie for the Trustee position. From an electorate population of 56,450, a total of 1,227 ballots were cast (2.2 per cent voter turnout). The cost for the by-election in 2015 was \$187,240. The Board approved the appointment of the City of Edmonton's Returning Officer as the Returning Officer, meaning that the City administered the election.

RELATED FACTS

The current Board of Trustees is entering the fourth year of its term. The municipal election, during which all Trustees are elected, will be held on October 18, 2021.

Section 81 of the *Education Act* stipulates that:

- 1) If a vacancy occurs on a board of six or more trustees, the board shall make provision to fill the vacancy by holding a by-election.
- 2) Notwithstanding subsection (1), where a vacancy occurs on a board of six or more trustees
 - a) during the three-year period immediately following a general election, a by-election need not be held if there is only one vacancy on the board, and
 - b) during the fourth year following a general election, a by-election need not be held unless the number of vacancies on the board reduces the board to a number that is less than the quorum of the board plus one.

Boards do not have legislative authority to appoint a public member as a new Trustee to represent a ward.

Given these stipulations, the Board of Edmonton Public Schools may choose to hold a by-election, but is not required to do so.

The Trustee contact for Ward A constituents is currently Board Chair Estabrooks.

RECOMMENDATION

That, due to the current Ward A vacancy, Board Chair Estabrooks undertake the Trustee duties and responsibilities for Ward A until the next municipal general election, scheduled for October 18, 2021.

OPTIONS

Based on the information provided in this report, the following options are considered most appropriate:

1. Pass the recommendation as presented.
2. Amend the recommendation.
3. Choose one of the options presented on page 3 of this report.

CONSIDERATIONS and ANALYSIS

In 2017, the Board of Trustees contracted the City of Edmonton to run all Trustee elections until 2026; therefore, the City's Returning Officer would administer the election. The contract requires that the Board give the City at least 75 days' notice before the by-election date, along with a certified copy of the Board resolution(s) establishing:

- A. the Election Day
- B. the location where nominations for the Election will be received;
- C. the approved budget for the Election; and
- D. that the City's Returning Officer is appointed as the Board's Returning Officer for the purpose of that Election.

There is no specific timeline provided in either the *Local Authorities Election Act* or the *Education Act* for by-election timelines for school boards. The City therefore looks to the *Municipal Government Act* requirement of a 90-day election period as the minimum, and recommends 120 days from nomination day to election date. Given this, a nomination date of September 23 would mean that the earliest a by-election could be held would be December 21, and the recommended election date would not be before January 20. This would schedule the election during the holiday season and what is typically a period of inclement weather in Edmonton, which could negatively impact voter engagement and turnout.

If a federal election is called this fall, as is being speculated by some, voter fatigue may also negatively impact voter turnout.

If a by-election was held, the successful candidate would not be sworn in until late January at the earliest, and would then require an intensive orientation period given that the Board would be embarking on deliberations around the distribution of funds and 2021-2022 budget in the spring, which requires a broad understanding of the Division, its programs, governance style and needs. The Board would then break for summer recess in June and have only one meeting prior to the October election, meaning that the newly elected candidate would only be actively engaged in Board meetings for five months at the most.

As a result of the COVID-19 pandemic, a large number of processes and safeguards would be required to hold a by-election. City staff have stated that these responses would require additional expenses to run

a by-election and would increase the overall costs from the 2015 Ward G by-election. City staff would work with Division staff to ensure any cost savings possible could be implemented.

If a by-election is not the desire of the Board, other options to consider are:

1. *One Trustee representing Ward A in addition to their current ward.* This option would provide a consistent point of contact for constituents and facilitate a broad understanding of the ward issues. While this arrangement would increase the responsibilities of the individual Trustee, they could ask Trustee colleagues for assistance, when appropriate.
2. *Rotating Trustees representation for Ward A (e.g., each Trustee could be the ward contact for seven weeks, which would provide representation until the October 2021 municipal election).* This option would share the responsibilities among Trustees and provide constituents with access to Trustees with a broad scope of skills, expertise and experience. However, it may be difficult for constituents to keep track of which Trustee is the contact for the ward. It would also impede relationship development and add complexity to carrying out longer-term projects or gaining a deep understanding of ward issues.
3. *Divide Ward A among Trustees.* This option would most evenly divide responsibility among Trustees, while better enabling consistency of representation and building of relationships. However, an understanding of broad ward issues may be more difficult to gain with this model. If this option is the desire of the Board, Administration would work with the Board to allocate ward coverage among Trustees.

The above three options would have Trustee(s) undertake additional duties. As such, Trustee(s) may submit for the per diem honorarium pursuant to the Trustees' Handbook which provides "remuneration for additional activities over and above Trustees' general duties."

NEXT STEPS

Administration will develop messaging to inform Ward A constituents specifically, and the broader community generally, of the direction set by the Board for Trustees for coverage for Ward A.

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