



*The Niagara Catholic District School Board through  
the charisms of faith, social justice, support and leadership,  
nurtures an enriching Catholic learning community for all  
to reach their full potential and become living witnesses of Christ.*

*AGENDA AND MATERIAL*

## COMMITTEE OF THE WHOLE MEETING

**TUESDAY, FEBRUARY 11, 2014  
7:00 P.M.**

*FATHER KENNETH BURNS, C.S.C. BOARD ROOM  
CATHOLIC EDUCATION CENTRE, WELLAND, ONTARIO*



### A. ROUTINE MATTERS

1. Opening Prayers – Trustee MacNeil -
2. Roll Call -
3. Approval of the Agenda -
4. Declaration of Conflict of Interest -
5. Approval of Minutes of the Committee of the Whole Meeting of January 14, 2014 A5

### B. PRESENTATIONS

### C. COMMITTEE AND STAFF REPORTS

1. Policy Committee
  - 1.1 Unapproved Minutes of the Policy Committee Meeting of January 28, 2014 C1.1
  - 1.2 Approval of Policies
    - 1.2.1 Religious Education for Teaching Staff Policy (201.3) C1.2.1
    - 1.2.2 School Generated Funds Policy (301.6) C1.2.2
  - 1.3 Policy and Guideline Review 2013-2014 Schedule C1.3
2. Revised Attendance Area Boundaries for St. Ann Catholic, St. James Catholic and Assumption Catholic Elementary Schools. C2
3. Pupil Accommodation Review for St. Christopher/St. Theresa Catholic Elementary School Submission Timelines C3
4. Award of Computer Tender C4
5. St. Martin Catholic Elementary School Architectural Design C5
6. Holy Childhood Walk C6
7. Innovation, Creativity and Entrepreneurship (ICE) Training Pilot Summary Report C7

- |    |   |      |
|----|---|------|
| 8. | Building a Suicide Alert Community Through Applied Suicide Intervention Skills Training (ASIST): Niagara Catholic District School Board's Plan to Implement Mental Health Support | C8   |
| 9. | Monthly Updates   |      |
|    | 9.1 Capital Projects Progress Report Update   | C9.1 |
|    | 9.2 Student Senate Update   | -    |
|    | 9.3 Senior Staff Good News Update   | -    |

#### **D. INFORMATION**

- |    |   |      |
|----|---|------|
| 1. | Trustee Information   |      |
|    | 1.1 Spotlight on Niagara Catholic – January 28, 2014                        | D1.1 |
|    | 1.2 Calendar of Events – February 2014                                      | D1.2 |
|    | 1.3 CCSTA 2014 AGM and Conference June 5-7, 2014                            | D1.3 |
|    | 1.4 Automated External Defibrillators (A.E.D.) Elementary Schools           | -    |
|    | 1.5 OCSTA Professional Development Session Conflict of Interest – Module 11 | D1.5 |

#### **E. OTHER BUSINESS**

- |    |  |   |
|----|--|---|
| 1. | General Discussion to Plan for Future Action | - |
|----|--|---|

#### **F. BUSINESS IN CAMERA**

#### **G. REPORT ON THE IN CAMERA SESSION**

#### **H. ADJOURNMENT**

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 11, 2014**

*PUBLIC SESSION*

**TITLE: MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING JANUARY 14, 2014**

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**RECOMMENDATION**

**THAT** the Committee of the Whole approve the Minutes of the Committee of the Whole Meeting of January 14, 2014, as presented.



## MINUTES OF THE COMMITTEE OF THE WHOLE MEETING

### TUESDAY, JANUARY 14, 2014

Minutes of the Meeting of the Committee of the Whole of the Niagara Catholic District School Board, held on Tuesday, January 14, 2014 at 7:00 p.m. in the Father Kenneth Burns C.S.C. Board Room, at the Catholic Education Centre, 427 Rice Road, Welland.

The meeting was called to order at 7:00 p.m. by Vice-Chair Burkholder.

#### A. ROUTINE MATTERS

1. Opening Prayer

Opening Prayers were led by Trustee Nieuwesteeg

2. Roll Call

Vice-Chair Burkholder noted that Trustee Fera was excused and that all other Trustees were in attendance.

Trustee	Present	Present Electronically	Absent	Excused
Rhianon Burkholder	✓			
Kathy Burtnik	✓			
Maurice Charbonneau	✓			
Frank Fera				✓
Fr. Paul MacNeil	✓			
Ed Nieuwesteeg	✓			
Ted O'Leary	✓			
Dino Sicoli	✓			
<b>Student Trustees</b>				
Vincent Atallah	✓			
Dallas McMahon	✓			

The following staff were in attendance:

**John Crocco**, Director of Education; **Yolanda Baldasaro**, **Ted Farrell**, **Lee Ann Forsyth-Sells**, **Frank Iannantuono**, **Mark Lefebvre**, Superintendents of Education; **Giancarlo Vetrone**, Superintendent of Business & Financial Services; **Scott Whitwell**, Controller of Facilities Services; **Jennifer Brailey**, Manager of Corporate Services & Communications; **Kristine Murphy**, Recording Secretary/Administrative Assistant, Corporate Services & Communications

3. **Approval of the Agenda**

Item F4, 2 was added to the In Camera Agenda

Moved by Trustee Charbonneau

**THAT** the Committee of the Whole approve the Agenda of the Committee of the Whole Meeting of January 14, 2014, as amended.

**CARRIED**

4. **Declaration of Conflict of Interest**

A Declaration of Conflict of Interest was declared by Trustee Burkholder with Item C5 and C11 appendix B of the Public Agenda, as she has a family member who is associated with the Quartek Group.

Trustee Burkholder did not take part in the discussion of, or vote on any question in respect of the matter.

5. **Approval of Minutes of the Committee of the Whole Meeting of December 3, 2013**

Moved by Trustee Nieuwesteeg

**THAT** the Committee of the Whole approve the Minutes of the Committee of the Whole Meeting of December 3, 2013, as presented.

**CARRIED**

**B. PRESENTATION**

1. **International Education Partnership Agreements and Visits**

Frank Iannantuono, Superintendent of Education, introduced Fred Wilson, Supervisor International Education, who presented the report on International Education Partnership Agreements and Visits.

Niagara Catholic International Program staff has actively engaged potential international partners to design agreements for student and staff exchanges, program and service delivery, staff training and professional development opportunities. Between January 6 and February 25, 2014, ninety-two (92) elementary students from South Korea will be attending Niagara Catholic schools as part of the Integration Program with the Board.

Mr. Wilson introduced members of the group from South Korea, which included principals, teachers and chaperones. Among them was Sister Angela Bang, Principal of Bokoja Catholic Girl's Middle School, which has a Memorandum of Understanding with the Board. Also present was Sister Insuk Pak, Principal of Soha Catholic Elementary School; to begin discussions on a partnership with the Board. Sister Angela and Sister Insuk addressed the Board and spoke of

the valuable opportunities afforded them and students through their partnership and highlighted their experiences at Niagara Catholic. Kevin Yu from Skyvision Academy was also in attendance.

Chair Burtnik, Director Crocco and Sister Insuk Pak signed a Memorandum of Understanding to develop a new international education partnership with Soha Catholic Elementary School.

Chair Burtnik thanked the representatives for entrusting Niagara Catholic with their students and assisted by Director Crocco presented the representatives with a Niagara Catholic lapel pin.

In addition to the students from South Korea, twenty-four (24) students from Panama and Peru are scheduled to arrive in late January 2014 to join this current Integration Program group.

## **C. COMMITTEE AND STAFF REPORTS**

### **1. Policy Committee – Policy and Guideline Review 2013 -2014 Schedule**

Director Crocco, presented a revised Policy and Guideline Review 2013-2014 Schedule for Trustees' Information.

### **2. Raise Me Up 2013-2014**

Mark Lefebvre, Superintendent of Education, introduced Marco Magazzeni, Coordinator of Student Success, who provided the Board with information on the Raise Me Up 2013-2014 program. Niagara Catholic students, working alongside qualified and certified local trades, are currently constructing a 1200 square foot home. As students work with local industry leaders, they have the opportunity to be registered as apprentices under the Ontario Youth Apprenticeship Program.

Students from Notre Dame College School, Tye Mack and Tyler Westen and Lakeshore Catholic High School student, Owen Pasinsky spoke of the skills they were gaining by being part of this program. Parent, Mrs. Brenda Potter mother of Quintin Jarrett spoke about the benefits of the program and the tremendous opportunity it presented for students.

Ivana Galante, Consultant K-12 Technology/Specialist High Skills Major presented a visual presentation on the Raise Me Up Project.

Vice-Chair Burkholder and Director Crocco presented Excellence in Academic Pins to the students in the program.

Staff answered questions of Trustees.

### **3. Community Addiction Services of Niagara – Holy Cross Catholic Secondary School**

Yolanda Baldasaro, Superintendent of Education introduced Christine Battagli, Consultant, Research, Assessment, Evaluation and Reporting; Andrea Bozza, Mental Health Lead; Denice Robertson, Principal, Holy Cross Catholic Secondary School; Paul Niesink, Director of Community Programs, Community Addiction Services of Niagara and Joanne Baker, Counsellor, Community Addiction Services of Niagara (CASON). They provided a brief overview of the school-based substance abuse/addiction treatment and counselling program at Holy Cross Catholic Secondary School, as well as a visual presentation on how it supports Niagara Catholic's 2013-2014 Enabling Strategies that focus on providing supports for student success in the area of Mental Health and Addictions.

Paul Niesink and Joanne Baker answered questions of Trustees.

4. **Attendance Support Program**

Frank Iannantuono, Superintendent of Education/Human Resources introduced, Lana Pasto, Coordinator of Attendance Support. Ms. Pasto presented background information on the implementation of the Board Attendance Support Program.

Superintendent Iannantuono, explained that an overview of the program to be implemented will be presented at the January 16, 2014 Director's Meeting and that Principals, Managers and Supervisors will receive training on that date.

Director Crocco, Superintendent Iannantuono and Ms. Pasto answered questions of Trustees.

Based on the need to remove the policy reference to the Putting Students First Act, staff was asked to make the necessary edits and bring the Attendance Support Program Policy (201.16) to the Policy Committee meeting on January 28, 2014.

5. **Award of Construction Contract for Early Learning Kindergarten Program (ELKP)-Year 5**

Chair Burtnik chaired the Committee of the Whole Meeting for this item.

Moved by Trustee Nieuwesteeg

**THAT** the Committee of the Whole recommend that the Niagara Catholic District School Board approve the Award of Construction Contracts for Early Learning Kindergarten Program (ELKP) – Year 5 to.

SCHOOL NAME	RECOMMENDED CONTRACTOR	TOTAL PROJECT COST
Canadian Martyrs	King Contractors	\$993,684
Loretto Catholic	Brouwer Construction	\$801,615
St. John Bosco	Stolk Construction	\$601,858

for a total three project cost of \$2,397,157.

**CARRIED**

6. **Award of Construction Contract for St. James Catholic Elementary School Addition**

Moved by Trustee Charbonneau

**THAT** the Committee of the Whole recommend that the Niagara Catholic District School Board approve the Award of Construction Contract for St. James Catholic Elementary School Addition/Renovations to Charter Building Company with a total project cost of \$2,721,042.

**CARRIED**

7. **Award of Construction Contract for Our Lady of Mount Carmel Catholic Elementary School Renovations**

Moved by Trustee Nieuwesteeg

**THAT** the Committee of the Whole recommend that the Niagara Catholic District School Board approve the Award of Construction Contract For Our Lady of Mount Carmel Catholic Elementary School Renovations to Bromac Construction Inc. with a total project cost of \$2,423,405.

**CARRIED**

8. **Elementary School Chapels**

Scott Whitwell, Controller of Facilities Services, presented the report on Elementary School Chapels for information.

With the full support of the Director Crocco, Senior Administrative Council and school Principals, Facilities Services is currently designing the first three elementary school Chapels at the new St. Martin Catholic Elementary School, Our Lady of Mount Carmel Catholic and St. James Catholic Elementary Schools as part of the new construction and renovations to these schools.

Director Crocco and Controller Whitwell answered questions of Trustees.

9. **Extended Overnight Field Trip, Excursion and Exchange Approval Committee -2014**

Superintendent Lefebvre presented the report on Extended Overnight Field Trip/Excursion and Exchange for information.

10. **Staff Development Department Professional Development Opportunities January & February 2014**

Superintendent Iannantuono presented the report on the Staff Development Department Professional Development Opportunities January & February for information.

11. **Monthly Updates**

11.1 **Capital Projects Update**

Chair Burtnik chaired the Committee of the Whole Meeting for this item.

Controller Whitwell presented the Capital Projects Update.

11.2 **Student Senate Update**

Vincent Atallah and Dallas McMahon, Student Trustees, presented a brief verbal update on the current activities of the Student Senate.

11.3 **Senior Staff Good News Update**

Senior Staff highlights included:

**Superintendent Farrell**

- Grant Frost has been hired as the new Education Technology Officer. He is a graduate of Denis Morris Catholic High School and the University of Guelph. Mr. Frost brings 25 years of knowledge and experience in the Information Technology (IT) field to his new position with Niagara Catholic. Mr. Frost joins the Niagara Catholic Education Information Technology Department team from BlackBerry / Research in Motion. He is in the process of meeting with the various stakeholders within Niagara Catholic to determine how to address the needs of the system.



### **Superintendent Baldasaro**

- Mother Theresa Catholic Elementary School will be hosting its Canadian Exhibit on January 23, 2014 at 12:30 p.m. involving Grade 7 and Grade 8 students. Senator Victor Oh, from Ottawa, will be attending as a special guest.

### **Superintendent Mark Lefebvre**

- A copy of the book 'At the Window' written by Joseph Forte teacher at Mary Ward Catholic Elementary School was provided to each Trustee.

## **D. INFORMATION**

### **1. Trustee Information**

#### **1.1 Spotlight on Niagara Catholic – December 17, 2013**

Director Crocco highlighted the Spotlight on Niagara Catholic – December 17, 2013 issue for Trustees' information.

#### **1.2 Calendar of Events – February 2014**

Director Crocco presented the February 2014 Calendar of Events for Trustees' information.

#### **1.3 4<sup>th</sup> Annual Niagara Catholic Baby Celebration – January 15, 2014**

Director Crocco reminded Trustees that the 4<sup>th</sup> Annual Niagara Catholic Baby Celebration will be held on January 15, 2014.

#### **1.4 OCSTA Professional Development Seminar – January 17-18, 2014**

Director Crocco reminded Trustees that the OCSTA Professional Development Seminar Preliminary Program will be held on January 17-18, 2014.

Trustees were asked to confirm their attendance with Kristine Murphy.

#### **1.5 Business Education Council Annual Partners Breakfast – February 7, 2014**

Director Crocco reminded Trustees that the Business Education Council Annual Partners Breakfast will be held on February 7, 2014.

Trustees were asked to confirm their attendance with Kristine Murphy.

#### **1.6 Draft 2014 Board Committee Membership**

Chair Burtnik presented the Draft 2014 Board Committee Membership for the review of Trustees. A final copy will be provided at the January Board Meeting.

## **E. OTHER BUSINESS**

### **1. General Discussion to Plan for Future Action**

- 1.1 Director Crocco informed the Trustees that Superintendents Baldasaro and Farrell will send letters to the families who were affected by the new boundary changes as a result of the recent St. Catharines Boundary Area Review Committee Meeting. Director Crocco will forward as requested by the Chair a copy of the letter template that will be sent to all Trustees for their information.

## **F. BUSINESS IN CAMERA**

Moved by Trustee MacNeil

**THAT** the Committee of the Whole move into the In Camera Session.  
**CARRIED**

The Committee of the Whole moved into the In Camera Session of the Committee of the Whole Meeting at 10:20 p.m. and reconvened at 10:57 p.m.

## **G. REPORT ON THE IN-CAMERA SESSION**

Moved by Trustee MacNeil

**THAT** the Committee of the Whole report the motions from the In Camera Session of the Committee of the Whole Meeting of January 14, 2014.  
**CARRIED**

### **SECTION A: STUDENT TRUSTEES INCLUDED**

Moved by Trustee MacNeil

**THAT** the Committee of the Whole approve the Minutes of the Committee of the Whole Meeting - In Camera Session (Section A: Student Trustees Included) held on December 3, 2013, as presented.  
**CARRIED (Item F1)**

### **SECTION B: STUDENT TRUSTEES EXCLUDED**

Moved by Trustee O'Leary

**THAT** the Committee of the Whole approve the Minutes of the Committee of the Whole Meeting - In Camera Session (Section B: Student Trustees Excluded) held on December 3, 2013, as presented.  
**CARRIED (Item F4)**

## **H. ADJOURNMENT**

Moved by Trustee Sicoli

**THAT** the January 14, 2014 Committee of the Whole Meeting be adjourned.  
**CARRIED**

This meeting was adjourned at 10:59 p.m.

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Minutes of the Committee of the Whole Meeting of the Niagara Catholic District School Board held on **January 14, 2014.**

Approved on **February 11, 2014.**

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Rhianon Burkholder  
Vice-Chairperson of the Board

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John Crocco  
Director of Education/Secretary -Treasurer

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 11, 2014**

***PUBLIC SESSION***

**TITLE: UNAPPROVED MINUTES OF THE POLICY COMMITTEE  
MEETING OF JANUARY 28, 2014**

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**RECOMMENDATION**

**THAT** the Committee of the Whole receive the Unapproved Minutes of the Policy Committee Meeting of January 28, 2014, as presented.

The following recommendations are being presented for the Committee of the Whole's consideration from the Policy Committee Meeting of January 28, 2014:

**1.2 Approval of Policies**

**1.2.1 Religious Education for Teaching Staff Policy (201.3)**

**THAT** the Committee of the Whole recommend that the Niagara Catholic District School Board approve the Religious Education for Teaching Staff Policy (201.3), as presented.

**1.2.2 School Generated Funds Policy (301.6)**

**THAT** the Committee of the Whole recommend that the Niagara Catholic District School Board approve the School Generated Funds Policy (301.6), as presented.



## MINUTES OF THE POLICY COMMITTEE MEETING

### TUESDAY, JANUARY 28, 2014

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Minutes of the Policy Committee Meeting held on Tuesday, January 28, 2014 at 4:30 p.m. in the Holy Cross Community Room, at the Catholic Education Centre, 427 Rice Road, Welland.

The meeting was called to order at 4:35 p.m. by John Crocco, Director of Education Secretary/Treasurer Education who presided over the meeting until the election of the Policy Committee Chairperson.

1. **Opening Prayer**

The meeting was opened with a prayer by Trustee Sicoli

2. **Election of Chair of Policy Committee 2014**

Director Crocco asked for nominations for Chair of the Policy Committee 2014, Trustee Burkholder nominated Trustee Sicoli.

Director Crocco asked Trustee Sicoli if he wished to stand for the position Chair of the Policy Committee. Trustee Sicoli accepted the nomination.

There were no further nominations forthcoming. Trustee Sicoli was acclaimed to the position of Chair of the Policy Committee 2014.

Moved by Trustee Burkholder

**THAT** Trustee Sicoli be elected to the position of Chair of the Policy Committee.

**APPROVED**

3. **Attendance**

Moved by Trustee Burkholder

**THAT** the Policy Committee excuse Chair Burtnik from attending the Policy Meeting of January 28, 2014.

<b>Committee Members</b>	Present	Absent	Excused
Rhianon Burkholder	✓		
Kathy Burtnik			✓
Dino Sicoli (Committee Chair)	✓		

**Student Trustees:**

*Vincent Atallah*, Trustee

**Staff:**

*John Crocco*, Director of Education

*Yolanda Baldasaro*, Superintendent of Education

*Frank Iannantuono*, Superintendent of Education/Human Resources

*Giancarlo Vetrone*, Superintendent of Business & Finance

*Jennifer Brailey*, Manager of Corporate Services & Communications Department

*Kristine Murphy*, Administrative Assistant, Corporate Services & Communications  
Department /Recording Secretary

4. *Approval of Agenda*

Moved by Trustee Burkholder

THAT the January 28, 2014, Policy Committee Agenda be approved, as presented.

**APPROVED**

5. *Disclosure of Interest*

No Disclosures of Interest were declared with any items on the agenda.

6. *Minutes of the Policy Committee Meeting of November 26, 2013*

Moved by Trustee Burkholder

THAT the Policy Committee approve the minutes of the Policy Committee Meeting of  
November 26, 2013, as presented.

**APPROVED**

7. *Policies*

***ACTION REQUIRED***

**POLICIES - FOR RECOMMENDATION TO FEBRUARY COMMITTEE OF THE  
WHOLE MEETING**

7.1 *Attendance Support Program Policy (201.16)*

Frank Iannantuono, Superintendent of Education/Human Resources, presented the amendments to the Attendance Support Program Policy (201.16) as discussed at the January Committee of the Whole Meeting.

Given the deletion of the Putting Students First Act and the reference to the change from days to occurrences, the Policy Committee requested that the amended Attendance Support Program Policy (201.16) be brought directly to the January 28, 2014 Board Meeting for recommendation and approval.

Moved by Trustee Burkholder

THAT the Policy Committee recommend to the January 28, 2014 Board Meeting to  
approve the Attendance Support Program Policy (201.16), as presented.

**APPROVED**

As requested by the Policy Committee, the amended Attendance Support Program Policy (201.16) would be submitted to the amended Board Meeting Agenda for January 28, 2014.

**7.2 Religious Education for Teaching Staff Policy (201.3)**

Frank Iannantuono, Superintendent of Education, presented the amendments to the Religious Education for Teaching Staff Policy (201.3) following the vetting process.

The Policy Committee suggested the following amendments:

**POLICY STATEMENT**

- No amendment

**ADMINISTRATIVE GUIDELINES**

- Amendment- second paragraph 'Director of Education or' be removed

Moved by Trustee Burkholder

**THAT** the Policy Committee recommend to the Committee of the Whole approval of the Religious Education for Teaching Staff Policy (201.3), as presented.

**APPROVED**

**7.3 School Generated Funds Policy (301.6)**

Giancarlo Vetrone, Superintendent of Business & Finance, presented no amendments to the School Generated Funds Policy (301.6) following the vetting process.

The Policy Committee suggested no additional amendments:

Moved by Trustee Burkholder

**THAT** the Policy Committee recommend to the Committee of the Whole approval of the School Generated Funds Policy (301.6), as presented.

**APPROVED**

**POLICIES - PRIOR TO VETTING**

**7.4 Advocacy Expenditures Policy (100.9)**

Giancarlo Vetrone, Superintendent of Business & Finance, presented the Advocacy Expenditures Policy (100.9).

The Policy Committee suggested the following amendments:

**POLICY STATEMENT**

- Amendments-Last paragraph capitalize Administrative Guidelines

**ADMINISTRATIVE GUIDELINES**

- No amendments

The Policy Committee requested that the Advocacy Expenditures Policy (100.9) be vetted from January 31, 2014 to April 4, 2014 with a recommended deadline for presentation to the

Policy Committee in April 22, 2014, for consideration to the Committee of the Whole and Board in May 2014.

**7.5 Anaphylaxis Policy (302.1)**

Yolanda Baldassaro, Superintendent of Education, presented the Anaphylaxis Policy (302.1).

The Policy Committee suggested no additional amendments:

The Policy Committee requested that the Anaphylaxis Policy (302.1) be vetted from January 31, 2014 to April 4, 2014 with a recommended deadline for presentation to the Policy Committee in April 22, 2014, for consideration to the Committee of the Whole and Board in May 2014.

**7.6 Student Transportation Policy (500.2)**

Giancarlo Vetrone, Superintendent of Business & Finance, presented the Student Transportation Policy (500.2).

The Policy Committee suggested no additional amendments:

The Policy Committee requested that the Student Transportation Policy (500.2) be vetted from January 31, 2014 to April 4, 2014 with a recommended deadline for presentation to the Policy Committee in April 22, 2014, for consideration to the Committee of the Whole and Board in May 2014.

**7.7 Sexual Misconduct Policy (201.13)**

Frank Iannantuono, Superintendent of Education, presented the Sexual Misconduct Policy (201.13).

The Policy Committee suggested the following amendments:

**POLICY STATEMENT**

- The word Investigation not to be removed.
- Second paragraph 2. Should read; The receiver of the complaint will treat the complaint and those associated with sensitivity and afford all the necessary protection in handling of such complaints.

**ADMINISTRATIVE GUIDELINES**

- No amendments

The Policy Committee requested that the Sexual Misconduct Policy (201.13) be vetted from January 31, 2014 to April 4, 2014 with a recommended deadline for presentation to the Policy Committee in April 22, 2014, for consideration to the Committee of the Whole and Board in May 2014.

**INFORMATION**

**7.8 Policies Currently Being Vetted (February-March 2014)**

- Advertising Expenditures Policy (600.5)



- Architect Selection Policy (701.1)
- Ontario Student Record (OSR) Policy (301.7)

**7.9 Policy and Guideline Review 2013-2014 Schedule**

Director Crocco presented the Policy and Guideline Review 2013-2014 Schedule.

**7. Date of Next Meeting**

Tuesday, February 25, 2014 – 4:30 p.m.

**8. Adjournment**

The meeting adjourned at 6:20 p.m.

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 11, 2014**

*PUBLIC SESSION*

**TITLE: RELIGIOUS EDUCATION FOR TEACHING STAFF POLICY  
(201.3)**

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**RECOMMENDATION**

**THAT** the Committee of the Whole recommend that the Niagara Catholic District School Board approve the Religious Education For Teaching Staff Policy (201.3), as presented.

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Prepared by: Frank Iannantuono, Superintendent of Education - Human Resources Services

Presented by: Policy Committee

Recommended by: Policy Committee

Date: February 11, 2014



**RELIGIOUS EDUCATION FOR  
TEACHING STAFF**

**STATEMENT OF POLICY**

<b>Section:</b>	<b>200 – Human Resources</b>
<b>No:</b>	<b>201.3</b>
<b>Adopted:</b>	<b>April 28, 1998</b>
<b>Revised:</b>	<b>October 22, 2013</b>

In keeping with the Mission, Vision, and Values of the Niagara Catholic District School Board the Board supports the continuing growth of staff in through faith development and religious education courses. As required by the Collective Agreements, the Board requires staff to obtain certification in Religion or Theology.

The Board will subsidize staff successfully completing the OECTA/OCSTA Board-approved Religion Courses as outlined in the Administrative Guidelines, such as the ones offered by St. Michael's College.

~~Annually, The Director will place an amount in~~ The Board will annually approve funds will in the Annual Board Budget funds to the Staff Development budget to support this policy.


The Director of Education will issue Administrative Guidelines for the implementation of this policy. ~~in conjunction with in support of this policy and reflective of applicable legislation.~~

Reference:

Collective Agreements



NIAGARA CATHOLIC  
DISTRICT SCHOOL BOARD

	<p><b>RELIGIOUS EDUCATION FOR TEACHING STAFF</b></p> <p><b>ADMINISTRATIVE GUIDELINES</b></p>	<p>Section: 200 – Human Resources</p> <p>No: 201.3</p> <p>Adopted: April 28, 1998</p> <p>Revised: October 24, 2002 October 22, 2013</p>
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A subsidy of **\$200.00** per course will be paid to staff upon successful completion of a Board-approved ~~OECTA/OCSTA~~ Religious Education Course or a course in Religion or Theology such as those offered by **OCSTA/OECTA Course**.

Staff must send evidence of successful completion of courses to the Director of Education or Superintendent of Education-Human Resources Services.

Employees must complete the "Request for a Religious Education Course Subsidy" form for prior approval.

Requests for course subsidies must be submitted within one year of successful completion of the course.



**RELIGIOUS EDUCATION FOR  
TEACHING STAFF**

**STATEMENT OF POLICY**

**Section:** 200 – Human Resources  
**No:** 201.3  
**Adopted:**  
**Revised:** April 28, 1998  
October 22, 2013

In keeping with the Mission, Vision, and Values of the Niagara Catholic District School Board the Board supports the continuing growth of staff in through faith development and religious education courses. As required by the Collective Agreements, the Board requires staff to obtain certification in Religion or Theology.

The Board will subsidize staff successfully completing the OECTA/OCSTA Board-approved Religion Courses as outlined in the Administrative Guidelines, such as the ones offered by St. Michael's College.

~~Annually, The Director will place an amount in-~~ The Board will annually approve funds will in the Annual Board Budget funds to the Staff Development budget to support this policy.

The Director of Education will issue Administrative Guidelines for the implementation of this policy. ~~in conjunction with in support of this policy and reflective of applicable legislation.~~

Reference:

Collective Agreements

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 11, 2014**

*PUBLIC SESSION*

**TITLE: SCHOOL GENERATED FUNDS POLICY (301.6)**

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**RECOMMENDATION**

**THAT** the Committee of the Whole recommend that the Niagara Catholic District School Board approve the School Generated Funds Policy 301.6, as presented.

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Prepared by: Giancarlo Vetrone, Superintendent of Business & Financial Services

Presented by: Policy Committee

Recommended by: Policy Committee

Date: February 11, 2014

	<b>SCHOOL GENERATED FUNDS POLICY</b>	Section:	300 – Schools/Students
		No:	301.6
		Adopted:	April 25, 2006
		Revised:	Nil
<b>STATEMENT OF POLICY</b>			

In keeping with the Mission, Vision and Values of the Niagara Catholic District School Board, the Niagara Catholic District School Board recognizes that funds may be generated at the school level from a number of different and varied sources. School Generated Funds apply to all funds that are received, raised, or collected in the name of the school or school activity. School Generated Funds are to be used for the enhancement of educational programs and to support approved school-based initiatives.

The Policy on School Generated Funds operate in conjunction with will be consistent with existing Provincial Legislation, from the Province of Ontario, (i.e., **MOE Regulation 612** as it pertains to School Councils), other pertinent Board Policies, (i.e., **Fundraising Policy**) and publicly accepted accounting principles, as described in the **Public Sector Accounting Board (PSAB)** standards.

The Board, through its administration will provide appropriate guidance, authority and protection to school staff and fundraising volunteers by providing guidelines and procedures for the administration and reporting of School Generated Funds.

The provisions of this policy are expected to meet the public's rightful and reasonable expectations regarding the consistent and transparent stewardship of School Generated Funds.


The Board has a mandate and fiduciary responsibility to ensure proper management of the funds to protect public interest and trust.

The accounting and control of the proceeds of School Generated Funds must be conducted in accordance with the Administrative Guidelines outlined in this policy.

The Director of Education will issue Administrative Guidelines for the implementation in support of this policy.

#### References:

- [Alcohol and Gaming Commission of Ontario \(AGCO\)](#)
- [OASBO School Generated Funds Guidelines \(2009\)](#)
- [Ontario Regulation 612/00 – School Councils and Parent Involvement Committees](#)
- [Public Sector Accounting Board \(PSAB\)](#)
- [Niagara Catholic - Fundraising Policy \(301.4\)](#)
- [Niagara Catholic - Student Fees Policy \(301.11\)](#)

	<b>SCHOOL GENERATED FUNDS POLICY</b>  <b>ADMINISTRATIVE GUIDELINES</b>	Section:	300 – Schools/Students
		No:	301.6
		Adopted:	April 25, 2006
		Revised:	Nil

(An detailed Administrative Manual is provided to all Niagara Catholic Schools.)

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- ~~1. Sources and Uses of School Generated Funds~~
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- ~~5. Accounting Systems~~
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- ~~10. Lotteries and Games of Chance~~
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- ~~12. Catholic School Councils~~
- ~~13. Student Councils~~
- ~~14.1. Changes in Principal~~

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### Section 1—Introduction

The **Administrative Guidelines** ~~se~~ procedures are based on the January 2009 publication, “School Generated funds Guidelines” from the Ontario Association of School Business Officials (OASBO) and review of the ~~Ontario Association of School Business Officials August 2005 document~~ and revised to meet the Niagara Catholic District School Board’s requirements.

### Section 2—Sources and Uses of School Generated Funds

School Generated Funds shall have a defined purpose and must be used for its defined purpose. Funds must be categorized for each specific event or activity and accounted for separately. Residual amounts for a specific event/activity at the end of the school year shall roll forward to the next year, and where possible used against the same or similar event/activity.

Categories of school generated funds:

1. Local School Initiatives
2. Board approved initiatives
3. Fundraising
4. Donations
- ~~1.5. Fee for service~~



School generated fees for services, athletics, etc.

1. ~~School generated fund raising for charities and/or specific events/initiatives~~
2. ~~Catholic School Council/Student Council/School generated fund raising for charities and/or specific events/initiatives/activities~~
3. ~~Funds raised through a Board wide initiative.~~
4. ~~Funds raised through local school initiatives~~
5. ~~Funds donated to schools~~

~~Acceptable and unacceptable uses of school generated funds:~~

~~Discretionary Funds raised for a general purpose with no specific intent must be used for school related activities, at the discretion of the school Principal, and/or require Catholic School Council/Student Council input. Funds received from such areas as i.e. cafeteria commissions, photo rebates and GST refunds could be allocated for discretionary purposes (Principal's Project). Expenditures made using these funds must at all times be made with the overall purpose of benefiting the school environment and community. It is an expectation that approved staff development activities and the funding of such activities will be supported through board generated funds as opposed to school generated funds. Notwithstanding, all pertinent and necessary expenditures (i.e., refreshments) for the facilitation of meetings can be supported through school generated funds.~~

~~A list of unacceptable uses of school generated funds would include;~~

~~Items that are to be purchased from the Board's budget (i.e. textbooks, classroom supplies):~~

- ~~• Goods or services from employees, where such purchase would contravene **Section 217 of the Education Act.**~~
- ~~• Mileage reimbursements to employees.~~
- ~~• Monetary payments to employees for services and/or social events~~
- ~~• Investments other than those permitted by the Board and **Regulation 471/97 of the Education Act (ELIGIBLE INVESTMENTS).**~~

~~**Caution:** Expenditures made from school generated funds that do not directly benefit the students in the school are subject to greater scrutiny and may require further justification.~~

### ~~Section 3—Accountability—Roles and Responsibilities~~

#### ~~Objectives:~~

~~To clarify the roles and responsibilities of individuals involved in school generated funds.~~

#### ~~Specifies:~~

##### ~~*Roles & Responsibilities of the Director of Education:*~~

- ~~• Establish administrative guidelines for school generated funds.~~
- ~~• Receive any financial review as determined by the appropriate Superintendent or designate~~

##### ~~*Roles & Responsibilities of the Superintendent of Business & Financial Services or designate:*~~

- ~~• Provide training to staff on the appropriate application of the administrative guidelines.~~
- ~~• Complete and/or follow-up on financial review reports.~~
- ~~• Receive and maintain a central file of annual financial reports from each Family of Schools Superintendent.~~

- The Manager of Student Information and Administrative Services will also receive and maintain a central file of annual financial reports.
- Report to the Family of Schools Superintendent **when SGF are:**
  - ~~if funds are lost or stolen~~ **Lost or stolen.**
  - ~~any Misused~~ of funds
  - **F**ailure to follow any policy or administrative guidelines

### ***Roles & Responsibilities of the Family of Schools Superintendent:***

- Review with Principals current Board policy and Administrative guidelines.
- Verify that schools are complying with the reporting requirements of the Administrative Guidelines for School Generated Funds (~~particularly Section 4 and 5~~).
- Family of Schools Superintendent's may request financial records at their discretion.
- Report to the Senior Business Official or designate **when SGF are:**
  - ~~if funds are lost or stolen~~ **Lost or stolen**
  - ~~any m~~ Misuse of funds
  - **F**ailure to follow any policy or administrative guidelines

### ***Roles & Responsibilities of the Principal:***

- Ensure that the Administrative Guidelines for School Generated funds are implemented in compliance with Board Policy and or Administrative Memorandum
- Act as one of the approved signing officers on the school bank account.
- Appoint the Designated Secretary responsible for receipts, disbursements, banking and record keeping and communicate those responsibilities.
- Ensure that processes are in place to adequately control the funds within the school including security over cash and records.
- Ensure that no staff members or members of the community are collecting and managing funds in their own bank account.
- Communicate responsibilities to staff members.
- Ensure that there is a primary contact for each club or class involved with financial transactions.
- Review, initial and date the monthly bank reconciliation.
- Review records periodically.
- Review, sign and date the annual Financial Reports.
- Distribute and/or make available the annual financial reports as outlined in the section on Financial Reporting.
- Notify the Family of Schools Superintendent and the Senior Business Official immediately if funds are lost or stolen.
- Ensure that the school or any individual associated with the school does not enter into contracts in the name of the school or the Board.
- Ensure that the Catholic School Council chair is aware and understands their roles and responsibilities.
- Provide financial reports for the Catholic School Council to review as they pertain to Catholic School Activities on a quarterly basis as a minimum.

### ***Roles & Responsibilities of the Designated Secretary in the school:***

- Implement the administrative guidelines for school generated funds as directed by the Principal.
- Act as one of the approved signing officers on the school bank account.
- Count and verify funds received for deposit.
- Prepare bank deposits and deposit funds at the bank on a regular basis.
- Issue cheques ensuring that all requests for payments are properly supported and approved by the Principal.
- Record transactions on a regular basis.
- Complete the monthly bank reconciliation.
- Prepare transaction reports as required.
- Advise the Principal of deviations from the administrative guidelines outlined in this manual.

- Prepare annual financial report and submit to Principal.
- Assist during financial review.
- Participate in board sponsored training relating to school generated funds.
- With approval of the principal, delegate some of these duties to another staff position directly involved with school generated funds.

### ***Roles & Responsibilities of Staff Members:***

- Collect money from students or other sources as applicable.
- Count money collected and record amount and intended use on the Deposit Voucher Funds Received Form as indicated in the section on Banking, Receipts and Disbursements.
- Ensure funds collected are delivered to the Designated Secretary on a daily basis.
- Ensure that invoices have the appropriate approval and are delivered to the Designated Secretary for payment.
- Ensure details of financial activity related to their class or club are recorded correctly.
- Ensure that funds received are disbursed as per the intent of the funds raised or collected.
- Request and review transaction reports on a regular basis and advise the Designated Secretary of any discrepancy.

### ***Roles & Responsibilities of Catholic School Council Chair:***

- Work with the Principal to ensure that the sources and uses of school generated funds comply with Board policy and the established administrative guidelines.
- Ensure fundraising activities involving the students and/or the school are in compliance with Board policies and no direct or indirect benefit is derived by a member of the Catholic School Council.
- Ensure that Catholic School Council members are aware that where conflicts of interest exist, they are disclosed.
- Review, sign and date the annual Catholic School Council financial reports.
- Attend board sponsored training relating to school generated funds.
- Ensure that all records and financial reports are available for review at the school as indicated in the section on Catholic School Councils.

## **Section 4—Banking/Receipts/Disbursements**

### **Objective:**

To simplify banking practices while

ensuring security of funds

- ~~protecting those responsible for handling the money~~
- ~~maintaining adequate records~~
- ~~The following practices represent the minimum procedures recognizing the balance between limited staffing and the need to meet basic security and reporting requirements.~~

### **Establishing a Bank Account**

- The school must have only one “school generated funds” bank account.
- Where schools participate in Lotteries and Games of Chance; a second separate bank account must be maintained.
- The bank account ~~shall~~ **must** be in the name of the school.
- Cheques for the school bank account ~~should~~ **must** be pre-numbered.
- The account must require two signatures on all cheques.
- It is acceptable to have up to four signing officers. The Principal must be one of the four.
- Bank account established ~~should~~ **must** be such that statements are issued on a monthly basis along with returned cheques.
- The bank statement ~~should~~ **must be** cut-off on the last day on the month.

## Receipts

- All money received at the school ~~is to~~ **must** be stored on site in a designated locked and safe location, which has limited access.
- All money collected ~~is to~~ **must** be deposited intact to the bank account promptly. This means that expenditures are not paid from the cash collected. The total funds are deposited to the bank and a cheque written to pay for expenditure.
- All staff collecting money must complete the attached “Deposit Voucher” and forward to the Designated Secretary in the school office.
- Once the Designated Secretary receives the money, he / she will sign for receipt of funds on the “Deposit Log”. Designated Secretary will note a reference number on the Deposit Log and Deposit Voucher. The individual making the deposit to the office should sign the log indicating the deposit of funds to the office and should be done in the presence of the Designated Secretary.
- The Deposit Voucher must be fully completed accompanied by a class list or other supporting documents and must be ~~totalled~~ **totalled** and signed to ensure that the deposit is accurate and deposited to the correct category/subcategory.
- ~~Where possible, M~~ money ~~should~~ **must** be counted in the presence of two individuals.
- When the funds have been counted by the Designated Secretary, he / she will sign the Deposit Voucher indicating that the actual money originally submitted were correctly accounted for and verified.
- You may use the same procedure for receipting funds received directly from individuals or groups not employed by the Board.
- The Deposit Voucher must be used to process all deposits to the school bank account.

## Disbursements

- All disbursements ~~should~~ **must** be recorded promptly.
- All payments ~~should~~ **must** be made by cheque or through Board approved petty cash.
- Pre-signing of cheques is not acceptable. Signature stamps are not acceptable.
- Payments ~~should~~ **must** only be made upon the presentation of original invoices, receipts or other appropriate supporting documentation approved by the Principal.
- When a cheque is issued the invoice must be marked paid and the cheque number and date recorded on the original documentation. Payments should not be made from company statements.
- Cheques made payable to cash or payments in advance to employees are not acceptable.
- Reimbursements to Principals above a set dollar amount (determined by board) must be approved by their Superintendent.
- Using the number control feature, all cheques should be accounted for. Voided cheques should be retained.
- Unused cheques ~~should~~ **must** be stored in a designated, secure location in order to prevent loss or theft.

## Investments

Where a school has excess funds, they may be invested in the name of the school as permitted by Reg. 471/97 of the Education Act (Eligible Investments) and Board Policy and practices (e.g. term deposits, GIC’s, etc.). These funds should be invested on a short-term basis.

## Bank Reconciliation

- Monthly bank reconciliations must be completed.
- Cheques not cashed within six months are stale-dated and ~~should~~ **shall** be reversed in your records.
- The Principal shall review the monthly bank reconciliation, sign it and retain on file.

~~**Caution:** Deviation from the above administrative guidelines will leave the school vulnerable to potential problems. The need to have administrative guidelines in place is often not recognized until something goes wrong. The goal is to have controls that ensure money is handled appropriately, that staff are protected and that records are accurate, up to date and useful. The controls are only as good as their enforcement. It is important that school administrators support and follow the established practices.~~

## **Section 5—Financial Reporting**

The Principal is accountable for the money to both the school community and the Board. Financial statements demonstrate accountability and, at the same time, provide information for decision-making needed by the school community and the Board.

### **Objective:**

~~To provide a format for financial reporting including:~~

~~Who will be responsible for preparing the reports~~

- ~~• What will be included in the reports~~
- ~~• The fiscal period that will be covered~~
- ~~• The reports that are required~~
- ~~• When they will be distributed~~
- ~~• To whom they will be distributed.~~

### **Specifies:**

- The financial reports shall be prepared under the direction of the Principal.
- The reports shall encompass all money generated in the name of or under the auspices of the school regardless of its source or use.
- The fiscal year for the reports shall be September 1 to August 31.
- The Principal shall review, sign and date all reports.
- The reports shall be made available at the school to the members of the school community upon request.
- The reports shall be kept with the records for the school generated funds for seven years.

### **Minimum Required Reports to Include;**

1. Plan for School Generated Funds – Yearly
2. Banking Summary Report – Monthly
3. Itemized Category Listing Report – Monthly
4. Summary Template (Template) - Annual
5. Bank Reconciliation Report - Monthly

## **Section 6—Accounting Systems**

~~The current accounting software package in place used to track school generated funds is “Schoolbanking.net”.~~

## **Section 7—Financial Review**

The board's appointed financial reviewer **Auditors** will conduct audits of school generated funds. Usually **this will** occur on a cyclical basis, so that each school is audited periodically. Through a financial reviewer, regular financial reviews of school generated funds will be undertaken. The financial review function reports to the Director of Education.

**New Principal appointments require all financial information transferred to the new Principal and a review of current finances shall be completed by both Administrators.**

## **Section 8—Goods and Services—Harmonized Sales Tax**

All items purchased through the school generated funds bank account, if one exists, are eligible for **HGST** rebate as follows:

- **A rebate of 93% of Provincial Sales Tax**
- **A rebate of 68% of Federal Sales Tax**
- **100% of the HST paid on all purchases of text books and other published materials**
- ~~A rebate of 100% of the GST paid on all purchases of printed books, audio recordings of printed books and printed versions of religious scriptures.~~
- ~~A rebate of 68% of the GST paid on all other purchases~~

To obtain a rebate of the **HGST** paid on items purchased through school generated funds, or the Catholic School Council funds **a HST rebate report must be prepared by the school.**

- ~~A GST Rebate report must be prepared by the school~~
- ~~The GST Rebate report must be reviewed and signed by the Principal~~

Original invoices that support the amounts shown on the **HGST** Rebate Claim must be kept on file at the school for audit purposes for a period of 7 years.

## **Section 9—Provincial Sales Tax**

~~When buying an item under the general exemptions, notify the vendor that the purchase is exempt from PST. In this case, the vendor may request a Purchase Exemption Certificate. If so, complete the PEC and forward to the vendor, keeping a copy for the schools records.~~

## **Section 10—Charitable Donations**

The Canadian tax system encourages taxpayers to support the activities of registered charities by allowing a tax credit to be claimed by a donor.

## **Section 11—Lotteries and Games of Chance**

A license from the **Alcohol and Gaming Commission of Ontario (AGCO)** is required for all lotteries and games of chance.

All licenses require that a separate trust bank account be used for revenue and expenses.

A condition of all licenses is that you report on the financial activity of the project.

## Section 12—Entering into Contracts

Board Administration, in consultation with schools, will determine the extent to which schools can enter into individual school contracts. In many cases, Board policy, procedures, and administrative guidelines will establish the parameters regarding the dollar amount and the duration of contracts into which schools can enter **into a contract agreement**.

## Section 13—Catholic School Council

### Background:

Under the Education Act Regulation 612, school boards in Ontario are required to establish a Catholic School Council for each school within the board. These Councils are advisory bodies that may make recommendations to the school Principal or the board on any matter. Many Catholic School Councils perform fundraising activities in the name of the school and as such are required to conform with the appropriate sections of Regulation 612 that deal with fundraising issues. The Principal is ultimately responsible for activities related to the school and therefore is also responsible for Catholic School Council activities.

Catholic School Councils are not to be incorporated. Any funds and assets generated through fundraising activities in accordance with Board policies and guidelines assisted by the Catholic School Council are the property of the Board.

### Objective:

To clarify:

Ownership of Catholic School Council funds

- Bank Procedures
- Financial reporting requirements
- Record Retention
- **Ownership of Catholic School Council Funds**

The Ministry of Education's document, *Catholic School Councils A Guide for Members (2002)*, states *"Catholic School Councils should be aware that, because the school board is a corporate entity and the school is not, any funds raised by the Catholic School Council (and any assets purchased with those funds) belong, legally, to the board."* Fundraising for schools by Catholic School Councils is a partnership between the school, the board and the fundraising group. The full document can be viewed at the **Ontario Ministry of Education site**.

All fundraising activities and expenditures must be conducted in accordance with Board policies. Particular attention needs to be paid to policies on purchasing, conflicts of interest and other similar policies. This is clearly stated in Regulation 612, section 22.

### Banking Procedures

Catholic School Councils are not to have a separate bank account. All deposits and disbursements should flow through the school bank account.

To facilitate the issuing of cheques for ongoing activities such as the payment for pizza on pizza days, the council may wish to authorize activities for which funds can be disbursed and reported at the next Council meeting. Other disbursements would require principal/council approval prior to the initiation of the purchase.

~~For the security of the funds and to protect anyone handling money raised through Catholic School Council activities, all money needs to be counted and kept in the school for prompt deposit to the school bank account.~~

- All funds generated through the Catholic School Council are the responsibility of the Principal of the school shall be deposited and disbursed through the school bank account.
- All monies generated will be counted by two (2) members of the Catholic School Council or with the assistance of a staff member and the total amount shall be recorded and initialed on the prescribed Deposit Voucher Form
- All monies accompanied by the Deposit Voucher form will be submitted to the school Principal or Principal's designate.
- The Principal or Principal's designate will then count the receipts and initial the Deposit Voucher Form indicating agreement with the amount to be deposited into the school bank account.
- The deposit will be kept secure in the school office and will be promptly deposited.
- Monthly bank reconciliations will be completed and retained in the school office.

## **Disbursements**

- Request for payment will be issued upon the completion of the Cheque Request Form supported by an original invoice(s) and/or receipt (s) and approval from the Principal and/or Principal's designed.

## **Financial Report**

Aligning with the fiscal year of the Board, Catholic School Councils annual financial report shall reflect the activities undertaken from September 1 to August 31 of the following year.

Catholic School Councils shall:

- record in each Catholic School Council meeting minutes that a financial report was presented and approved by the Catholic School Council members in attendance;
- keep records of all financial transactions and make available at the school for examination without charge by any person for up to four (4) years; and
- Annually submit a written report on all fundraisers and activities to the Principal of the school and to the Board.

The Principal shall, on behalf of the Catholic School Council, provide the annual report to parents by posting the report in the school in a location that is accessible to parents.

## **Financial Reporting Requirements**

~~To enable the Catholic School Council to manage and monitor Catholic School Council funds and fundraising activities, current financial information is required. To achieve this goal, quarterly reports outlining the sources and uses of the funds and the current financial position of the Catholic School Council are required as a minimum. The school is responsible for ensuring that this information is shared with the Catholic School Council on a regular basis.~~

~~Regulation 612, section 24, Catholic School Councils states "every Catholic School Council shall annually submit a written report on its activities to the Principal of the school and to the board". It further states, "If the Catholic School Council engages in fundraising activities, the annual report shall include a report on those activities." The Catholic School Council may wish to use the Catholic School Council Summary report noted above to meet the reporting requirement.~~

~~It should be noted in the Catholic School Council meeting minutes that this report has been received and approved.~~



The fiscal year for Catholic School Councils is September 1 to August 31 of the following year. This is the same as the boards' fiscal year prescribed by the Province of Ontario. Annual financial reports shall reflect the activities undertaken during this timeframe. These reports will allow the Council to confirm that disbursements made coincide with previously approved disbursements.

## **Record Retention**

Regulation 612, section 16, states that "(1) A Catholic School Council shall keep minutes of its meetings and records of all of its financial transactions." It goes on to state "(2) The minutes and records shall be available at the school for examination without charge by any person." "(3) Subsections (1) and (2) do not apply to minutes and records that are more than four years old." As a matter of consistency with other financial record retention requirements, all records are to be maintained on board premises for a period of seven years.

**Caution:** Catholic School Councils are reminded that Regulation 612 of the Education Act governs their activities, responsibilities and reporting requirements. It is the Principal's responsibility to advise Councils when their activities fail to meet the requirements outlined in the regulation and Board policies and procedures.

## **Section 14— Student Councils**

Keeping track of the money raised and spent is considered an educational experience for the students involved. Student Councils require financial reports that show the results of their efforts.

## **Section 15— Changes in Principals**

To ensure that when the Principal changes, basic financial information is transferred to the new Principal and that a financial review is completed.

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 11, 2014**

*PUBLIC SESSION*

**TITLE: POLICY AND GUIDELINE REVIEW 2013-2014 SCHEDULE**

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The Policy and Guideline Review 2013-2014 report is presented for information.

Prepared by: John Crocco, Director of Education/Secretary-Treasurer  
Presented by: Policy Committee  
Date: February 11, 2014



## POLICY AND GUIDELINE REVIEW 2013-2014 SCHEDULE

AS AT JANUARY 30, 2014 (Sorted by PC DATE)

Policy Issued	Reviewed Revised	Policy #	POLICY NAME	Resp	Policy Committee Prior to Vetting After Vetting	Proposed CW & BD Timeline
2001	2008	302.6.3	Access to School Premises - <i>Safe Schools</i>	LAFS	Sept. 2013	Dec. 2013
1998		400.1	Adult and Continuing Education	FI	Sept. 2013	Dec. 2013
2007		600.4	Corporate Cards, Purchasing Cards & Petty Cash	GV	Sept. 2013	Dec. 2013
2006		301.6	School Generated Funds	GV	Oct. 2013	Feb. 2014
1998	2002	201.3	Religious Education Courses for Staff	FI	Oct. 2013	Feb. 2014
2002	2012	201.7	Employee Workplace Harassment *	FI	Oct. 2013	Nov. 2013
2002	2011	201.11	Employee Workplace Violence *	FI	Oct. 2013	Nov. 2013
2002	2011	201.6	Occupational Health & Safety *	FI	Oct. 2013	Nov. 2013
2003		400.5	Acceleration/Retention (Elementary)	ML	Oct. 2013	Nov. 2013
1998	2001	201.1	Employee Leaves of Absence	FI	Oct. 2013	Nov. 2013
2001	2002	302.6.1	Opening or Closing Exercises - <i>Safe Schools</i>	FI	Oct. 2013	Nov. 2013
2007		600.5	Advertising Expenditures	GV	Nov. 2013	Mar. 2014
1998		701.1	Architect Selection	SW	Nov. 2013	Mar. 2014
2006		301.7	Ontario Student Record (OSR)	ML	Nov. 2013	Mar. 2014
1998	2010	301.1	Admission of Elementary & Secondary Students	LAFS	Nov. 2013	Dec. 2013
2001	2008	302.6.3	Access to School Premises - <i>Safe Schools</i>	LAFS	Nov. 2013	Dec. 2013
1998		400.1	Adult and Continuing Education	FI	Nov. 2013	Dec. 2013
2007		600.4	Corporate Cards, Purchasing Cards & Petty Cash	GV	Nov. 2013	Dec. 2013
2007		201.15	Employee Conferences, Workshops & Meetings	GV	Nov. 2013	Dec. 2013
2007		201.14	Employee Meals & Hospitality	GV	Nov. 2013	Dec. 2013
2007		100.9	Advocacy Expenditures	GV	Jan. 2014	Apr. 2014
1998	2010	302.1	Anaphylaxis	YB	Jan. 2014	Apr. 2014
2007	2010	500.2	Student Transportation	GV	Jan. 2014	Apr. 2014
2006		201.13	Sexual Misconduct	FI	Jan. 2014	Apr. 2014
1998	2002	201.3	Religious Education Courses for Staff	FI	Jan. 2014	Feb. 2014
2006		301.6	School Generated Funds	GV	Jan. 2014	Feb. 2014
2005		100.8	Electronic Meetings (Board and Committees)	JC	Feb. 2014	May 2014
<b>NEW</b>		<b>NEW</b>	Enrolment Register Policy	GV	Feb. 2014	May 2014
2007		600.5	Advertising Expenditures	GV	Feb. 2014	Mar. 2014
1998		701.1	Architect Selection	SW	Feb. 2014	Mar. 2014
2006		301.7	Ontario Student Record (OSR)	ML	Feb. 2014	Mar. 2014
2001	2003	302.6.7	Criminal Background Check - <i>Safe Schools</i>	FI	Mar. 2014	Jun. 2014
<b>NEW</b>		<b>NEW</b>	Use of Board Logo	JC	Mar. 2014	Apr. 2014
2003	2013	302.6.8	Bullying Prevention & Intervention - <i>Safe Schools</i>	LAFS	Mar. 2014	Apr. 2014
2007		100.9	Advocacy Expenditures	GV	Mar. 2014	Apr. 2014
2006		201.13	Sexual Misconduct	FI	Mar. 2014	Apr. 2014
2005		100.8	Electronic Meetings (Board and Committees)	JC	Apr. 2014	May 2014
<b>NEW</b>		<b>NEW</b>	Enrolment Register Policy	GV	Apr. 2014	May 2014
2007	2010	500.2	Student Transportation	GV	Apr. 2014	May 2014
2003	2013	302.6.8	Bullying Prevention & Intervention - <i>Safe Schools</i>	LAFS	May 2014	Jun. 2014
2001	2003	302.6.7	Criminal Background Check - <i>Safe Schools</i>	FI	May 2014	Jun. 2014

Policy Issued	Reviewed Revised	Policy #	NIAGARA CATHOLIC DISTRICT SCHOOL BOARD -POLICIES	Resp
2003	2013	400.5	Acceleration/Retention (Elementary)	ML
2001	2013	302.6.3	Access to Board Premises - <i>Safe Schools</i>	LAFS
2009		800.1	Accessibility Customer Service	LAFS
2012	2013	800.8	Accessibility Standards	YB
1998	2009	302.2	Administration of Oral Medication to Students Under the Age of 18 During School Hours	LAFS
1998	2013	301.1	Admission of Elementary & Secondary Students	LAFS
2007	2014	600.5	Advertising Expenditures	GV
2007	2014	100.9	Advocacy Expenditures	GV
1998	2014	302.1	Anaphylaxis	YB
1998	2014	701.1	Architect Selection	SW
2011	2013	301.10	Assessment, Evaluation, Reporting and Homework Policy	LAFS
1998	2012	203.2	Assignment of Principals & Vice-Principals	FI
1998	2012	301.3	Attendance Areas	SW
2012	2014	201.16	Attendance Support Program	FI
1997	2010	100.1	Board By-Laws	JC
2012		701.5	Bottled Water	LAFS
2003	2013	302.6.8	Bullying Prevention & Intervention - <i>Safe Schools</i>	FI
1998	2012	203.3	Catholic Leadership: Principal & Vice-Principal Selection	FI
1998	2013	800.1	Catholic School Councils	LAFS
2001	2012	400.3	Christian Community Service	ML
2001	2013	302.6.2	Code of Conduct - <i>Safe Schools</i>	FI
1998	2013	800.2	Community Use of Facilities	SW
1998	2011	800.3	Complaint Resolution	JC
1998	2013	400.1	Continuing Education	FI
2007	2013	600.4	Corporate Cards, Purchasing Cards & Petty Cash	GV
2001	2013	302.6.7	Criminal Background Check - <i>Safe Schools</i>	FI
2002	2013	201.5	Death Benefit	FI
2002	2013	201.10	Deferred Salary Plan (X/Y)	FI
2012		302.8	Diabetes Management	YB
2001	2012	302.6.6.2	Dress Code - Secondary Uniform - <i>Safe Schools</i>	FI
1998	2013	400.2	Educational Field Trips	ML
1998	2012	800.5	Education-Based Research	LAFS
2006	2012	201.12	Electronic Communications Systems (Employees)	MC
2006	2012	301.5	Electronic Communications Systems (Students)	MC
2005		100.8	Electronic Meetings (Board and Committees)	JC
2012		302.6.1	Elementary Standardized Dress Code - <i>Safe Schools</i>	FI
2002	2012	201.9	Employee Attendance During Inclement Weather & Workplace Closure	FI
2012		201.17	Employee Code of Conduct & Ethics	FI
2007	2013	201.15	Employee Conferences, Workshops & Meetings	GV
1998	2013	201.1	Employee Leaves of Absence	FI
2012		203.1	Employee Hiring and Selection Policy (Teachers)	FI
2007	2013	201.14	Employee Meals & Hospitality	GV
2002	2012	201.7	Employee Workplace Harassment *	FI
2002	2011	201.11	Employee Workplace Violence *	FI
<b>NEW</b>		<b>NEW</b>	Enrolment Register Policy	GV
2011		400.6	Environmental Stewardship	SW
2010	2010	100.1	Equity and Inclusive Education	YB
1998	2010	100.5	Establishment and Cyclical Review of Policies	JC

Policy Issued	Reviewed Revised	Policy #	NIAGARA CATHOLIC DISTRICT SCHOOL BOARD -POLICIES	Resp
2010		800.6	Facility Partnerships	SW
2002	2012	301.4	Fundraising	GV
2013		203.4	Leadership Pathways	FI
1998	2010	600.3	Monthly Financial Reports	GV
2004	2012	100.7	Niagara Catholic Education Award of Distinction	FI
2011	2013	800.7	Niagara Catholic Parent Involvement Committee & By-Laws	LAFS
2005	2011	302.7	Nutrition	YB
2002	2011	201.6	Occupational Health & Safety *	FI
2006	<b>2104</b>	301.7	Ontario Student Record (OSR)	ML
2001	2013	302.6.1	Opening or Closing Exercises - Safe Schools	FI
1998	2012	702.1	Playground Equipment	SW
2003	2013	400.4	Prior Learning Assessment and Recognition (PLAR)	ML
2008	2010	302.6.9	Progressive Student Discipline - <i>Safe Schools</i>	FI
1998	2010	701.2	Pupil Accommodation Review	SW
1998	2011	600.1	Purchasing/Supply Chain Management	GV
1998	2011	600.2	Records and Information Management	JC
1998	2008	201.4	Reimbursement of Travel Expenses	GV
2010	2010	100.10.1	Religious Accommodation	YB
1998	<b>2014</b>	201.3	Religious Education Courses for Staff	FI
1998	2010	201.2	Retirement & Service Recognition Celebration	FI
1999	2010	302.3	Safe Arrival	FI
2009		301.8	Safe Physical Intervention with Students	LAFS
2001	2013	302.6	Safe Schools	FI
2006	<b>2014</b>	301.6	School Generated Funds	GV
2006	<b>2014</b>	201.13	Sexual Misconduct	FI
2001	2009	302.6.5	Student Expulsion - <i>Safe Schools</i>	FI
2011	2011	301.11	Student Fees	YB
2001	2012	302.5	Student Parenting	ML
2013		100.6.2	Student Senate - Elementary	JC
2000	2013	100.6.14	Student Senate - Secondary	JC
2001	2009	302.6.4	Student Suspension - <i>Safe Schools</i>	FI
2007	<b>2014</b>	500.2	Student Transportation	GV
1998	2012	100.4	Student Trustees	JC
1998	2013	500.1	Transportation & School Operations for Inclement Weather	JC
2010		100.12	Trustee Code of Conduct	JC
2011		100.13	Trustee Expenses & Reimbursement ( <i>Interim</i> )	JC
2010		100.11	Trustee Honorarium	JC
<b>NEW</b>		<b>NEW</b>	Use of Board Logo	JC
2002	2013	701.3	Video Security Surveillance	SW
2011		301.9	Voluntary and Confidential Self-Identification Policy for First Nation, Métis and Inuit Students	YB
2001	2009	302.4	Volunteer Driver	YB
2007	2008	800.4	Volunteer Recognition	JC
2013		800.9	Volunteering in Catholic Schools	FI

\* MINISTRY OF LABOUR COMPLIANCE ANNUAL REVIEW

POLICY & GUIDELINES REVIEW REPORTS TO SENIOR ADMINISTRATIVE COUNCIL AGENDA ONE WEEK PRIOR TO A

PC MEETING DATES - 4:30 PRIOR TO SEPT, OCT, NOV, JAN, FEB, MAR, APR & MAY BD MEETINGS

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE  
FEBRUARY 11, 2014**

***PUBLIC SESSION***

**TITLE: REVISED ATTENDANCE AREA BOUNDARIES FOR ST. ANN  
CATHOLIC, ST. JAMES CATHOLIC AND ASSUMPTION  
CATHOLIC ELEMENTARY SCHOOLS**

**THAT** the Committee of the Whole recommend to the Niagara Catholic District School Board that the following revisions occur to the current attendance area boundaries for St. Ann Catholic, St. James Catholic and Assumption Catholic Elementary Schools and approve the recommendations as presented.

1. **THAT** the new boundary description for St. Ann Catholic Elementary School be described as:

*East:* Commencing at Lake Ontario and on Lake Street (centerline) to

*South:* Lakeshore Road (centerline) to Lakeport Road (centerline) to Linwell Road (centerline) to Ontario Street (centerline) to Ontario Jaycee Gardens (Fairview Creek) projected west to Twelve Mile Creek South to Hwy 406 to Vansickle Road N (centerline) to Martindale Road to Erion Road (centerline – and its extension) to

*West:* Hwy 406 to the QEW to

*North:* Fifteen Mile Creek to Lake Ontario to the point of commencement on Lake Street (centerline)

**THAT** the new boundary for St. James Catholic Elementary School be described as:

*East:* Commencing at Lake Ontario and Vine Street (centerline) to

*South:* Linwell Road (centerline) to

*West:* Lakeport Road (centerline) to ~~Ontario Street (centerline)~~ to Lakeshore Road (centerline) to Lake Street (centerline) to

*North:* Lake Ontario to the point of commencement on Vine Street

**THAT** the new boundary description for Assumption Catholic Elementary School be described as:

*East:* Commencing on the City Boundary (St. Catharines & Niagara on the Lake) to

*South:* Linwell Road East (centerline), crossing Welland Canal to Linwell Road (centerline) to

*West:* Vine Street (centerline) to

*North:* Lake Ontario to the point of commencement on the City Boundary

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Prepared by: Yolanda Baldasaro, Superintendent of Education  
Presented by: Yolanda Baldasaro, Superintendent of Education  
Recommended by: John Crocco, Director of Education/Secretary-Treasurer  
Date: February 11, 2014



## REPORT TO THE COMMITTEE OF THE WHOLE FEBRUARY 11, 2014

### REVISED ATTENDANCE AREA BOUNDARIES FOR ST. ANN CATHOLIC, ST. JAMES CATHOLIC AND ASSUMPTION CATHOLIC ELEMENTARY SCHOOLS

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#### BACKGROUND INFORMATION

As part of the Niagara Catholic District School Board's continued open and transparent communication process with all stakeholders in our Catholic school communities, this report provides updated information on the completed work of the St. Catharines Elementary and Secondary Family of Schools Ad Hoc Attendance Area Review Committee for St. Ann Catholic, Michael J. Brennan Catholic, St. James Catholic, Assumption Catholic, Our Lady of Fatima Catholic, St. Alfred Catholic and Canadian Martyrs Catholic Elementary Schools and the decision of the Board at the December 17<sup>th</sup>, 2013 Board Meeting.

In preparation for the update of school boundary maps and transportation information on both the Niagara Catholic and Niagara Student Transportation Services (NSTS) websites, Niagara Catholic Facilities Services personnel and NSTS staff reviewed the boundary descriptions of the St. Catharines Michael J. Brennan Catholic, St. James Catholic, Assumption Catholic, St. Alfred Catholic, St. Ann Catholic, Canadian Martyrs Catholic and Our Lady of Fatima Catholic Elementary Schools as approved at the December 17<sup>th</sup>, 2013 Board meeting.

A review of the boundary descriptions for St. Ann Catholic, St. James Catholic and Assumption Catholic Elementary Schools showed that slight wording changes or deletions were required to keep the boundary descriptions clear and consistent. None of the recommended wording changes has any impact on the families of St. Ann, St. James and Assumption Catholic Elementary Schools.

#### Recommendations

**THAT** the Committee of the Whole recommends to the Niagara Catholic District School Board that the following revisions occur to the current attendance area boundaries for St. Ann Catholic, St. James Catholic and Assumption Catholic Elementary Schools and approve the recommendations as presented.

1. **THAT** the new boundary description for St. Ann Catholic Elementary School be described as:  
*East:* Commencing at Lake Ontario and on Lake Street (centerline) to  
*South:* Lakeshore Road (centerline) to Lakeport Road (centerline) to Linwell Road (centerline) to Ontario Street (centerline) to Ontario Jaycee Gardens (Fairview Creek) projected west to Twelve Mile Creek South to Hwy 406 to Vansickle Road N (centerline) to Martindale Road to Erion Road (centerline – and its extension) to  
*West:* Hwy 406 to the QEW to  
*North:* Fifteen Mile Creek to Lake Ontario to the point of commencement on Lake Street (centerline)

**THAT** the new boundary for St. James Catholic Elementary School be described as:

*East:* Commencing at Lake Ontario and Vine Street (centerline) to  
*South:* Linwell Road (centerline) to



*West:* Lakeport Road (centerline) to ~~Ontario Street (centerline)~~ to Lakeshore Road (centerline) to Lake Street (centerline) to

*North:* Lake Ontario to the point of commencement on Vine Street

**THAT** the new boundary description for Assumption Catholic Elementary School be described as:

*East:* Commencing on the City Boundary (St. Catharines & Niagara on the Lake) to

*South:* Linwell Road East (centerline), crossing Welland Canal to Linwell Road (**centerline**) to

*West:* Vine Street (centerline) to

*North:* Lake Ontario to the point of commencement on the City Boundary

## RECOMMENDATION

**THAT** the Committee of the Whole recommend to the Niagara Catholic District School Board that the following revisions occur to the current attendance area boundaries for St. Ann Catholic, St. James Catholic and Assumption Catholic Elementary Schools and approve the recommendations as presented.

1. **THAT** the new boundary description for St. Ann Catholic Elementary School be described as:

*East:* Commencing at **Lake Ontario and** ~~on~~ Lake Street (centerline) to

*South:* Lakeshore Road (centerline) to Lakeport Road (centerline) to Linwell Road (centerline) to Ontario Street (centerline) to Ontario Jaycee Gardens (Fairview Creek) projected west to Twelve Mile Creek South to Hwy 406 to Vansickle Road N (centerline) to Martindale Road to Erion Road (centerline – and its extension) to

*West:* Hwy 406 to the QEW to

*North:* Fifteen Mile Creek to Lake Ontario to the point of commencement on Lake Street (centerline)

**THAT** the new boundary for St. James Catholic Elementary School be described as:

*East:* Commencing at Lake Ontario and Vine Street (centerline) to

*South:* Linwell Road (centerline) to

*West:* Lakeport Road (centerline) to ~~Ontario Street (centerline)~~ to Lakeshore Road (centerline) to Lake Street (centerline) to

*North:* Lake Ontario to the point of commencement on Vine Street

**THAT** the new boundary description for Assumption Catholic Elementary School be described as:

*East:* Commencing on the City Boundary (St. Catharines & Niagara on the Lake) to

*South:* Linwell Road East (centerline), crossing Welland Canal to Linwell Road (**centerline**) to

*West:* Vine Street (centerline) to

*North:* Lake Ontario to the point of commencement on the City Boundary

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Prepared by: Yolanda Baldasaro, Superintendent of Education

Presented by: Yolanda Baldasaro, Superintendent of Education

Recommended by: John Crocco, Director of Education/Secretary-Treasurer

Date: February 11, 2014

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 11, 2014**

***PUBLIC SESSION***

**TITLE: PUPIL ACCOMMODATION REVIEW FOR ST.  
CHRISTOPHER/ST. THERESA CATHOLIC ELEMENTARY  
SCHOOL SUBMISSION TIMELINES**

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**RECOMMENDATIONS**

**THAT** the Committee of the Whole recommend to the Niagara Catholic District School Board that the St. Catharines Pupil Accommodation Review Schedule (Appendix 3) for 2014 be approved.

**THAT** the Committee of the Whole recommend to the Niagara Catholic District School Board that the Niagara Catholic Pupil Accommodation Review Guidelines (Appendix 4) for Public Input be approved.

**THAT** the Committee of the Whole recommend to the Niagara Catholic District School Board that for the Pupil Accommodation Review Process for the 2013-2014 school year, in accordance with Board By-Law Section 17 -Rules of Order -Subsections 1 and 2; Board By-Law Section 13 - Delegations, be modified as outlined in the Niagara Catholic Pupil Accommodation Review Guidelines for Public Input.

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Prepared by: Ted Farrell, Superintendent of Education

Presented by: Ted Farrell, Superintendent of Education

Recommended by: John Crocco, Director of Education/Secretary-Treasurer

Date: February 11, 2014



**REPORT TO THE  
COMMITTEE OF THE WHOLE  
TUESDAY, FEBRUARY 11, 2014**

**PUPIL ACCOMMODATION REVIEW FOR ST. CHRISTOPHER-ST. THERESA  
CATHOLIC ELEMENTARY SCHOOLS  
SUBMISSION TIMELINES**

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**BACKGROUND INFORMATION**

On April 23, 2013, the Niagara Catholic District School Board passed the following motion to conduct a Pupil Accommodation Review:

*THAT the Niagara Catholic District School Board approve that an Accommodation Review Committee be established to review St. Christopher Catholic Elementary School and St. Theresa Catholic Elementary School and that Senior Staff bring a report to the Committee of the Whole no later than January 2014.*

Following Board approval, a process began to form the Accommodation Review Committee (ARC); notify the school communities involved in the ARC; and publicize the first public meeting of the ARC which could occur no earlier than sixty (60) days from the appointment of the ARC.

A report on the status of the St. Catharines Accommodation Review timelines was approved at the October 22, 2013 Board Meeting:

*THAT the Committee of the Whole recommend to the Niagara Catholic District School Board that Senior Staff bring the St. Christopher/St. Theresa Catholic Elementary Schools Accommodation Review Committee report to the Committee of the Whole no later than April 2014.*

**Accommodation Review Committee**

The Accommodation Review Committee consisted of:

- The Family of Schools Superintendent who will serve as Chair of the committee;
- From each school:
  - the school Principal
  - the Catholic School Council chair or designate,
  - a Priest from each area under review
- the Controller of Facilities and / or designate;
- a Community Member

### **Working Committee Meetings and Public Input**

The required four Public Meetings were held for the affected St. Catharines Elementary Schools as outlined in Meeting Dates and Expectation Chart (Appendix 1) attached. Each Public Meeting had specific objectives in sharing information and to seek input from the community.

#### 1<sup>ST</sup> ARC Public Meeting

- At the first public meeting, the ARC described its mandate, outlined the pupil accommodation review, and gave the public a briefing on the data and issues to be addressed. The ARC also described how the Generic School Valuation Framework had been customized. The ARC received community input.

#### 2<sup>ND</sup> ARC Public Meeting

- At the second public meeting, the ARC presented the draft school-specific, valuation report under the customized School Valuation Framework for the two schools under consideration to the public and received community input.

#### 3<sup>RD</sup> ARC Public Meeting

- At the third public meeting, the ARC received community input on the accommodation options to be considered.

#### 4<sup>TH</sup> ARC Public Meeting

- At the fourth public meeting, the ARC presented the draft School Valuation Report to the public and received community input. The ARC considered changes to the report based on feedback at the meeting.

While all Working Committee Meetings were open to the public, only ARC members were eligible to participate in committee discussions. Each Working Committee meeting had specific expectations to achieve to ensure compliance with Ministry of Education timelines.

All Working Committee and Public Consultation meetings were electronically recorded for accuracy within the minutes. Unapproved minutes were provided to all members of the ARC for review, edit and approval by motion at the next ARC meeting. All approved minutes and Power Point presentations were promptly posted on the Niagara Catholic District School Board web-site under Accommodation Review. The transparent and open process followed by the ARC was positively commented on by members of the ARC, schools, and community members. The process followed was in compliance with the Ministry of Education Pupil Accommodation Review Guidelines and Niagara Catholic District School Board Policy 701.2 (refer to Appendix 2) attached.

### **Mandate of the ARC**

The mandate of the Accommodation Review Committee was to assess and study each of the identified schools involved on the basis of the school's value to students, the school board, the community and the local economy according to specific criteria that are equally applied to all schools involved in the accommodation review. The ARC weighed the value of the schools to the student above the other factors to be assessed. A final report is to be submitted to John Crocco, Director of Education by February 28, 2014 providing recommendations on a range of accommodation options respecting the two schools.

The targeted outcome was recommendations for efficient, long term solutions to continue to provide excellence in Catholic education for our students, parents and the communities.

### **ARC School Consideration**

Based on the Ministry of Education and Board Policy 701.2, the following criteria were required to be considered for a school or group of schools to be considered for an ARC;

- a) school or group of schools unable to provide a suitable and equitable range of learning opportunities for students
- b) school or group of schools has or will experience an adverse impact on learning opportunities for students due to declining enrolment
- c) reorganization involving a school or group of schools could enhance program and learning opportunities for students
- d) teaching / learning spaces are not suitable to provide the programs needed to serve the community and retrofitting may be cost prohibitive
- e) under normal staffing allocation practices, it would be necessary to assign three grades to one class in one or more of the schools
- f) one or more of the schools is experiencing higher building maintenance expenses than the average for the system and / or is in need of major capital improvements
- g) in one or more of the schools there are safety and / or environmental concerns attached to the building, the school site or its locality
- h) the consolidation of schools is in the best interest of the overall school system
- i) it has been no less than five (5) years since the inception of a study of the school by an Accommodation Review Committee.

### **Range of Factors to Consider**

ARCs are required to consider the following in their deliberations;

- a) Enrolment and demographics key to overall operating and capital funding
- b) Growth areas overshadowed by declining enrolment / surplus space
- c) Maintain the schools and to continue to monitor them
- d) Reorganize the schools, their programs or their grade structures
- e) Major program relocation with respect to one or more of the schools
- f) New school construction or additions to existing schools

- g) Use of portables
- h) Change boundaries of the schools
- i) Consolidation or closure of a schools
- j) Others as determined by the ARC.

### **ARC Meeting and Expectations**

Following the meetings, members of the ARC reviewed and considered all input and comments. Approved modifications to the recommendation section of the draft School Valuation Report were made in accordance with the consensus of the committee.

The ARC will produce a School Valuation Report that will make accommodation recommendation(s) consistent with the objectives and reference criteria outline in the Terms of Reference. It will deliver its School Valuation Report to the Director of Education by February 28, 2014 after which the School Valuation Report will be posted on the Board website.

### **Next Steps**

The next step in the process is for the Director of Education and Senior Administrative Council to review the recommendations in the School Valuation Report and prepare a report to the Board including pupil accommodation recommendations. The Board is to hold a special meeting for public input after Staff's report and recommendations are presented to the Board in public session, in order to provide an opportunity for the public to make formal presentations to the Board regarding Senior Staff's report to the Board and the matters that are addressed in it and in the ARC School Valuation Report. A draft schedule of Pupil Accommodation Review meetings is submitted for review and Board approval (Appendix 3). In preparation for the Special Board Meetings for Public Input, a draft Pupil Accommodation Review Guideline (Appendix 4), which will modify the Board By-Law 13 for Delegations for this purpose only, is submitted for review and Board approval.

Following the Board meeting for public input, Senior Staff will prepare a Follow-up Report to the Board in which it will report on and respond to the presentations made by the public, for the next regularly scheduled Board meeting. Staff may revise its earlier recommendations to the Board. Staff's follow-up report will be released publicly and will be posted on the Board's Website.

The Board will make its decision regarding the school accommodation recommendations in the ARC Report, Staff's Report and Staff's Follow-up Report to the Board at a regularly scheduled meeting, which will occur no sooner than:

- sixty (60) days after the submission of the Accommodation Report.

## RECOMMENDATIONS

**THAT** the Committee of the Whole recommend to the Niagara Catholic District School Board that the St. Catharines Pupil Accommodation Review Schedule (Appendix 3) for 2014 be approved.

**THAT** the Committee of the Whole recommend to the Niagara Catholic District School Board that the Niagara Catholic Pupil Accommodation Review Guidelines (Appendix 4) for Public Input be approved.

**THAT** the Committee of the Whole recommend to the Niagara Catholic District School Board that for the Pupil Accommodation Review Process for the 2013-2014 school year, in accordance with Board By-Law Section 17 -Rules of Order -Subsections 1 and 2; Board By-Law Section 13 -Delegations, be modified as outlined in the Niagara Catholic Pupil Accommodation Review Guidelines for Public Input.

Prepared by: Ted Farrell, Superintendent of Education  
Kathy Levinski, Manager of Facilities Services

Presented by: John Crocco, Director of Education  
Ted Farrell, Superintendent of Education  
Scott Whitwell, Controller of Facilities Services

Recommended by: John Crocco, Director of Education

Date: February 11, 2014

### **Attachments**

Appendix 1	St. Catharines ARC Meeting and Expectation Chart
Appendix 2	NCDSB Policy 701.2 Pupil Accommodation Review Policy
Appendix 3	Draft Pupil Accommodation Review Schedule -2014
Appendix 4	Draft Pupil Accommodation Review Guideline for Public Input



NIAGARA CATHOLIC  
DISTRICT SCHOOL BOARD

APPENDIX 1

ST. CATHARINES ACCOMMODATION REVIEW COMMITTEE (ARC) - MEETING DATES AND EXPECTATION SUMMARY

Meeting	Expectation	Date	Time
1 <sup>st</sup> ARC Working Committee Meeting	<ul style="list-style-type: none"> <li>✓ Presentation of ARC mandate</li> <li>✓ Terms of Reference</li> <li>✓ Background Information (Process, Data, Issues)</li> <li>✓ Customizing the Generic School Valuation Template and Scoring Rubric</li> </ul>	Thursday, September 12, 2013 At Denis Morris Catholic High School	7:00 p.m. to 9:00 p.m.
2 <sup>nd</sup> ARC Working Committee Meeting	<ul style="list-style-type: none"> <li>✓ Tour of Schools</li> </ul>	Tuesday, September 24, 2013 Starting at St. Theresa Catholic Elementary School ending at St. Christopher Catholic	3:30 p.m. to 5:30 p.m.
1 <sup>st</sup> ARC Public Meeting	<ul style="list-style-type: none"> <li>✓ Presentation of ARC Mandate</li> <li>✓ Background Information (Process, Data, Issues)</li> <li>✓ Presentation of customized School Valuation Framework for community input</li> </ul>	Thursday, October 10, 2013 Denis Morris Catholic High School	7:00 p.m. to 9:00 p.m.
3 <sup>rd</sup> ARC Working Committee Meeting	<ul style="list-style-type: none"> <li>✓ Consider Feedback from ARC's 1<sup>st</sup> Public Meeting</li> <li>✓ Discussion and Feedback re tour of ARC Schools *</li> </ul>	Thursday, October 24, 2013 At St. Theresa Catholic Elementary School	5:00 p.m. – 7:00 p.m.
4 <sup>th</sup> ARC Working Committee Meeting	<ul style="list-style-type: none"> <li>✓ Additional Tour for New Committee Member</li> <li>✓ Discussion and Feedback re tour of ARC Schools *</li> <li>✓ Complete School Specific Valuation Framework for both ARC Schools</li> </ul>	Tuesday, October 29, 2013 Starting at St. Christopher Catholic and ending at St. Theresa Catholic	4:30 p.m. – 8:00 p.m.
2 <sup>nd</sup> ARC Public Meeting	<ul style="list-style-type: none"> <li>✓ Presentation of School Specific Valuation Framework Reports for community input</li> </ul>	Thursday, November 7, 2013 At Denis Morris Catholic High School	7:00 p.m. – 9:00 p.m.
5 <sup>th</sup> ARC Working Committee Meeting	<ul style="list-style-type: none"> <li>✓ Consider Feedback from ARC's 2<sup>nd</sup> Public Meeting</li> <li>✓ Presentation of Accommodation Data and Options</li> <li>✓ Confirm Options for 3<sup>rd</sup> ARC public presentation</li> </ul>	Tuesday, November 19, 2013 At Denis Morris Catholic High School	5:00 p.m. – 7:00 p.m.
3 <sup>rd</sup> ARC Public Meeting	<ul style="list-style-type: none"> <li>✓ Presentation of Accommodation Data and Options for community input</li> </ul>	Thursday, December 5, 2013 At Denis Morris Catholic High School	7:00 p.m. – 9:00 p.m.
6 <sup>th</sup> ARC Working Committee Meeting	<ul style="list-style-type: none"> <li>✓ Consider Feedback from ARC's 3<sup>rd</sup> Public Meeting</li> <li>✓ Completion of Draft ARC Report to the Director of Education for 4<sup>th</sup> ARC public presentation and input</li> </ul>	Thursday, January 9, 2014 At St. Christopher Catholic Elementary School	5:00 p.m. – 7:00 p.m.
4 <sup>th</sup> ARC Public Meeting	<ul style="list-style-type: none"> <li>✓ Presentation of Draft ARC Report to the Director of Education for community input</li> </ul>	Thursday, January 30, 2014 At Denis Morris Catholic High School	7:00 p.m. – 9:00 p.m.
7 <sup>th</sup> ARC Working Committee Meeting	<ul style="list-style-type: none"> <li>✓ Consider feedback from ARC's 4<sup>th</sup> Public Meeting</li> <li>✓ Finalize ARC Report to Director of Education</li> </ul>	Thursday, January 30, 2014 At Denis Morris Catholic High School	9:00 p.m. – 10:30 p.m.



## Niagara Catholic District School Board

**PUPIL ACCOMMODATION REVIEW  
POLICY**

Adopted: April 28, 1998

Policy No. 701.2

Revised: March 27, 2007

February 23, 2010

**STATEMENT OF POLICY**

The Niagara Catholic District School Board provides a Catholic atmosphere in its schools by means of its teaching staff and the fostering of a spirit of cooperation between the home, the school and the church.

In accordance with the Ministry of Education, the Niagara Catholic District School Board recognizes its responsibility:

- to provide adequate accommodation and instruction for all pupils attending its schools;
- to undertake long-term capital planning;
- to operate its schools economically and efficiently, while taking into account the best education of the pupils, within the limits of the Board's available resources;
- to explore opportunities for effective, sustainable partnerships; and
- to maintain communication with stakeholders and potential partners concerning possible changes in the status of a school or of school boundaries.

The Board acknowledges that the consolidation or closure of schools may be required to meet the above objectives. The Board is committed to providing student accommodation in a responsible and organized manner considering reasonable and just alternatives.

The Director of Education shall make recommendations to the Board to establish an Accommodation Review Committee (ARC), which will review a school or schools for potential consolidation or closure. The process shall follow the requirements of the current Ministry of Education - Pupil Accommodation Review Guidelines.

The Board shall consider the consolidation or closure of a school(s) following the submission of a report from an Accommodation Review Committee, as established in the Administrative Guidelines issued by the Director of Education. The Niagara Catholic District School Board reserves to itself the right to make the final decision on the closure of school(s).

The Director of Education will issue Administrative Guidelines in support of this policy.

***References:***

**Ministry of Education - Pupil Accommodation Review Guidelines (Revised June 2009)**  
**Ministry of Education, Administrative Review of the Accommodation Review Process**  
**Board Policy # 301.3 – Attendance Areas**  
**Board Policy #301.1 – Admission of Students**

**Policies Index**

**Administrative Guidelines**

## Niagara Catholic District School Board

**PUPIL ACCOMODATION REVIEW POLICY**

Issued: April 28, 1998

Policy No. 701.2

Revised: September 12, 2000

December 11, 2007

February 23, 2010

**ADMINISTRATIVE GUIDELINES****BACKGROUND**

The Pupil Accommodation Review Policy and Administrative Guidelines implements the Pupil Accommodation Review Guidelines released by the Ministry of Education on June 26, 2009. A copy of the Pupil Accommodation Review Guidelines (Revised June 2009), and the Ministry document entitled Administrative Review of the Accommodation Review Process along with this Policy and Administrative Guidelines will be posted on the Board website and will be made available at the Catholic Education Centre.

**CONTEXT**

The Board's elementary schools are organized as families of schools, generally linked to a secondary school. The goal of providing a suitable and equitable range of learning opportunities in a school or family of schools requires monitoring and active curriculum and programming decisions. Decisions that might require consolidation, closure or major program relocation will take into account the needs of all of the students in all of the schools in a particular group. There may, however, be circumstances in which a single school should be studied for closure or relocation.

The Niagara Catholic District School Board's long-term enrolment and capital planning will provide the context for accommodation review processes and decisions. The planning will take into account opportunities for partnerships with other school boards and appropriate organizations that are financially sustainable, safe for students, and protect the core values and objectives of the Board.

**APPLICATION OF ACCOMMODATION REVIEW GUIDELINES**

The following outlines circumstances where Boards are not obliged to undertake an accommodation review in accordance with the Ministry Pupil Accommodation Review Guideline. In these circumstances, the Board will consult with local communities about proposed accommodation options for students in advance of any decisions by the Board.

- Where a replacement school is to be rebuilt by the Board on the existing site or located within the existing school attendance boundary as identified through the Board's existing policies;
- When a lease is terminated;
- When the Board is considering the relocation of a grade or grades, or a program, where the enrolment in the grade or grades, or program, constitutes less than 50% of the enrolment of the school;
- When the Board is repairing or renovating a school, and the school community must be temporarily relocated to ensure the safety of students during the renovations;
- Where a facility has been serving as a holding school for a school community whose permanent school is under construction or repair.

## ACCOMMODATION REVIEW PROCESS

### 1. The Preliminary Report

The Director and/or designate will present a preliminary report to the Board identifying a school or group of schools in which challenges may be faced in providing a suitable and equitable range of learning opportunities for students, and in respect of which there may be a need to consider the possible consolidation, closure or major program relocation in respect of one or more schools. A school or group of schools may be considered for study if one or more of the following conditions apply:

- The school or group of schools is, currently or as projected, unable to provide a suitable and equitable range of learning opportunities for students;
- The school or group of schools has experienced or will experience an adverse impact on learning opportunities for students due to declining enrolment;
- Reorganization involving the school or group of schools could enhance program and learning opportunities for students;
- Teaching/learning spaces are not suitable to provide the programs needed to serve the community and retrofitting may be cost prohibitive;
- Under normal staffing allocation practices, it would be necessary to assign three grades to one class in one or more of the schools;
- One or more of the schools is experiencing higher building maintenance expenses than the average for the system and/or is in need of major capital improvements;
- In respect of one or more of the schools there are safety and/or environmental concerns attached to the building, the school site or its locality;
- The consolidation of schools is in the best interests of the overall school system;
- It has been no less than five years since the inception of a study of the school by a Program and Accommodation Review Committee, except where extenuating circumstances warrant, such as an unexpected economic or demographic shift, or a change in a school's physical condition.

### 2. Establishing an Accommodation Review Committee

After reviewing a Preliminary Report from staff, the Board may direct the formation of an Accommodation Review Committee (ARC) to lead the review of a group of schools or a single school. The ARC will assume an advisory role and will provide recommendations that will inform the final decision made by the Board.

Parents/guardians, school staff and school council members of the affected schools will be informed by staff, within one week, in writing, through their respective schools, of the Board's decision to form an ARC. The decision will be posted on the Board website.

The ARC will consist of the following persons:

- The Family of Schools Superintendent who will serve as Chair of the committee;
- From each school:
  - the school Principal;
  - the Catholic School Council Chair or designate,;
  - a Priest from each area under review;
- The Controller of Plant and / or designate;
- Two community members
- Any other individual as deemed necessary by the Board

The ARC will be deemed to be properly constituted whether or not all of the listed members are willing and able to participate.

At its first meeting the ARC will agree to invite two community members to join the ARC, and using the template provided (**Appendix A**), will prepare an outline of scheduled meetings which will be posted on the Board website. The minutes of all meetings will also be posted on the Board website.

All meetings of the ARC will be open to the public.

The ARC will liaise with municipalities throughout the process, as well as all stakeholders of joint use facilities.

### 3. Accommodation Review Terms of Reference

Senior staff will provide a completed Terms of Reference template that will describe the ARC's mandate to the Board for approval. (**Appendix B**).

4. **School Information Profile**

The Board, through Senior Staff, will develop a School Information Profile which will include data for the school(s) (**Appendix C**). The ARC will discuss and consult about the School Information Profile(s) and modify the Profile(s) where appropriate. The final School Information Profile(s) and the Terms of Reference will provide the foundation for discussion and analysis of accommodation options. In carrying out its mandate the ARC will weigh the value of the schools to the student above the other factors to be assessed.

5. **Accommodation Options**

Senior staff will present to the ARC at least one alternative accommodation option that addresses the objectives and Reference Criteria outlined in the Terms of Reference. The ARC may also create alternative options. The option(s) will address the following:

- where students will be accommodated;
- required changes to existing facilities;
- available programs for students;
- transportation; and
- availability of funding if required.

6. **Public Consultation Meetings**

The ARC Chair will call the first meeting for public consultation no earlier than thirty (30) days after the date of its appointment, excluding summer vacation, Christmas break, Spring break and adjacent weekends.

The ARC will meet as often as required., and will hold at least four meetings for public consultation in accessible facilities:

- At the first meeting, the ARC will describe its mandate as outlined in the Terms of Reference, outline the pupil accommodation review, and give the public a briefing on the School Information Profile(s) and issues to be addressed. The ARC will receive public input and may make changes to the School Information Profile(s) as a result.
- At the second meeting, the ARC will present its revised School Information Profile(s) to the public and will seek information and feedback about the accommodation options prepared by staff and the Committee.
- At the third meeting, the ARC will present the accommodation options to be considered which may have changed as a result of the previous consultation and will receive public input.
- At the fourth meeting, the ARC will present its draft Accommodation Report to the public and will receive community input. Discussions will be based on the School Information Profile(s) and the ARC's Terms of Reference. The ARC may make changes to the Accommodation Report based on feedback at the meeting.

Notice of the meetings for public consultation will be provided through school newsletters, letters to the school community, the Board website and advertisements in local community newspapers, and will include date, time, location, purpose, contact name and number. A minimum of two weeks notice will be provided in respect of the other public consultation meetings.

7. **ARC Accommodation Report to the Board**

The ARC will produce an Accommodation Report that will make accommodation recommendation(s) consistent with the objectives and reference criteria outlined in the Terms of Reference. It will deliver its Accommodation Report to the Director of Education, after which the Accommodation Report will be posted on the Board website. The ARC will present its Accommodation Report to Board. After receipt of the Report, the Board will direct Senior Staff to examine the Report and, within the required timelines, will present an analysis and recommendations to the Board through the Committee of the Whole. The Board will make the final decision regarding the future of the school(s). If the Board votes to close or consolidate a school or schools, the Board will outline clear timelines around when the school(s) will close.

The ARC will also ensure that the following issues are addressed:

- The implications for the program for students both in the school under consideration for consolidation, closure or program relocation and in the school(s) where programs may be affected.
- The effects of consolidation, closure or program relocation on the following:
  - The attendance area defined for the schools
  - Attendance at other schools
  - The need and extent of bussing
- The financial effects of consolidating or not consolidating the school, including any capital implications
- Revenue implications as a result of the consolidation, closure or program relocation

- Savings expected to be achieved as a result of the consolidation, closure or program relocation
  - School operations (heating, lighting, cleaning, routine maintenance)
  - Expenditures to address school renewal issues which will no longer be required
- Additional expenditures, if any, at schools which will accommodate students displaced relocated as a result of a consolidation, closure or program relocation decision taken by the board
  - School operations (heating, lighting, cleaning, routine maintenance)
  - School administration
  - School renewal
  - Transportation
- Net savings/costs associated with:
  - Teaching staff
  - Paraprofessionals
  - Student transportation

The possible alternative use or disposition of an empty building.

#### 8. **Board Meeting**

Public notice of the meeting at which the Board will make its decision regarding the school accommodation report will be provided through school newsletters, letters to the school community, the Board website and advertisements in local community newspapers, and will include date, time, location, purpose, contact name and number.

Parents/Guardians, Staff and Catholic School Council members of the affected schools, municipalities and community partners will be informed, in writing, through Principals, of the Board's decision, which will also be posted on the Board website.

The Board may make any accommodation decision that it deems advisable in relation to the schools under review by an ARC despite an ARC recommendation to the contrary.

#### **TIMELINES FOR THE ACCOMMODATION REVIEW PROCESS**

After the intention to conduct an accommodation review of a school or schools has been announced by the Board, there must be no less than thirty (30) calendar days notice prior to the first meeting for public consultation. Beginning with the first meeting, the public consultation period must be no less than ninety (90) calendar days.

After the ARC submits its Accommodation Report to the Director, there must be no less than sixty (60) calendar days notice prior to the meeting where the Board will vote on the recommendations. Summer vacation, Christmas break and Spring break, including adjacent weekends, must not be considered part of the 30, 60 or 90 calendar day periods.

#### **ADMINISTRATIVE REVIEW OF THE ACCOMMODATION REVIEW PROCESS**

The Ministry of Education has provided a process for an individual(s) to initiate a review of the Accommodation Review Process - Ministry of Education, Administrative Review of the Accommodation Review Process. A copy of the Ministry of Education, Administrative Review of the Accommodation Review Process is also available at the Catholic Education Centre. And on the Board website.

#### **INTEGRATION PROCESS**

If the Board decision is consolidation, closure, or program relocation, it is important that the integration of students and staff into their new school(s) is achieved in a way that is positive and supportive for the incoming and existing students and parents of the respective school communities. This process of integration should be carried out in consultation with parents and staff.



NIAGARA CATHOLIC  
DISTRICT SCHOOL BOARD

APPENDIX 3

PUPIL ACCOMMODATION REVIEW FOR ST. CHRISTOPHER-ST. THERESA CATHOLIC ELEMENTARY SCHOOLS  
SCHEDULE 2014

Meeting	Expectation	Date Restrictions	Proposed Date
Submission of ARC School Valuation Report	Not earlier than 90 days after the beginning of ARC's first public meeting.* Mandated by EDU	No earlier than January 24, 2014	No later than February 28, 2014
Director sets dates for Board meeting for public input, and for Board meeting to decide accommodation	As scheduled by the Director		February 11, 2014 CW February 25, 2014 Board
Notice of Board Meeting for Public Input	A minimum of two weeks' notice of the Public Meeting	No later than February 26, 2014	March 1, 2014
Staff's Report and recommendations			March 4, 2014
Board Meeting for Public Input			March 25, 2014
Staff's follow-up report on accommodation	Next regularly scheduled Board meeting through CW		April 8, 2014
Notice of Board Meeting to decide accommodation		After the ARC submits its Accommodation Report to the Director, there must be no less than sixty (60) calendar days' notice prior to the meeting where the Board will vote on the recommendations	No later than March 5, 2014 if voting on May 13, 2014 - CW No later than March 28, 2014 if voting on May 27, 2014 - Board
Board Meeting to decide accommodation	At regularly scheduled meeting which will not occur sooner than 60 days after the submission of the Accommodation Report - Mandated by EDU	May 8 <sup>th</sup> is 60 days if report submitted no later than Feb. 28 May 13 CW May 27, 2014 – Board	May 13, 2014 – CW May 27, 2014 - Board
Notice of decision on accommodation	Within one week of decision		June 3, 2014



**PUPIL ACCOMMODATION REVIEW GUIDELINES  
FOR PUBLIC INPUT**

As required by the Pupil Accommodation Review Policy of the Niagara Catholic District School Board, the Board will hold a Special Board Meeting for public input regarding the School Valuation Report filed by the Accommodation Review Committee and the Director's Report. This special Board Meeting is scheduled as followed:

**Pupil Accommodation Review for  
St. Christopher and St. Theresa Catholic Elementary Schools  
On Tuesday March 25, 2014 at 7:00 p.m. at  
Denis Morris Catholic High School**

The public may provide a written report to the Director of Education at any time.

The following Guidelines describe the public meeting process.

**Delegation Application Process**

The public meeting will follow the By-law of the Board for public delegations in modified form, as set out below. The modifications are intended to facilitate public participation.

- (a) Written application requesting the opportunity to appear as a delegation must be submitted to the Director of Education no later than 4:00 p.m. on March 18, 2014.
- (b) The following information should be included with this application
  - i. The name of the organization/individual(s) or party(ies) who will be making the presentation;
  - ii. Their authority/title/position with the organization (if applicable);
  - iii. A complete mailing address;
  - iv. A day time telephone number;
  - v. A number where they can be reached after business hours;
  - vi. A fax number (if available);
  - vii. An email address (if available);
  - viii. The complete presentation in written format
- (c) Delegations are encouraged to send the Presentation in as soon as possible so that it can be provided to and reviewed by Trustees prior to the meeting. Presentations that are received on a timely basis will be considered and addressed in the Director's follow-up report to the Board required by the Pupil Accommodation Review Policy in which the Director of Education will report on and respond to the presentations made by the public. A presentation that is submitted late may not be addressed in the Director's follow-up report although it will be made available to the Trustees.

**PUPIL ACCOMMODATION REVIEW GUIDELINES  
FOR PUBLIC INPUT**

**Delegation Presentation**

Minutes of the Special Board Meetings including references to the presentations will be posted on the Board's website.

- (a) The identified spokespersons will address the Trustees from the podium.
- (b) The spokespersons are expected to provide comments that are relevant to the subject matter of the meeting. If a previous delegation has already addressed the matter and the delegate is being repetitive, the Chairperson of the Board may request the delegate to express support for an earlier presentation and may reduce the following speaking times available to the delegate accordingly.
- (c) The time for each public delegation to speak, excluding the question and answer period, is not to exceed fifteen (15) minutes, with normally a five (5) minute question period following.
- (d) Delegates who have a similar perspective are encouraged to cooperate in appointing spokespersons in addressing the Board.
- (e) Delegations from the same school community of the same point of view shall be limited to a combined total of fifteen (15) minutes.
- (f) Delegations who are unrelated to a particular school community but who are speaking on a common issue shall be limited to a combined total of fifteen (15) minutes.
- (g) Trustees may ask questions of the delegation for clarification only, for a period of time which shall be at the discretion of the Chairperson.
- (h) The Chairperson will apply the normal Board practices in respect of decorum and order at the meeting.
- (i) The Board will not permit delegations respecting the Pupil Accommodation Review Policy at other Board meetings.
- (j) In accordance with Board By-law 7.5 the Board shall not remain in session later than 11:00 p.m. unless so determined by a 2/3 majority of the members present.



**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 11, 2014**

***PUBLIC SESSION***

**TITLE: AWARD OF COMPUTER TENDER**

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**RECOMMENDATION**

**THAT** the Committee of the Whole recommend to the Niagara Catholic District School Board the awarding of the tender of computer operating leases to Telecom Computers, funded through HP Financial Services, for the following computer equipment, as presented:

1500 Units All-in-one Desktop Computer Hewlett-Packard Model  
#HP8300(8300CTO)

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Prepared by: Giancarlo Vetrone, Superintendent of Business & Financial Services  
Ted Farrell, Superintendent of Education

Presented by: Giancarlo Vetrone, Superintendent of Business & Financial Services  
Ted Farrell, Superintendent of Education

Recommended by: John Crocco, Director of Education, Secretary/Treasurer

Date: February 11, 2014



## REPORT TO THE COMMITTEE OF THE WHOLE MEETING FEBRUARY 11, 2014

### AWARD OF COMPUTER TENDER

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#### BACKGROUND INFORMATION

The Board approved Niagara Catholic Strategic Directions System Priorities and the Board Budget for 2013-2014, included a provision for the acquisition of computer equipment through an operating lease over a period of four (4) years. As noted in Appendix A, the computer equipment is as follows:

1500 Units All-in-one Desktop Computer Hewlett-Packard Model #HP8300(8300CTO)

In compliance with the Board's Purchasing/Supply Chain Management Policy (600.2), the proposal submitted by Telecom Computers was the lowest total of all proposals received by the Board, as determined by the Manager of Purchasing Services, the Education Technology Officer, the Superintendent of Education - Technology Services and the Superintendent of Business & Financial Services.

On February 3, 2014 the Board received the final documents from Telecom Computers and HP Financial Services (Appendix B), to the above mentioned computer equipment, in accordance with the specifications outlined in RFP #T13-002.

For the consideration of the Committee of the Whole, the following information is enclosed:

Appendix A Telecom Computer Price Quote #NCDSB140203A  
Appendix B HP Financial Services Operating Lease, Schedule #3260680606000014

Under the provisions of Purchasing/Supply Chain Management Policy, the Director of Education and the Board of Trustees is required to approve all purchases and leases with a total value greater than \$500,000. With the total value of the computer equipment leases amounting to a total of approximately \$1,500,000.00, the Board of Trustees is required to formally approve the award of the operating leases, as recommended and approved by the Director of Education.

The supporting documents relating to the computer operating leases will be duly executed and signed by all parties after the Board of Trustees formally approves the award of the tender, as recommended and approved by the Director of Education.

**RECOMMENDATION**

**THAT** the Committee of the Whole recommend to the Niagara Catholic District School Board the awarding of the tender of computer operating leases to Telecom Computers, funded through HP Financial Services, for the following computer equipment, as presented:

1500 Units    All-in-one Desktop Computer Hewlett-Packard Model  
#HP8300(8300CTO)

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Prepared by:            Giancarlo Vetrone, Superintendent of Business & Financial Services  
                                 Ted Farrell, Superintendent of Education

Presented by:            Giancarlo Vetrone, Superintendent of Business & Financial Services  
                                 Ted Farrell, Superintendent of Education

Recommended by: John Crocco, Director of Education, Secretary / Treasurer

Date:                      February 11, 2014

**Attachments**

Appendix A    Telecom Computer Inc. - Price Quote

Appendix B    HP Financial Services - Master Lease and Financial Agreement Schedule



**Telecom Computer Inc.**  
 5245 Harvester Road  
 Burlington, ON L7L 5L4  
 Tel: 905-333-9621  
 Fax: 905-333-8169  
[www.telecomcomputer.com](http://www.telecomcomputer.com)



APPENDIX A  
**PRICE QUOTE**

<b>Quote #:</b>	<b>NCDSB140203A</b>
<b>Date:</b>	<b>Feb 3, 2014</b>

Prepared For:

**Mark Ferri**  
**Niagara Catholic District School Board**  
 427 Rice Road  
 Welland, Ontario L3C 7C1

Your Account Manager:

**Arlene Ferguson**  
 905-333-9621  
[Arlene.Ferguson@telecomcomputer.com](mailto:Arlene.Ferguson@telecomcomputer.com)

Phone: 905-735-0247      247

Mfr P/N	Description	Qty	Unit Price	Ext. Price
<b>F5G03UP#ABA</b>	HP 8300E AiOTouch i53470 500G 4.0G	1,500.00	\$867.00	\$1,300,500.00
<b>ONDD29</b>	ON Env Fee Display Device 29" and under Incl All-In-One computers	1,500.00	\$12.25	\$18,375.00

<b>F.O.B.</b> Destination	<b>E.T.A.</b>	<b>SubTotal</b>	\$1,318,875.00
<b>NOTE:</b> Prices subject to change. Please call to confirm current price and availability before placing an order with us.		<b>Shipping</b>	\$0.00
<b>All Sales are final with no returns unless manufacturer approved.</b>		<b>PST/HST</b>	\$171,453.75
		<b>GST</b>	\$0.00
		<b>TOTAL</b>	<b>\$1,490,328.75</b>

**Prepared By**

**Paula Simpson**  
 Inside Sales Representative  
 905-333-9621      Ext. 263  
[Paula.Simpson@TelecomComputer.com](mailto:Paula.Simpson@TelecomComputer.com)

## Exhibit A to Master Agreement

COUNTERPART NO. \_\_\_\_\_ OF \_\_\_\_\_, TO THE EXTENT THAT THIS SCHEDULE CONSTITUTES CHATTEL PAPER (AS DEFINED IN THE PPSA), NO SECURITY INTEREST IN THIS SCHEDULE MAY BE CREATED THROUGH THE TRANSFER OR POSSESSION OF ANY COUNTERPART OTHER THAN COUNTERPART NO. 1.



HP Financial Services

Master Agreement Number 3260680606  
Schedule Number 3260680606000014  
Desktops

## MASTER LEASE AND FINANCING AGREEMENT SCHEDULE

Hewlett-Packard Financial Services Canada Company ("Lessor") and Niagara Catholic District School Board ("Lessee") are parties to the Master Lease and Financing Agreement identified by the Master Agreement Number specified above (the "Master Agreement"). This Schedule (which shall be identified by the Schedule Number specified above) and the Master Agreement together comprise a separate Lease, a separate Financing or, a separate Lease and a separate Financing, as the case may be, between the parties. The terms and conditions of the Master Agreement are hereby incorporated by reference into this Schedule. All capitalized terms used in this Schedule without definition have the meanings ascribed to them in the Master Agreement.

## 1. LEASE.

<b>A. Description of Items of Leased Equipment</b>	<b>Total Cost</b>
See Attached Appendix "A"	\$1,318,875.00
<b>B. Initial Term: 48 Months</b> (plus the number of days from and including the Acceptance Date through and including the last day of the calendar month or quarter (depending on whether Rent is payable monthly or quarterly as specified in Section 3 below) in which the Acceptance Date occurs).	

## 2. FINANCING.

<b>A. Description of Financed Items</b>	<b>Total Cost</b>
N/A	0.00
<b>B. Term: 48 Months</b> (plus the number of days from and including the Acceptance Date through and including the last day of the calendar month or quarter (depending on whether Rent is payable monthly or quarterly as specified on Section 3 below) in which the Acceptance Date occurs).	
<b>C. Financing Rate:</b> ____ % per annum, calculated and payable ____ monthly ____ quarterly (check one) in arrears.	

## 3. RENT:

Total Rent: \$27,469.72 per month plus applicable tax

RENT is payable:       in advance     in arrears (check one)  
                                  monthly         quarterly (check one)

## DAILY RENT:

For Financings, the Financing Rate generally equals the rate of interest that would cause the present value of the Rent payable over the Term, calculated as of the First Payment Date and assuming monthly or quarterly (as applicable) compounding, to equal the Total Cost of the Financed Items.

Lessee shall pay Lessor (a) on the first day of each calendar month or calendar quarter (depending on whether Rent is payable monthly or quarterly as specified above) if Rent is payable in advance, or (b) on the last day of each calendar month or calendar quarter (depending on whether Rent is payable monthly or quarterly as specified above) if Rent is payable in arrears, the Rent payment specified above for the length of the Initial Term in the case of a Lease and for the length of the Term in the case of a Financing plus any applicable Taxes. The First Payment Date shall be the first day (if Rent is payable in advance) or the last day (if Rent is payable in arrears) of the month or quarter (as applicable) immediately following the month or quarter (as applicable) in which the Acceptance Date occurs.

For Financings, all payments of Rent (other than Daily Rent, which is interest only), whether to be made in advance or in arrears, shall be deemed to be blended payments of Principal and interest (calculated and payable in arrears at the Financing Rate), and shall be applied first to accrued and unpaid interest and next on account of Principal, with interest on overdue amounts calculated and payable on demand in accordance with the Master Agreement.

4. **PRICING EXPIRATION DATE: March 31, 2014.** Lessor's obligation to purchase and lease the Equipment or fund and finance the Financed Items is subject to the Acceptance Date being on or before the Pricing Expiration Date.
5. **EQUIPMENT LOCATION: TBD**
6. **SELLER: Telecom Computer Canada.**
7. **LESSEE'S END-OF-LEASE-TERM OPTIONS.** Lessee may choose to exercise one of the following options upon the natural expiration of the Initial Term, any Renewal Term (as defined below) and any automatic extension of the Initial Term or any Renewal Term; provided, however, that Lessee must give Lessor written notice of Lessee's choice ("End-of-Term Notice") not less than ninety (90) days before the expiration of the relevant term:
- (a) **Purchase Option.** Lessee may elect to purchase any or all Units of Equipment then subject to this Lease (other than items of Software that may not be sold by Lessor under the terms of any applicable License Agreement) for an amount equal to the Fair Market Value of such Units of Equipment as of the end of the Then Applicable Term, provided no Lessee Default shall have occurred and be continuing. In the event of such an election, Lessee shall pay such amount to Lessor, in immediately available funds, on or before the last day of the Then Applicable Term. If Lessee shall have so elected to purchase any of the Units of Equipment, shall

have so paid the applicable purchase price and shall have fulfilled the terms and conditions of this Master Agreement, then on the last day of the Then Applicable Term (1) the Lease with respect to such Units of Equipment shall terminate and, except as provided in Section 26(m) of the Master Agreement, Lessee shall be relieved of all of its obligations in favor of Lessor with respect to such Units of Equipment, and (2) subject to applicable law, Lessor shall transfer all of its interest in such Units of Equipment to Lessee "AS IS, WHERE IS," without any representation or warranty, express or implied, from Lessor, other than the absence of any liens or claims by or through Lessor. In the event Lessor and Lessee are unable to agree on the Fair Market Value of any Units of Equipment, Lessor shall, at Lessee's expense, select an independent appraiser to conclusively determine such amount.

(b) **Renewal Option.** Lessee may elect to renew the Lease with respect to any or all Units of Equipment then subject to this Lease (other than items of Software that may not be re-leased by Lessor under the terms of any applicable License Agreement) for an amount equal to the Fair Rental Value of such Units of Equipment as of the end of the Then Applicable Term. In the event of such an election, Lessee shall enter into a mutually agreeable renewal agreement with Lessor ("Renewal Agreement") on or before the last day of the Then Applicable Term confirming the Units of Equipment as to which the Lease is to be renewed, the period for which the Lease is to be renewed (the "Renewal Term"), and the amount of Rent and the times at which such Rent is to be payable during the Renewal Term. In the event Lessor and Lessee are unable to agree on the Fair Rental Value of any Units of Equipment, Lessor shall, at Lessee's expense, select an independent appraiser to conclusively determine such amount.

(c) **Return.** Lessee may elect to return any or all of the Units of Equipment then subject to this Lease in accordance with Section 7 of the Master Agreement.

(d) **Automatic Extension.** If Lessee fails to deliver to Lessor an End-of-Term Notice, the Initial Term or Renewal Term shall, without any additional notice or documentation, be automatically extended for successive calendar months with respect to all items of Equipment then subject to this Lease through the end of the calendar month falling at least 90 days after the date Lessee shall have delivered to Lessor an End-of-Term Notice with respect to such Lease. For each calendar month that the Then Applicable Term of this Lease is so extended, Lessee shall pay to Lessor Rent in an amount equal to the monthly Rent payment in effect immediately prior to such extension (or the appropriate pro rata portion of the Rent payment then in effect in the case of Rent payable other than on a monthly basis), and all other provisions of the Master Agreement and this Schedule shall continue to apply.

If Lessee shall have delivered to Lessor an End-of-Term Notice with respect to this Lease, but shall have subsequently failed to comply with its obligations arising from its elections specified therein, then the Then Applicable Term of this Lease shall, without any additional notice or documentation, be automatically extended for successive calendar months with respect to all items of Equipment as to which Lessee shall have so failed to comply with its obligations through the end of the calendar month in which Lessee shall have complied with such obligations. For each calendar month that the Then Applicable Term of this Lease is so extended, Lessee shall pay to Lessor Rent in an amount equal to the monthly Rent payment in effect immediately prior to such extension (or the appropriate pro rata portion of the Rent payment then in effect in the case of Rent payable other than on a monthly basis), and all other provisions of the Master Agreement and this Schedule shall continue to apply.

Notwithstanding any of the provisions of this Section 7 to the contrary, if any Lessee Default shall have occurred and be continuing at any time during the last 90 days of the Then Applicable Term of this Lease, Lessor may cancel any Renewal Term or optional or other automatic extension of the Then Applicable Term immediately upon written notice to Lessee.

8. **ADJUSTMENTS TO SCHEDULE.** Lessee acknowledges that the Total Cost of Equipment and Financed Items and the related Rent payments set forth in this Schedule may be estimates, and if the final invoice from the Seller specifies a Total Cost that is more or less than the Total Cost set forth in this Schedule, Lessee hereby authorizes Lessor to adjust the applicable Total Cost and Rent payment on this Schedule to reflect the final invoice amount (the "Final Invoice Amount"). However, if the Final Invoice Amount exceeds the estimated Total Cost by more than 5%, Lessor will notify Lessee and obtain Lessee's prior written approval of the aforementioned adjustments. If Lessee fails to so approve any such adjustments within 15 days of Lessor's request, then this Schedule shall terminate without penalty to either Lessor or Lessee and Lessee shall be solely responsible to the Supplier for all obligations arising under the applicable Purchase Documents, including, without limitation, the obligation to purchase Equipment and pay Financed Items. All references in this Schedule to Total Cost and Rent shall mean the amounts thereof specified herein, as adjusted pursuant to this Section. Lessee also acknowledges that the Equipment and Financed Items described herein may differ from the description of the Equipment and Financed Items set forth in the related Acceptance Certificate executed by Lessee. Lessee hereby authorizes Lessor to conform the description of the Equipment and Financed Items set forth herein to the description thereof in the related Acceptance Certificate executed by Lessee. All references in this Schedule to the Equipment subject to a Lease and the Financed Items subject to a Financing shall mean the Equipment and Financed Items described herein, as conformed to the related Acceptance Certificate pursuant to this Section.

9. **HYPOTHEC:** Where Lessor or any of the Equipment is located in the Province of Québec, for purposes of Section 21 of the Master Agreement the Principal amount of the hypothec created thereby, if applicable, is Cdn\$N/A, with interest thereon at the rate of 25% per annum.

10. **ADDITIONAL PROVISIONS:** N/A

LESSOR AGREES TO LEASE TO LESSEE AND LESSEE AGREES TO LEASE FROM LESSOR THE EQUIPMENT DESCRIBED IN SECTION 1.A ABOVE, IF ANY, AND LESSOR AND LESSEE AGREE TO ENTER INTO A FINANCING OF THE FINANCED ITEMS DESCRIBED IN SECTION 2.A ABOVE, IF ANY. SUCH LEASE AND/OR FINANCING WILL BE GOVERNED BY THE MASTER AGREEMENT AND THIS SCHEDULE, INCLUDING THE IMPORTANT ADDITIONAL TERMS AND CONDITIONS SET FORTH ABOVE. IN THE EVENT OF ANY CONFLICT BETWEEN THE TERMS OF THIS SCHEDULE AND THE MASTER AGREEMENT, THE TERMS OF THIS SCHEDULE SHALL GOVERN.

LESSEE: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD

LESSOR: HEWLETT-PACKARD FINANCIAL SERVICES CANADA COMPANY

BY: \_\_\_\_\_

BY: \_\_\_\_\_

\_\_\_\_\_  
Name and Title

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Date

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 11, 2014**

*PUBLIC SESSION*

**TITLE: ST. MARTIN CATHOLIC ELEMENTARY SCHOOL  
ARCHITECTURAL DESIGN**

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The St. Martin Catholic Elementary School Architectural Design report is presented for information.

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Prepared by: Scott Whitwell, Controller of Facilities Services

Presented by: Scott Whitwell, Controller of Facilities Services

Approved by: John Crocco, Director of Education/Secretary-Treasurer

Date: February 11, 2014



## REPORT TO THE COMMITTEE OF THE WHOLE MEETING FEBRUARY 11, 2014

### ST. MARTIN CATHOLIC ELEMENTARY SCHOOL ARCHITECTURAL DESIGN

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#### BACKGROUND INFORMATION

The Ministry of Education has provided funding in the amount of \$9,430,364 for the construction of a new St. Martin Catholic Elementary School located long Regional Road 20 between Streamside Drive and South Grimsby Road 6 in Smithville. This new school will replace the existing school of the same name at 186 Margaret Street in Smithville.

As approved by the Board, MMMC Architects were engaged and in consultation with Board and school staff they have developed a school design.

For the information of the Committee of the Whole, the following appendices have been attached to illustrate the proposed scope of work for the new school:

- Appendix A. Overall Site Plan
- Appendix B. Overall Floor Plan
- Appendix C. Enlarged Floor Plan – Chapel/Gym/Library Information Centre Area
- Appendix D. Enlarged Floor Plan – Classroom Wing
- Appendix E. Enlarged Floor Plan – ELKP/Daycare Area
- Appendix F. Elevation - looking from corner of Streamside Drive/Regional Road 20 (red arrow shows line of sight)
- Appendix G. Elevation - looking from corner of South Grimsby Road 6/Regional Road 20 (red arrow shows line of sight)
- Appendix H. Elevation - looking from South Grimsby Road 6 (red arrow shows line of sight)
- Appendix I. Elevation – looking from Streamside Drive (red arrow shows line of sight)
- Appendix J. Elevation – looking from Gateway Avenue (red arrow shows line of sight)

A visual overview of the design will be provided to the Committee of the Whole as part of this report.

The St. Martin Catholic Elementary School Architectural Design report is presented for information.

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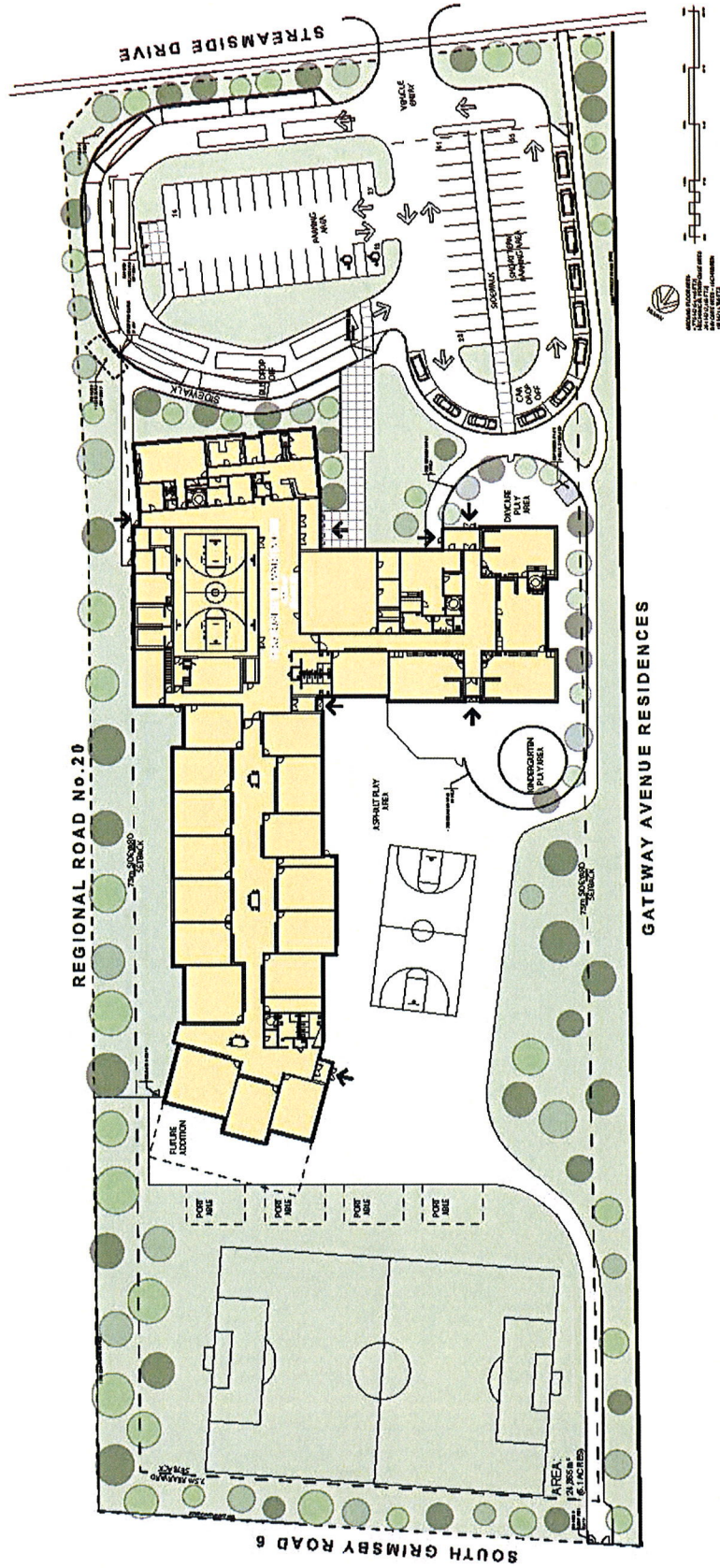
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Prepared by: Scott Whitwell, Controller of Facilities Services  
Presented by: Scott Whitwell, Controller of Facilities Services  
Approved by: John Crocco, Director of Education/Secretary-Treasurer  
Date: February 11, 2014

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# APPENDIX A



## NEW ST. MARTIN CATHOLIC ELEMENTARY SCHOOL

NIAGARA CATHOLIC DISTRICT SCHOOL BOARD - SMITHVILLE, ONTARIO

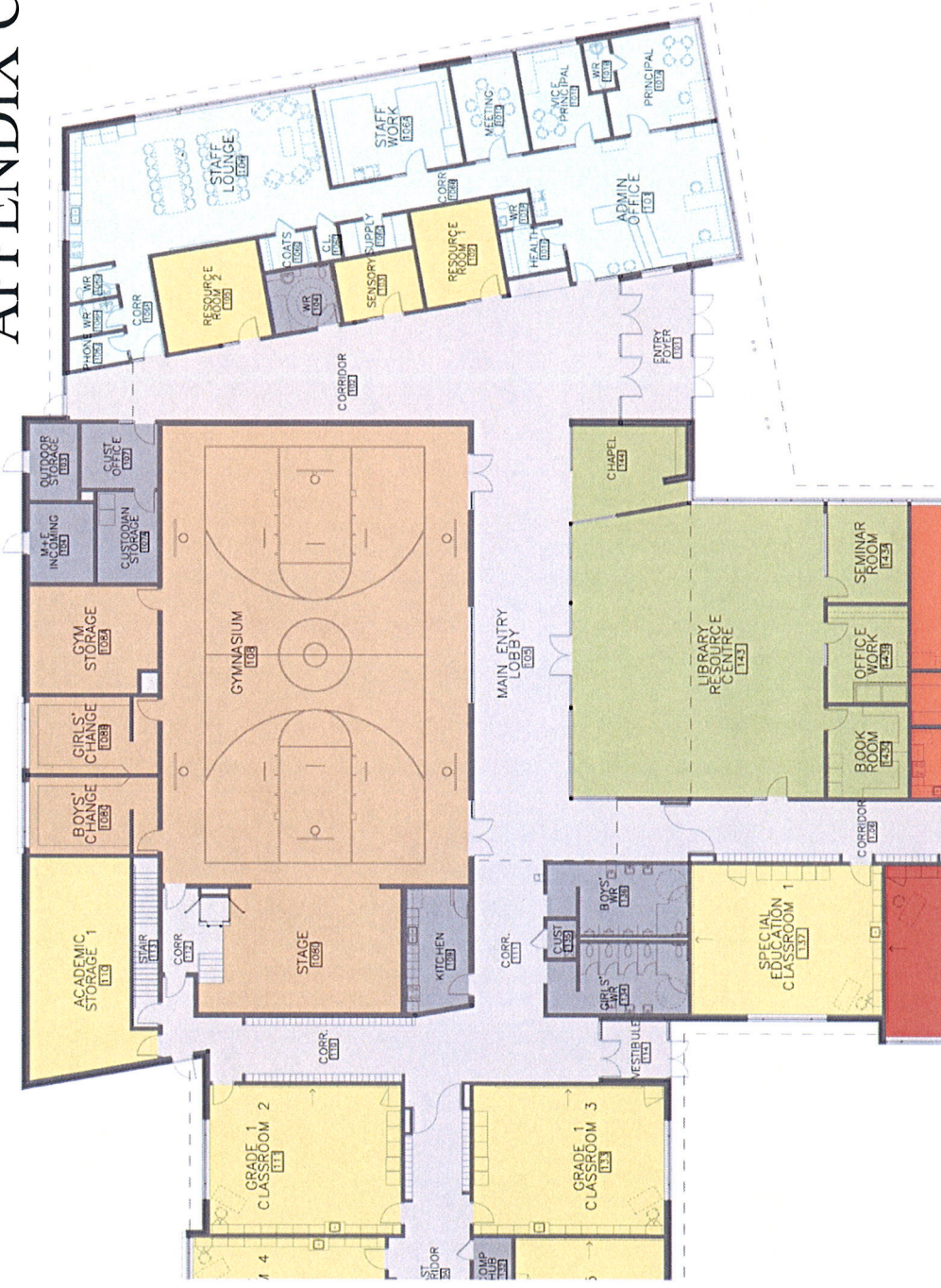
# APPENDIX B



## NEW ST. MARTIN CATHOLIC ELEMENTARY SCHOOL



# APPENDIX C



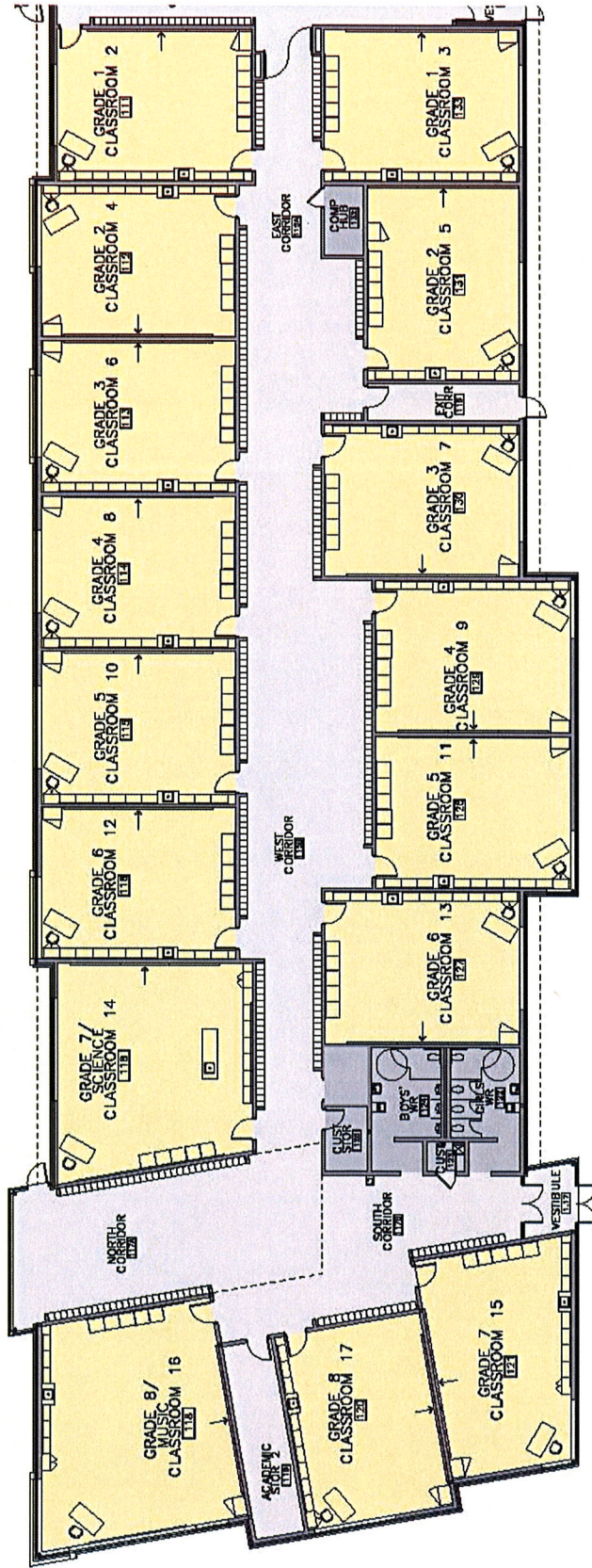
## NEW ST. MARTIN CATHOLIC ELEMENTARY SCHOOL



NIAGARA CATHOLIC  
DISTRICT SCHOOL BOARD



# APPENDIX D



## NEW ST. MARTIN CATHOLIC ELEMENTARY SCHOOL

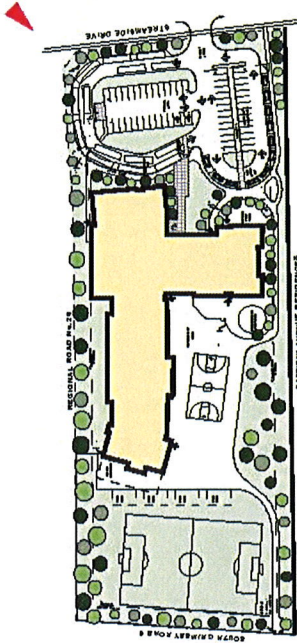


# APPENDIX E



## NEW ST. MARTIN CATHOLIC ELEMENTARY SCHOOL

# APPENDIX F



- METAL SIDING
- ARCHITECTURAL STONE
- CLADDING
- BRICK MASONRY

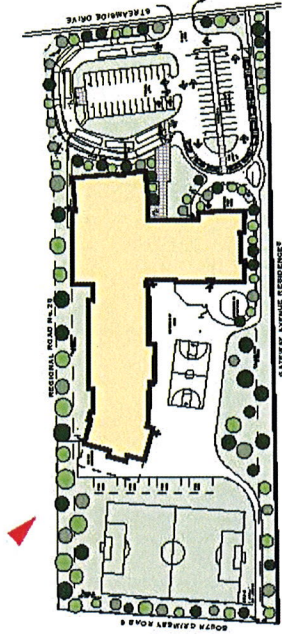


2 NORTH ELEVATION



**NEW ST. MARTIN CATHOLIC ELEMENTARY SCHOOL**  
NIAGARA CATHOLIC DISTRICT SCHOOL BOARD - SMITHVILLE, ONTARIO

# APPENDIX G



- METAL SIDING
- ARCHITECTURAL STONE
- CLADDING
- BRICK MASONRY



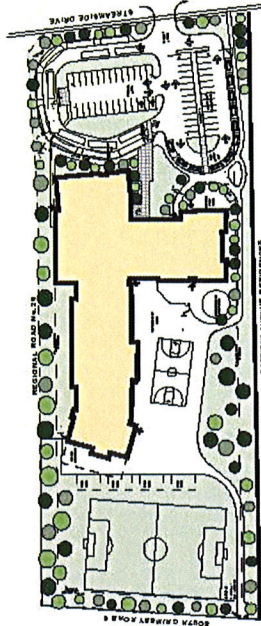
NORTH ELEVATION



## NEW ST. MARTIN CATHOLIC ELEMENTARY SCHOOL

NIAGARA CATHOLIC DISTRICT SCHOOL BOARD - SMITHVILLE, ONTARIO

# APPENDIX H



- METAL SIDING
- ARCHITECTURAL STONE
- CLADDING
- BRICK MASONRY



WEST ELEVATION

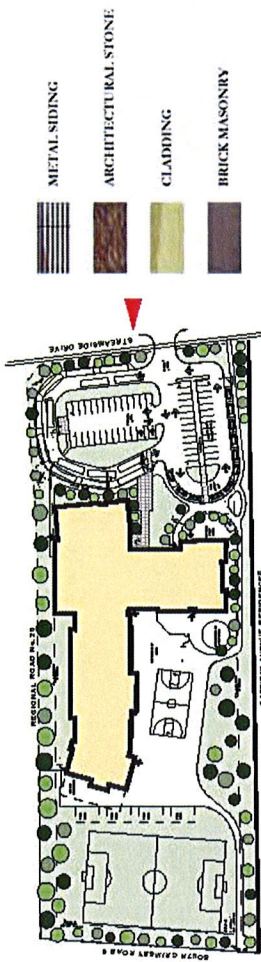


## NEW ST. MARTIN CATHOLIC ELEMENTARY SCHOOL

NIAGARA CATHOLIC DISTRICT SCHOOL BOARD - SMITHVILLE, ONTARIO



# APPENDIX I

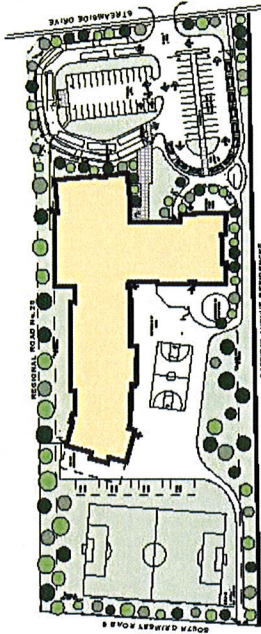


EAST ELEVATION

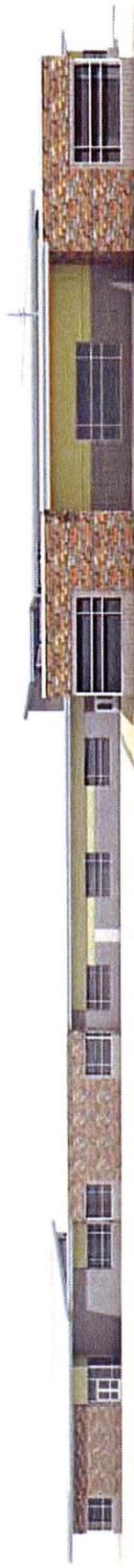


**NEW ST. MARTIN CATHOLIC ELEMENTARY SCHOOL**  
 NIAGARA CATHOLIC DISTRICT SCHOOL BOARD - SMITHVILLE, ONTARIO

# APPENDIX J



- METAL SIDING
- ARCHITECTURAL STONE
- CLADDING
- BRICK MASONRY



SOUTH ELEVATION



## NEW ST. MARTIN CATHOLIC ELEMENTARY SCHOOL

NIAGARA CATHOLIC DISTRICT SCHOOL BOARD - SMITHVILLE, ONTARIO

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 11, 2014**

*PUBLIC SESSION*

**TITLE: HOLY CHILDHOOD WALK**

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The Holy Childhood Walk report is presented for information.

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Prepared by: Mark Lefebvre, Superintendent of Education  
Mary Lou Vescio, Principal - Alexander Kuska Catholic Elementary School

Presented by: Mark Lefebvre, Superintendent of Education  
Mary Lou Vescio, Principal – Alexander Kuska Catholic Elementary School

Approved by: John Crocco, Director of Education/Secretary-Treasurer

Date: February 11, 2014



## REPORT TO THE COMMITTEE OF THE WHOLE FEBRUARY 11, 2014

### HOLY CHILDHOOD WALK

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#### BACKGROUND INFORMATION

Each school year the Niagara Catholic District School Board coordinates a board wide effort in support of the Holy Childhood Association. The Holy Childhood Association is a Mission Club for Elementary School Children. The goal of the Holy Childhood Association is to awaken missionary consciousness in children. Their motto is: *Children Helping Children*. This motto helps us to encourage children to pray for, learn more about, and share our material resources with children around the world.

Niagara Catholic District School Board elementary schools have supported the Holy Childhood Association for the last twenty-nine (29) years. This year, thirty-three (33) elementary schools participated in the Holy Childhood Walkathons in an effort to raise money for various countries in *Africa, South America and Asia*. The walkathons were conducted through October and early November and raised \$8,755.71.

Our message to the students is that any contribution is meaningful – all of our small contributions as children, when added together, make a difference for children in the countries that we are helping.

The schools of the Niagara Catholic District School Board have raised over \$623,000.00 since we began our involvement in 1984.

The types of projects that will be funded in aforementioned countries include: nursery schools; childcare centres and orphanages; literacy programs; feeding programs; skills development (e.g. sewing, carpentry, cooking); scholarships/bursaries for needy children (e.g. tuition, school supplies, uniform); medical assistance; nutrition programs; catechetical programs; child catechetical leadership training seminars and retreats; construction of schools and/or classrooms.

The Niagara Catholic District School Board and the Holy Childhood Association would like to thank everyone who supported the Walkathons in our local school communities.

The Holy Childhood Walk report is presented for information.

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Prepared by: Mark Lefebvre, Superintendent of Education  
Mary Lou Vescio, Principal – Alexander Kuska Catholic Elementary School

Presented by: Mary Lefebvre, Superintendent of Education  
Mary Lou Vescio, Principal – Alexander Kuska Catholic Elementary School

Approved by: John Crocco, Director of Education/Secretary-Treasurer

Date: February 11, 2014

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 11, 2014**

***PUBLIC SESSION***

**TITLE: INNOVATION, CREATIVITY AND ENTREPRENEURSHIP  
(ICE) TRAINING PILOT SUMMARY REPORT**

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The Innovation, Creativity and Entrepreneurship (ICE) Training Pilot Summary Report is presented for information.

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Prepared by: Mark Lefebvre, Superintendent of Education

Presented by: Mark Lefebvre, Superintendent of Education  
Jennifer Pirosko, Board Lead, Specialist High Skills Major/School-College-Work

Approved by: John Crocco, Director of Education/Secretary-Treasurer

Date: February 11, 2014



**REPORT TO THE COMMITTEE OF THE WHOLE  
FEBRUARY 11, 2014**

**INNOVATION, CREATIVITY, ENTREPRENEURSHIP (ICE) TRAINING  
PILOT SUMMARY REPORT**

**BACKGROUND INFORMATION**

The Niagara Catholic District School Board participated in the Ministry of Education Innovation, Creativity and Entrepreneurship (ICE) Pilot Project through the creation of a board-wide ‘company’ and the manufacturing and selling of youth hockey nets. Our Specialist High Skills Major (SHSM) secondary students from across the system formed the Niagara Catholic Co. and our own manufacturing students designed and constructed five (5) NHL standard size and twenty (20) youth size steel hockey nets to sell to the public.

For this initiative, Niagara Catholic partnered with several community businesses such as Harrow Sports, Oskam Steel Fabricators Inc., RBC, Job Gym, Seaway Mall, Niagara Economic Development, Brock University Athletics, and Brock University Goodman School of Business students to manufacture, market and sell our product in a retail unit at the Seaway Mall in Welland.

**Innovation, Creativity, Entrepreneurship (ICE) Ministry of Education Project**

Board:	Niagara Catholic District School Board
Sectors involved:	Manufacturing Justice and Community Services Business Information and Communication Technology Hospitality and Tourism Non Profit
Total number of schools involved:	Five (5) Lakeshore Catholic High School, Notre Dame College School, Blessed Trinity Catholic Secondary School, Saint Michael Catholic High School, Saint Paul Catholic High School
Total number of students involved:	Sixty-five (65)
Date(s) of Training:	Innovation Forum - October 22, 2013 Regroup Media Session - November 26, 2013 Retail Store Operations - December 2-6, 2013
Location of Training:	Innovation Forum - Club Roma, St. Catharines Regroup Media Session - Catholic Education Centre, Welland Retail Store Operations - Seaway Mall, Welland

## **Sector Advisory Members Involved/Consulted in the ICE Training.**

Manufacturing - Mike Stevenson, Lakeshore Catholic High School; Marc Teal, Lakeshore Catholic High School, NCDSB

Justice and Community Services - Sandro Seca, Lakeshore Catholic High School, NCDSB

Non Profit - Sandro Seca, Lakeshore Catholic High School, NCDSB

Business - Nancy McDermott, Blessed Trinity Catholic Secondary School, NCDSB

Information and Communication Technology - Andre Mayer, Saint Michael Catholic High School; Kevin Grand, Notre Dame College School, NCDSB

Hospitality and Tourism - Anthony Arcuri, Saint Paul Catholic High School, NCDSB

Technology and Innovation - John Crocco, Director, NCDSB

Customer Service Training - Amanda Channon, Job Gym

Entrepreneurial Financial Responsibility - Margaret Pirosko, Royal Bank of Canada

Sporting Goods Manufacturing and Marketing - Jeff Corey, Mike Cwierniewsk, Nick Denhaan, Harrow Sports

Community Sport Partnerships - Robert Hilson, Director of Athletics, Brock University

Manufacturing and Economic Development - Paul Grenier, Deputy Mayor, City of Welland

Corporate Social Responsibility - Father Jim Mulligan

Leadership Pathway - Brian Hutchings, VP Finance and Administration, Brock University

Students were involved in several activities:

### **1. Innovation Forum - October 22, 2013 (9:00 a.m. - 1:30 p.m.)**

Students were brought together for an initial meeting to outline the ICE project, provide strategies, and give them an opportunity to brainstorm ideas and methods to complete the respective parts of the pilot. The agenda for the Forum included include an opportunity to hear two guest speakers: the Vice President of Harrow, Canadian Operations, who spoke about innovation, sports marketing and branding and distribution as well as a representative from Job Gym who discussed customer service, cash handling, and quality control training/ procedures. Students met with their SHSM Sector groups to outline task details, goals and timelines.

### **2. Sector Tasks - October/ November 2013 (approximately four weeks)**

Students were to take the list of Sector Tasks and work on completing the various duties. They were to rely heavily on electronic communication with each other as well as weekly conferences with sector students at their home school. Students were to consider the details and contributions discussed at the Innovation Forum in order to guide their practice. Consultation with their sector teacher would occur regularly to ensure that timelines and tasks were being adhered to. At appropriate intervals, students were asked to submit information to the Business students to begin to form a comprehensive Niagara Catholic Co. Business Plan. All sector tasks were to be completed and ready for presentation at the Regroup Session.



**3. Regroup / Media Session - November 26, 2013 (9:00 a.m. - 1:30 p.m.)**

Students were brought together to hear from members of the community, present Sector Recaps, a Comprehensive Business Plan, and ultimately a rehearsed Press Pitch to the media and community partners. Students received advice and training from representatives from Brock University, Job Gym, Welland City Council and Rankin Run. It is at this session where students unveiled the youth hockey nets, thanked community partners and promoted the store opening to the local media and press.

**4. Retail Store Operations - December 2 – 6, 2013 (12:00 – 8:00 p.m.)**

Niagara Catholic Co. ICE retail unit was open for sales at the Seaway Mall for one week. Students signed up to work retail sales and operate the store. They were able to practice sales procedures, cash handling, key holder responsibilities and customer service techniques. Youth hockey net demonstrations took place in front of the store, between the hours of 6:00 – 8:00 p.m. with members of the Brock University Women's and Men's hockey teams and our Niagara Catholic hockey players.

**Concluding Statements:**

Key informants were surveyed using (structured) Likert Scale and (unstructured) Open Ended questions. The Likert Scale questions were to quantify attitudes, feelings and levels of understanding and the Open Ended questions were an opportunity to gather independent, detailed ideas and opinions. According to NCDSB ICE Pilot students, there were five key findings from the survey which can be seen on the screen in graphic form (Appendix A):

1. The project, overall, was excellent as a creative experience.
2. Working with community partners helped students to better understand how innovation, creativity and entrepreneurship contribute to success.
3. Working as a team was beneficial to the challenges provided.
4. The Innovation Forum was of greatest value to the experience.
5. All agreed that this ICE Pilot should be delivered to other students across the province.

As part of the report to the Committee of the Whole, students from Notre Dame College School and Blessed Trinity Catholic Secondary School will present their experiences throughout this pilot project. In addition, representing one of our community business partners, Jeff Corey National and Brand Manager of Harrow Sports along with Mary Ann Edwards, the Director of The Rankin Cancer Run will present. The Rankin Cancer Run was the recipient of the proceeds from the sales of the hockey nets.

A short video that will conclude the report displaying Niagara Catholic District School Board's "Innovation, Creativity and Entrepreneurship (ICE) Pilot Project".

The Innovation, Creativity and Entrepreneurship (ICE) Training Pilot Summary Report is presented for information.

Prepared by: Mark Lefebvre, Superintendent of Education

Presented by: Mark Lefebvre, Superintendent of Education  
Marco Magazzeni, Co-ordinator Student Success  
Jennifer Pirosko, Board Lead, Specialist High Skills Major/School-College-Work

Approved by: John Crocco, Director of Education/Secretary-Treasurer

Date: February 11, 2014



## **NCDSB: ICE Pilot Student Survey RESULTS (January 2014)**

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### **Background**

As part of an Ontario Ministry of Education Innovation, Creativity, Entrepreneurship (ICE) Pilot Project, Niagara Catholic District School Board created a board wide 'company' to manufacture and sell youth hockey nets to the public. This company was comprised of students currently enrolled in various sectors of Specialist High Skills Major (SHSM) Programs, across five secondary schools. The main purpose of the survey was to gather student information and attitudes towards the ICE experience and fulfill a Ministry requirement with regards to the project. The survey was distributed at the completion of the Pilot Project the week of December 16, 2013. The key informants were 65 students who participated directly in the ICE Project by attending the workshops and events. This brief summary presents the findings of the survey and the results can be regarded as representative of the "student voice" of the project.

### **Survey Questions**

Key informants were surveyed using (structured) Likert Scale and (unstructured) Open Ended questions. The Likert Scale questions were to quantify attitudes, feelings and levels of understanding and the Open Ended questions were an opportunity to gather independent, detailed ideas and opinions. The survey consisted of 12 questions and took approximately 5 minutes to administer. The survey was given to students by their teacher, and was completed in a classroom setting.

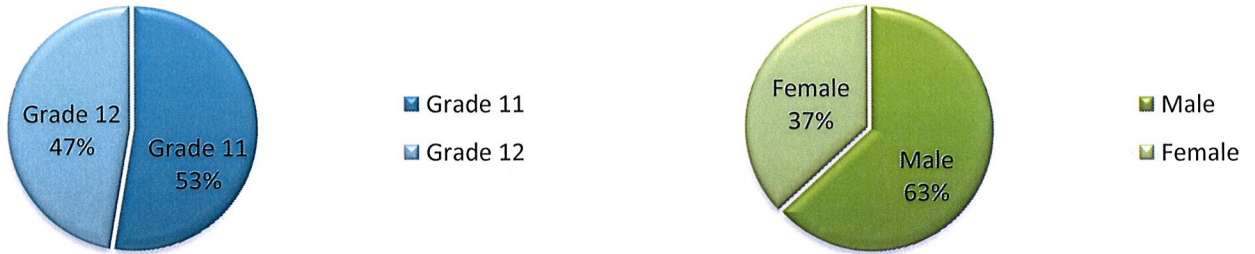
### **Five Key Findings**

According to NCDSB ICE Pilot students...

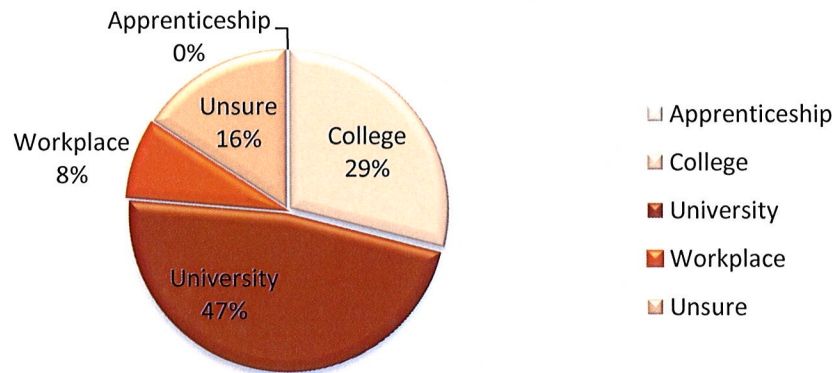
6. Overall, the project was excellent as a creative experience.
7. Working with community partners helped students to better understand how innovation, creativity and entrepreneurship contribute to success.
8. Working as a team was beneficial to the challenges provided.
9. The Innovation Forum was of greatest value to the experience.
10. All agreed that this ICE Pilot should be delivered to other students across the province.

## Results

Students Surveved:

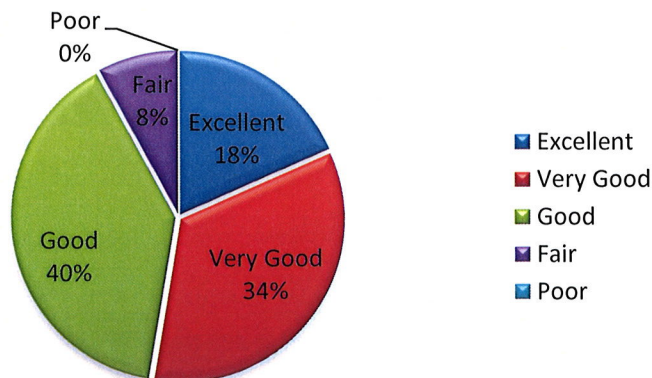


Pathway:

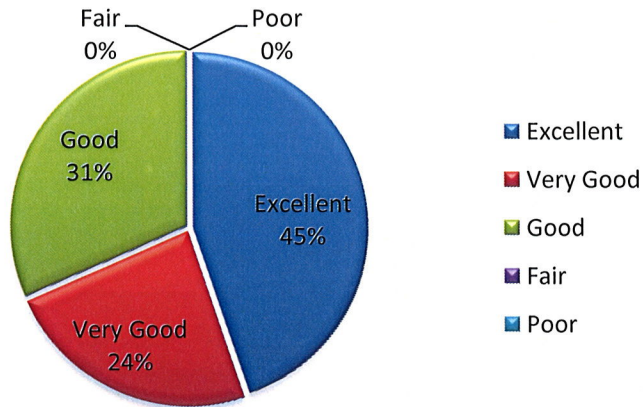


1. After this activity, rate your understanding of:

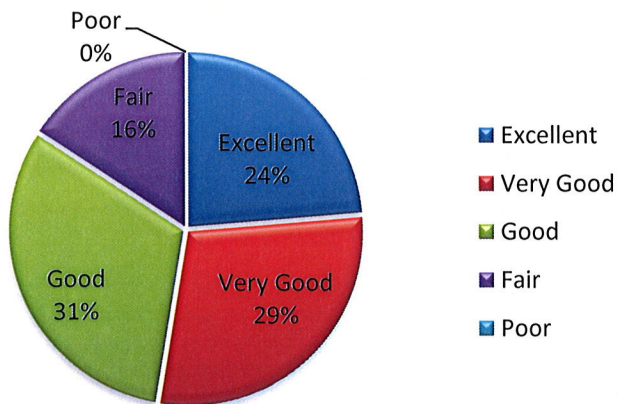
a) Innovation



b) Creativity

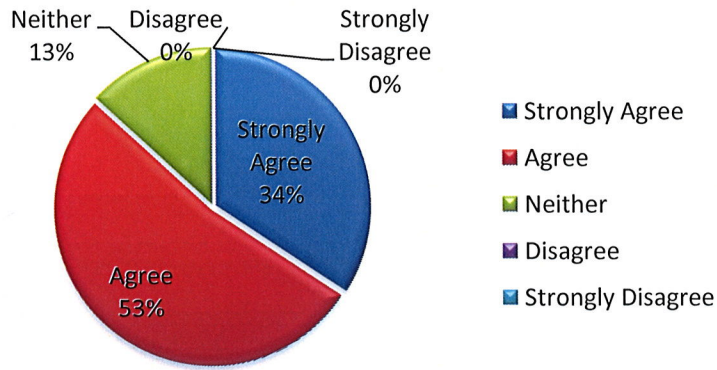


c) Entrepreneurship



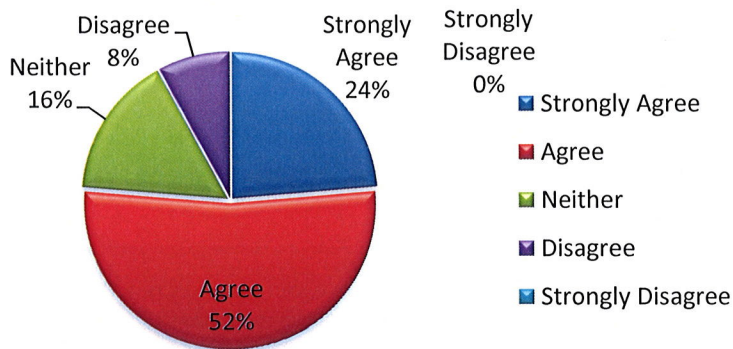
2. How do you feel about this statement?

- a. Working with community partners (Harrow, Job Gym, Brock Athletics, RBC etc.) in this pilot helped me to better understand how innovation, creativity and entrepreneurship can contribute to success in my sector.

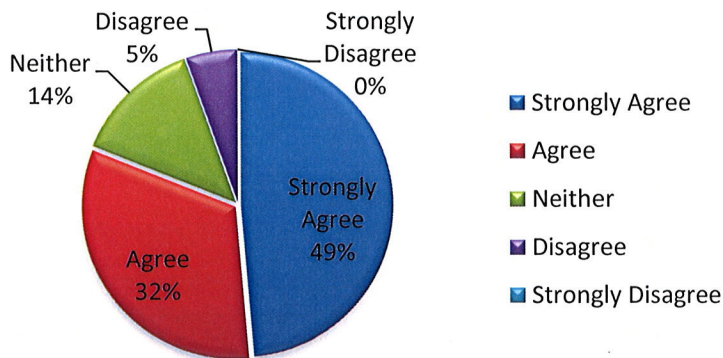


3. How do you feel about this statement?

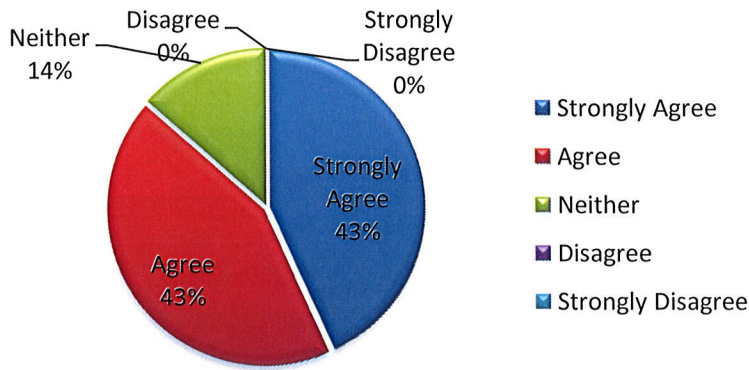
- a. After participating in this project, I feel more confident in my knowledge of, and my ability to be innovative.



- b. After participating in this project, I feel more confident in my knowledge of, and my ability to be creative.

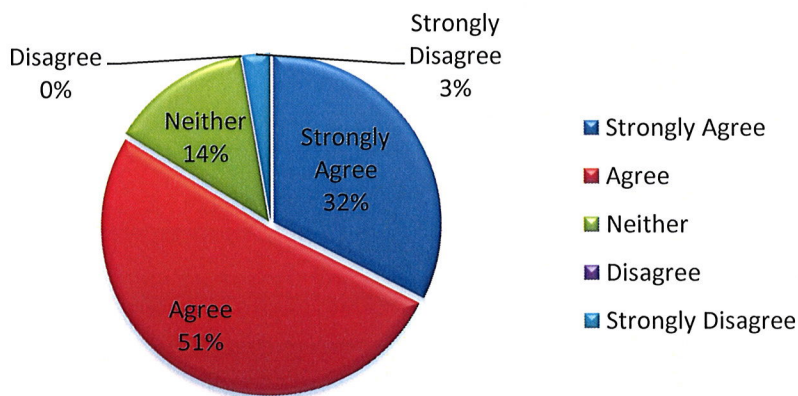


- c. After participating in this project, I feel more confident in my knowledge of, and my ability to be entrepreneurial.



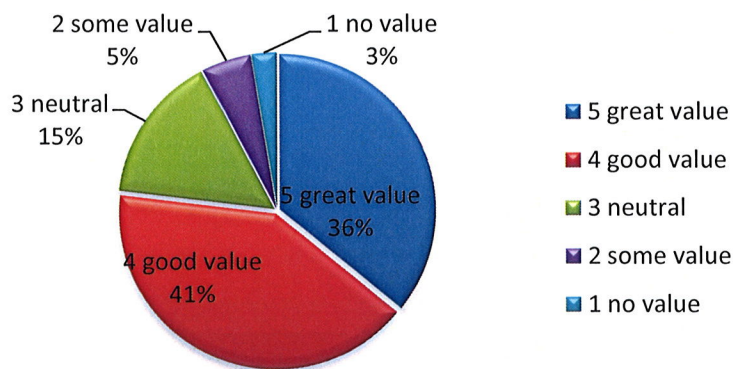
4. How do you feel about this statement?

- a. Working as a team helped me to be more creative and innovative in the activity/challenge that I was provided.

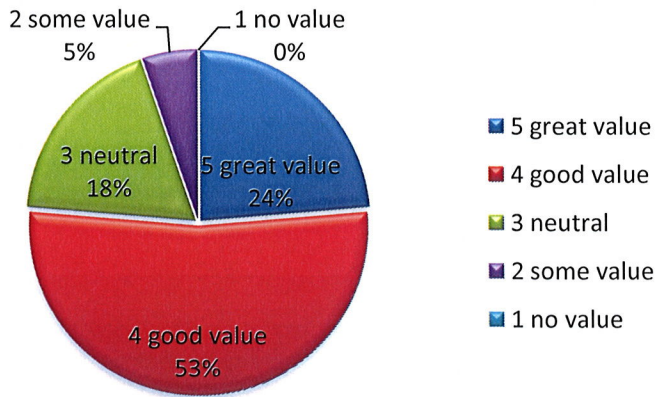


5. On a scale of 1 to 5, with 5 being of great value to your experience, rate the following activities that you participated in during your ICE Pilot:

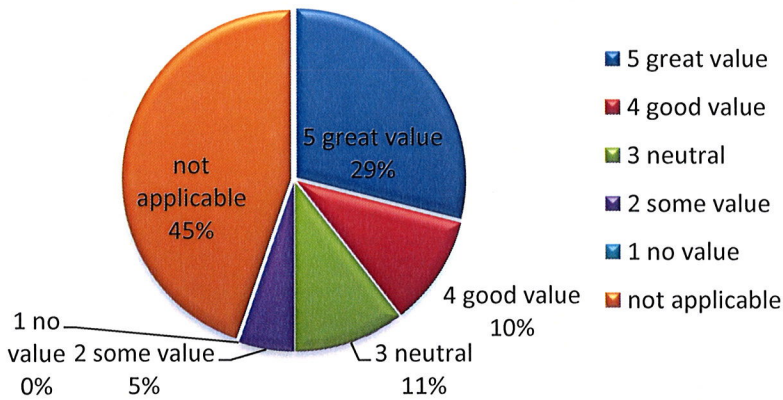
- a. Innovation Forum (October, Club Roma)



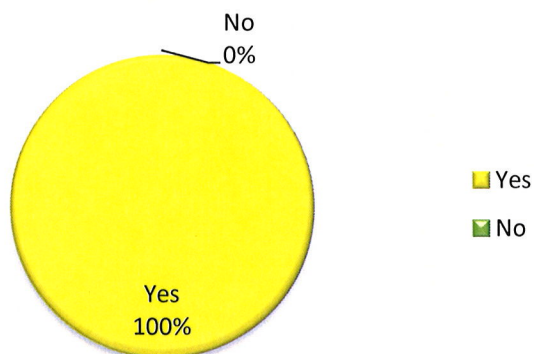
- b. Re-Group/ Media Session (November, Catholic Education Centre)



c. Retail Store Operations (December, Seaway Mall)



6. a) Do you think this type of Innovation, Creativity and Entrepreneurship pilot should be duplicated and delivered to other students?



b) Why or why not?

- "You build relationships with other schools."



- “You understand how a company works.”
- “It’s like real life.”
- “...productive”
- “...informative”
- “Makes students confident because it strengthens their skills.”
- “You learn how much goes into a company.”
- “...insight into jobs”
- “Gives students a new vision for their future.”
- “They will understand all the work needed for success.”

c) What could be improved?

- “Communication between schools and groups.”
- “I’d like to have meetings more frequently.”
- “More time for interaction with each other.”

d) What was the highlight of the ICE experience for you?

- “Meeting the guest speakers was inspiring.”
- “Seeing real life entrepreneurs come in and talk about innovation.”
- “Coming together with other students to collaborate.”
- “...the food”
- “Seeing the final product in the retail store in the mall.”
- “Being trusted with the responsibilities in a company.”
- “...contributing to a great cause”
- “Being able to get out of my daily routine and apply skills to a work environment.”

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 11, 2014**

***PUBLIC SESSION***

**TITLE: BUILDING A SUICIDE ALERT COMMUNITY THROUGH  
APPLIED SUICIDE INTERVENTION SKILLS TRAINING  
(ASIST): NIAGARA CATHOLIC DISTRICT SCHOOL  
BOARD'S PLAN TO IMPLEMENT MENTAL HEALTH  
SUPPORT**

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The Building a Suicide Alert Community Through Applied Suicide Intervention Skills Training (ASIST): Niagara Catholic District School Board's Plan to Implement Mental Health Support report is presented for information.

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Prepared by: Yolanda Baldasaro, Superintendent of Education  
Andrea Bozza, Mental Health Lead

Presented by: Andrea Bozza, Mental Health Lead

Approved by: John Crocco, Director of Education/Secretary-Treasurer

Date: February 11, 2014



## **REPORT TO THE COMMITTEE OF THE WHOLE FEBRUARY 11, 2014**

### **BUILDING A SUICIDE ALERT COMMUNITY THROUGH APPLIED SUICIDE INTERVENTION SKILLS TRAINING (ASIST): NIAGARA CATHOLIC DISTRICT SCHOOL BOARD'S PLAN TO IMPLEMENT MENTAL HEALTH SUPPORT**

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#### **BACKGROUND INFORMATION**

Applied Suicide Intervention Skills Training (ASIST) is a two-day intensive, interactive and practice-dominated course designed to help caregivers recognize risk and learn how to intervene to prevent the immediate risk of suicide. The workshop is for all caregivers (any person in a position of trust). Just as "CPR" skills make physical first aid possible, training in suicide intervention develops the skills used in suicide first aid.

The ASIST program was designed by LivingWorks, a suicide intervention training company that believes that suicide intervention should play a major part of every community's suicide prevention strategy. A one-on-one relationship between a person at risk and a competent helper represents a unique opportunity of effecting a lifesaving or life-altering change.

The ASIST program will be delivered by Niagara Catholic certified trainers, Andrea Bozza, Mental Health Lead, Sebastian Fazzari, Supervisor of School Counseling Services, and Bridgette Ridley, Stay in School Coordinator. The training sessions will be delivered in 2014 to all members of Senior Administrative Council, elementary and secondary Principals and Vice-Principals, Chaplaincy Leaders, secondary Guidance Counselors, and elementary and secondary Child and Youth Workers on the following dates: February 4-5, February 12-13, February 26-27, March 25-26, April 1-2 and April 29-30 2014.

The work of LivingWorks also aligns with Niagara Catholic's Mental Health and Addictions Plan which embraces a comprehensive and integrated tiered approach, including awareness, early prevention and intervention, in support of student well-being. ASIST provides support in the area of intervention, and staff will be better equipped to not only identify suicidal behavior, but also to intervene in such circumstances.

As part of this report Andrea Bozza, Mental Health Lead, will provide a brief overview of this program and how it supports Niagara Catholic's 2013-2014 Enabling Strategy – Provide Supports for Success: *To facilitate training and certification opportunities for Board and school personnel in the area of suicide awareness and prevention as part of the Niagara Catholic Mental Health and Addictions Plan.*

The Building a Suicide Alert Community through Applied Suicide Intervention Skills Training (ASIST): Niagara Catholic District School Board's Plan to Implement Mental Health Support report is presented for information.

---

Prepared by: Yolanda Baldasaro, Superintendent of Education  
Andrea Bozza, Mental Health Lead

Presented by: Andrea Bozza, Mental Health Lead

Approved by: John Crocco, Director of Education/Secretary-Treasurer

Date: February 11, 2014

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 11, 2014**

*PUBLIC SESSION*

**TOPIC: CAPITAL PROJECTS PROGRESS REPORT UPDATE**

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The Capital Projects Progress Report Update is presented for information.

Prepared by: Scott Whitwell, Controller of Facilities Services  
Presented by: Scott Whitwell, Controller of Facilities Services  
Approved by: John Crocco, Director of Education/Secretary-Treasurer  
Date: February 11, 2014



**REPORT TO THE COMMITTEE OF THE WHOLE MEETING  
TUESDAY, FEBRUARY 11, 2014  
CAPITAL PROJECTS PROGRESS REPORT UPDATE**

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**BACKGROUND INFORMATION**

Individual progress reports for capital projects are presented as follows:

In Progress

ELKP PHASE 5

Appendix A	Canadian Martyrs Catholic Elementary School
Appendix B	Loretto Catholic Elementary School
Appendix C	St. John Bosco Catholic Elementary School

SECONDARY

Appendix D	Saint Michael Catholic High School
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NEW BUILD

Appendix E	St. Martin Catholic Elementary School
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CAPITAL PRIORITIES

Appendix F	Lakeshore Catholic High School
Appendix G	St. James Catholic Elementary School
Appendix H	Our Lady of Mount Carmel Catholic Elementary School

The Capital Projects Progress Report Update is presented for information.

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Prepared by:	Scott Whitwell, Controller of Facilities Services
Presented by:	Scott Whitwell, Controller of Facilities Services
Approved by:	John Crocco, Director of Education/Secretary-Treasurer
Date:	February 11, 2014



**NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
CAPITAL PROJECT PROGRESS REPORT  
FEBRUARY 11, 2014**

**APPENDIX A**

**CANADIAN MARTYRS CATHOLIC ELEMENTARY SCHOOL**

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**Scope of Project:** Design and construction of a library addition and renovation of the existing library to be 2 new ELKP classrooms.

**Current Status:** Waiting for Ministry approval to award.



**Project Information:**

New Area to be Constructed	162	sq. m.
Existing Area to be Renovated	481	sq. m.
Total New Facility Area	3825	sq. m.
Total Site Area	3.193	ha.
Pupil Places Added	52	students
New Facility Capacity		students

**Project Funding:**

FDK Grant	959,850
Facilities Renewal	33,834
	<b>\$993,684</b>

**Project Costs:**

	Budget	Paid	Forecast
Construction Contract			
Fees & Disbursements		77,688	
Furniture & Equipment		3,818	
Other Project Costs		12,305	
	<b>\$993,684</b>	<b>\$93,811</b>	<b>\$</b>

**Project Timelines:**

	Scheduled Completion	Actual Completion
Funding Approval	June 2012	June 2012
Architect Selection	June 2013	June 25, 2013
Design Development	October 2013	October 18, 2013
Contract Documents	November 2013	November 12, 2013
Tender & Approvals	December 2013	
Construction	August 2014	
Occupancy	September 2014	
Official Opening & Blessing	October 2014	

**Project Team:**

Architect	Grguric Architects Incorporated
General Contractor	
Project Manager	Tunde Labbancz
Superintendent	Ted Farrell
Principal	Alan Creelman



**NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
CAPITAL PROJECT PROGRESS REPORT  
FEBRUARY 11, 2014**

**APPENDIX B**

**LORETTO CATHOLIC ELEMENTARY SCHOOL**

**Scope of Project:** Construction of a two classroom addition and renovation of the existing 3 classrooms to be 2 new ELKP classrooms.

**Current Status:** Waiting for Ministry approval to award.



**Project Information:**

New Area to be Constructed	199	sq. m.
Existing Area to be Renovated	228	sq. m.
Total New Facility Area	7689	sq. m.
Total Site Area	6.070	ha.
Pupil Places Added	29	students
New Facility Capacity		students

**Project Funding:**

FDK Grant	959,850
Facilities Renewal	0
	<u>\$959,850</u>

**Project Costs:**

Construction Contract	0
Fees & Disbursements	67,797
Furniture & Equipment	0
Other Project Costs	35,755

	Budget	Paid	Forecast
	<b>\$959,850</b>	<b>\$103,552</b>	<b>\$</b>

**Project Timelines:**

	Scheduled Completion	Actual Completion
Funding Approval	June 2012	June 2012
Architect Selection	June 2013	June 28, 2013
Design Development	October 2013	October 28, 2013
Contract Documents	November 2013	November 19, 2013
Tender & Approvals	December 2013	
Construction	August 2014	
Occupancy	September 2014	
Official Opening & Blessing	October 2014	

**Project Team:**

Architect	Quartek Group Inc.
General Contractor	
Project Manager	Tunde Labbanicz
Superintendent	Mark Lefebvre
Principal	Anthony Cardamone





**NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
CAPITAL PROJECT PROGRESS REPORT  
FEBRUARY 11, 2014**

**APPENDIX C**

**ST. JOHN BOSCO CATHOLIC ELEMENTARY SCHOOL**

**Scope of Project:** Construction of a new classroom addition and renovation of existing classroom into a new ELKP classroom.

**Current Status:** Waiting for Ministry approval to award.



**Project Information:**

New Area to be Constructed	122.3	sq. m.
Existing Area to be Renovated	109.1	sq. m.
Total New Facility Area	2181.1	sq. m.
Total Site Area	4.452	ha.
Pupil Places Added	29	students
New Facility Capacity		students

**Project Funding:**

FDK Grant	479,925
Facilities Renewal	121,933
	<b>\$601,858</b>

**Project Costs:**

Construction Contract	0
Fees & Disbursements	34,768
Furniture & Equipment	0
Other Project Costs	8,378

Budget	Paid	Forecast
	0	
	34,768	
	0	
	8,378	
<b>\$601,858</b>	<b>\$43,146</b>	<b>\$</b>

**Project Timelines:**

	Scheduled Completion	Actual Completion
Funding Approval	June 2012	June 2012
Architect Selection	June 2013	June 28, 2013
Design Development	October 2013	October 16, 2013
Contract Documents	November 2013	November 5, 2013
Tender & Approvals	December 2013	
Construction	August 2014	
Occupancy	September 2014	
Official Opening & Blessing	October 2014	

**Project Team:**

Architect	MacDonald Zuberec Ensslen Architects Inc.
General Contractor	
Project Manager	Tunde Labbanicz
Superintendent	Lee Ann Forsyth-Sells
Principal	Theo Dagenais



**NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
CAPITAL PROJECT PROGRESS REPORT  
FEBRUARY 11, 2014**

**APPENDIX D**

**SAINT MICHAEL CATHOLIC HIGH SCHOOL**

**Scope of Project:**

Design and construction of a ten classroom addition.

**Current Status:** New asphalt parking area/bus loading zone in front of school was completed for start of September classes. Footing/foundation completed. Walls for new addition are well underway. Wet, snow and extreme cold weather is slowing construction. Several more days have been lost in January 2014.



**Project Information:**

New Area to be Constructed	16,380	sq. ft.
Existing Area to be Renovated		sq. ft.
Total New Facility Area	119,868	sq. ft.
Total Site Area	15.8	acres
Pupil Places Added	210	students
New Facility Capacity	1,017	students

**Project Funding:**

Capital Priorities	5,527,880
Facilities Renewal	639,105
	<u>\$6,166,985</u>

**Project Costs:**

	Budget	Paid	Forecast
Construction Contract	4,999,428	1,566,241	4,999,428
Fees & Disbursements	544,037	428,460	544,037
Furniture & Equipment	204,820	0	204,820
Other Project Costs	418,700	51,093	418,700
	<u>\$6,166,985</u>	<u>\$2,045,794</u>	<u>\$6,166,985</u>

**Project Timelines:**

	<u>Scheduled Completion</u>	<u>Actual Completion</u>
Funding Approval	July 7, 2011	July 7, 2011
Ministry Approval (space)	December 2011	March 9, 2012
Architect Selection	January 30, 2012	March 22, 2012
Design Development	March 2012	October 2012
Contract Documents	May 2013	May 2013
Tender	June 2013	June 2013
Ministry Approval (cost)	June 2013	May 2013
Construction	August 2014	
Occupancy	September 2014	
Official Opening & Blessing		

**Project Team:**

Architect	Raimondo + Associates Architects Inc.
General Contractor	Brouwer Construction
Project Manager	Anthony Ferrara
Superintendent	Mark Lefebvre
Principal	James Whittard



**NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
CAPITAL PROJECT PROGRESS REPORT  
FEBRUARY 11, 2014**

**APPENDIX E**

**ST. MARTIN CATHOLIC ELEMENTARY SCHOOL**

**Scope of Project:**

Design and construction of a replacement school and child care centre on a new site.

**Current Status:**

Estimated construction completion date is March 2015.  
Site Plan application has been made to Township.  
Awaiting MOE approval for tender.



**Project Information:**

New Area to be Constructed	47,443	sq. ft.
Existing Area to be Renovated		sq. ft.
Total New Facility Area	47,443	sq. ft.
Total Site Area	5	acres
Pupil Places Added	115	students
New Facility Capacity	454	students

**Project Funding:**

Capital Priorities	9,430,364
	<b>\$9,430,364</b>

**Project Costs:**

	Budget	Paid	Forecast
Construction Contract	7,479,925	0	7,479,925
Fees & Disbursements	900,000	471,285	900,000
Furniture & Equipment	100,000	0	100,000
Other Project Costs	950,439	134,776	950,439
	<b>\$9,430,364</b>	<b>\$606,061</b>	<b>\$9,430,364</b>

**Project Timelines:**

	<u>Scheduled Completion</u>	<u>Actual Completion</u>
Funding Approval	July 7, 2011	July 7, 2011
Ministry Approval (space)	December 2011	February 14, 2012
Architect Selection	January 30, 2012	March 22, 2012
Design Development	March 2012	October 2013
Contract Documents	January 2014	
Tender & Approvals	February 2014	
Ministry Approval (cost)	February 2014	
Construction	March 2015	
Occupancy	March 2015	
Official Opening & Blessing	TBD	

**Project Team:**

Architect	MMMC Inc. Architects
General Contractor	TBD
Project Manager	Anthony Ferrara
Superintendent	Yolanda Baldasaro
Principal	Chris Zanuttini



**NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
CAPITAL PROJECT PROGRESS REPORT  
FEBRUARY 11, 2014**

**APPENDIX F**

**LAKESHORE CATHOLIC SECONDARY SCHOOL**

---

**Scope of Project:** Design and construction of a 10 classroom addition.

**Current Status:** Submittal for site plan approval targeted for February or March 2014.



**Project Information:**

New Area to be Constructed	sq. ft.
Existing Area to be Renovated	sq. ft.
Total New Facility Area	sq. ft.
Total Site Area	acres
Pupil Places Added	students
New Facility Capacity	students

**Project Funding:**

Capital Priorities	5,501,722
	0
	<b>\$5,501,722</b>

**Project Costs:**

	Budget	Paid	Forecast
Construction Contract		0	
Fees & Disbursements		38,856	
Furniture & Equipment		0	
Other Project Costs		735	
	<b>\$5,501,722</b>	<b>\$39,591</b>	<b>\$</b>

**Project Timelines:**

	<u>Scheduled Completion</u>	<u>Actual Completion</u>
Funding Approval	January 2013	January 2013
Architect Selection	May 2013	May 2013
Design Development	November 2013	December 2013
Contract Documents		
Tender & Approvals		
Construction		
Occupancy		
Official Opening & Blessing		

**Project Team:**

Architect	Raimondo + Associates Architects Inc.
General Contractor	
Project Manager	Tunde Labbancz
Superintendent	Lee Ann Forsyth-Sells
Principal	Glenn Gifford



**NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
CAPITAL PROJECT PROGRESS REPORT  
FEBRUARY 11, 2014**

**APPENDIX G**

**ST. JAMES CATHOLIC ELEMENTARY SCHOOL**

---

**Scope of Project:** Construction of 2 new ELKP rooms, one classroom and renovations to Staff Room and Administration Area.



**Current Status:** Waiting for Ministry approval to award.

**Project Information:**

New Area to be Constructed	458	sq. m.
Existing Area to be Renovated	499	sq. m.
Total New Facility Area	2590	sq. m.
Total Site Area	2.340	ha.
Pupil Places Added	78	students
New Facility Capacity		students

**Project Funding:**

Capital Priorities	1,357,761
FDK Grant	479,928
Proceeds of Disposition	883,353
	<b>\$2,721,042</b>

**Project Costs:**

Construction Contract	0
Fees & Disbursements	138,209
Furniture & Equipment	0
Other Project Costs	70,969

Budget	Paid	Forecast
	0	
	138,209	
	0	
	70,969	
<b>\$2,721,042</b>	<b>\$209,178</b>	<b>\$</b>

**Project Timelines:**

	<u>Scheduled Completion</u>	<u>Actual Completion</u>
Funding Approval	January 2013	January 2013
Architect Selection	May 2013	May 2013
Design Development	November 2013	November 14, 2013
Contract Documents	November 2013	November 28, 2013
Tender & Approvals	December 2013	
Construction	August 2014	
Occupancy	September 2014	
Official Opening & Blessing	October 2014	

**Project Team:**

Architect	Svedas Architects Inc.
General Contractor	
Project Manager	Tunde Labbancz
Superintendent	Ted Farrell
Principal	Glenda Hillier



**NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
CAPITAL PROJECT PROGRESS REPORT  
FEBRUARY 11, 2014**

**APPENDIX H**

**OUR LADY OF MOUNT CARMEL CATHOLIC ELEMENTARY SCHOOL**

**Scope of Project:** Interior renovations to result in 4 new classrooms, 3 new ELKP classrooms and renovations to gym change rooms and Administrative area.



**Current Status:** Waiting for Ministry approval to award.

**Project Information:**

New Area to be Constructed	140	sq. m.
Existing Area to be Renovated	1601	sq. m.
Total New Facility Area	4909	sq. m.
Total Site Area	3.440	ha.
Pupil Places Added	55	students
New Facility Capacity		students

**Project Funding:**

Capital Priorities	1,473,555
FDK Grant	959,850
Facilities Renewal	0
	<b>\$2,433,405</b>

**Project Costs:**

	Budget	Paid	Forecast
Construction Contract		0	
Fees & Disbursements		226,914	
Furniture & Equipment		0	
Other Project Costs		27,255	
	<b>\$2,433,405</b>	<b>\$254,169</b>	<b>\$</b>

**Project Timelines:**

	<u>Scheduled Completion</u>	<u>Actual Completion</u>
Funding Approval	January 2013	January 2013
Architect Selection	May 2013	May 2013
Design Development	November 2013	November 4, 2013
Contract Documents	November 2013	November 26, 2013
Tender & Approvals	December 2013	
Construction	August 2014	
Occupancy	September 2014	
Official Opening & Blessing	October 2014	

**Project Team:**

Architect	Venerino V. P. Panici Architect Inc.
General Contractor	
Project Manager	Tunde Labbanicz
Superintendent	Mark Lefebvre
Principal	Elizabeth Davey

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE  
FEBRUARY 11, 2014**

*PUBLIC SESSION*

**TITLE: TRUSTEE INFORMATION  
SPOTLIGHT ON NIAGARA CATHOLIC – JANUARY 28, 2014**

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# Spotlight

on  
**NIAGARA CATHOLIC**  
*Nurturing Souls & Building Minds*

www.niagaracatholic.ca

January 28, 2014

## Students Share Dominican Experience with Trustees and Senior Staff



*The 11 Niagara Catholic students who travelled to Dominica for the three-month Niagara Catholic International Co-operative Experience Program became very attached to the youngsters they worked with at schools in the Caribbean nation. Five students attended the January 28th Board meeting to share their experiences with Trustees and Senior Staff.*

During the January 28th Board Meeting, students who participated in the Niagara Catholic International Co-operative Experience in Portsmouth, Dominica, from September through December, 2014, shared their experiences with Trustees and Senior Staff.

While in Dominica, the students engaged in a number of different co-operative experiences, including working at a home for senior citizens, a centre for at-risk youth and in schools and libraries with elementary students. While they were there, the students earned seven academic credits. During the presentation to the Board, students spoke about the many ways this experience, which is unique in the Province of Ontario, changed their lives because it gave them a new perspective on the way in which students live in different parts of the world. They also talked about being moved by the close bonds they formed with the residents in Dominica.

This was the third Niagara Catholic International Co-operative Experience, and the second time students studied in Dominica. While they were there, the students were under the care and instruction of Jason Benoit, a teacher at Lakeshore Catholic High School, and Amber Benoit, a teacher at Saint Michael Catholic High School.

The Niagara Catholic International Co-operative Experience Program is available to all secondary school students throughout Niagara Catholic.

## Mid-Year System Priorities

During the January 28th Board Meeting, Director of Education John Crocco shared with Trustees the achievement, to date, of the 2013-2014 System Priorities.

The Niagara Catholic Strategic Directions Priority Indicators 2013-2014 are designed to provide the annual focus for the system, towards achieving the outcomes of the Niagara Catholic Vision 2020 Strategic Plan.

As we approached the approximate mid-point of the school year, Senior Administrative Council conducted its annual mid-year review of the progress in achieving each Strategic Direction and Enabling Strategy. These reports were reviewed by Senior Administrative Council, administrators and Board staff prior to submission to Trustees.

The Director and Senior Staff will present the contents of the completed report to Principals during the February Director's Meeting. Principals will then share this information with the staff at their schools.

To review the 2013-2014 Mid-Year Progress Report, please visit the Meetings section of the Board website, [niagaracatholic.ca](http://niagaracatholic.ca), click on the section for Board and look for the January 28th agenda.

It will also be posted in the Director's Area of the Board website by mid-February.



# School Excellence Program

FOCUS on

## St. Augustine Catholic Elementary School

*The January 27, 2009 Board meeting saw the launch of a new initiative at Niagara Catholic.*

*The School Excellence Program is part of a series of new strategies within Niagara Catholic to increase the profile of our schools and celebrate the success of our students and staff.*

*Each month, one Niagara Catholic school will have the opportunity to appear before the Board to celebrate their successes, share their plans for continuous improvement and showcase one "extraordinary item or initiative that makes the school an indispensable choice for parents."*

St. Augustine Catholic Elementary School, located in South Welland, opened its doors in 1956, and has been an important part of its community for more than 50 years.

More than 185 students attend St. Augustine Catholic Elementary School, who learn, pray and play together every day. St. Augustine is a true community school; a family that works together bring out the best in each member.

Academics are a high priority for staff at St. Augustine, who work collaboratively to ensure students grasp new concepts and are well-prepared for progression to the next level of study.

Students and staff at St. Augustine are frequently seen in the community. Junior and intermediate students walk to the Royal Canadian Legion to celebrate Remembrance Day with veterans, and this year primary and junior students visited Seasons Retirement Home to help celebrate Remembrance Day with the veterans and residents there. St. Augustine students also perform in the annual Christmas Choirfest at Seaway Mall, much to the delight of shoppers.

Every Monday, Wednesday and Friday, students meet to start the day off right with a healthy meal. The breakfast club is run by a dedicated team of parents who are committed to serving Catholic education. Parents are very active in the school, organizing not only the Breakfast Club, but also the Christmas Family Feast and other events which bring the entire school together.

St. Augustine School has a very strong connection with our parish church, with which it shares a name. St. Augustine Church is just a short walk away and the students attend Mass each week, joined by members of the community. Many students act as Minister of the Word, ushers, servers, gift bearers and music ministers.

St. Augustine has an outdoor classroom. Two former students built the outdoor classroom, which was the location for the live nativity scene performed by students during the evening of the Christmas Family Celebration. The outdoor classroom is a place where many activities will take place to explore new gifts and talents during faith gatherings as a class.



*Top: The outdoor classroom at St. Augustine, built by two former students, is a perfect place for spiritual and ecological education.*

*Bottom: Students work together on a number of different projects and assignments at St. Augustine Catholic Elementary School.*



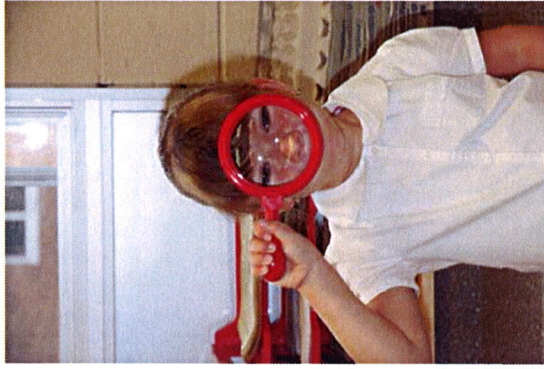
**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE  
FEBRUARY 11, 2014**

*PUBLIC SESSION*

**TITLE: TRUSTEE INFORMATION  
CALENDAR OF EVENTS – FEBRUARY 2014**

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# FEBRUARY 2014



Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 ELKP Open House Day	5 SEAC Meeting	6 Holy Cross Open House	7	8
9	10 Niagara Catholic Kids Helping Kids Week	11 SAL Meeting Committee of the Whole Meeting	12 Celebrating Intermediate Artists	13 Saint Michael Open House	14 Valentine's Day	15 Flag Day
16	17 Family Day	18	19	20 Blessed Trinity Open House	21	22
23	24 Niagara Catholic Speak Out Showcase	25 Policy Committee Meeting Board Meeting	26	27	28 Niagara Catholic Celebrates Dance	

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE  
FEBRUARY 11, 2014**

*PUBLIC SESSION*

**TITLE: TRUSTEE INFORMATION  
OCSTA 2014 AGM AND CONFERENCE JUNE 5-7, 2014**

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[Home](#) | [Program](#) | [Workshops](#) | [Accommodations](#) | [Keynote Speakers](#) | [Convention Tours](#) | [Registration](#) | [Contact Us](#)

[Program](#) (PDF)

## Program

Thursday, June 5, 2014	
7:00 a.m. - 7:00 p.m.	Registration for Delegates: <i>Old Stones Foyer</i>
9:00 a.m.	Tentative: Board of Directors Meeting
9:00 a.m.	<a href="#">Delegates/Companion Pre-Convention Tours</a> begin
10:00 a.m. - 11:30 a.m.	<a href="#">Administrators' Workshop</a> : <i>British American Room</i>
1:00 p.m.	Bus departs hotel for Tree Planting School Site
1:30 p.m.	Tree Planting Ceremony: <i>Regiopolis-Notre Dame Catholic High School</i>
7:00 p.m.	Opening Ceremonies and Liturgy: <i>Limestone Ballroom</i> <b>Archbishop Brendan M. O'Brien, Archbishop of Kingston</b> <b>Keynote Speaker: Dr. Cristina Vanin</b>
8:30 p.m.	Social Reception: <i>Old Stones Foyer</i>
10:00 p.m.	Hospitality Suite: <i>Room 303</i>
Friday, June 6, 2014	
7:30 a.m. - 8:30 a.m.	Buffet breakfast: <i>Old Stones Foyer</i>
8:30 a.m. - 9:00 a.m.	Morning Liturgy: <i>Limestone Ballroom</i>
9:00 a.m.	<a href="#">Spousal/Companion Tours</a> depart
9:00 a.m. - 10:00 a.m.	Welcome: Mark Gerretsen, Mayor of Kingston Keynote Speaker Panel Discussion: <i>Limestone Ballroom</i> <b>Dr. Cristina Vanin, Fr. Paul Hansen, Claire Marchand, Erika Toffelmire</b>
10:00 a.m. - 10:15 am	Nutrition Break: <i>Old Stones Foyer</i>
10:15 a.m. - 11:45 a.m.	Morning Workshops - Select One: <ul style="list-style-type: none"> <li>• <a href="#">The Poverty Challenge</a></li> <li>• <a href="#">Board Social Justice Committees</a></li> <li>• <a href="#">The Canadian Catholic Organization for Development and Peace</a></li> <li>• <a href="#">Développement et Paix</a> (offert en français)</li> </ul>
11:45 a.m. - 1:00 p.m.	Lunch: Hosted by 2015 Convention Board: <i>Limestone Ballroom</i>
1:00 p.m. - 2:30 p.m.	Afternoon Workshops – Select One: <ul style="list-style-type: none"> <li>• <a href="#">The Poverty Challenge</a></li> <li>• <a href="#">Board Social Justice Committees</a></li> <li>• <a href="#">The Canadian Catholic Organization for Development and Peace</a></li> <li>• <a href="#">Développement et Paix</a> (offert en français)</li> </ul>
5:15 p.m.	Busses depart for dinner: <a href="#">Fort Henry National Historic Site of Canada</a>
9:30 p.m.	Busses depart Fort Henry
10:00 p.m.	Hospitality Suite: <i>Room 303</i>

<b>Saturday, June 7, 2014</b>	
7:30 a.m. - 8:30 a.m.	Buffet breakfast: <i>Old Stones Foyer</i>
8:30 a.m. - 9:00 a.m.	Morning Liturgy: <i>Limestone Ballroom</i>
9:00 a.m. - 10:00 a.m.	Keynote Speaker: <b>Fr. Paul Hansen</b> <i>Limestone Ballroom</i>
10:00 a.m. - 10:15 am	Nutrition Break: <i>Old Stones Foyer</i>
10:15 a.m. - 12:00 p.m.	CCSTA Business Meeting: <i>Limestone Ballroom</i>
12:00 p.m. - 4:30 p.m.	Free Time
4:30 p.m.	Busses depart Four Points Sheraton for St. Mary's Cathedral
5:00 p.m. - 6:00 p.m.	Mass: <i>Cathedral of St. Mary of the Immaculate Conception</i>
6:00 p.m.	Busses depart St. Mary's Cathedral for Four Points Sheraton
6:00 p.m. - 7:00 p.m.	President's Reception/Social Hour: <i>Old Stones Foyer</i>
7:00 p.m.	Gala Banquet: <i>Limestone Ballroom</i>
9:30 p.m.	Hospitality Suite: <i>Room 303</i>



Hosted by:  
Algonquin and Lakeshore Catholic District School Board  
 151 Dairy Ave, Napenee, Ontario K7R 4B2

**TO: NIAGARA CATHOLIC DISTRICT SCHOOL BOARD  
COMMITTEE OF THE WHOLE  
FEBRUARY 11, 2014**

*PUBLIC SESSION*

**TITLE: TRUSTEE INFORMATION  
OCSTA PROFESSIONAL DEVELOPMENT SESSION  
CONFLICT OF INTEREST – MODULE 11**

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**A PRIMER ON THE  
MUNICIPAL CONFLICT  
OF INTEREST ACT FOR SCHOOL BOARD TRUSTEES**

“He that is entrusted with the interest of others, cannot be allowed to make the business an object of interest to himself; because from the frailty of nature, one who has the power, will be too readily seized with the inclination to use the opportunity for serving his own interest at the expense of those for whom he is entrusted.” (p. 446)

*York Building Co. v. Mackenzie*, (1705) 3 E.R. 432

PETER D. LAUWERS

January 18, 2014



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**A PRIMER ON  
THE MUNICIPAL CONFLICT OF INTEREST ACT FOR SCHOOL BOARD TRUSTEES**

by Peter D. Lauwers<sup>1</sup>

The *Municipal Conflict of Interest Act* (the “Act” or the “*MClA*”) embodies ideals of integrity and public responsibility on the part of elected officials that are timeless. The application of these ideals in the Act should be known by all, and may be surprising to many. What the trustee does not know about the *MClA* could result in the loss of his or her seat.

This paper is divided into four parts:

- (1) A discussion of the purpose of the Act;
- (2) A detailed overview of the Act;
- (3) The prosecution;
- (4) Some common questions.

**1. Purpose of the *Municipal Conflict of Interest Act***

The evaluation of a potential conflict of interest is not a mere technical exercise or game, but is a very important part of the responsibility of a trustee. To understand the Act it is necessary to understand its purpose, which was described in the following words of the Divisional Court in the case of *Re Moll and Fisher*, (1979), 23 O.R. (2d) 609:

The obvious purpose of the Act is to prohibit members of councils and local boards from engaging in the decision-making process in respect to matters in which they have a personal economic interest. The ... Act ... applies to all situations in which the member has, or is deemed to have, any direct or indirect pecuniary interest. There is no need to find corruption on his part or actual loss on the part of the council or board. So long as the member fails to honour the standard of conduct prescribed by the statute, then, regardless of his good faith or the propriety of his motive, he is in contravention of the statute....

This enactment, like all conflict-of-interest rules, is based on the moral principle, long embodied in our jurisprudence, that no man can serve two masters. It recognizes the fact that the judgment of even the most well-meaning men and women may be impaired when their personal financial interests are affected. Public office is a trust conferred by public authority for public purpose. And the Act, by its broad proscription, enjoins holders of public offices

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<sup>1</sup> Justice, Court of Appeal for Ontario. I am grateful for the assistance of Jaelyn McNamara, a Law Clerk with the Court.

within its ambit from any participation in matters in which their economic self-interest may be in conflict with their public duty. The public's confidence in its elected representatives demands no less.

Legislation of this nature must, it is clear, be construed broadly and in a manner consistent with its purpose. (p.612)

The Court concluded: "Trustees, like Caesar's wife, must be, and appear to be, beyond temptation and reproach." (p.621)

As we will see, the cases establish six propositions:

1. Elected members are held to the highest standard of conduct in their activities as board members.
2. If a member has a pecuniary or financial interest in a matter, the Court will not measure or weigh the extent or degree or amount of the interest. The mere existence of an interest, however small, is sufficient to trigger the trustee's obligations under the Act.
3. If a financial interest exists, the outcome of the vote of the board is not considered by the Court in deciding whether the Act has been breached.
4. If a financial interest exists, the member must observe the restrictions in the *MClA* on participating in discussions and in voting on the matter in which the member has an interest.
5. The standard for assessing whether the member has contravened the *MClA* is objective, not subjective. A member may personally feel no sense of conflict and may believe in his or her ability to be impartial, but that is not good enough.
6. Motive only becomes relevant in determining whether the penalty should be mitigated by the member's good faith inadvertence or error in judgment.

## 2. An Overview of the *Municipal Conflict of Interest Act*

### (a) *The Obligation*

Section 5 of the Act provides:

s.5(1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

- (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

- (b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- (c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

Two significant obligations flow from this subsection:

1. The trustee must not only disclose the existence of an interest but must also say what it is in a general sort of way. It is not enough to say that an interest exists in a matter without going further.
2. The trustee is not entitled to vote, and may not speak to anyone about the matter before, during or even after the meeting (presumably on the theory that influence may be brought to re-open the question, or retribution might be threatened).

These obligations will be discussed in more detail.

What does it mean for a trustee to “take part” apart from discussing and voting? In *Forbes v. Trask*, [1991] O.J. No. 311 (Gen. Div), the reeve declared an interest, went to the public gallery and shouted certain information challenging and repudiating the assertions of another reeve. The Court held that this was “taking part,” so that he had contravened subsection 5(1).

Sub-section 5(2) deals with private or in-camera meetings:

s.5(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

The trustee who has an interest, and therefore a conflict, must leave the private or in camera meeting because the trustee is not entitled to the private information that may be revealed at the meeting. For the purpose of the discussion of the matter, the trustee is to be treated as a member of the public and must be excluded. This would extend to the receipt of agenda materials.

Does this exclusion apply even where the meeting is considering fining a member for misconduct? Even though it seems incompatible with our notions of justice, the short answer appears to be “Yes”.

This was an issue in the controversial case of *Magder v. Ford* (2012), 112 O.R. (3d) 401, appeal allowed, 2013 ONSC 263. The Divisional Court noted that it was unfair that the councillor is prevented from speaking because the proposed penalty impacts his pecuniary interests. The Court observed, at para. 39:

Even though a member's conduct is in issue and he or she faces a potential financial sanction [levied by City Council under its Code of Conduct], s. 5(1) precludes the member from making submissions to Council, which is the ultimate decision-maker. In

the usual case, the duty of procedural fairness would require that an individual, faced with a sanction for misconduct, be given an opportunity to respond to the allegations made or the sanction to be imposed.

The Court called for legislative change, at para. 40. The Court ultimately found that Ford did not contravene s. 5(1) of the *MClA* when he voted because the financial sanction imposed by City Council was not authorized by the *City of Toronto Act* or the Code of Conduct, and was therefore a nullity.

**(b) What is a “Pecuniary Interest, Direct or Indirect”?**

A “pecuniary” interest is essentially a monetary, economic or financial interest. If the question before the board is one in which the trustee has an economic interest, then it is a pecuniary interest for purposes of the Act.

In *Mino v. D’Arcey*, (1991) 4 M.P.L.R. (2d) 26 the court adopted the following comments in an earlier unreported case:

A pecuniary interest need not be cash, but if overall wealth is increased and it can be related to cash, that suffices; avoiding losses can be as influential as making gains; the magnitude of the financial interest is irrelevant in determining if such an interest exists; and finally, the possible effect of a given matter on the member’s wealth must be looked at in addition to its certain effect.

In *Magder v. Ford*, the Divisional Court made it clear that the *Municipal Conflict of Interest Act* is not limited to situations where the municipal body has a financial interest. It was the member’s interest, not the City’s, that was relevant: “[W]here a matter involving councillor misconduct is before Council and the resolution proposed engages the councillor’s pecuniary interest because of proposed financial repercussions or sanctions, s. 5(1) of the *MClA* is engaged”: at para. 38.

The *MClA* broadens the concept of pecuniary or financial interest in two significant ways: first, in the definition of “indirect pecuniary interest.” Section 2 provides:

S.2. For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

- (a) the member or his or her nominee,
  - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
  - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a member of a body,

that has a pecuniary interest in the matter; or

(b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter.

Section 2(a) (iii) is particularly influential since it catches trustees whose spouses are teachers.

Second, the Act touches not only an individual trustee's pecuniary interest, but also the pecuniary interest of certain other people. Section 3 provides:

S.3. For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member.

The pecuniary interest of a parent, spouse, or child is deemed to be the pecuniary interest of the trustee for all purposes under the *Municipal Conflict of Interest Act*. Clearly the Act has a very broad reach, particularly when the statutory definitions of "child", "parent" and "spouse" are considered.

The *Education Quality Improvement Act 1997* (Bill 160) changed the qualifications of trustees to address the issue of conflict very directly; an employee of a district school board or school authority is not eligible to be a board member of another district school board or school authority.

### *The View of the Courts*

It may be useful to review a few cases in which Courts have considered the Act to see what approach they take. The first is *Re Moll and Fisher*. The appellants were two members of the Toronto Board of Education. They participated in the deliberations of the Board relating to the collective agreement with secondary school teachers. Their spouses were elementary school teachers employed by the Board.

The Court was invited to rely on distinctions such as the differences between elementary and secondary bargaining, the involvement of different committees, different unions, different contracts etc., but the Court refused to do so, and held:

...in view of the close relationship between secondary and elementary school teachers' contracts, any trustee voting on a secondary school contract would know that he was certainly influencing the elementary school contract next to be negotiated. It was against the public interest to allow an elected official to bargain on behalf of the public when his private economic interest was at stake. (p.609)

The Court observed, at p. 621:

The importance of the issue raised by this application is underscored by the fact that some 200 elected school trustees in Ontario, we are told, are spouses of teachers. The consequences of this type of conflict of interest should be made manifest.

The Court dismissed the argument that forcing trustees to declare an interest in collective bargaining would render their positions meaningless, noting, at p. 620: "Having regard to the wide variety of functions and responsibility within the jurisdiction of a board of education, I doubt that to be so."

The Court underlined the purpose of the Act in very clear words:

Clearly, it is inimical to the public interest that an elected official having a voice in bargaining on behalf of the public should, at the same time, be in a position to advance his private economic interest. In essence, the appellants have placed themselves on both sides of the bargaining table. Their family purse is in conflict with their duty. (p.621)

The second case is *Benn v. Lozinski* (1982), 37 O.R. (2d) 607. The respondent was a member of the Windsor Roman Catholic Separate School Board, an employee of the Board of Education for the City of Windsor, and a member of the Ontario Teachers' Federation. A proposed contract between the Board and the teachers came up for approval. The respondent, who was chair of the Board, cast the tie breaking vote on the proposed contract and did not disclose any conflict of interest under the Act.

The Court held that, as a member of the Ontario Teachers' Federation, the respondent had an indirect pecuniary interest since he was a member of a body having an interest in a contract that was reasonably likely to be affected by the decision of the local board. Justice Hollinger said:

Upon the evidence before me I find that generally a collective bargaining agreement with one class of teachers will invariably affect a subsequent agreement with another class of teachers. The agreement invariably is used as a negotiating lever likely to influence financial and other terms in collective bargaining agreements. (p.615)

He based the decision or finding on the expert evidence of a labour arbitrator, who said:

In my experience in a negotiation of a collective bargaining agreement including the statutory procedures of conciliation and mediation both management and Union representatives make comparisons between the demands being made in such negotiations and the provisions of other collective bargaining agreements in the same industry, and in particular in the same area with the purpose of supporting their respective proposals.

The results obtained by one group of employees will affect the agreement subsequently obtained by another group of employees within the same industry. When a collective bargaining agreement provides benefits to employees which are better than those provided to employees of other similar employers it is almost universally the position of such leaders that its employees must retain their leadership in that industry. (p.611)

The third case is *Re DeVita and Coburn*, (1977), 15 O.R. (2d) 769. The respondent was a member of the York County Board of Education. Her husband was a secondary school teacher employed by the Board, a fact that was well known to the Board and to the electorate. The respondent was a member of the committee that negotiated salaries with the Federation representing her husband, but she did not participate in the negotiations. She did, however, attend a meeting of the Board at which the budget including the teacher, salary component was discussed, and voted in favour of the budget without declaring her conflict of interest.

The Court said that, in the circumstances, there was no conflict of interest, but later cases have said that this decision was wrong. (See particularly *Graham and McCallion* (1982), 137 D.L.R. (3d) 432 at 445.) The result is that a trustee having a conflict of interest respecting teacher salaries may not vote on the entire budget.

It is sometimes suggested that procedurally the question of budget approval could be divided so that the trustee having a conflict can vote on those aspects of the budget that do not deal with teacher salaries, and abstain when the teacher salary component is up for approval. In *Baillargeon v. Carroll*, [2009] O.J. No. 502, 56 M.P.L.R. (4th) 161, the respondent was a trustee and former chair of the Toronto Catholic District School Board. The respondent's daughter was employed as a teacher by the Board, and the respondent voted upon and influenced a discussion regarding the budget for the upcoming year in which the final debate was over running a deficit or balancing the budget by reductions in teaching staff. The court found that participating in the approval of the whole budget did amount to a breach of the Act.

In *Moll v Fisher*, the court observed that: "Legislation of this nature must, it is clear, be construed broadly and in a manner consistent with its purpose." (p.612) The Court of Appeal noted in *Orangeville (Town) v. Dufferin (County)*, 2010 ONCA 83, at para. 30. that "[w]hat constitutes a pecuniary interest is not to be narrowly confined or limited to clear and very significant pecuniary interests." Cases such as *Van Schyndel v. Harrell*, (1991), 6 O.R. (3d) 335 (Div. Ct.), in which the courts have stated that since the Act is a penal statute any ambiguity in it must be interpreted in the manner most favourable to the individual liable to the penalty, may well be open to question.

(c) ***Procedural Requirements***

Once the member has an interest, s.5 requires the member to disclose the interest and its general nature. Section 6 adds:

s.6(1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of



the municipality or secretary of the committee or local board, as the case may be.

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public.

The reason for recording the declaration of interest in the minutes is to protect the trustee and to provide a record of the declaration.

Section 7 deals with situations where the quorum could be endangered by reason of declarations of interest. The Act creates a floating quorum. As people declare conflicts and leave, the quorum requirement decreases. Where the number of members who do not have a conflict is less than two, then the board may apply to a Judge for an Order authorizing the entire board to vote on the matter. (See *Re Township of Tuckersmith* (1986), 55 O.R. (2d) 668.)

*(d) Timing*

Section 5 is quite explicit about when the existence of an interest must be disclosed. That must happen: “prior to any consideration of the matter at the meeting”. It is important that the interest be disclosed as soon as possible. In *Graham v. McCallion*, the Court said:

In the first place she did not declare her interest as soon as practicable after the commencement of the meeting. She did not declare that interest until after the resolution had been moved, seconded and debated by all other members of council. The declaration was not made until the vote was about to be put. The fact that a conflict of interest had been declared on previous occasions or that the mayor had refused to discuss the designation of lands on earlier occasions is no answer. Her conflict of interest ought to have been declared as soon as council had Resolution 595 before it, duly moved and seconded.

As Judge Carley observed in *Re Lovekin and Rickard*, unreported, April 8, 1981, at p.27 [summarized 9 A.C.W.S. (2d) 416]:

In matters of conflict of interest no elected official is entitled to wait until the last nail in the horse’s shoe has been driven home before recognizing his pecuniary interest, declaring it and refraining from voting.

In *Tuchenhagen v. Mondoux*, 2011 ONSC 5398 (Div. Ct.), the Divisional Court upheld a decision indicating that a pecuniary interest crystallizes when the councillor became interested in buying a property to be offered by the municipality in a tax sale, and not when he eventually put the bid on it.

Does the obligation to declare an interest apply to committee meetings, or only to board meetings? The prudent view is that it applies to both.

Three cases have addressed the meaning of the phrase, "council or local board". In *Mangano v. Moscoe*, (1991) 6 M.P.L.R. (2d) 29, Farley J. held that given the penal nature of the Act, the phrase "council or local board" should be strictly construed; a reasonable interpretation is that the phrase applies only to a meeting of council and not to a lower level meeting. So construed, the meeting of a subcommittee was excluded. In *Van Schyndel v. Harrell*, (1991) 6 M.P.L.R. (2d) 25, Potts J. held that the phrase does not include a standing committee. The correctness of this approach has been questioned in later cases.

In *Jaffary v. Greaves*, [2008] O.J. No. 2300, Wood J. found, at para. 20, that the distinction between participation at a committee meeting and at a full council meeting was artificial; he found, at paras. 38 and 39, that a councillor's participation in a subcommittee constituted an attempt to influence the votes of council.

Declaring an interest at committee meetings would be the safer course for a trustee.

(e) *Some Procedural Questions*

The following section is a brief and practical synopsis of the procedural questions around a disclosure of an interest by a trustee.

- (1) What must be disclosed by a Trustee?

A Trustee must disclose any pecuniary or financial interest, direct or indirect, in any matter.

- (2) What should be the form of the disclosure?

The Trustee should disclose that he or she has an interest in a specific identifiable item. Since the existence of a pecuniary interest is a matter of fact, such an interest either exists or it does not exist, so that a disclosure of a "possible interest" or a "possible conflict of interest" is not appropriate. A Trustee should not, for example, declare "a possible conflict of interest in the Schedule of Accounts", or a "possible interest in the Property Committee Report". For reasons which will become apparent below, the disclosure should be with respect to a specific item, and should not be a general disclosure.

The following is an example of an appropriate disclosure:

Madam Chair, I wish to disclose an indirect pecuniary interest in item No. 3 of the report No. 7 of the Planning and Development Committee, because I am employed by the company with which the contract is proposed to be made.

- (3) When must the interest be disclosed?

- (a) If the Trustee is present at a meeting of the board or a committee, the Trustee must make the disclosure as soon as practicable after the meeting starts.

- (b) If the Trustee is aware, at the time that approval of the agenda is proposed, that a matter will be considered at the meeting, then the Trustee should make the declaration immediately after the agenda is approved. If the Trustee only becomes aware during the course of the meeting that a matter will be considered even though it was not on the agenda, the disclosure should be made immediately.
  - (c) If the Trustee is not present at the meeting, the Trustee must disclose the interest at the first meeting of the Board thereafter.
  - (d) If the Trustee's interest was acquired after the first meeting at which the matter arose, the Trustee must disclose the interest at the first meeting thereafter. However, if the matter has been disposed of by the Board before the interest was acquired, then there is no requirement of disclosure at least until, if ever, the matter comes up again before the Board.
- (4) What procedure should the Chair adopt where there has been disclosure?

The Chair should, upon request, divide the motion in which the matter is to be considered, so that the Trustee may discuss and vote on those items in which he or she has no interest.

- (5) If the matter comes before a meeting of a Committee and then before a meeting of the Board, is disclosure at the meeting of the Committee sufficient compliance with the Act?

The Act requires disclosure at each meeting at which the matter arises, so that separate disclosures must be made at each and every meeting. Thus, if a matter goes through a Sub-committee, a Standing Committee, the Committee of the Whole Board and finally the Board itself, the Act requires a disclosure to be made at each such meeting at which the Trustee is present; and if not present, then in at the first meeting of the board or committee thereafter.

- (6) If a matter comes before a meeting only in the context of approval and signing of minutes, must a disclosure be made?

If the minutes (regardless of whether a Committee or Board meeting) record the disclosure, then further disclosure is not required. Otherwise see question (3).

- (7) If the matter comes before a meeting of Committee of which the Trustee is not a member, must the Trustee make a declaration?

- (a) If the Trustee is present at the meeting, then disclosure is required.
- (b) If the Trustee is not present at the meeting, then disclosure should be made at the first meeting of the Board at which the issue comes up.

- (8) What must be recorded in the minutes?

The Act requires only that the disclosure itself be recorded. The minutes are evidence of the proceedings including the disclosure, so some detail is necessary.

Good minutes might read:

Trustees XYZ disclosed a direct (or indirect if that is the case) pecuniary interest in item 3 of report of Finance Committee for June 10th, 1979, and did not take part in the consideration or discussion of, or vote on any question with relation to that item.

Better minutes would record the actual substance of the disclosure, for example:

Trustee Smith declared an indirect pecuniary interest in item No. 3 of the report No. 7 of the Planning and Development Committee, because he is employed by the company with which the contract is proposed to be made.

- (9) At what place in the minutes should the disclosure be recorded?

Since minutes are a record of the proceedings of the meeting, disclosures should appear in the minutes in the sequence in which they were made. Even if there is a place on the agenda for disclosure at the outset, if a Trustee makes a disclosure later in the meeting, the minutes should so record.

*(f) Exceptions to the Obligation to Declare an Interest*

There are some exceptions to s. 5 of the *MCA*. These are set out in s. 4. One commonly applicable exception is the following:

S.4. Section 5 does not apply to a pecuniary interest in any matter that a member may have,

...

- (k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

Is the test under para. (k) subjective or objective? Is it subjective, as in: "Do I feel that I have a conflict?" Or is the test objective, as in: "Would a reasonable person think that the trustee has a conflict in these circumstances?" The test is objective.

In *Greene v. Borins* (1985), 8 O.A.C. 141 (Div. Ct.), Borins was an alderman in the City of North York. His father owned a large piece of land just outside the Yonge Street corridor which was undergoing significant redevelopment. Borins voted on a number of matters in connection with the Yonge Street corridor. One of them, for example, was whether a subway stop ought to be located within 1,000 feet of his father's land. Borins did not declare a conflict.

The Court said:

In his affidavit filed, Andrew Borins says that prior to the many votes under review, he considered the question of conflict of interest carefully, and concluded that none existed. (p.145)

The Court firmly rejected the subjective approach taken by Borins, and declared his seat to be vacant. It said:

I express some sympathy for one called upon subjectively, to make this pre-vote decision but make it he (or she) must. In the present case, Alderman Borins says that he did in fact consider the matter and concluded that no conflict existed. This was, at the same time, a recognition by him of his high duty and recognition that he was in a position where he might be said to be in conflict. He did not seek outside advice, which course he might have taken. He chose, rather, to take the risk, by not declaring his interest and refraining from voting, that a court on an objective test could find him in breach of section 5. (p.149)

The objective test was adopted in *Mino v. D'Arcey* where Carter J. for the court held that while the profit of \$300 that the councillor made might be insignificant to him, certain ratepayers in his district might not consider the amount to be insignificant and further noted that until recently, a theft over \$200 was an indictable offence.

In *Baillargeon v. Carroll*, the court found that the respondent had breached the Act, and noted at para. 77 that whether or not the respondent "intended to obtain any pecuniary benefit is not properly considered under Section 5 of the Act", and that the inquiry is an objective one.

What about situations where the member has an indirect pecuniary interest that is imputed to the member? Can the exception that the "interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member," still apply? The cases have arrived at the conclusion that the section 4 (k) exception can apply to an indirect interest.

In the case of *Whiteley v. Schnurr*, [1999] O.J. No. 2575, 4 M.P.L.R. (3d) 309 (S.C.J.) a City of Guelph councillor was alleged to have breached section 5 of the Act by failing to declare an interest in an official plan amendment application filed by the University of Guelph, which was the councillor's employer. The councillor successfully argued that, although he was deemed to have an indirect pecuniary interest as an employee of a body with a pecuniary interest, the interest was exempted by election 4(k) because it was so remote or insignificant in its nature that it could not be reasonably be regarded as likely to influence his vote. This was in part because the benefit of the amendment would not go directly to the university but to a separate trust fund. The judge set the following test, at para. 10:

Would a reasonable elector, being apprised of all the circumstances, be more likely than not to regard the interest of the councillor as likely to influence that councillor's action and decision on the question? In answering the question set out in such

test, such elector might consider whether there was any present or prospective financial benefit or detriment, financial or otherwise, that could result depending on the manner in which the member disposed of the subject matter before him or her.

In *Re Mel Lastman and the Queen in the Right of Ontario* (2000), 47 O.R. 3(d) 177, the Mayor of Toronto voted to instruct the Police Services Board to commence proceedings against the Toronto Police Association which, as it turned out, was represented by the law firm of which his son was a partner. Justice Winkler simply cited *Whiteley v. Schnurr*.

In *Lorello v. Meffe*, 2010 ONSC 1976, a municipal councillor was an employee, shareholder, officer and director of an electrical subcontracting company. He was accused of having a conflict of interest in voting on land use applications. Citing the test from *Whiteley v. Schnurr*, Penny J. found that the interest of the company was too remote for the reasonable elector to think it would have influenced the councillor's decisions.

In *Amaral v. Kennedy*, 2012 ONSC 1334 (Div. Ct.), the court overturned a finding that a Trustee had been in a conflict of interest when she voted on budget matters for the Toronto Catholic District School Board in the same set of meetings referred to in *Baillargeon v. Carroll*, where the trustee lost his seat. Both of her children were or had been teachers employed by the Board. The Trustee declared a conflict on one part of the vote specifically regarding lay-offs, but participated in another part of the vote regarding the deficit generally. The Divisional Court noted that:

[Section 3] attributes to the member any pecuniary interest of her children, but s. 4(k) requires consideration of whether a pecuniary interest of a child may nevertheless be remote or insignificant such that it cannot reasonably be regarded as likely to influence the member herself. The child's pecuniary interest is deemed to be that of the member, but that does not mean that if the interest is not remote or insignificant to the child that it cannot be remote or insignificant to the member. (para. 37)

The Court held that, while there was a conflict, it fell into the 4(k) exception and was too insignificant and remote to affect the trustee's vote. The court also emphasized the need to take into account all of the relevant circumstances in this analysis. One particularly important finding of fact appeared to be that the trustee "was there for her constituents and not her sons." The Court of Appeal later ruled that it had no jurisdiction to consider an appeal of the Divisional Court's decision: [2012] O.J. No. 3572.

In *Hazineh v. McCallion*, [2013] O.J. No. 2696, the Mayor of Mississauga's son had a financial interest in a development company, WCD. When the Peel Regional Council was voting to increase development charges, the Mayor moved to extend by a month a 'transitional period' giving developers who met certain requirements a lower rate of charges. If WCD qualified, it could save several million dollars. WCD did not ultimately meet the qualifications, and Justice Sproat held that therefore it could not be said that WCD and, by extension, the Mayor had a pecuniary interest in the transitional provisions. He went on to consider whether any exceptions or defences were applicable, and applied the *Whiteley v. Schnurr* objective test to determine that the Mayor's deemed financial interest could not reasonably have been regarded as likely to affect

her vote because, as he noted at para. 110, “the chance that WCD would qualify under the Transitional Provisions was miniscule.”

There are a couple of pertinent Alberta cases construing similar legislation. In *Guimond v. Sornberger*, [1980] A.J.N.O. 650, the Alberta Court of Appeal considered a case in which three members of council were also employees of a company that was opposed to zoning by-laws that adversely affected its interests. They voted against the re-zoning and in favour of the position advocated by their employer. The Alberta Court of Appeal focused on what they called “a conclusive presumption of bias” that an indirect pecuniary relationship creates. The Court stated:

The interests of an employee in a matter affecting his employer will, in the normal course of the relationship, be supportive of those of his employer not only by reason of his general obligations to his employer, but also by his selfish interest in maintaining and approving the relationship itself. (para. 11)

The Court later concluded:

It [the legislation] sustains the right of an elector to the even-handed, independent consideration of his elected representatives on questions before Council, unaffected by any influence that could potentially flow from a direct or indirect pecuniary interest. The only inquiry that is permitted is whether such interest exists, whatever its extent or degree. Once that is determined to exist in any degree, there can be no further inquiry: a presumption of bias is mandatory. It is irrelevant to inquire whether the councillor cast his vote for the question or against it. He may have voted favourably to his pecuniary interest or he may have "leaned over backward" and voted against it. The latter course may be acceptable morally, but it does not achieve the disinterested consideration of the question on its merits, which the elector is entitled to expect, and to receive, from his representatives, and which the statute commands. The neutrality of the councillors is not to be disturbed one way or the other by the potentials of pecuniary interest. (para. 14, emphasis added.)

The defendants also relied on the argument that the exemption for “anything in respect of which the member has a direct or indirect pecuniary interest if the member’s interest therein is one which is in common with all other, or substantial number of other, persons in the municipality”, an exemption similar to s. 4(j) of the *MCLA*. The Court held that the interests of an employee are different in their nature from the interest of all others in the community. Therefore the exemption did not apply.

The Alberta Court of Appeal also referred with approval to *Levy v. Knight*, [1975] 2 W.W.R. 621. In that case the respondent was effectively the Mayor of a town that was considering an application for permission to use water and sewage facilities for a camp that was being constructed by the applicant on behalf of the company employing the Mayor. He was disqualified on that basis because:

Notwithstanding the sincerity and impartiality of which he may have weighed the merits of the presentation made to the board by Athabasca Realty, the real likelihood of bias on his part cannot be ruled out. The respondent draws his livelihood from Great Canadian [which controlled Athabasca Realty] and it is not too remote to suspect that consciously or unconsciously he would prefer to be looked at favourably by his employer. (para. 18)

The Alberta cases conclude that an indirect pecuniary interest creates a presumption of bias. The approach helps in considering the application of the test that the Ontario cases have adopted.

### 3. The Prosecution

Under s. 8 of the Act, the question of whether or not a member has contravened s. 5 is to be determined by a Judge. The application is usually launched by an elector. The cost of the prosecution is borne by the elector, although it may be recoverable from the member who is challenged if the elector is successful. Breaching the *MCI*A is not a provincial offence to be pursued by a prosecutor at public expense. This helps explain why there are relatively few cases.

An application may be brought any time within six years of the alleged contravention, under s. 9. But any individual ratepayer must do so within six weeks after first getting knowledge of the alleged contravention. Put differently, an individual elector cannot sit on his or her knowledge for more than six weeks. This should be cold comfort to trustees, since someone having knowledge need only communicate it to an elector who did not know, and the six week period is revived. See *Re Smith and Adam* (1987), 58 O.R. (2d) 579.

#### (a) Penalty

Section 10 sets out the penalties for a breach of the *MCI*A:

s.10(1) Subject to subsection (2), where the judge determines that a member or a former member while he was a member has contravened subsection 5(1), (2) or (3), the judge,

- (a) shall, in the case of a member, declare the seat of the member vacant; and
- (b) may disqualify the member or former member from being a member during a period thereafter of not more than seven years; and
- (c) may, where the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, where such party is not readily ascertainable, to the municipality or local board of which he is a member or former member.



- (3) The authority to disqualify a member in subsection (1) does not include the right to suspend a member.

The terms of s. 10 are self-explanatory.

As noted earlier, the cost of the prosecution is borne by the elector who challenges the member, although it may be recoverable from the member if the elector is successful. This is a form of penalty. In *Baillargeon v. Carroll*, for example, the unseated trustee was obliged to pay his own legal expenses and the applicant's expenses of almost \$50,000. But this is discretionary. In *Magder v. Ford*, the Divisional Court refused to award costs to Ford: 2013 ONSC 1842. An unsuccessful applicant is usually liable to pay his for her own lawyer, and the legal costs of the successful member. Given the personal risks, it is perhaps not surprising that there are so few cases under the Act.

Section 11 provides for an appeal from an order of a judge made under section 10.

Apart from the exceptions in s. 4, the Court also has the discretion to mitigate the penalty. The saving provision is ss. 10(2) which provides:

ss.10 (2) Where the judge determines that a member or a former member while he or she was a member has contravened subsection 5(1), (2) or (3), if the judge finds that the contravention was committed through inadvertence or by reason of an error in judgment, the member is not subject to having his or her seat declared vacant and the member or former member is not subject to being disqualified as a member, as provided by subsection (1).

Courts have often found there was a contravention but saved the member from penalty by operation of subsection 10(2) on the basis of the member's "inadvertence or error in judgment." This tendency may be in response to the harshness of the penalties in the Act.

### *1. Inadvertence*

In *Benn v. Lozinski* the Court endorsed the following definition of "inadvertence":

The Shorter Oxford English Dictionary defines inadvertence as failure to observe or pay attention, inattention, an oversight. It has been defined as the opposite of deliberate action. The Canadian Law Dictionary defines it as heedlessness, lack of attention, carelessness.

The Oxford Dictionary defines *bona fide* as with good faith, genuinely. The Canadian Law Dictionary adds the following: honestly without fraud, collusion or participation in wrongdoing real, actual, genuine and not feigned. Bramwell L.J., in *R. v. Holl et al* (1881), 7 Q.B.D. 575, said: "The correct province of this phrase is, therefore to qualify things or actions that have relation to

the mind or motive of the individual.” *Maclay v. Dixon* (1943), 170 L.T. 49, defined it as “a moral conception, involving a moral duty of someone to someone. (p.616)

If the member has turned his or her mind to the question of whether a conflict exists, then the member’s subsequent conduct is not inadvertent. In *Benn v. Lozinski*, for example, the member sought a legal opinion on the issue, and for that reason the Court held that the decision was not inadvertent.

In *Begin et al. v. McInnis* (1991), 4 M.P.L.R. (2d) 315, one of a chartered accountant’s clients made an application to the village for an amendment to the official plan. The chartered accountant argued that he had consulted his professional rules of conduct and concluded that he did not have any conflict of interest. In rejecting this argument, Potts J. stated:

There is a further principle of law that deals with the concept of wilful blindness. One may not shut his eyes or decline to make reasonable inquiries, which the reasonable and prudent man would do, and thereby avoid the consequence of improper conduct. (p. 318)

In concluding, Potts J. said:

At the very least, the respondent, in not seeking legal advice, was deliberately and wilfully blind. It would be difficult to conceive of a solicitor who, having learned of the facts, would not have advised the respondent that he was in a conflict of interest.

I find that the contravention committed by the respondent was not through inadvertence or by reason of a bona fide error in judgment. (p. 319)

The concept of wilful blindness was also addressed by the Court in *Mino v. D’Arcey* in the context of determining if the respondent had a pecuniary interest. The Court found that the failure of the respondent to inspect the submitted tender documents to see if he was a listed subcontractor amounted to wilful blindness. However, the Court found that the contravention was committed through inadvertence. This decision is difficult to justify since it seems inconsistent to find that one may be inadvertent but yet wilfully blind in failing to take a course of action.

In *Magder v. Ford*, the Divisional Court discussed wilful blindness, albeit in the context of an error of judgment. The Court found that in order to take advantage of either of the saving provisions in s. 10(2), a councillor “must prove not only that he had an honest belief that the *MCLIA* did not apply; he must also show that his belief was not arbitrary, and that he has taken some reasonable steps to inquire into his legal obligations” (para. 90). This is in line with earlier decisions and places a positive obligation on the councillor to inform his or herself.

In *Hazineh v. McCallion*, Justice Sproat rejected the argument that a member with an actual or deemed financial interest in a development could vote on development charges applicable or potentially applicable to the development. He found that the Mayor’s belief that she could vote

was arbitrary within the meaning of *Magder*, as it was contrary to common sense, especially since the Mayor claimed to be well-informed on the subject of conflict of interest. The Mayor also made no inquiries to determine whether the development was at a stage that the vote could potentially affect it, which constitutes wilful blindness; the defence of inadvertence was not available. Justice Sproat stated that the Mayor's belief "[did] not pass the "smell" test" (para. 127).

In *Baillargeon v. Carroll* the court said that "[t]he defence of inadvertence applies where the breach can be linked to an oversight of fact or law that was not reckless or wilfully blind." (para. 82) (citations omitted).

## 2. *Error in Judgment*

The early cases decided in this area considered the meaning of the phrase "bona fide error in judgment." That was the wording of the provision before it was amended to remove the phrase "bona fide", in order to implement a policy of removing Latin words from legislation. The change did not affect the courts' interpretation that good faith must be shown.

In *Sheehan v. Harte* (1993), 15 M.P.L.R. (2d) 311 the Court held that the saving provision will only apply if the error in judgment was made in good faith. This requirement was restated in *Baillargeon v. Carroll*, where Kelly J. said:

In order to establish an error in judgment under Section 10(2) of the Act, it is necessary for the municipal official to have proceeded with "good faith as to that error of judgment. He or she must be honest, forthright and open, acting in complete good faith. The courts do not require perfection of conduct. However, good intentions and a complete lack of deceit and collusion are required.

Kelly J. also held that "[t]he experience of a member of council or local board is a proper consideration for the court when determining the availability of good faith error in judgment." (para. 87). See also *Sims v. Fratesi* (1996), 36 M.P.L.R. (2d) 294 and *Mino v. D'Arcey*.

The requirement of good faith was considered in *Re Graham and McCallion* (1982), 137 D.L.R. (3d) 432; 20 M.P.L.R. 91. In a debate on a proposed development program for Mississauga, Mayor McCallion chaired the meeting but did not participate in the debate. After all council members had spoken, she declared a conflict of interest, since she owned land in one neighbourhood which was being considered for development. She then spoke in favour of the resolution and voted on the motion for three districts but not on the part of the resolution dealing with the district in which her property was located. The Court found that she had contravened the Act, since she had failed to declare her conflict until after the debate, rather than at the time the resolution was moved and seconded. She also spoke on the motion and attempted to influence voting.

The Court then turned to whether there was a "bona fide error in judgment":

It is acknowledged on behalf of the applicant that the respondent's actions were free of corrupt intent. It also appears that the decision taken produced no immediate financial benefit to her. It was apparent to all present that the outcome of the vote was a foregone

conclusion. She had previously recognized her conflict of interest and had observed what was required of her by the Act. On the day in question she made some effort to comply with the Act. Given these circumstances, I accept the position taken by her counsel that in the euphoria of the adoption of a resolution supported by a majority of council and as well by most of the competing economic interests, the mayor departed from her previous cautious and correct approach to the issue. On November 2, 1981, she committed a substantial error in judgment and contravened s. 2(1), but having regard to all the circumstances, I find that her contravention was by reason of a bona fide error in judgment. As a result, by virtue of the provisions of s. 5(2), she is not subject to having her seat declared vacant. (p.445)

On appeal, the Divisional Court said, [1982] O.J. No. 3575, at para. 18:

In effect, the trial Judge has found the Mayor McCallion made an honest error in judgment and with no improper motive. Motive is not relevant on the issue of conflict of interest but in our opinion it is relevant on the issue of bona fide error in judgment. We therefore dismiss the appeal of the applicant Graham.

This approach has since been adopted by courts. For example, in *Jaffary v. Greaves*, the Court found that the respondent was in a conflict of interest because he was a director of a development company that was successful in obtaining a contract to build affordable housing. Wood J. found it appropriate to consider the respondent's motives when determining whether the conflict was made through inadvertence or error. He found that the respondent's motives "could not have been more appropriate," considering that he was building affordable housing, which the council wished to encourage, and that the council readily gave the advantage and had since given it to other developers. The respondent also took steps to familiarize himself with the *Municipal Conflict of Interest Act* and declared his conflict at each meeting he attended, and absented himself from the vote. Wood J. therefore found the violation was a result of both inadvertence and error.

In *Forbes v. Trask*, the Court held that the comments made by the reeve from the public gallery amounted to a bona fide error in judgment since the comments were made in attempt to correct statements made by a fellow reeve.

In *Magder v. Ford*, the Divisional Court clarified that wilful blindness can rule out both inadvertence and error in judgment. The Court said the following about an error in judgment stemming from an error in law, at paras. 89-90:

While he may have honestly believed his interpretation was correct, it would undermine the purposes of the *MClA* if a subjective belief about the meaning and application of the law was sufficient to excuse a contravention of s. 5(1). When an individual seeks to rely on an error of law, good faith requires that he or she make some inquiry about the meaning and application of the law, rather than rely on his or her own interpretation. Wilful blindness

to one's legal obligations cannot be a good faith error in judgment within the meaning of s. 10(2).

Accordingly, in order to obtain the benefit of the saving provision in s. 10(2), the councillor must prove not only that he had an honest belief that the *MCI* did not apply; he must also show that his belief was not arbitrary, and that he has taken some reasonable steps to inquire into his legal obligations. In our view, the application judge properly stated that it was relevant to consider the diligence of the member respecting his obligations under the *MCI* when determining the good faith of the member -- for example, his efforts to learn about his obligations and his efforts to ensure respect for them. Wilful blindness is not confined, as the appellant contends, to a consideration of inadvertence. Therefore, the appellant has demonstrated no error in law by the application judge. (paras. 89-90)

What is the role of legal advice in determining whether a member made a bona fide error in judgment? It is, in many cases, vitally important.

In *Benn v. Lozinski*, the Court commented:

The solicitor for the Roman Catholic School Board was reluctant to offer his opinion as to whether or not there was a conflict of interest in a teacher/trustee voting on the contract in question and advised the respondent to seek his own legal opinion. He was advised by his counsel that he would not be in conflict. As well he had, on several other occasions in the past, voted on similar contracts. In view of the foregoing I must find that the contravention was committed by reason of a bona fide error in judgment. (p. 616-617)

Reliance on the advice of a solicitor is acceptable. But, as noted in *Begin et al v. McInnis*, the member's failure to seek legal advice, combined with the failure to act in the manner that would have been recommended by legal advice, may lead to the conclusion that one was wilfully blind. Defiance of a legal opinion will prevent the member from claiming to have made a bona fide error in judgment. In *Re Blake and Watts* (1973), 2 O.R.(2d) 43, members of City Council debated and voted on a motion involving the remission of monies to the board of education which employed them, despite an opinion from the city solicitor that they had a conflict. The Court held:

As it appears to me, the deliberate, considered and concerted course of their conduct at the meeting negates the application of the second exemptive clause. It may be that had they acted as they did, after giving a clear-cut explanation of their position on the record, based, perhaps, on a supporting written legal opinion, or some other mode of possible validation, the sanctions of 5(1) might have been avoided.

On the facts before me, however, I must hold and declare vacant the seat on Council with each of the respondents ... (p. 53)

See also *Sommer v. Cipollone*, [1988] O.J. No. 1865:

His final error in judgment lay in relying on his memory to recall the opinion of the Town solicitor. That opinion was not binding upon the Respondent, or upon this court, and it was equivocal, however, presumably, if the solicitor's opinion had been properly recalled and acted upon, this matter would not now be before us.

In *Baillargeon v. Carroll*, the trustee was given advice by in-house counsel who said that trustees with children employed by the board were in a conflict. The board then obtained and provided two legal opinions to all of the trustees in which it was made clear that "any trustee would be in conflict of interest if they participated in any discussion or voted on any Board matters relating to or affecting teachers if their child or spouse was a teacher employed by the Board": at para. 75.

**(b) *The Validity of the Decision of the Board***

Where a resolution is passed by a board and a trustee having a conflict has voted, the decision is liable to set aside by the board itself. Section 12 of the Act provides:

s.12. The failure of any person to comply with subsection 5(1), (2) or (3) does not of itself invalidate any proceedings in respect of any such matter but the proceedings in respect of such matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing such matter unless to make void the proceedings would adversely affect the rights of any person acquired under or by virtue of the proceedings who acted in good faith and without actual notice of the failure to comply with subsection 5(1), (2) or (3).

The school board may void the decision within two years, unless some third party who acted in good faith and without notice of the contravention of the Act has since acquired rights.

**(c) *Insurance***

Section 14 permits a board to purchase a limited form of insurance to cover the legal expenses and costs of defending a claim against a trustee under the *Municipal Conflict of Interest Act*. However, the insurance is only payable in the event that the trustee successfully defends against the claim.

**4. Some Common Questions**

The following questions were asked by trustees at a previous seminar on the subject of the *Municipal Conflict of Interest Act*.

1. **Question.** Upon whom does the onus fall to declare a conflict of interest? To me, a conflict of interest is such a personal thing. It is nobody's business but mine, for me to make that decision. The onus is on me to make that decision, therefore, I won't pay any attention to someone else's view of the matter.

**Answer.** The legislation puts the onus clearly on each individual trustee to decide for himself or herself whether there is a conflict. But the other trustees and the board do have a legitimate concern because section 12 of the Act that makes the decisions of the board voidable, if a trustee casts a vote in a conflict situation. Further, if someone says to you, "you have a conflict of interest", you may well lose the ability to claim that your failure to declare an interest was inadvertent.

2. **Question.** Is there any obligation on trustees, if they feel that they are aware of a conflict involving another trustee, to do anything about it?

**Answer.** Actions under the *Municipal Conflict of Interest Act* are brought by electors and you are an elector like all of your fellow trustees. You have the ability to bring an application against one of your fellow trustees, but you are under no obligation to do anything about it.

3. **Question.** A trustee is a contractor and he enters a bid on a contract with the Board that is open for public tender. He meets with the superintendent of business and tries to persuade him that his firm is the best one for carrying out that particular contract. Is that in any way trying to influence the vote?

**Answer.** Yes. If the trustee influences staff to endorse the bid, staff may recommend that contractor. The most effective way of influencing voting may be to go to a staff person.

4. **Question.** In one of the cases the trustee in conflict is not allowed to vote on the budget. My wife is a teacher and I would obviously declare a conflict of interest on negotiations and the budget for salaries, but am I therefore no longer to vote on any of the budget?

**Answer.** This is a question on which you might wish to seek legal advice. The changing nature of collective bargaining in the education sector may affect the answer.

5. **Question.** I am a teacher in the community college system. Automatically I am a member of OPSEU. Now, there are units of OPSEU unrelated to my unit which are actually involved in negotiations with the board. Would there be any conflict in my case if I were involved in those negotiations, or if I decided that I would like to vote on the budget, because that is part of the budget?

**Answer.** This is a question on which you might wish to seek legal advice.

6. **Question.** You are a trustee in Windsor. Your daughter gets married, she moves away up around North Bay, and becomes a teacher. Are you in conflict on teacher salaries?

**Answer.** Yes, you are, for the reasons explained by the Court in *Moll v. Fisher* and *Benn v. Lozinski*.

7. **Question.** Say the trustee's spouse is an employee of the board. Would the trustee be in conflict to chair the finance committee? Would that be a difficult position to hold?

**Answer.** It would be a difficult position to hold, but you do not contravene the Act until you have a problem in front of you that has direct or indirect pecuniary effect. In one of the cases, the trustee was the chairperson of the committee negotiating with her husband's union. A board ought to be reasonably sensitive to those kinds of issues when they are appointing people to various committees. Perhaps you should not have a person with a conflict as chairmanship of the finance committee. But, putting the person there is not automatically a conflict. There has to be something a little more specific than that.

8. **Question.** What about class size?

**Answer.** Class size may give rise to a conflict since it affects teacher employment and remuneration directly.

9. **Question.** My wife is a teacher and she is going to leave to have a baby, so she wants to leave the teaching profession for good. Am I in conflict to go on negotiating for teacher salary knowing that she may come back but her intentions are not to go back?

**Answer.** If her present true intention is to resign from the teaching profession and never to return to it, then it seems to me you can probably do not have a conflict of interest.

10. **Question.** A trustee may declare an interest during negotiations. Then there is a grievance pertaining to the contract. Do those trustees who have declared an interest have the right to participate in the discussions on the grievances and/or the arbitrations?

**Answer.** The Act deals with pecuniary interests. If the grievances or arbitrations deal with the financial aspect of the contract, the conflict may persist, but, if they deal with some other aspect, e.g. teacher discipline, the Act does not prevent them from participating. You may need legal advice.

11. **Question.** My brother is a teacher on the local school board. Can I vote on teacher salaries?

**Answer.** Siblings are not caught by the Act, but children, spouses, and parents are. You may feel that you should not vote, but you are not obliged to declare an interest.

14. **Question.** I have been at board tables where I have heard trustees ask the board solicitor directly to give them an opinion as to whether or not they might be conflict, or turn to a fellow trustee who is a solicitor and seek an opinion.

**Answer.** Questions like that put the board's solicitor in a bit of difficulty, since he or she is not the trustee's solicitor. As the cases note, the solicitor's advice may cost the trustee his seat if it is ignored. However, if the answer is obvious, then most board solicitors would give it. Where the answer is not clear the board solicitor might choose not to respond.