

MINUTES OF PROCEEDINGS OF THE
ENGLISH MONTREAL SCHOOL BOARD

A Regular Board Meeting of the English Montreal School Board has taken place on Tuesday, June 30, 2020 at 4:30 p.m. in the Laurence Patterson Conference Room, 6000 Fielding Avenue, Montreal.

Chairman

Ms. M. Jennings, Trustee

Administrators Present:

Ms. A. M. Matheson, Director General
Me B. Duhême, Assistant Director General, Administration Division
Ms. E. Alfonsi, Assistant Director General, Education Division
Me N. Lauzière, Secretary General
Mr. M. Cardin, Director, Material Resources
Me M-C. Drouin, Compliance Officer, Material Resources (by phone)
Ms. S. Leveille, Director, School Organization
Ms. L. Nassivera, Director, Financial Services
Me L. Roy, Director, Legal Services
Ms. A. Watson, Director, Human Resources
Ms. B. Sellato, Consultant, Communications

1. Approval of the Agenda

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the agenda be approved with the following addition: Item # 19 Decision of Ethics Commissioner: EMSB vs. Sylvia Lo Bianco.

Adopted

Resolution #20-06-30-1

2. Question Period

Me Benoît Duhême, Assistant Director General, answered the question posed by Mr. Chris Eustace regarding QESBA.

Me Nathalie Lauzière, Secretary General, answered the question posed by Mr. Chris Eustace regarding the vote by correspondence for the Elections.

Ms. Ann Marie Matheson, Director General, answered the questions posed by Ms. Serena Caplette regarding student – teacher ratio, staffing and the three-year plan.

Ms. Jennings stated that the EMSB has shown throughout the years that their students' welfare is at the heart of decisions being made.

3.	<p><u>Adoption of Minutes</u></p> <p>3.1 <u>Regular Board Meeting Held on May 27, 2020</u></p> <p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Minutes of the Regular Board Meeting held on May 27, 2020 be approved as presented.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-06-30-3.1</u></p> <p>3.2 <u>Regular Board Meeting Held on June 10, 2020</u></p> <p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Minutes of the Regular Board Meeting held on June 10, 2020 be approved as presented.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-06-30-3.2</u></p>
4.	<p><u>Business Arising Out of Minutes</u></p> <p>There was no business arising from the meetings.</p>
5.	<p><u>Tribute to Carroll Ann Carmody</u></p> <p>WHEREAS the Board values the contribution made by its employees;</p> <p>WHEREAS the Board wishes to take official cognizance of the passing of any member of its large family of employees;</p> <p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Board note with regret the passing of Carroll Ann Carmody, Retired, Guidance Counsellor, John F. Kennedy High School and that an expression of sympathy be sent to the bereaved families.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-06-30-5</u></p>
6.	<p><u>Adoption of By-Laws</u></p> <p>6.1 <u>By-Law No. 1 (2020) – Schedule of Board / Service Centre Meetings</u></p> <p>WHEREAS in conformity with Section 162 of the Education Act, the Council of Commissioners must establish by by-law, the day, time and place of its regular meetings;</p> <p>WHEREAS by virtue of Resolution #20-04-29-6.1, provisional approval was given to Draft By-Law No. 1 (2020);</p> <p>WHEREAS in accordance with Section 392 of the Education Act, public notice of 30 days has been given;</p>

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT final approval be given to By-Law No. 1 (2020) setting the day, time and place of the regular monthly meetings of the English Montreal School Board / Service Centre for school session 2020-2021.

Adopted

Resolution #20-06-30-6.1

6.2 By-Law No. 4 (2020) – Schedule for Executive Committee Meetings

WHEREAS in conformity with Section 162 of the Education Act, the Council of Commissioners must establish by by-law, the day, time and place of its regular meetings;

WHEREAS by virtue of resolution #20-04-29-6.2, provisional approval was given to Draft By-Law No. 4 (2020);

WHEREAS in accordance with Section 392 of the Education Act, public notice of 30 days has been given;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT final approval be given to By-Law No. 4 (2020) setting the day, time and place of the Executive Committee meetings of the English Montreal School Board for school session 2020-2021.

Adopted

Resolution #20-06-30-6.2

7. Budget 2020-2021 - Operating and Debt Service, 15% Appropriated Surplus and Capital Investment Budget

WHEREAS Section 277 of the Education Act (Chapter I-13.3) stipulates that the English Montreal School Board (EMSB) shall adopt its Operating, Capital Investment, and Debt Service Budget for the 2020-2021 school year and transmit same to the Minister of Education and Higher Education;

WHEREAS the EMSB foresees the need to adopt an Operating Budget for the 2020-2021 school year where expenditures exceed revenues by \$7,757,277, and that this amount is equal to the 15% limit for the appropriation of the June 30, 2019 Accumulated Surplus, excluding the net value of land and the Operating Grant Receivable for the provision of employee future benefits;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Operating and Debt Service, 15% Appropriated Surplus and Capital Investment Budget providing for Revenues of \$368,190,231 and Expenditures of \$375,947,508 be adopted and transmitted to the Minister of Education and Higher Education, as outlined in the documentation submitted to the meeting.

Adopted

Resolution #20-06-30-7

<p>8.</p>	<p><u>Capital Investment Projects 2020-21</u></p> <p>WHEREAS the Ministère de l'Éducation et de l'Enseignement supérieur (MEES) confirmed funding for the 2020-2021 fiscal year via the following special measures:</p> <ul style="list-style-type: none"> • Measure 50621 – Maintien des bâtiments \$45,378,895 • Measure 50622 – Résorption du déficit d'entretien \$10,141,578 • Measure 50624 – Réfection et transformation des bâtiments (AMT) \$ 4,698,017 <p>WHEREAS the Material Resources Department has identified the above mentioned categories of projects to be completed with the total of \$60,218,490;</p> <p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT there be approved the list of projects submitted by the EMSB through the 2020-2021 allocations for Building Maintenance (Measures 50620) totaling \$60,218,490, as outlined in the documentation submitted to the meeting.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-06-30-8</u></p>
<p>9.</p>	<p><u>Three-Year Plan for the Allocation and Destination of Immovables 2020-2023</u></p> <p>WHEREAS the Education Act requires the Board to establish a Three-Year Plan for the allocation and utilization of its immovables on an annual basis;</p> <p>WHEREAS the said Act also requires the Board to issue a Deed of Establishment for each school and adult education and vocational training centre under its jurisdiction;</p> <p>WHEREAS by virtue of resolution #20-04-29-12 the consultation on the Proposed Three-Year Plan and List of Schools - Allocation and Destination of Immovables 2020-2023 concluded on May 29, 2020;</p> <p>WHEREAS the Three-Year Plan and List of Schools - Allocation and Destination of Immovables 2020-2023 will take effect July 1, 2020 and a Deed of Establishment for each school and centre will be issued;</p> <p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Three-Year Plan and List of Schools - Allocation and Destination of Immovables 2020-2023 be approved and the applicable Deeds of Establishment be issued accordingly.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-06-30-9</u></p>
<p>10.</p>	<p><u>Staffing Plan 2020-2021 Special Education Sector</u></p> <p>WHEREAS clause 7-3.24 of the S18-FEESP-CSN Collective Agreement states that, no later than August 20th of each fiscal year, the Board shall adopt a Staffing Plan in the Special Education Sector;</p> <p>WHEREAS the Board must submit a draft staffing plan to the Union for consultation five (5) days before it is adopted;</p> <p>WHEREAS the concerned Union was consulted;</p>

	<p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Staffing Plan for the Special Education Sector personnel for the 2020-2021 school year, be approved as per the documentation submitted at the meeting of June 30, 2020.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-06-30-10</u></p>
11.	<p><u>Real Estate Rental Rates for July 1, 2020 – June 30, 2021</u></p> <p>WHEREAS Policy BG-7 “Outside Organizations – Rental Policy and Rate Structure for Use of Board Facilities” requires an annual review of rental rates and proposes changes for the following year;</p> <p>WHEREAS rental rates were increased in 2017-2018;</p> <p>WHEREAS it was decided that rates remain the same in 2019-2020;</p> <p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the rental rates for the use of Board facilities by outside organizations for the 2020-2021 school year remain unchanged as outlined in the documentation submitted to this meeting, and be applied to all facilities of the English Montreal School Board.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-06-30-11</u></p>
12.	<p><u>Cafeteria Price List and Subsidy Structure 2020-2021</u></p> <p>WHEREAS the English Montreal School Board (EMSB) Nutrition Policy requires the board to approve the cafeteria price list and subsidy structure on an annual basis;</p> <p>WHEREAS the EMSB Nutrition Policy stipulates that the school cafeterias shall be operated in a manner so that the cost to students using these services is the lowest possible based on the criteria of quality, quantity and nutritional value;</p> <p>WHEREAS a proposed price list and subsidy structure have been submitted by School Organization/Nutrition and Food Services;</p> <p>WHEREAS the proposed price list and subsidy structure reflect a \$400,000 Campaign Against Poverty Program subsidy;</p> <p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Cafeteria Price List and Subsidy Structure for 2020-2021 be approved, as outlined in the documentation submitted to the meeting.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-06-30-12</u></p>

13. Annual Reporting of Contracts of Public Bodies 2019-20

WHEREAS in accordance with the Act Respecting Contracting by Public Bodies (“LCOP”) the Treasury Board decreed the “Directive concernant la reddition de comptes en gestion contractuelle des organismes publics (“Directive”) aimed to promote the rendering of accounts based on the accountability of chief executive officers of public bodies and the appropriate use of public funds;

WHEREAS according to the requirements outlined in the Directive, the school board is required to render an account of its contractual activities during the period from April 1, 2019 to March 31, 2020;

WHEREAS the Directive stipulates that the chief executive officer of the public body must attest, on an annual basis, to the reliability of the data and controls related to contracts by using the form provided in appendix 3 of the Directive;

WHEREAS in the case of a school board, the chief executive officer of the public body is the Council of Commissioners;

WHEREAS since November 6, 2019, the EMSB is under trusteeship and as such, its chief executive officer is Ms. Marlene Jennings, Trustee;

WHEREAS all contracting activities have been performed by the appropriate school board administrators and respecting the LCOP to the best of their judgment and abilities within the resources available;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the declaration of the executive officer of the public body attesting to the reliability of the data and management controls as appended to this resolution be adopted in accordance with the template proposed in Appendix 3 of the Directive with the necessary adaptations.

IT WAS FURTHER RESOLVED THAT the Assistant Director General be authorized to sign the declaration of the executive officer of the public body and any other document required to respect the requirements of the rendering of accounts as provided for in the Directive.

IT WAS FURTHER RESOLVED THAT all the required documents be transmitted to the Secretariat of the Treasury Board so as to respect the requirement to render account as stipulated in the Directive.

Adopted

Resolution #20-06-30-13

14. Practices in Contracts Management Questionnaire 2019-20

WHEREAS pursuant to the Directive concernant la reddition de comptes en gestion contractuelle des organismes publics, the School Board is requested by the Secrétariat du Conseil du trésor to complete and submit a questionnaire on its practices in contracts management for the period between April 1, 2019 and March 31, 2020;

WHEREAS the main purpose of the questionnaire is to ensure an oversight of contractual activities by the Secrétariat du Conseil du trésor in order to help public bodies to follow and improve their practices in contracts management;

WHEREAS the questionnaire must be approved by the Responsable de l’application des règles contractuelles (RARC) and the Chief Executive Officer of the School Board;

	<p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the questionnaire on the practices in contracts management of the School Board for the period between April 1, 2019 and March 31, 2020 be approved.</p> <p>IT WAS FURTHER RESOLVED THAT said questionnaire be sent to the Secrétariat du Conseil du trésor.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-06-30-14</u></p>
15.	<p><u>Tender SAR150-2017 – Collecto Cooperative Group Purchase for Audiovisual Equipment and Interactive Boards - Request to Extend the Contract for the Optional Year from December 1, 2019 to November 30, 2020</u></p> <p>WHEREAS Collecto carried out a public tender to purchase Interactive Digital Systems such as Smartboards, Interactive wall panels, etc. in November 2017;</p> <p>WHEREAS the contract awarded for this tender was for a period of 12 months from December 1, 2017 to November 30, 2018 with an option to renew for two additional periods of 12 months;</p> <p>WHEREAS the English Montreal School Board participated in the Collecto group purchasing for Audiovisual Equipment and Interactive Boards for the initial period of 12 months and the first optional renewal of 12 months from December 1, 2018 to November 30, 2019 under resolution #E17-10-25-7 for an amount up to \$300,000 over the period of 24 months;</p> <p>WHEREAS Education & Technology Services is requesting to participate in the second renewal period of 12 months, from December 1, 2019 to November 30, 2020 for the same estimated yearly amount up to \$150,000 for the English Montreal School Board;</p> <p>IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the English Montreal School Board participate in the group purchasing contract with Collecto for the second renewal period of 12 months, from December 1, 2019 to November 30, 2020 for the same estimated yearly amount up to \$150,000.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-06-30-15</u></p>
16.	<p><u>Remuneration Rates for Election Personnel for School Elections 2020</u></p> <p>WHEREAS Article 30 of the Act Respecting school Elections to elect certain members of the Board of Directors of English-Language School Service Centres stipulates that the School Board shall fix the tariff of remuneration and expenses of Election personnel and that said tariffs cannot exceed the tariffs fixed under said Election Act;</p> <p>IT IS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the tariffs specified in the attached Tables of rates for Election Personnel and rates for Travel and Accommodation fees provided by Elections Quebec on March 31, 2020, be paid to the Election personnel required, upon presentation of supporting documents.</p> <p>Returning Officer \$46.49/hr (+5% during the period that the administrative office of the Returning Officer is open)</p> <p>Assistant Returning Officer \$32.47/hr</p>

Assistant for the Accessibility, Electoral List, Revision, Voting, Training

\$27.92/hr

Assistant for Compilation of Results

\$23.91/hr

Revisors (x3)

\$20.55/hr

Casual Office Help

\$19.36/hr

Scrutineer

\$19.36/hr Polling Day and Advance Polling Day

Poll Secretary

\$17.42/hr Polling Day and Advance Polling Day

Primo

\$19.94/hr Polling Day and Advance Polling Day

Assistant Primo

\$16.95/hr

Chair and Members, Verification Table

\$15.68/hr

Agent Electoral List

\$15.68/hr

Any other personnel needed will be paid according to the Tables of Elections Quebec provided and in conformity with the positions listed.

Adopted

Resolution #20-06-30-16

17. Claim Psychological Harassment

WHEREAS on or about January 14, 2020, a harassment complaint under the EMSB Policy to prevent and address harassment (HR-16) was filed against an EMSB Senior Staff member and the EMSB Council;

WHEREAS on or about January 20, 2020, the EMSB Trustee, Ms. Marlene Jennings, informed the Minister of Education of the complaint;

WHEREAS on January 24, 2020, the EMSB Trustee mandated Mr. Steven Droz to investigate the allegations of the complaint;

WHEREAS the fact-finding investigation lasted from January 28, 2020, to the end of May 2020. The delay being due to the extent of the allegations, some of which dated back four (4) years ago and the COVID-19 pandemic;

WHEREAS during his investigation, Mr. Droz met with the complainant and two of the individuals identified in the complaint for more than seventy-five (75) hours and reviewed more than 200 documents in addition to the complaint and the 35 accompanying documents submitted by the complainant;

WHEREAS on June 7, 2020, Mr. Droz remitted his final report to the EMSB Trustee, rejecting the complaint of psychological harassment filed against an EMSB Senior Staff member and the EMSB Council;

WHEREAS all individuals involved and/or identified in the complaint have been informed of the result of the investigation conducted by Mr. Droz and a copy of the conclusions and recommendations was remitted to them, the whole in accordance with the EMSB Policy HR-16.

IT WAS MOVED BY THE TRUSTEE MS. M. JENNINGS, AND RESOLVED THAT the final report and its executive summary written by Mr. Steven Droz on June 7, 2020, regarding a psychological harassment against a Senior Staff member and the EMSB Council be accepted and deposited into the EMSB's records, the whole in accordance with the Act respecting access to documents held by public bodies and the protection of personal information (LRQ, c. A-21);

THAT a copy of this resolution be translated and sent to the Minister of Education.

Adopted

Resolution #20-06-30-17

18. Decision of Ethics Commissioner: Frederic Bastien vs. Council of Commissioners

WHEREAS Me Michele Meleras, an English Montreal School Board (EMSB) Ethics Commissioner, has rendered her decision on June 17, 2020, regarding the complaint case Frederic Bastien vs. Council of Commissioners filed on February 6, 2020;

WHEREAS the mandate of an Ethics Commissioner is to apply the Code of Ethics and Professional Conduct for Members of the Council of Commissioners of the EMSB (hereinafter the "Code of Ethics") and to provide for sanctions in accordance with the Education Act;

WHEREAS the Ethics Commissioner found on a balance of probabilities, that there was no contravention of the Code of Ethics and therefore no determination on a sanction;

WHEREAS the Ethics Commissioner stated that the measures taken by the School Board with regards to the Complaint received were not admissions of wrongdoing, but rather remedial, to demonstrate good faith and to defuse a tense political situation;

WHEREAS section 7.4.4 of the Code of Ethics and Professional Conduct for Members of the EMSB Council of Commissioners provides that all decisions rendered by the Ethics Commissioner are public, and shall be recorded in the minutes of the Council of Commissioners;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Board acknowledges and deposits the decision rendered on June 17, 2020 by Me Michele Meleras, Ethics Commissioner, in the case of Frederic Bastien vs. Council of Commissioners.

Adopted

Resolution #20-06-30-18

19. Decision of Ethics Commissioner: EMSB vs. Sylvia Lo Bianco

WHEREAS Me Michèle St-Onge, English Montreal School Board (EMSB) Ethics Commissioner, has rendered her decision on June 29, 2020, regarding the complaint case of EMSB vs. Sylvia Lo Bianco filed on January 31, 2019;

WHEREAS the mandate of the Ethics Commissioner is to apply the Code of Ethics and Professional Conduct for Members of the Council of Commissioners of the EMSB (hereinafter the “Code of Ethics”) and to provide for sanctions in accordance with the *Education Act*;

WHEREAS the Ethics Commissioner decided that the complaint lodged by EMSB against Ms. Sylvia Lo Bianco was well founded;

WHEREAS the Ethics Commissioner decided that Commissioner Sylvia Lo Bianco has contravened sections 5.1.2, 5.1.3 and 5.1.4 of the Code of Ethics and Professional Conduct for Members of the Council of Commissioners of the EMSB, which read:

- 5.1.2 The commissioner fulfils his office with independence, integrity and good faith in the best interests of the School Board and the population served by the School Board. He acts with prudence, diligence, honesty, loyalty and assiduity as would a reasonable and responsible person in similar circumstances.
- 5.1.3 The commissioner must avoid tarnishing the reputation of others and treat the other commissioners as well as the employees of the School Board, parent representatives, parent volunteers and the public with respect.
- 5.1.4 The commissioner must at all times adopt a style of behavior and communication that is dignified and compatible with his office in order to protect and promote the image and credibility of the School Board.

WHEREAS in her decision dated June 29, 2020, Me St-Onge imposes to Ms. Sylvia Lo Bianco the following sanctions:

- **A Withdrawal**, for two (2) weeks, of the School Board services and privileges normally given to Commissioners, for the breach to section 5.1.2 of the *Code of Ethics* concurrently.
- **A Public Reprimand**: a written reprimand be read at a public meeting of Commissioners for the breach to section 5.1.3 of the Code of Ethics.
- **A Withdrawal**, for two (2) weeks, of the School Board services and privileges normally given to Commissioners, for the breach to section 5.1.4 of the *Code of Ethics* concurrently.

WHEREAS according to section 7 of the *Code of Ethics* applicable, the decision rendered is public and recorded in the minutes of the Council of Commissioners;

IT WAS MOVED BY THE TRUSTEE, MS. M. JENNINGS, AND RESOLVED THAT the Board acknowledges and deposits the decision rendered on June 29, 2020, by Me Michèle St-Onge, Ethics Commissioner, in the case of English Montreal School Board against Sylvia Lo Bianco.

Adopted

Resolution #20-06-30-19

20.	<p><u>Report of Executive Committee Meeting Held on June 10, 2020</u></p> <ul style="list-style-type: none"> - Awarding of Contract P-1945 Our Lady of Pompei – Washroom Renovation Project - Services Provided by the Montreal Oral School for the Deaf (MOSD) to Integrated Students with Hearing Impairments of the EMSB – 2020-21
21.	<p><u>Correspondence</u></p> <ul style="list-style-type: none"> 21.1 Reopening of Elementary Schools in the EMSB 21.2 Comité de gestion de la taxe scolaire - Calendar 2020-21
22.	<p><u>Other Business</u></p> <p>There was no other business.</p>
23.	<p><u>Adjournment</u></p> <p>On a motion by the Trustee, Ms. M. Jennings, the meeting was adjourned at 5:41 p.m.</p> <p>Adopted</p> <p style="text-align: right;"><u>Resolution #20-06-30-23</u></p>
	<p>Signed in Montreal,</p> <p>_____</p> <p>Ms. Marlene Jennings, Chairman</p> <p>_____</p> <p>Me Nathalie Lauzière, Secretary General</p>