

## Municipal Legislation, 1904

### AN ACT RESPECTING BOARDS OF EDUCATION IN CERTAIN CITIES, TOWNS AND VILLAGES.

This is an Act to authorize the councils of cities having less than 100,000 inhabitants, and of towns and incorporated villages to declare by resolution passed at a meeting specially called for the purpose, the expediency of amalgamating the board of high school trustees or board of education and the board of management of technical schools, if any, and of electing a board of education in lieu thereof, as provided in the Act. The full text of the Act is as follows :

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

#### Boards of Education in Cities of Less than 100,000 Inhabitants, Towns and Villages.

1. (1) The council of any city having less than 100,000 inhabitants and the council of any town or incorporated village not included in a high school district may, on or before the first day of October in any year at a meeting specially called for the purpose, by resolution declare that it is expedient that the board of public school trustees and the board of high school trustees or board of education (in case the public and high school boards have been united) and the board of management of technical schools, if any of such city, town or incorporated village should be amalgamated and a board of education elected in lieu thereof as provided by this Act.

(2) In pursuance of the resolution passed under sub-section 1 of this section in lieu of the board of public school trustees and the board of high school trustees and the board of education (in case the public and high school boards have been united) and the board of management of technical schools, if any, theretofore elected or appointed in such city, town or village there shall be a board to be styled "The Board of Education for the City, Town or Village of....." (*naming the city, town or village*) which shall possess all the powers and perform all the duties theretofore possessed and performed by the boards of high school trustees and public school trustees or board of education (in case the public and high school boards have been united) and the board of management of technical schools of such city, town or village, and upon the organization of the said board of education all the property vested in the board of public school trustees and the board of high school trustees or board of education (in case the public and high school boards have been united) and the board of management of technical schools of such city, town or village shall become vested in the board of education and all debts, contracts and agreements for which the said respective boards were liable shall become obligations of the board of education.

#### Composition of Board.

2. The said board of education shall be composed as follows :

(1) In cities having more than 50,000 but less than 100,000 inhabitants, twelve members to be elected and two to be appointed by the separate school board of such city. In cities having less than 50,000 inhabitants, nine members to be elected and one to be appointed by the separate school board of such city. In towns and incorporated villages not included in a high school district seven members to be elected and one member to be appointed by the separate school board, if any, of such town or village.

#### Mode of Election.

(2) The members to be elected as aforesaid shall be elected by general vote of the persons qualified to vote for public school trustees in any such city, town or village and the election shall be held at the same time and place and by the same returning officer and shall be conducted in the same manner as the election of mayor; and, save as otherwise provided by this Act, all the provisions of *The Public Schools Act* respecting the election of trustees by ballot shall apply to the said election of members of the board of education, but no person shall vote more than once for members of the said board.

#### Number of Votes for Candidates.

(3) Each person qualified to vote as aforesaid shall be entitled to as many votes as there are members to be elected to the said board but may not give more than one vote to any one candidate.

#### Term of Office of Elected Members.

(4) At the first election under this Act, the full number of members of the said board shall be elected, and one-half of the members

so elected, where the number of elected members is an even number, and the next number of elected members higher than one-half when the number of elected members is an odd number who receive the highest number of votes shall continue in office for two years thereafter and until their successors have been elected under this Act, and the new board organized and the remaining members shall continue in office for one year and until their successors have been elected under this Act and the new board organized.

#### Election to Fill Places of Members Retiring.

(5) At each annual election after the first, a sufficient number of members shall be so elected for two years to fill the places of members retiring. The members retiring shall be eligible for re-election.

#### Determining Question of Retirement Where Two Members Have Equal Number of Votes.

3. In case by reason of two or more members receiving an equal number of votes at the first election, the question of the retirement of one or more of them at the end of the first year is in doubt, and in case no agreement as to which of such members shall retire is reached at the first meeting of the board, then at the next meeting the question shall be determined by lots to be cast by the secretary or secretary-treasurer in the presence of the board, and the result shall be entered upon the minutes of the board.

#### Vacancies Among Elected Members.

4. In case the office of an elected member becomes vacant from any cause, the remaining members of the board shall, at the first meeting after such vacancy occurs, elect some duly qualified person to fill such vacancy, and the person so elected shall hold his seat for the remainder of the term for which his predecessor was elected.

#### Appointment by Separate School Board.

5. (1) The appointment of a member or members to the said board by the separate school board shall be made at the first meeting of the separate school board in the year in which the first election of members is held under this Act and at its first meeting in every second year thereafter.

#### Term of Office of Appointed Member.

(2) Any member so appointed shall hold office for two years and until his successor is appointed and shall be eligible for re-appointment.

#### Member of Separate School Board Not Eligible.

6. No member of the separate school board shall be eligible for appointment or election as a member of the said board.

#### Vacancy in Representation of Separate School Board.

7. In case any person appointed to the said board of education by the separate school board shall die, resign or remove from the municipality or vacate his office before the expiration of the term for which he is appointed, the vacancy so caused shall be filled forthwith by the separate school board, and the person appointed to fill such vacancy shall hold office for the unexpired term of the person whose place became vacant as aforesaid.

#### First Meeting of Board.

8. The first meeting of the said board of education in each year shall be held at the hour of eight o'clock in the afternoon of the Thursday after the first Monday in January at the usual place of meeting of the former public school board.

#### Chairman, Secretary, Treasurer.

9. (1) At the first meeting of the said board in every year the members of the board shall elect a chairman, and at the first meeting held after the passing of this Act the board shall also elect a secretary and treasurer or a secretary-treasurer who shall hold office until removed by the board.

#### Secretary to Preside at First Meeting Until Chairman Elected.

(2) The secretary or secretary-treasurer for the previous year shall preside at the first meeting of the board until the chairman is elected, or if there be no secretary or secretary-treasurer then such member of the board shall preside as may be appointed for that purpose.

#### Quorum.

10. A majority of the members of the board shall form a quorum.

#### Equality of Votes in the Election of Chairman.

11. (1) In case of an equality of votes at the election of chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member of the board.