

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF EDUCATION

*School Act*

Ministerial Order No. M171

WHEREAS pursuant to section 167 of the *Local Government Act*, which pursuant to section 45 of the *School Act* applies in respect of trustee elections conducted under the *School Act*, if the Minister of Education considers that special circumstances exist regarding an election, the minister may make any order the minister considers appropriate to achieve the purposes of Part 3 [*Electors and Elections*] of the *Local Government Act* as it applies in respect of trustee elections conducted under the *School Act*;

AND WHEREAS the Board of Education of School District No. 78 (Fraser-Cascade) is required under section 36 of the *School Act* to hold a by-election to fill a vacancy which occurred on May 4, 2020 (the “by-election”);

AND WHEREAS on March 11, 2020 the World Health Organization declared the spread of the coronavirus communicable disease (“COVID-19”) to be a pandemic;

AND WHEREAS on March 16, 2020 the British Columbia Provincial Health Officer issued an order prohibiting gatherings in excess of 50 people due to the COVID-19 pandemic;

AND WHEREAS on March 18, 2020 the Minister of Public Safety and Solicitor General declared that a state of emergency exists throughout the whole of the Province of British Columbia;

AND WHEREAS the Lieutenant-Governor-in-Council has, by order, extended the state of emergency;

AND WHEREAS, I, Rob Fleming, Minister of Education, believe that the COVID-19 pandemic constitutes a “special circumstance” for the purposes of section 167 of the *Local Government Act*, and that in order to achieve the purposes of Part 3 [*Electors and Elections*] of that Act, as it applies in respect of trustee elections conducted under the *School Act*, it is necessary to cancel the by-election;

NOW THEREFORE I HEREBY ORDER, that as an exception to section 36 of the *School Act*, and pursuant to section 167 of the *Local Government Act* and to section 45 of the *School Act*, the by-election to fill a vacancy on the Board of Education of School District No. 78 (Fraser-Cascade) is cancelled.

\_\_\_\_\_  
Date                      May 26, 2020

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*Rob Fleming*  
Minister of Education

(This part is for administrative purposes only and is not part of the Order.)

**Authority under which Order is made:**

Act and section: School Act, sections 36, 45; Local Government Act, section 167

Other: \_\_\_\_\_