

SCHOOL DISTRICT NO. 53 (Okanagan Similkameen)

Procedural Bylaw No. 21

Reviewed: Oct 10, 2012

Adopted: March 13, 2013

Revised: Dec 11, 2013

A bylaw to establish procedures regarding the conduct of meetings, pursuant to S.67 of the *School Act*.

1. Inaugural Meetings

- 1.1 After the general local election of trustees, the secretary-treasurer for the school district shall convene a first meeting of the board as soon as possible and, in any event, within 30 days from the date that the new board begins its term of office
- 1.2 The secretary-treasurer shall announce the results of trustee elections and confirm that all trustees have taken the oath of office as required by the *School Act*, or shall administer, or cause to be administered, the oath of office to trustees present who have not taken it.
- 1.3 The secretary-treasurer shall call for nominations for board chair (seconding is not necessary) and conduct a vote by secret ballot in which that person receiving a clear majority shall be elected board chair for the ensuing year. If no person receives a clear majority, further ballots shall be decided by drawing of lots.
- 1.4 The chair, so elected, shall assume the chair for the remainder of the meeting.
- 1.5 Unless otherwise determined by the board at its inaugural meeting, the board shall proceed to elect a vice-chair in the same manner as the election of the chair.
- 1.6 The board shall proceed to elect a vice chair, BCSTA Council representative and alternative and BCPSEA representative and alternative, in the same manner as the election of the chair.
- 1.7 Following the elections, the order of business shall include passage of banking resolutions and appointment of signing officers.

2. Regular Meetings

- 2.1 A regular meeting shall be held once a month during the months September through June, normally on the fourth Wednesday of each month. In any case a meeting shall be held not less than once in every three months. Additional meetings shall be held as the board may decide.

- 2.2 A quorum of the board is a majority of the trustees holding office at the time of the meeting.
- 2.3 At the appointed time for commencement of a meeting the chair shall ascertain that a quorum is present before proceeding to the business of the meeting. If a quorum has not been made within one-half hour after the appointed time the meeting shall stand adjourned until the next regular meeting date or until another meeting shall have been called in accordance with this bylaw.
- 2.4 Trustees may be allowed to participate in or attend a meeting of the board by telephone or other means of communication if all trustees and other persons participating in or attending the meeting are able to communicate with each other.
- 2.5 If a trustee participates in or attends a meeting of the board by telephone or other means of communication (as provided above), the trustee is to be counted for the purposes of determining a quorum and voting.
- 2.6 After a meeting has commenced, if notice is drawn to a lack of quorum, the presiding officer shall ascertain whether there is a lack of quorum and, if so found, adjourn the meeting to the next regular meeting date or to another meeting called in accordance with this bylaw.
- 2.7 The agenda will be set by the agenda review committee which consists of the board chair and vice chair, superintendent, secretary-treasurer and assistant superintendent. Written notice of each meeting, together with the proposed agenda, must be given at least 24 hours in advance to each trustee. Non-receipt by a trustee shall not void the proceedings.
- 2.8 The order of business at all regular meeting shall be:
- a) call to order
 - b) adopt agenda
 - c) adopt minutes
 - d) report from in-camera meetings
 - e) public forum
 - f) report from administration
 - g) committee reports
 - h) new business
 - i) correspondence
 - j) question period
 - k) adjournment
- 2.9 An addition to the agenda or a change to the order of business may be proposed by any trustee and shall require a majority vote, without debate.
- 2.10 Minutes of the proceedings of all meeting shall be legibly recorded in a minute book, certified as correct by the secretary-treasurer or other employee designated by the board under section 72 of the *School Act*, and signed by the chair or other member presiding at the meeting or at the next meeting at which the minutes are adopted.

- 2.11 Except for minutes of a meeting or portion of a meeting from which persons other than trustees or officers of the board, or both, were excluded, the minutes shall be open for inspection at all reasonable times by any person, who may make copies and extracts on payment of a fee set by the board.
- 2.12 All meetings shall stand adjourned at two and one-half hours after their commencement unless a resolution is passed by a two-thirds majority to extend the hour of adjournment.
- 2.13 Meetings of the board shall be open to the public unless, in the opinion of the board, the public interest requires that persons other than trustees be excluded.
- 2.14 The secretary-treasurer, or another employee designated by the board if the secretary-treasurer is unable to attend the meeting or if the meeting concerns the work performance or employment of the secretary-treasurer, must be present at the time a decision of the board is rendered and must record any decision.
- 2.15 The chair or other member presiding at a meeting may expel from the meeting a person, other than a trustee, that the chair, or other member presiding at the meeting, considers guilty of improper conduct. A majority of the trustees present at a meeting of the board may expel a trustee from the meeting for improper conduct.

3. Petitions and Delegations

- 3.1 Petitions and requests for delegations must be received in writing by the secretary-treasurer prior to the release of the agenda.
- 3.2 They must designate who the speaker or speakers are to be.
- 3.3 They must have a definite time limit placed on them.
- 3.4 The board's decision on the course of action to be followed will usually be delayed to a subsequent board meeting.

4. Special Meetings

- 4.1 A special meeting of the board may be called by the chair or, upon written request by a majority of the trustees, shall be called by the secretary-treasurer. No business other than that for which the meeting was called shall be conducted at the meeting.
- 4.2 Written notice of a special meeting and an agenda shall be given to each trustee at least 24 hours in advance of the meeting. Provision of a written notice and the agenda may be

waived by a majority vote, provided all reasonable steps have been taken to notify all trustees of the meeting.

5. Emergent Meetings

- 5.1 An emergent meeting of the board may be called by the chair or, upon written request by a majority of the trustees, may be called by the secretary-treasurer. No business other than that for which the meeting was called shall be conducted at the meeting.
- 5.2 Written notice of an emergent meeting and an agenda shall be given to each trustee in advance of the meeting. Delivery of a written notice and the agenda may be waived by a majority vote, provided all reasonable steps have been taken to notify all trustees of this meeting.
- 5.3 It shall be the board's decision who shall or shall not be permitted to attend the emergent meeting, depending on the matter or matters under discussion.

6. Closed Meetings and In Camera Sessions

- 6.1 If, in the opinion of the board, the public interest so requires, persons other than trustees may be excluded from a meeting or from part of a meeting. The secretary-treasurer or other employee designated under section 72 of the *School Act*, must be present at the time that a decision of the board is rendered and must record any decision.
- 6.2 Closed meetings of the board shall normally be held on the fourth Wednesday of the month, prior to the regular meeting of the board. Only matters of a confidential nature shall be discussed at closed meets, at which the following motion shall be passed: "It is the opinion of the board, the public interest so requires that those persons other than the members and officers of the board be excluded from the meeting."
- 6.3 No trustee shall disclose to the public the proceedings of a closed meeting or in camera session unless a resolution has been passed at the closed meeting to allow such disclosure, except such as might be necessary to enforce the conflict of interest provisions of the *School Act*.
- 6.4 Minutes of a closed meeting shall be recorded in the same manner as a regular meeting, but shall be approved only by the board in closed meeting and shall not be filed with the minutes of regular meetings.
- 6.5 The secretary-treasurer shall, on behalf of the board, prepare a record containing a general statement as to the nature of the matters discussed and to the general nature of the decisions reached at a meeting from which persons, other than trustees or officers of the board or both were excluded, and the record shall be presented at the next meeting of the board and shall be open for inspection at all reasonable times by any person, who may make copies and extracts on payment of a fee set by the board.

6.6 All matters coming before the board shall be considered at public sessions except the following:

I. Personnel Matters

- i. salary claims and negotiations
- ii. efficiency, discipline or retirement of employees
- iii. employee promotion or termination
- iv. personal information about identifiable individuals
- v. collective bargaining, labour relations and other employee relations
- vi. recommendations or plans relating to the management of personnel or administration

II. Legal Matters

- i. accident Claims
- ii. legal actions brought by or against the board
- iii. legal opinions respecting any matters which are to be considered in private session
- iv. litigation or potential litigation affecting the school board
- v. receipt of legal advice including communications necessary for that purpose
- vi. law enforcement

III. Student Matters

- i. indigent students
- ii. student discipline including medical matters, student discipline and student or parent appeals, if the matter involves personal information about identifiable individuals or families

IV. Property Matters

- i. negotiations regarding purchase, lease or sale of property
- ii. future site planning and designation
- iii. investigations regarding possible school closures
- iv. the security of the property of the school board
- v. the acquisition, disposition or expropriation of land or improvements, including negotiations
- vi. future site planning and designation
- vii. investigations regarding possible school closures, prior to commencement of public consultation process

V. Medical matters respecting individual students or employees

VI. Other matters that a board committee considers appropriate for initial discussion in-camera.

VII. Confidential Board Matters

- i. information that is provided by a third party in confidence
- i. negotiations and discussions related to a proposed agreement
- ii. the consideration of whether a board meeting should be closed or whether an item should be considered in public or in closed session or whether persons other than trustees should be excluded from a meeting or a portion of a meeting
- iii. a matter that is being investigated under the *Ombudsman Act* of which the school board has been notified under the Act
- iv. a matter that, under another enactment, is such that the public must be excluded from the meeting; or that involves information that would be prohibited from public disclosure under the provisions of the Freedom of Information and Protection of Privacy Act
- v. trustee informational, orientation and discussion sessions, at which no formal decisions will be taken
- vi. discussions with school board officers and employees respecting objectives, measures and progress reports for the purposes of preparing an annual report or accountability contract, not involving formal decision-making

6.7 The order of business at all closed sessions and the requirements for changes to the agenda shall be the same as for regular meetings, unless varied by a majority vote.

6.8 Notwithstanding any rule limiting reconsideration of the agenda, a trustee may make a motion to move a matter from the agenda of a closed meeting or session to the agenda of the open meeting, or the reverse. The motion requires a seconder, is debatable, and requires a majority to pass.

7. Chair and Presiding Officers

7.1 A chair and vice-chair shall be elected at the first meeting of the board in December according to the procedure outlined in paragraph 1.3.

7.2 The chair of the board shall preside at meetings of the board and generally fulfill the duties usually performed by a chair.

7.3 The chair may vacate the chair to enter debate or propose or second a motion. If this occurs, the vice-chair, if present, or another member appointed by the chair shall preside.

7.4 If the chair is absent or unable to act, the vice-chair shall preside at meetings of the board. If the vice-chair is absent or unable to act the members present shall elect one of their number to preside at the meeting.

7.5 The chair shall have the same right of voting as the other members of the board.

- 7.6 All questions shall be decided by a majority of the votes but in the case of an equality of votes for and against the motion, the question is resolved in the negative and the chair so declares.
- 7.7 A majority of the board may elect a new chair or vice-chair at any time.
- 7.8 The chair shall act as the spokesperson for the board to the media, community and schools.

8. Rules of Order

- 8.1 The current edition of Robert's Rules of Order shall govern points of order and procedures not provided for in the *School Act* or in this bylaw. Where there is an inconsistency between the *School Act* and this bylaw, the *School Act* shall apply.
- 8.2 The board may adopt a procedural rule for one or more meetings by resolution approved by two-thirds of the trustees present at the meeting. A rule, other than the requirement for notice of meetings, may be suspended by unanimous consent of the trustees present.
- 8.3 The rules contained in this bylaw may be amended by bylaw only, at a meeting of which notice of intention to propose the amendment has been given at the previous meeting and in the notice of the meeting.
- 8.4 The chair's ruling on a point of order shall be based on rules of order as stated in paragraph 6.1. The ruling shall be subject to an appeal to the board if requested by a trustee immediately after the ruling and before resumption of business.
- 8.5 An appeal of a ruling of the chair shall be decided without debate by a majority vote of the trustees present. A successful appeal does not necessarily set a precedent.
- 8.6 A copy of the board's procedural bylaw shall be available for inspection at all reasonable times by a person.
- 8.7 Each member of the board shall be confined to the question under debate and shall avoid personalities.
- 8.8 Any member may require the question or motion under discussion to be read at any time during the debate but not in such a manner as to interrupt a member while speaking.
- 8.9 A person from the general public may attend a regular board meeting and may be permitted to address the Board or to ask a question of the Board, provided always that the matter is pertinent to Board business.

9. Bylaws and Resolutions

9.1 Unless expressly required to be exercised by bylaw, all powers of the board may be exercised by bylaw or by resolution. Resolutions shall have only one reading except for Policy Resolutions, which shall require two readings.

9.2 The following matters shall be dealt with only by bylaw:

- a) adoption of the budget
- b) a capital bylaw
- c) the acquisition or disposal of property
- d) ordinary rules of procedure of the board and rules relative to the organization of meetings or the board
- e) amendments to bylaws
- f) where required by the *School Act*

10 Procedure on Bylaws

10.1 Written notice of intention to propose a bylaw shall be given at the meeting prior to first reading and in the notice of the meeting where the bylaw is to be proposed. Provision of notice may be waived by a majority vote except for bylaws referred to in paragraph 7.2(d) including amendments thereto.

10.2 Every bylaw shall be dealt with in the following stages:

- a) First reading: no debate or amendment
- b) Second reading: discussion of the principle of the bylaw
- c) Third reading: detailed consideration and final decision

10.3 When a bylaw has been amended during detailed consideration, it shall be reprinted as amended and shall not be finally approved, except by a two-thirds vote, until the amended version has been distributed.

10.4 Subject to 8.5, at each of the three readings of a bylaw, the bylaw must be read in full.

10.5 A reading of a bylaw may, if a written or printed copy of a bylaw is in the possession of each trustee and is available to each member of the public in attendance at the meeting at which the bylaw is to be read, consist of a description of the bylaw by its title and a summary of its contents.

10.6 The board shall not give a bylaw more than two readings at any one meeting unless the members of the board who are present at the meeting unanimously agree to give the bylaw all three readings at that meeting.

10.7 The secretary-treasurer shall certify on a copy of each approved bylaw the readings and the dates thereof.

10.8 A bylaw may be withdrawn at any stage with unanimous consent of the board.

11. Motions

11.1 A motion, when introduced, brings business before the meeting for possible action. A motion should be worded in a concise, unambiguous and complete form and, if lengthy or complex, should be submitted in writing.

11.2 The chair may divide a motion containing more than one subject, and it shall be voted on in the form in which it is divided.

11.3 All motions shall be seconded except in committee.

11.4 An amendment is a motion to modify the wording of a pending motion. An amendment must be germane, i.e. closely related to or having a bearing on the subject of the motion to be amended. A motion can be amended more than once; however, there can be only one amendment on the floor at a time, and it shall be dealt with before another amendment is presented or the motion is decided. An amendment to an amendment must be germane to the first amendment and cannot be amended.

11.5 A motion to reconsider a decision can be made the day on which the original motion was voted upon, only by a member who voted on the prevailing side. It may be seconded by any member. It is debatable if the motion proposed to be reconsidered is debatable and the debate can be on the merits of the original question. No question can be reconsidered twice.

11.6 Motions to rescind or to amend something previously adopted will be considered only if notice has been given at the previous meeting or in the call for the present meeting, and if no action has been taken which it is too late to undo. Such motions are debatable and debate can go into the merits of the original question. There is no time limit for these motions and they can be moved by any member.

11.7 Motions to rescind or to amend something previously adopted for which notice has been given require a majority vote to pass. However, if the original motion required a two-thirds vote or a vote of the majority of the board, the same vote is required on a motion to amend or rescind.

11.8 A motion that has been defeated at a previous meeting can be moved again at a subsequent meeting only if proper notice is given in the call of the meeting.

12. Debate

12.1 Debate shall be strictly relevant to the question before the meeting. The chair shall warn speakers who violate this rule or who persist in tedious or repetitious debate.

- 12.2 Speakers shall be recognized by the chair and shall address all remarks to the chair.
- 12.3 Each trustee has the right to speak twice on the same question on the same day but may not make a second speech so long as any trustee who has not spoken on that question desires to speak. No trustee shall speak for more than three minutes at one time.
- 12.4 A matter of privilege (dealing with the rights or interests of the board as a whole or of a trustee personally) may be raised at any time and shall be dealt with forthwith before resumption of business.
- 12.5 No trustee shall interrupt another trustee who has the floor except to raise a point of order, a point of privilege or to disclose a conflict of interest.

13. Voting

- 13.1 It is expected that all trustees present at a meeting will vote on each issue. However, a trustee has a right not to vote on any question. If a trustee has a conflict of interest, the trustee must not vote and such an abstention shall be recorded. If a trustee wishes to abstain for any other reason or to have a negative vote recorded, he or she must so request before or immediately after the vote is taken.
- 13.2 Voting shall be by show of hands.
- 13.3 All questions shall be decided by a majority of the votes of the trustees present and voting unless otherwise provided by the School Act.

14. Conflict of Interest

- 14.1 If a trustee has any pecuniary interest in any matter and is present at a meeting of the board at which the matter is considered, the trustee:
 - a) must at the meeting disclose his or her pecuniary interest and the general nature of the pecuniary interest;
 - b) must not take part in the discussion of or vote on any question in respect of the matter; and
 - c) must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect of the matter.
- 14.2 If the meeting is not open to the public, in addition to complying with these requirements the trustee shall immediately leave the meeting or the part of the meeting during which the matter is under consideration.
- 14.3 If the pecuniary interest of a trustee is not disclosed as required above by reason of the trustee's absence from the meeting, the trustee must disclose the pecuniary interest and

otherwise comply with the requirement at the first meeting of the board attended by the trustee after the meeting referred to above.

- 14.4 “Pecuniary interest” means, with respect to a trustee, an interest in a matter that could monetarily affect the trustee and includes an indirect pecuniary interest referred to in section 76 of the *School Act*.
- 14.5 The pecuniary interest of a spouse or of a parent or child of the trustee shall, if known to the trustee, be deemed to be also a pecuniary interest of the trustee.
- 14.6 A trustee has an indirect pecuniary interest in any matter in which the school board is concerned if the trustee or the trustee’s nominee:
- i. is a shareholder in or a director or senior officer of a corporation that does not offer its securities to the public; or
 - ii. has a controlling interest in or is a director or senior officer of a corporation that offers its securities to the public, and the corporation has a pecuniary interest in the matter; or
 - iii. is a shareholder in or a director or senior officer of a corporation that does not offer its securities to the public; or
 - iv. is a partner of a person, is a member of a firm or is in the employment of a person or firm that has a pecuniary interest in the matter.
- 14.7 If a meeting is opening to the public, every disclosure of pecuniary interest and the general nature of it shall be recorded in the minutes of the meeting. If a meeting is not open to the public, the fact that a disclosure of pecuniary interest was made, but not the general nature of that interest, shall be reported to and recorded in the minutes of the next meeting that is open to the public.

15. Board Committee

- 15.1 The board’s committee structure shall be determined by the board, in consultation with other trustees and executive officers, and shall be announced at the first regular meeting of the year.
- 15.2 The chair shall appoint the members to, and designate the chair of, each standing committee at the first regular meeting of each year or as soon thereafter as possible. The chair may fill vacancies as they occur on any standing committee.
- 15.3 Trustees may attend meetings of any committee of the board and may be allowed to take part in any discussion or debate by permission of a majority of the committee, but may not vote.
- 15.4 The chair of a committee may make motions and speak to any question during committee meetings without leaving the chair.

- 15.5 The rules applying to regular or special meetings of the board shall be observed in committee of the whole and in standing committees so far as they are applicable and not altered by the provisions of this bylaw.
- 15.6 Recommendations in committee need not be seconded and members are not limited as to the times of speaking. Speeches in committee of the whole must be strictly relevant to the item or clause under consideration.
- 15.7 Committees of trustees or individual trustees may not exercise the rights, duties and powers of the board.
- 15.8 On completion of deliberations, a committee shall report its findings to the board and such report cannot be acted upon unless approved by the board.

This bylaw may be cited as School District No. 53 (Okanagan Similkameen) Procedural Bylaw No. 21.

Read a first time the ____ day of _____ 20__.

Read a second time the ____ day of _____ 20__.

Read a third time the ____ day of _____ 20__.

Chair, Board of Education

Secretary-Treasurer