



By Law No. 335-15
Approved: November 3, 2015
Former By-Law No. 326-13
Approved September 2013

BOARD OF TRUSTEES OPERATIONAL BY-LAW NO. 335/15

BEING a By-Law to rescind By-Law #326/13, a By-Law to regulate the proceedings of the Board of Trustees of the Sunrise School Division and the Committees thereof.

SECTION 1

PROCEEDINGS AT THE FIRST MEETING OF THE BOARD

1. The first meeting of the Board following the regular election of the Trustees shall take place within 14 days after the election, and on a day and at an hour to be fixed by the Secretary-Treasurer of the Division who shall notify each Trustee of the date, time and place of the meeting. PSA29(1)
2.
 - i) At the first meeting following a regular election, the Trustees present shall elect from among themselves a Chair and Vice-Chair for the ensuing year and the Secretary-Treasurer of the Board shall preside at the election, or, if there is no Secretary-Treasurer present, the Trustees shall select one of themselves to preside at the election and the member selected to preside may vote on the election. PSA29(2)
 - ii) At the first meeting in September in a non-election year, the Trustees present shall elect from among themselves a Chair and Vice Chair for the ensuing year and the Secretary-Treasurer of the Board shall preside at the election, or, if there is no Secretary-Treasurer present, the Trustees shall select one of themselves to preside at the election and the member selected to preside may vote on the election. PSA29(2)(b)

In the event of a tie vote in the selecting of a Chair or Vice-Chair, the School Board shall determine by lot who shall cast the deciding ballot. The actual tie-vote breaking procedure for selecting a Chair, Vice-Chair, Committee Chair or Committee members will be as follows: prior to a vote, ballots will be folded and placed in a box. Trustees will draw a ballot out of the box and complete it. One of the ballots will have been pre-marked. In the event of a tie vote, this pre-marked ballot will be used to determine the result of the election.

3.
 - i) At the first meeting following a regular election, the Trustees present shall elect such Committees as set forth in Policy BDE formerly known Governance Process Policy GP-8 – Board Committee Structure.
 - ii) At the first meeting in September in a non-election year, the Trustees present shall elect such Committees as set forth in Policy BDE Board Committees.

SECTION II MEETINGS OF THE BOARD

1. Regular meetings of the Board shall be held on the First and Third **Tuesday** of each month at 7:00 p.m. and the Incamera meetings at 6:00 p.m. unless otherwise ordered by resolution of the Board (with the exception of August and December where there will be one (1) meeting and no meetings during the month of July).
2. All Board meetings will take place at the Sunrise Education Center in the boardroom, unless otherwise ordered by resolution of the Board.
3. The Chair shall preside at the meetings of the School Board and may vote with the other members on all questions and any question on which there is an equality of votes shall be deemed to be negative. PSA31
4. In the absence of the Chair, the Vice-Chair shall preside and while so presiding he/she has all the powers of the Chair. PSA32
5. If the Chair and Vice-Chair are absent, a Chair shall be appointed by the members present, who shall preside at said meeting, or until the arrival of the Chair or Vice-Chair and while so presiding he/she may vote with the other members on all questions.
6. Corporate Acts must be done at Trustees' Meetings. An Act or proceeding of a School Board that is not done or taken at a Regular or Special Meeting of the School Board is not valid or binding on any person affected thereby. PSA35
7. The Board shall not remain in session later than nine thirty p.m., unless it is otherwise determined by a majority vote of members present.
8. Notice of all School Board Meetings, Regular and Special, shall be given by the Secretary-Treasurer to all Trustees so that the notice will be received at every Trustee's designated address at least 24 hours before the meeting, by notifying each of them personally, electronically, stating the place, date and hour of the meeting. PSA30(2)
9. Special Meetings of the Board may be called by the Chair at any time, and it shall be the duty of the Chair and also of the Secretary- Treasurer to convene a Special Meeting whenever requested to do so, by at least a quorum of the Board. The written notice of every special meeting shall include all business to be considered or transacted thereat, and no other business shall be considered unless all members of the Board are present and agree.
10. The School Board may hold a meeting at any time and any place to deal with an emergency situation if all the Trustees consent thereto and are present thereat. PSA30(1)

SECTION III
BOARD MEETINGS
AGENDA, PREPARATION & DISSEMINATION

Agendas

1. The Chair/Vice-Chair shall prepare the proposed Regular and Incamera agenda with the agenda planning committee.
2. Any Trustee may request of the Chair an item to be placed on the Regular and Incamera agenda and will provide a written copy of the details on a *Trustee Agenda Form* (Operational By-Law – Appendix B) no later than noon (12:00 p.m.) on **Monday** following the last scheduled Board meeting. The *Trustee Agenda Form* is to be sent in by email to Corporate Services Executive Assistant.
3. The Agenda packages for Regular Board Meeting and the Incamera Board Meeting will be available and published by the Corporate Services Executive Assistant using the Electronic School Board Platform 24 hours prior to the meeting.

Incamera Agendas

1. The Vice-Chair of the Board chairs the Incamera Meetings.
2. The timeline of the meeting will be dependent upon the number and the nature of the agenda items.
3. Notice of all Incamera School Board Meetings shall be given by the Secretary-Treasurer to all Trustees so that notice will be received at every Trustee's designated address at least 24 hours before the meeting, by notifying each of them personally or in writing electronically, stating the place, date and hour of the meeting.
4. The only subjects to be routinely discussed during Incamera Meetings will be confidential items, negotiations, personnel matters, land acquisitions, security and discipline.

In-camera sessions of the Board are strictly confidential and information discussed in these sessions must not be made public other than by the consent and/or direction of the Board as a corporate body.

5. All Incamera handouts will be returned to the Executive Assistant and destroyed and destroyed at adjournment of the Board meeting.

SECTION IV

BOARD MEETINGS - PROCEDURES

Quorum For Regular And Incamera Meetings

1. The quorum of the Board shall be a majority of the members of the Board.
2. Unless there shall be a quorum present within one-half hour (1/2) after the start time for a meeting of the Board, the Board shall stand adjourned until the next Regular Board Meeting, Incamera Board Meeting or until a Special Board Meeting may be called. The Chair shall take down the names of the members present at the expiration of the said half-hour.

General Regulations re Regular Board Meetings

1. Each and every Trustee member of the Board has the right to speak and to vote.
2. The first person recognized by the Chair as desiring to speak has the right to the floor.
3. No Trustee shall be interrupted while speaking, unless he/she is out of order, or on point of privilege or for clarification.
4. Trustees shall not speak to the question or in reply for longer than 3 minutes without leave of the Chair.
5. When any matter is before the Board, the consideration of same cannot be interrupted except on a motion, to adjourn, table, postpone, refer or amend. Exceptions to rules within the jurisdiction of the Board can be made by unanimous consent of the members present.

Motions

1. It is the intent of the Board to use the Electronic School Board to conduct Board Business.
2. To begin a motion, "I move that" is the correct phrase to use.
3. A motion made must be seconded for a motion to be considered and then repeated distinctly and read aloud before it is debated. Every motion shall be displayed on the Electronic School Board. Following debate the vote is called.

4. Any Trustee who has made the motion shall have the liberty to withdraw it, with the consent of his seconder, and prior to the question.
5. An amendment may be moved on any motion, and shall be decided before the original motion; but no more than one amendment to an amendment shall be entertained. An amendment can only modify the motion, not change the intent of the motion.
6. A motion for adjournment shall always be in order and shall be decided without debate, except that it cannot be entertained when the Board is voting on another question or while a Trustee is addressing the Board.
7. A motion for postponement takes precedence over a motion for referral and a motion for referral takes precedence over a motion or amend or a vote on the original subject.
8. A motion is: postponed - to a specific date;
 referred - to a Committee tabled - indefinitely
9. Notice of Motion is required to rescind an existing By-Law or motion within one year. The motion arising from the Notice must be passed by a majority of the whole of the Board. If the motion to rescind passes, new action may be taken if desired. The minimum notice required is from one Regular Board Meeting to the next. PSA33(2)(a)(b)

Voting Method

1. A question once decided by the Board shall not be reversed unless:
 - Written notice of a proposal to reverse the decision has been given from at least one meeting to another and a majority of the total number of trustees votes in favour of the reversal; PSA33(2)(a)(b)
 - or
 - A decision of the Board may, at the same meeting at which it is made, and by unanimous consent of all members present and voting thereon, be reversed. PSA33(3)

It is the intent of the Board that all votes are done through the Electronic School Board.

2. *Robert's Rules of Order Newly Revised 11th Edition (Authors: Henry M. Robert III, D. Honemann, T. Balch)* shall apply on all questions of procedure not provided for in the By-Law.

SECTION V

PUBLIC PARTICIPATION AT BOARD MEETINGS

Attendance at Board Meetings

Any School Board Trustee missing three consecutive Regular School Board Meetings will vacate his/her seat unless the School Board passes a motion to excuse those absences based on rationale provided by the absent School Board member. PSA 39.8 (c) Written rationale to be provided by the absent School Board Trustee directly to the Board.

Introduction

1. The Board wishes to encourage and facilitate public participation by encouraging individuals and groups to make presentations to the Board on educational outcomes and community trends and issues that could impact Board decisions. Accordingly, Regular Board Meetings are open to the public and the public is cordially invited to attend.
2. In order to ensure that persons or groups who wish to appear before the Board are given fair opportunity to do so, while at the same time allowing the Board to conduct its meetings properly and efficiently, the Board adopts the following procedures and rules pertaining to public participation/appeals/delegations at Board meetings.
3. Persons appearing before the Board are reminded that members of the Board are without authority to act independently as individuals in official matters of the Division.
4. Thus any statements or responses given by individual Trustees are only expressions of the individual opinions.

Official answers and positions of the Board are considered by the full Board and resolved by motion.

Delegation/Appeals

1. Any person, excluding an employee in his /her divisional employee role, wishing to appear before the Board as a delegation, either as an individual or on behalf of a group, shall advise the Superintendent in writing and provide a written copy of the presentation or a detailed outline no later than 12:00 noon 8 days prior to the scheduled Board meeting at which the presentation is to be made. This will ensure that the item is included in the official Board Meeting Agenda, copied and sent to the Trustees with the agenda package.

Note: Those persons having difficulty expressing their concerns in written form will be given assistance in the preparation of their brief.

2. In addition to the written information submitted by the delegation, included and distributed with the agenda package; the Superintendent shall, where possible, prepare and include an information paper relative to the subject of the delegation.
3. Presenters shall provide the name, complete address and telephone number of the designated spokesperson and that of the persons to be represented by the delegation.
4. Presentations will take place immediately following the adoption of the Agenda. The order of Presentations will follow in the same sequence as the requests for Presentations were received.
5. The Presentation to the Board shall be limited to a maximum of ten (10) minutes unless an extension of time is granted by formal motion of the Board and passed by the majority of Trustees present.
6. Public Presentations/ Appeals shall not include statements pertaining to:
 - a) Personnel matters
 - b) Negotiations
 - c) Purchase or sale of property
 - d) Security and discipline

Provisions for Presentation Appeals that pertain to the above topics will be provided for during the Incamera session of the Board meeting. Procedures for Incamera Presentation/Appeals will follow the same process (#1-5) as for the Public Presentations/Appeals.

Questions and Clarification

1. Upon conclusion of the Presentation/Appeal by the delegation, the Chair shall allow Trustees to ask questions of clarification for a period of no longer than five (5) minutes. The Trustees may ask questions for clarification but shall refrain from answering questions posed by the delegation and from expressing individual opinions regarding the matter presented by the delegation.

Board Process and Follow Up

1. After the Board has heard the Presentation/Appeal by the delegation, the Board will discuss the matter and it may decide on any of the following courses of action:
 - a) Act upon the matter
 - b) Table the matter for receipt of additional information
 - c) Refer the matter to committee or Superintendent for further consideration and/or action.
2. The Presenter of the Delegation/Appeal shall be informed by the Superintendent's office of the action (no. 1 above) taken by the Board within three (3) working days.

Improper Conduct

Where, at a meeting of the School Board, any person is, in the opinion of the Chair of the meeting, guilty of disorderly or improper conduct, the Chair of the meeting may require him/her to leave the meeting forthwith and if he/she fails to do so may cause him/her to be removed. If required, the Chair will contact and request assistance from local law enforcement. (Quote Public Schools Act here)

Public Question Period

In order to ensure proper communications and conduct at Regular Board Meetings, the Board of Trustees has adopted guidelines to public participation as follow:

- a) Question period shall be restricted to 10 minutes.
- b) Any resident elector, excluding an employee in his/her divisional role, may ask a question during question period. Anyone asking a question must first identify himself/herself to the Secretary-Treasurer by name and address.
- c) All questions shall be directed through the Chair. The Chair may rule on the appropriateness of the question, answer the question, direct the question to the Superintendent or appropriate trustee, or recognize any Trustee or Senior Administrator indicating a desire to respond to the question. The Chair will not entertain questions relating to personnel matters, negotiations, purchase or sale of property, security and personal issues.
- d) In the event that a question cannot be answered during the time allowed, the question will be referred to the Chair, as to the nature of the response.
- e) Where, in the opinion of the Chair, a member or members of the public present is/are unduly disruptive and/or delaying a meeting during the public question period and, if such motion is passed by the majority of trustees present, the Chair shall not entertain any additional questions from the public.

SECTION VI BY-LAWS TO AMEND OR REPEAL A BY-LAW

To amend or repeal a By-Law, a notice must be given from one Regular Board Meeting if the By-Law was passed within the previous year. After a year, a motion to amend or repeal may be made at any time. As a courtesy to all Board members and the community, it is preferred that notice be given.

A By-Law may have all three readings at the same Regular Board Meeting if all members present vote in favour of the By-Law.

SECTION VII ELECTRONIC MEETINGS

“Electronic Meeting” means a meeting of the Board at which one or more Trustee who are participating in the meeting are not physically present at the same location as the other School Board Trustees who are participating. Their participation is done through electronic and communications media, such as telephone or video conferencing. The intent is to provide flexibility to Trustees in conducting business.

Public Schools Act, Regulations re electronic meetings:

39.7.1(1) The minister may make regulations respecting the holding of School Board meetings by electronic means, including providing that a Trustee who participates in a regular meeting of a school board through electronic means is deemed to be present at the meeting for the purposes of this Act.

Minimum attendance required

39.7.1(2) Despite a regulation passed under subsection (1), every Trustee must be physically present at a regular meeting at least once every three months.

Requirements:

Any electronic means used for the purposes of an electronic meeting must enable each Board Member participation in the meeting:

1. To hear all of the other School Board Trustees participating in the meeting at all times during the meeting
2. To follow any votes taken at the meeting

The electronic means used must be provided in a manner that:

3. Allows a School Board Trustee to participate in the meeting without violating any conflict-of-interest guidelines

Participation and Guidelines:

1. The Sunrise Education Center will be the only location where participation through Electronic means can be accommodated. Board meetings not held at the Sunrise Education Center will not be accessible electronically.
2. Board members are allowed to participate electronically at Regular or Special meetings of the Board (not including Incamera Meetings to ensure confidentiality being respected) providing that no later than 24 hours prior to a meeting the Secretary-Treasurer of the Board shall be notified of a Trustee's requirements for electronic communication at the meeting.
3. Trustees shall have copies of the Regular or Special meeting agenda and package while participating electronically.
4. The Procedural By-law regulations shall apply when participating electronically.
5. At every meeting of the School Board, the following persons be physically present in the meeting room of the Board:
 - A. A quorum of the Board (in the event of lost communication links the meeting will continue)
 - B. The Chair of the Board or his or her designate (PSA. "Electronic Meetings Regulations 201/2004")
 - C. The Superintendent of the Division or his or her designate (PSA. "Electronic Meetings Regulations 201/2004")
 - D. The Secretary-Treasurer or his or her designate (PSA. "Electronic Meetings Regulations 201/2004")
6. In unforeseen circumstances, where electronic communication links cannot be made, the meeting will continue and the member will be marked absent with an explanation. Likewise, in the event the meeting is underway and the communication link is lost, the meeting will continue and it will be noted that the connection was lost
7. A Trustee who is participating electronically will be allowed to join a meeting that is underway only if previously arranged for by the Secretary Treasurer or Board Chair.
8. Presenters to the School Board will not be required to tailor their presentations to accommodate members who are participating electronically.
9. Information distributed at the Board Meeting must be read to members or be available to be e-mailed to a Trustee participating electronically, so that they can view the information and participate in discussion/debate.

That this By-Law of the Sunrise School Division, assembled at Beausejour, in the Province of Manitoba, this 27th day of August, 2015.

**Read a first time August 27, 2015 A.D.
Read a second time October 20, 2015 A.D.
Read a third time November 3, 2015 A.D.**

Chairperson

Secretary-Treasurer

DELEGATION PRESENTATION TO THE SCHOOL BOARD

DATE: _____

NAME OF CONTACT PERSON/PRESENTER: _____

CONTACT PERSON/PRESENTER'S CONTACT INFORMATION: _____
(MAILING ADDRESS AND EMAIL ADDRESS)

PHONE NUMBER: (H) _____ **(C)** _____

NAME(S) OF PARTICIPATING DELEGATES:

_____, _____
_____, _____
_____, _____
_____, _____

TOPIC/SPECIFIC ISSUE TO BE PRESENTED:

HISTORY/BACKGROUND INFORMATION:

ADDITIONAL INFORMATION YOU WOULD LIKE THE SCHOOL BOARD OF TRUSTEES TO KNOW:

WHAT ARE YOUR EXPECTATIONS FROM THE SCHOOL BOARD OF TRUSTEES FOLLOWING THIS PRESENTATION?

SUBMITTED BY: _____ Please Print Your Name

_____ **Sign Your Name**

For Office Use Only:

Date:

Department:

Response Date:

Comments:

Trustee Agenda Item Request

Trustee: _____

Agenda Item: _____

Board Meeting Date: _____

Background Information: _____

Additional Information Required (Department Use):

Department: _____

Information Received: _____

Date: _____