



School District No. 51 (Boundary)
Bylaw No. 1-2010
Procedural Bylaw

Date Adopted: February 8, 2011

A bylaw to establish revised procedures to be followed in calling and conducting meetings, establishing committees, and adopting bylaws:

WHEREAS the School Act authorizes the Boundary Board of Education to make by-laws relative to the organization of meetings of the Board;

NOW, THEREFORE, the Boundary Board of Education enacts as follows:

1. INAUGURAL MEETINGS

- 1.1 The Board shall meet within 30 days from the date that the new Board begins its term of office.
- 1.2 The Chair of the inaugural meeting shall be the Superintendent until such time as the Board Chair has been elected.
- 1.3 The Swearing of Oaths and the taking of Declarations shall be done by the Secretary-Treasurer.
- 1.4 The interim Chair/or designate shall announce results of Trustee elections and confirm that new Trustees have completed the Declaration as required by the School Act.
- 1.5 Following, the interim Chair shall call for nominations, (seconding is not necessary) for Board Chair and conduct a vote by secret ballot in which the person receiving a simple majority shall be elected Board Chair. If no person receives a simple majority, the person receiving the least number of votes shall be dropped from the ballot and further ballots shall be taken until a Board Chair is elected by simple majority. If the vote results in a tie, after two subsequent votes, the election shall be decided by drawing of lots.
- 1.6 As soon as possible after the election of the Board Chair:
 - a) A motion to destroy the secret ballots;
 - b) Establishment of Vice-Chair rotation schedule;
 - c) Appointment of time and place for meetings;
 - d) Call for Trustees' preferences to serve on Committees or be a representative of the Board;

2. **BOARD MEETINGS**

Regular Board Meetings

- 2.1 Meetings of the Board are usually on the second Tuesday of the month at the School Board Office, 1021 Central Avenue, Grand Forks, B.C. unless otherwise announced. The location of every third meeting will be held outside of Grand Forks with the location to be announced at the preceding meeting of the Board. Meetings will be posted on the District website at www.sd51.bc.ca.
 - 2.1.0 Regular Board meetings may be electronically recorded.
 - 2.1.1 Closed Meetings are held on the second Tuesday of each month, usually beginning at 4:00 p.m.
 - 2.1.2 Regular Meetings are open to the public and begin at 6:00 p.m. on the same Tuesdays as the Closed Meetings. In addition, the Board will hold special meetings devoted to educational programs throughout the year as the need arises. The public, press and radio representatives are welcome to attend all public meetings of the Board.
 - 2.1.3 After consultation with the Superintendent, Board Chairperson and Vice-Chair, the agenda for each meeting is prepared by the Secretary-Treasurer and is distributed to Board members 72 hours prior to the meeting. If there is an agenda item deemed critical to a group of parents, efforts will be made to notify the affected parents of the issue.
 - 2.1.4 All agenda items will be placed on the Open Meeting agenda unless they specifically relate to a personnel, property, legal, protection of privacy matters or are of sufficiently sensitive nature to warrant inclusion in the Closed Meeting. If there is disagreement as to whether an item should be considered in the Open or Closed Meeting, the disagreement will be resolved by voting. The majority of the Board must be in agreement with the item remaining in the Closed Meeting.
 - 2.1.5 Board Committees meet on an as-and-when-required basis which is usually announced at Open Meetings. The committee chair is responsible for convening the meeting and the establishment of the agenda for the meeting.
- 2.2 A quorum for a duly convened meeting shall be a majority of Trustees holding office at that time.
- 2.3 At the appointed time for commencement of a meeting, the presiding officers 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 these bylaws.
 - 2.3.1 After a meeting has commenced, if notice is drawn to a lack of quorum, the presiding officers shall ascertain whether there is a lack of quorum and, if so found, adjourn the meeting to a time certain or to the next regular meeting date, at his/her discretion.

2.4. The general order of business at meetings shall be as follows:

Regular Meeting

1. Call to Order
2. Delegations
3. Comment Period
4. Approval of Regular meeting agenda
5. Approval of Regular Minutes, including a report of closed items
6. Business Items
 - 6.1 Administration Reports
 - 6.1.1 Superintendent of School's Report
 - 6.1.2 Secretary-Treasurer's Report
 - 6.1.3 Director of Instruction's Report
 - 6.2 Other
 - 6.3 Committee Reports
 - 6.4 Trustee Reports
 - 6.5 Around the Boundary
 - 6.6 B.C.S.T.A.
 - 6.7 B.C.P.S.E.A.
7. Future Agenda Items
8. Next Board Meeting
9. Adjournment
10. Question Period

Closed Meeting

11. Call to Order
12. Approval of Closed Meeting Agenda
13. Approval of Closed Minutes
14. Business Items
15. Personnel Report
16. Future Agenda Items
17. Release of Information
18. Adjournment

2.5 An addition to the agenda of any item not listed on the agenda should be of an emergent nature and requires the consent of a simple majority.

2.6 Comment Period

At the beginning of every Board Meeting there will be a comment period. The comment period will be of five to ten minute duration at the discretion of the Chair. The purpose of the comment period is to give attendees an opportunity to provide brief input on any of the day's agenda items that the Board will be considering.

2.7 Question Period

A question period will be provided at the end of a regular Board meeting, during which attendees may question the Board on business conducted during that meeting. This question period will be of five to thirty minute duration at the discretion of the chair.

The Chair will indicate another means of response if the question cannot be answered at the time.

While the Board believes that communication with the public is extremely important, the regular Board meeting is the formally designated means of transacting Board business, and is not the appropriate setting for general discussion, questioning, or comment by residents. The question period is provided solely as a means for ensuring that the public present in the audience have an opportunity to obtain clarification concerning the proceedings.

The Public who have other comments or questions are encouraged to contact Trustees or staff individually. To arrange a formal presentation on the Board agenda they must do so by contacting the Board Office. In general, Board policy indicates that questions or concerns are best handled as near the location of the issue as possible. Matters currently under negotiation or litigation, or related to personnel, will not be discussed in public session.

Reports to the Board

2.8 Committee Reports

- a) The Chair of a Board Committee will review the reports of the previous Committee meeting(s) and will ask that the report “be received as circulated, or as reviewed”. This action has the effect of acknowledging the efforts of a Committee and making the assembly responsible for actions of a Committee. A Committee is not in a position to exercise the rights, duties, and powers of the Board unless so delegated.
- b) After having received the report, the Chair of the Committee will then put forward the recommendations as determined by the Committee for action as identified in the minutes in the form of Board motions for debate and approval. Each recommendation will be dealt with individually.

2.9 Trustee Reports/Administration Reports

At the discretion of the Board, Trustee and Administration reports may be written or oral in nature. They may or may not contain options/recommendations for Board consideration.

- a) There will be no motion to accept or receive these reports.
- b) A Trustee will move and second an option/recommendation that is made within the report.

2.10 Board Agendas

The agenda shall be prepared by the Superintendent or designate in consultation with the Chair and/or Vice-Chair. The proposed agenda and attachments shall be available at the Board Office by 4:00 p.m. of the Friday preceding the regular Board meeting. Agendas with attachments and Minutes will be posted on the District website.

The Secretary-Treasurer of the Board shall ensure that minutes of the proceedings of all meetings of the Board are maintained in compliance with the School Act.

All regular meetings of the Board shall be open to the public and no person shall be excluded, except for improper conduct. If, in the opinion of the Board, the public interest so requires, the Board may order a meeting or part thereof to be closed and may exclude persons other than Trustees and school district officers.

The presiding officer may expel and exclude from a Board meeting any person whom he/she considers has been guilty of improper conduct.

Special Board Meetings

- 2.11 Special meetings may be called by the Chair, or by the Secretary-Treasurer on the written request of four Trustees, on dates other than those of regularly scheduled meetings, with each Trustee receiving no less than 24 hours advance written notice including purpose of meeting. An additional meeting may be held at any time with the consent of all Trustees present at a properly called meeting of the Board, or if all Trustees holding office waive notice. No business other than that for which the meeting was called shall be conducted at such a special meeting.
- 2.12 Individual Trustees or groups of Trustees may also meet in various settings as committees, for working sessions, or for discussion with members of the public or staff. Such gatherings and meetings are not considered meetings of the Board, and no official action of the Board may be taken on such occasions.

Delegations

The Board will accept public participation by means of submissions and delegations.

- 2.13 Any person or delegation requesting an audience with the Board shall give seven (7) days advance notice in writing seeking an audience with the Board. Upon approval, the person or delegation is advised to make available to the Secretary Treasurer or Superintendent all pertinent information for distribution to Trustees so they may review and study concerns/proposals. In making presentations to the Board, delegates are requested to observe parliamentary procedure necessary to conduct an orderly meeting.
- 2.14 The following procedures apply:
- Presentations by persons or delegations are limited to a maximum of 10 minutes or at the discretion of the Board Chairperson.
 - A delegation must appoint a spokesperson who will be permitted to present the main issue to the Board.
 - Trustees may ask questions of the delegation for purposes of clarification or gathering more information.
 - The Board will consider the delegation's request and will communicate its decision as soon as possible.
 - Personnel matters involving individual employees, legal matters, protection of privacy or properties are not recognized for discussion at public meetings.

Closed Meeting

- 2.15 The Board may convene a closed meeting without the public, in accordance with 2.10 and the School Act, at which matters of a confidential nature shall be discussed. The Secretary-Treasurer or designate must be present at the time a decision of the Board is rendered and must record any decision. No one shall disclose to the public the proceedings of a closed meeting unless a motion has been passed at the closed meeting to allow disclosure.
- 2.16 Minutes of a closed meeting shall be kept in the same manner as a regular meeting, but shall be approved only by the Board in a closed meeting and shall not be filed with the minutes of regular meetings.
- 2.17 Unless otherwise determined by the Board, the following matters shall be considered in a closed meeting:
- a) Salary claims and adjustments and the consideration of requests of employees and Board officers with respect to collective bargaining procedures;
 - b) Accident claims and other matters where Board liability may arise;
 - c) Legal opinions respecting the liability or interest of the Board;
 - d) The conduct, efficiency, discipline, suspension, termination or retirement of employees;
 - e) Medical Examiners or examinations and medical reports;
 - f) Matters pertaining to individual pupils, including the conduct, discipline, suspension or expulsion of pupils, truancy and indigent pupils;
 - g) Staff changes, including appointments, transfers, resignations, promotions and demotions;
 - h) Purchase of real property, including the designation of new sites, consideration of appraisal reports, consideration of accounts claimed by owners, determination of Board offers and expropriation procedures;
 - i) Lease, sale or exchange of real property prior to finalization thereof;
 - j) Union and excluded staff negotiation strategies;
 - k) Such other matter where the Board decides that the public interest so requires.
- 2.18 All other matters shall be considered in public session.
- 2.19 In the event that a decision from the Board is deemed to be immediately required, the matter shall be referred to the Chair by the Trustee(s) or Administrator(s) concerned.

The Chair or designate must then:

- i. inform or ensure that each Trustee is aware of the particulars of the situation as soon as possible;
- ii. indicate that a verbal poll is being taken regarding the Trustees' position on a course of action related to the matter;
- iii. tally the approval or disapproval of the course of action;
- iv. the concept of a quorum and simple majority will be applied;
- v. report back to each Trustee regarding the result of the poll.

It is understood that the results of the poll will be considered binding and that the Chair will ensure that the decision reached is ratified by motion at the next Board meeting.

3. CHAIR, PRESIDING OFFICER AND MEMBERS OF THE BOARD

- 3.1 The Chair shall preside at all meetings of the Board and may enter debate or propose or second a motion.
- 3.2 The Vice-Chair shall preside in the absence of the Chair or when the Chair vacates the Chair.
- 3.3 In the event that neither the Chair nor the Vice-Chair is able or willing to take the Chair, the presiding officer shall be such person as the Board may elect for that meeting.
- 3.4 A majority of the Board may elect a new Chair or Vice-Chair at any time.
- 3.5 The presiding officer shall rule on all points of order and shall state his/her reasons and the authority for ruling when making a ruling. The presiding officer's ruling shall be subject to appeal by a trustee to the Board. An appeal may only be requested immediately after a ruling and before resumption of business.
- 3.6 The Chair shall vote in accordance with paragraph 7.3.
- 3.7 A policy describing the role of the Board Chair shall be maintained.
- 3.8 A policy describing the role of the Trustee shall be maintained.

4. RULES OF ORDER

- 4.1 Where these rules are silent and where not inconsistent with these rules, Roberts Rules of Order shall apply to the conduct of meetings. Where there is an inconsistency between these rules and the School Act, the School Act shall apply over the rule in question.
- 4.2 A quorum of the Board is a majority of the Trustees holding office at the time of the meeting of the Board. The Board may adopt a procedural rule for one or more meetings by resolution of a majority of 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.
- 4.3 The Rules 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.
- 4.4 The presiding officer's ruling on a point of order shall be based on Rules of Order as stated in paragraph 4.1 herein.
- 4.5 An appeal of a ruling of the presiding officer shall be decided without debate by a majority vote of Trustees present. When an appeal is successful, it does not necessarily set a precedent.
- 4.6 All questions shall be decided by a vote on motion.
- 4.7 These rules shall be applicable to all regular, special, and closed meetings of the Board.
- 4.8 A copy of these bylaws would be attached to the Board minutes where it is adopted.

5. MOTIONS

- 5.1 The presiding officer shall allow a sufficient period of time for discussion, before a motion is made, so that the issue is clearly understood. Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result. All motions shall be stated in the positive. The preamble does not form part of a resolution when passed. The Mover should clearly state the motion.
- 5.1 a) The Chairperson will restate the motion for clarification when calling the question.
- 5.2 The presiding officer may divide a motion containing more than one subject if he/she feels this would produce a fairer or clearer result and the same shall be voted on in the form in which it is divided.
- 5.3 No motion other than to postpone consideration of a question, or a procedural motion, shall be repeated during the calendar year except by the reconsideration process.
- 5.4 All motions must be seconded in order that they may be recognized by the Chair and allow debate to proceed.
- 5.5 All motions are debatable except the following:
- a) Motion for adjournment of debate or for adjournment of a meeting unless such a motion contains a time for recommencement of debate or for a new meeting;
 - b) Motion to fix time for adjournment of a meeting;
 - c) Motion to proceed to the next business;
 - d) Motion to go into Committee-of-the-Whole or closed session.
- 5.6 All motions shall be subject to amendment except the following:
- a) Motion that the question be now put;
 - b) Motion for adjournment of debate or adjournment of a meeting;
 - c) Motion to table unless such a motion contains a date for further consideration of the matter tabled;
 - d) Motion to refer to Committee;
 - e) Motion to proceed to next business
- 5.7 An amendment to a motion does not require notice. Only one amendment to an amendment shall be allowed and this shall be dealt with before the amendment is decided. Amendments must be strictly relevant to the main motion and not alter in a material way, or be contrary to, the principle embodied in the main motion.

6. DEBATE

- 6.1 Debate shall be strictly relevant to the question before the meeting and the presiding officer shall warn speakers who violate this rule.
- 6.2 No Trustee shall speak until recognized by the Chair.
- 6.3 No Trustee shall speak for a period in excess of five minutes at one time. The Chair may caution a Trustee who persists in tedious and repetitious debate and may direct him/her to discontinue if he/she persists. This time includes the question and answers of District staff.
- 6.4 A matter of privilege (a matter 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.
- 6.5 No Trustee shall interrupt another Trustee who has the floor except to raise a point of order or a point of privilege.
- 6.6 After all trustees have been given an opportunity to speak all trustees will have additional opportunities to speak.
- 6.7 The original mover of the motion shall have the opportunity to close debate.

7. VOTING

- 7.1 All Trustees present at a meeting or attending through electronic media must vote on each motion with the following exceptions:
 - a) A Trustee will abstain from voting in the case where he or she has a conflict of interest by reason of a direct or indirect pecuniary interest in a vote. If the vote is taking place in an open meeting, the Trustee must declare the general nature of their interest and then refrain from entering the discussion on the question. The Trustee in conflict cannot influence the outcome of the decision in any fashion. If the meeting is not open to the public and a matter is to be dealt with that a Trustee is in conflict with, he or she must leave the room. At the next public meeting following this meeting, they will provide disclosure of their action.
 - b) A Trustee may abstain from voting on an issue for personal reasons, but it is felt that the reasons should be provided. Should a Trustee abstain from voting, then they must abstain from debate and/or influencing the outcome of the decision.
 - c) No vote will be recorded for someone that abstains so it will be recognized that abstaining will support the majority position. A motion will be lost if there is no majority position.
 - d) For further clarification refer to the Board Guidelines on Conflict of Interest
- 7.2 Voting may be verbal or by a show of hands and only the results recorded. Prior to the vote a trustee may request that her/his vote be recorded
- 7.3 The Chair has the same voting rights as any other Trustee.

- 7.4 In the case of equality of votes for and against a motion, the question is resolved in the negative and the Chair shall so declare.
- 7.5 All questions shall be decided by a majority of the votes of the Trustees present and voting save as otherwise provided by these bylaws or the School Act.

8. COMMITTEES

- 8.1 The Chair shall discuss his/her recommendations individually with each Trustee regarding appointments to standing committees and other organizations which require representation from the Board of School Trustees.
- 8.2 A list of standing committees, members and terms of reference for each committee will be maintained in the Trustee Handbook.
- 8.3 During the year, the Chair may appoint representatives to Ad Hoc Committees.
- 8.4 Members of the Board may attend meetings of any of its committees and may take part in any discussion or debate but may not vote unless they are members of the committee.
- 8.5 The rights, powers, duties and liabilities of the Board rest only with the legally constituted Board and not with committees of Trustees or individual Trustees.
- 8.6 Committees will set their own composition; determine their own operating procedures, frequency and time of meetings, agendas and aspects governing its operation and request Board approval of its governance structure.
- 8.7 All committees shall take minutes of its meetings and shall submit these minutes to the Board. The Board shall promptly respond to any requests or recommendations and communicate any decisions reached by the Board to the affected parties.
- 8.8 The deliberations of a committee shall not be complete until its recommendations have been submitted to the Board.

9. BYLAWS AND RESOLUTIONS

- 9.1 All matters shall be dealt with by resolution or bylaw. A bylaw shall have three readings, a policy resolution shall have two readings, and an ordinary resolution shall have only one reading.
- 9.2 The following matters shall only be resolved by bylaw:
- a) Amendments to bylaws;
 - b) The rules of procedure of the Board and rules relative to the organization of meetings of the Board;
 - c) Regulation and control of the use of property owned and administered by the Board;
 - d) Where required by the School Act.
 - e) Exceptions to the bylaws.
- 9.3 Policy resolutions define the beliefs and/or long-term objectives of the Board. Upon final approval, these resolutions become part of the Board's Policy Manual.

9.4 A bylaw may be withdrawn at any stage before final approval with unanimous consent of the Board.

Procedure on Bylaws

9.5 Every bylaw will be dealt with in the following fashion:

- a) First Reading: not be debatable;
- b) Second and third (final) reading. At these stages, the proposed bylaw or bylaw change is fully debatable.

No more than two readings may take place at the same meeting unless there is unanimous consent. By unanimous consent, financial bylaws may be given first, second and third (final) reading in one motion of adoption provided a written copy is available.