

PROCEDURAL BY-LAW

PROCEDURAL BY-LAW #1 MEETING PROCEDURES

RATIONALE

The Board of Education accepts that certain procedures are necessary for calling and conducting meetings, establishing committees, and adopting by-laws.

PROCEDURAL BY-LAW

To Establish Procedures to be Followed in Calling and Conducting Meetings, Establishing Committees, and Adopting By-Laws.

WHEREAS Section 67(5) of the *School Act* of British Columbia requires trustees to establish procedures governing the conduct of its meeting;

THEREFORE, BE IT RESOLVED that the Board of Education of School District No. 67 (Okanagan Skaha) enacts as follows:

1. INAUGURAL MEETINGS

- 1.1 The inaugural meeting of the Board in each year shall be held within 30 days from the date that the new Board begins its term of office and shall be convened by the secretary-treasurer.
- 1.2 The chair of the inaugural meeting shall be the secretary-treasurer ("the interim chair") until such time as the board chair has been elected.
- 1.3 The interim chair shall announce the results of trustee elections prior to the swearing in ceremonies.
- 1.4 The swearing of oaths and the taking of declarations shall be done by the secretary-treasurer or by a judge of a court of record or by a justice or by a clerk of a municipality.
- 1.5 The interim chair shall call for nominations for board chair three times and declare nominations closed. A secret ballot shall be held and the person receiving more than one-half of the total number of votes cast shall be declared elected. If no person receives a clear majority, that person with the least number of votes shall be dropped from the nominees and a further ballot conducted. Any vote involving only two trustees that ends in a tie vote shall result in the appointment of an interim chair to serve until the next regular meeting at which time the nomination and election process will be repeated. The interim chair shall be selected from the first available trustee in the following order:

ADOPTED:	December 11, 2000	Reviewed/Revised:	September 10, 2007 January 13, 2014 June 12, 2017
		Statutory Reference:	<i>School Act</i>

- (a) The most recent chair;
- (b) The most recent vice chair;
- (c) The two remaining trustees nominated for chair drawing lots.

1.6 Following the election of board chair, the order of business shall be:

- (a) Election of vice chair;
- (b) Discussion of committees and representative appointments.

1.7 The election of vice chair shall follow the same procedures as that for the chair.

2. REGULAR MEETINGS

2.1 The Board shall generally meet in the school board office on the last Monday of the month at 6:30 p.m. or upon such other day or at such other hour as the Board may decide. During the months of July and August, regular meeting dates will be suspended and the Board will meet if required at the call of the chair. A two-thirds majority of the Board members is necessary to call additional meetings. Meetings shall be open to the public, unless, in the opinion of the Board, the public interest requires persons other than trustees to be excluded from Board meetings.

2.2 A quorum of the Board is the majority of trustees holding office at the time of the meeting. At the appointed time for commencement of a meeting, the presiding officer shall ascertain that a quorum is present before proceeding to the business of the meeting. If a quorum is not present within 30 minutes of the time appointed for the meeting, the meeting shall stand adjourned until the next meeting shall have been called in accordance with these By-Laws.

2.3 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 a certain time, at his or her discretion.

2.4 The agenda for each meeting will be prepared and distributed to trustees prior to the meeting.

The chair and vice chair of the board shall generally meet with the secretary-treasurer and the superintendent of schools on the Wednesday preceding the regular meeting to finalize the agenda. Trustees shall advise the board chair, vice chair, the secretary-treasurer, or the superintendent of schools of agenda items prior to the Wednesday meeting in order that new business matters requiring administrative data can be adequately researched. Appropriate placement of agenda items on to open or closed meeting agendas will be determined at this time.

Items printed on the agenda will constitute the only business of the meeting. However, matters of an emergent nature may be added to the agenda by resolution of the Board prior to the start of the meeting.

The agenda shall be prepared by the secretary-treasurer under the direction of the chair. The proposed agenda shall be available on the school board website by noon of the Friday preceding the regular board meeting.

- 2.5 The order of business at all regular meetings, unless varied by resolution, shall be as follows:
- (a) Call to order;
 - (b) Adoption of agenda;
 - (c) Presentations by schools and/or students;
 - (d) Receiving of delegations and guests;
 - (e) Approval of minutes of previous meetings;
 - (f) Unfinished business;
 - (g) Report from closed meetings;
 - (h) Correspondence;
 - (i) Reports of committees;
 - (j) Report of superintendent of schools;
 - (k) Report of secretary-treasurer; New business;
 - (l) Report of representatives (where appropriate);
 - (m) Information items;
 - (n) Question period;
 - (o) Adjournment;
- 2.6 A change to the prescribed order of business may be proposed by any trustee and shall require the consent of a simple majority, without debate.
- 2.7 Minutes shall be kept by the secretary-treasurer of the Board of all proceedings of the meeting of the Board. Such minutes will be concise and will detail proceedings of the Board but not the contents of speeches. Minutes of each meeting of the Board shall be circulated for adoption at the next meeting and then signed by the secretary-treasurer and chair or other member present at the meeting.
- Upon adoption, except for minutes 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.
- 2.8 All regular meetings shall stand adjourned at three and one-half hours after the commencement unless a resolution is passed by a two-thirds majority to extend the hour of adjournment.
- 2.9 Regular meetings of the Board are private meetings that are held in public. However if, in the opinion of the Board the public interests are required, the Board may order a meeting or part thereof to be closed and may exclude persons other than trustees or persons other than trustees and officers (Section 69(2) of the *School Act*).
- 2.10 The presiding officer may expel and exclude from a Board meeting any person whom he or she considers has been guilty of improper conduct (Section 70(1) of the *School Act*).
- 2.11 (a) The Board welcomes that citizens, parents and students have the right of access to the Board.
- (b) Delegations/persons wishing to address the Board will be placed on the agenda at the first meeting following the request, provided that the request is received by noon Wednesday, prior to the regular meeting. A one page summary of the subject matter will be requested of the person.

- (c) The presentation will be relevant to the business of the Board and should not exceed ten minutes in length. Questions will not be entertained.
- (d) Delegations wishing to appear at the meeting to address the Board **on a specific item on the agenda** will be recognized only if the superintendent of schools or secretary-treasurer is notified of such delegation by 12:00 p.m. of the day of the meeting, unless the Board, by majority resolution, otherwise agrees.

3. SPECIAL MEETINGS

- 3.1 The Board may, from time to time, call special meetings which may be either open to the public or closed. A closed meeting would be called if, in the opinion of the Board, the public interest requires persons other than trustees to be excluded from board meetings. A special meeting may be called by the chair or, upon written request of 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.
- 3.2 Notice shall be given of a special meeting and an agenda shall be provided to each trustee at least twenty-four hours in advance of the meeting. Provision of a written notice and the agenda may be waived by unanimous vote of those present provided all reasonable steps have been taken to notify all trustees of the meeting.

4. CLOSED MEETINGS

- 4.2 4.1 The Board will convene a meeting at 5:00 p.m. before the regular meeting. This meeting will be convened without the public or without the public and staff present. At meetings where staff are excluded, the secretary-treasurer or designate must be present when a decision of the Board is rendered. The meeting will deal with matters of a confidential nature which in the opinion of the Board the public interest requires the exclusion of the public or the public and staff. No trustee will disclose to the public the proceedings of a closed meeting unless a resolution has been passed at the closed meeting to allow disclosure. Minutes of a closed meeting shall be kept in the same manner as a regular but shall be approved by the Board in closed meeting and shall not be filed with the minutes of regular Board meetings. A record of the general nature of the matters discussed and general nature of the decisions reached shall be open for inspection at all reasonable times by any person (Section 72(3) of the *School Act*).
- 4.3 Following Section 69(2) of the *School Act*, the public interest may require the following matters to be considered in closed session:
 - (a) Personnel;
 - (b) Legal;
 - (c) Property.

- 4.4 The agenda for each meeting will be prepared and distributed to trustees prior to the meeting.

The chair and vice chair of the Board shall generally meet with the secretary-treasurer and the superintendent of schools on the Wednesday preceding the regular meeting to finalize the agenda. Trustees shall advise the board chair, vice chair, the secretary-treasurer, or the superintendent of schools of agenda items prior to the Wednesday meeting in order that new business matters requiring administrative data can be adequately researched. Appropriate placement of agenda items on to open or closed meeting agendas will be determined at this time.

Items printed on the agenda will constitute the only business of the meeting. However, matters of an emergent nature may be added to the agenda by resolution of the Board prior to the start of the meeting.

- 4.5 The order of business at all closed sessions, unless varied by motion, shall be as follows:

- (a) Call to order;
- (b) Adoption of agenda;
- (c) Receiving of delegations and guests;
- (d) Approval of minutes of previous meetings;
- (e) Unfinished business;
- (f) Correspondence;
- (g) Reports of committees;
- (h) Report of the superintendent of schools;
- (i) Report of secretary-treasurer;
- (j) New business;
- (k) Report of representatives;
- (l) Information items;
- (m) Adjournment.

5. CHAIR AND PRESIDING OFFICERS

- 5.1 The chair shall preside at all meetings of the Board.
- 5.2 The vice chair shall preside in the absence of the chair or when the chair vacates the chair.
- 5.3 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.
- 5.4 The chair and the vice chair shall be elected at the first meeting in December of each year. A majority of the Board may elect a new chair or vice chair at any time (Section 67(4) of the *School Act*).
- 5.5 The presiding officer shall rule on all points of order and shall state the reasons and the authority for the ruling. The presiding officer's ruling shall be subject to appeal to the Board. An appeal may only be requested immediately after a ruling and before resumption of business.
- 5.6 The chair shall vote on all motions in accordance with paragraph 9.3 of these By-Laws.

6. RULES OF ORDER

- 6.1 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.
- 6.2 The Board may adopt a procedural rule for one or more meetings by unanimous resolution of the trustees present at the meeting. A rule other than the requirement of notice of meeting may be suspended by unanimous consent of the trustees present.
- 6.3 The rules may be amended by By-Law only, at a meeting of which notice of intention to propose the amendment has been given at the previous meeting.
- 6.4 The presiding officer's ruling on a point of order shall be based on rules of order as stated in paragraph 6.1 herein.
- 6.5 An appeal of a ruling of the presiding officer shall be decided without debate by a majority vote of the trustees present. When an appeal is successful, it does not necessarily set a precedent.
- 6.6 All questions shall be decided by a vote on motion.
- 6.7 These rules shall be applicable to all regular, special and closed session meetings of the Board.
- 6.8 A copy of the Board's procedural By-Law and all amendments thereto shall be available for inspection by any person (Section 67(5) of the *School Act*).

7. MOTIONS

- 7.1 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.
- 7.2 The presiding officer may divide a motion containing more than one subject if he or 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.
- 7.3 All motions must be seconded in order that they may be recognized by the chair and allow debate to proceed.
- 7.4 All motions are debatable except the following:
 - (a) Motion for adjournment of debate or for adjournment of a meeting unless such motion contains a time for re-commencement 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.

- 7.5 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.
- 7.6 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.

8. DEBATE

- 8.1 Debate shall be strictly relevant to the question before the meeting and the presiding officer shall warn speakers who violate this rule.
- 8.2 No trustee shall speak until recognized by the chair.
- 8.3 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 a persistent trustee to discontinue.
- 8.4 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.
- 8.5 No trustee shall interrupt another trustee who has the floor except to raise a point of order or a point of privilege.

9. VOTING

- 9.1 Trustees with a pecuniary interest in a matter being considered at a meeting of the Board shall not take part in the discussion of or vote on any question in respect of the matter (Sections 55 to 64 of the *School Act*). Additional provisions of Sections 55 to 64 of the *School Act* shall be followed by trustees.
- 9.2 Except as provided in Section 9.1, all trustees present at a meeting may vote.
- 9.3 Voting shall be by a show of hands and only the results recorded unless a trustee requests that his or her name and negative vote be recorded in advance of the vote.
- 9.4 The chair shall vote at the same time as the other members of the Board. 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.
- 9.5 All questions shall be decided by majority of the votes of the trustees present and voting save as otherwise provided by these By-Laws or by the *School Act*.

10. BYLAWS AND RESOLUTIONS

- 10.1 Unless expressly required to be exercised by By-Law, all powers of the Board may be exercised by By-Law or by resolution. A By-Law shall have three readings; a policy resolution shall have two readings; and an ordinary resolution shall have only one reading.
- 10.2 The following matters shall only be resolved by By-Law:
- (a) Amendments to By-Laws;
 - (b) The rules of procedure of the Board and rules relative to the organization of meetings of the Board;
 - (c) Matters related to the acquisition or disposal of property owned or administered by the Board;
 - (d) Where required by the *School Act*.
- 10.3 Policy resolutions define long-term objectives the Board wishes to obtain, or beliefs held by its membership and, upon approval, become part of the Board's policy manual.
- 10.4 Procedures on By-Laws shall follow section 68 of the *School Act*.

This By-Law may be cited for all purposes as "School District No. 67 Procedural By-Law No. 1" and is in all respects in accordance with the provisions of the *School Act*.