

SCHOOL DISTRICT NO. 53 (Okanagan Similkameen)
Procedural Bylaw No. 21

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. [SA s.67 (1)]
- 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*, [SA s.50], 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 three times for nominations for board chairperson (seconding is not necessary). Where more than one person is nominated, a ballot vote shall be held in which trustees shall indicate their first choice for chairperson. Where more than two persons are eligible, trustees shall also indicate a second choice for chairperson. A candidate who receives more than one-half of the total number of first choice votes cast shall be declared elected. If no person receives a clear majority, that person with the least number of first choice votes shall be removed from consideration and a further ballot conducted. Second choice votes shall only be considered in order to determine which candidate to remove from consideration in the event that two or more candidates have received the same number of first place votes. The process shall be repeated until one candidate is elected as a result of receiving a clear majority.
- 1.4 The chairperson 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-chairperson in the same manner as the election of the chairperson.
- 1.6 Following the elections the order of business shall include:
 - a) passage of banking resolutions and appointment of signing officers;
 - b) appointment of time and place for meetings;
 - c) trustee assignment to Board committees.

2. Regular Meetings

- 2.1 A regular meeting shall be held once a month during the months September through June upon such day and time as the Board may decide. In any case a meeting shall be held not less than once in every three months. [SA s.67(3)] 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. [SA s.66]

- 2.3 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 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 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.
- 2.5 The agenda and notice of meetings shall be prepared by the secretary treasurer under the direction of the chairperson and in consultation with the 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.
- 2.6 The order of business at all regular meeting shall be:
 - a. Call to order;
 - b. Approval of agenda;
 - c. Receiving of Delegations and Guests;
 - d. Approval of minutes of prior meetings;
 - e. Business arising from the minutes;
 - f. Report of the Superintendent of Schools;
 - g. Reports of Committees;
 - h. Reports of Representatives;
 - i. Unfinished business;
 - j. New business;
 - k. Question period
 - l. Adjournment.
- 2.7 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.
- 2.8 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 chairperson or other member presiding at the meeting or at the next meeting at which the minutes are adopted. Such minutes shall be concise and detail the proceedings of the board, but not the contents of speeches.
- 2.9 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. [SA s.72(2)]
- 2.10 All meetings shall stand adjourned at two and one-half hours after their commencement unless a resolution is passed by a two-thirds vote to extend the hour of adjournment.
- 2.11 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. [SA s.69(1)&(2)]
- 2.12 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. [SA s.69(3)&(4)]

- 2.13 The chairperson or other member presiding at a meeting may expel from the meeting a person, other than a trustee, that the chairperson or other member presiding at the meeting considers guilty of improper conduct. [SA s70(1)] A majority of the trustees present at a meeting of the Board may expel a trustee from the meeting for improper conduct [SA s.70(2)]
- 2.14 A person who disturbs, interrupts or disquiets the proceedings of a meeting of a Board commits an offence. [SA s.70(3)]

3. Special Meetings

- 3.1 A special meeting of the Board may be called by the chairperson 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.
- 3.2 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.

4. Closed Meetings and In Camera Sessions

- 4.1 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. [SA s.69(2)] The secretary treasurer or other employee designated under section 69(4) of the *School Act*, must be present at the time that a decision of the board is rendered and must record any decision. [SA s.69(2),(3)&(4)]
- 4.2 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*.
- 4.3 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.
- 4.4 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 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 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 [SA s.72(3)]
- 4.5 All matters coming before the board shall be considered in public unless the public interest requires otherwise. Accordingly, the following matters shall be considered in closed session unless the board determines otherwise:
 - a) Personnel matters including contract and collective agreement negotiations; matters pertaining to individual employees including medical matters, appointment, promotion, demotion, transfer, conduct, competence, discipline, suspension, termination or retirement; grievances and requests of employees, board officers or their bargaining agents or representatives; plans that relate to the management of personnel of or the administration of the board and that have not yet been implemented or made public

- b) Legal matters: accident claims and other matters where board liability may arise; legal opinions and advise respecting the liability or interest of the board or respecting any matter to be considered in closed session; information or action regarding legal actions brought by or against the board
 - c) Matters pertaining to individual students including medical matters and the conduct, discipline suspension or expulsion of students
 - d) Acquisition and disposition of real property prior to finalization including: future site planning and designation; negotiations regarding purchase, lease, sale or exchange or real property; purchase of real property; consideration of appraisal reports and claims by owners; determination of board offers; expropriation procedures
 - e) Matters pertaining to the safety, security or protection of board property
 - f) Other matters where the board decides that the public interest so requires
- 4.6 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.
- 4.7 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.

5. Chairperson and Presiding Officers

- 5.1 A chairperson and vice-chairperson shall be elected at the first meeting of the board in December according to the procedure outlined in paragraph 1.3.
- 5.2 The chairperson of the board shall preside at meetings of the board and generally fulfill the duties usually performed by a chairperson.
- 5.3 The chairperson may vacate the chair to enter debate or propose or second a motion in which case the vice-chairperson, if present, or another member appointed by the chairperson shall preside.
- 5.4 If the chairperson is absent or unable to act, the vice-chairperson shall preside at meetings of the board. If the vice-chairperson is absent or unable to act the members present shall elect one of their number to preside at the meeting.
- 5.5 The chairperson may vote as any other member when the vote is by ballot. In all other cases the chairperson or other presiding officer votes whenever the vote will affect the result, i.e.; to break or to cause a tie or, in a case where a two-thirds vote is required, to cause or to block the attainment of the necessary two-thirds.
- 5.6 A majority of the board may elect a new chairperson or vice-chairperson at any time [SA s.67(4)]

6. Rules of Order

- 6.1 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.

- 6.2 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.
- 6.3 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.
- 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. 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.
- 6.5 An appeal of a ruling of the presiding officer shall be decided without debate by a majority vote of the trustees present. A successful appeal does not necessarily set a precedent.
- 6.6 A copy of the board's procedural bylaw shall be available for inspection at all reasonable times by a person. [SA s.67(5)]

7. Bylaws and Resolutions

- 7.1 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.
- 7.2 The following matters shall be dealt with only by bylaw:
 - a. adoption of the budget [SA s.113];
 - b. a capital bylaw, [SA s.143];
 - c. the acquisition or disposal of property [SA s.96(5)];
 - 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*.

8. Procedure on Bylaws

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 Subject to 8.5, at each of the three readings of a bylaw, the bylaw must be read in full. [SA s.68(2)]

- 8.5 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. [SA s.68(3)]
- 8.6 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. [SA s.68(4)]
- 8.7 The secretary treasurer shall certify on a copy of each approved bylaw the readings and the dates thereof.
- 8.8 A bylaw may be withdrawn at any stage with unanimous consent of the board.

9. Motions

- 9.1 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.
- 9.2 The presiding officer may divide a motion containing more than one subject and it shall be voted on in the form in which it is divided.
- 9.3 All motions shall be seconded except in committee.
- 9.4 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.
- 9.5 A motion to reconsider a decision can be made the day on which the original motion was voted upon, 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.
- 9.6 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.
- 9.7 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.
- 9.8 A motion that has been defeated at a previous meeting can be moved again during the same calendar year only if notice is given in the call of the meeting and with the consent of a two-thirds majority.

10. Debate

- 10.1 Debate shall be strictly relevant to the question before the meeting. The presiding officer shall warn speakers who violate this rule or who persist in tedious or repetitious debate.
- 10.2 Speakers shall be recognized by the chair and shall address all remarks to the chair.
- 10.3 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 five minutes at one time.
- 10.4 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.
- 10.5 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.

11. Voting

- 11.1 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.
- 11.2 Voting shall be by show of hands and only the results recorded unless a member requests recording of names before the vote is taken. Where names are recorded both positive and negative votes shall be recorded.
- 11.3 All questions shall be decided by a majority of the votes of the trustees present and voting unless otherwise provided by the bylaw or the *School Act* [Interpretation Act s.18(2)(c)] **which reads;**

“If an enactment establishes a board, commission or other body consisting of 3 or more members, in this subsection called the “association”, the following rules apply:

 - a) if the number of members of the association provided for by the enactment is a fixed number, at least ½ of that number of members constitutes a quorum at a meeting of the association;
 - b) if the number of members of the association provided for by the enactment is not a fixed number, at least ½ of the number of members in office constitutes a quorum at a meeting of the association, as long as the number of members is within the maximum or minimum number, if any, authorized by the enactment;
 - c) an act or thing done by a majority of the members of the association present at a meeting, if the members present constitute a quorum, is deemed to have been done by the association;
 - d) a vacancy in the membership of the association does not invalidate the constitution of the association or impair the right of the members in office to act, if the number of members in office is not less than a quorum.”

12. Conflict of Interest

- 12.1 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. [SA s.58(1)]
- 12.2 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. [SA s.58(2)]
- 12.3 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. [SA s.58(3)]
- 12.4 The requirements of paragraphs 12.1-12.3 do not apply to any pecuniary interest referred to by the *School Act* as exempt from the disclosure requirements of the *School Act* [SA s.59]
- 12.5 "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 56 of the *School Act*.
- 12.6 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 (SA s.57]
- 12.7 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. [SA s.60]

13. Indirect Pecuniary Interest

For the purposes of this Part, a trustee has an indirect pecuniary interest in any matter in which the board is concerned if;

- a) 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

- (b) the trustee 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. Board Committee

- 14.1 The board’s committee structure shall be determined by the chairperson, in consultation with other trustees and executive officers, and shall be announced at the first regular meeting of the year.
- 14.2 The chairperson shall appoint the members to, and designate the chairperson of, each standing committee at the first regular meeting of each year or as soon thereafter as possible. The chairperson may fill vacancies as they occur on any standing committee.
- 14.3 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.
- 14.4 The chairperson of a committee may make motions and speak to any question during committee meetings without leaving the chair.
- 14.5 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.
- 14.6 Motions 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.
- 14.7 Committees of trustees or individual trustees may not exercise the rights, duties and powers of the board. [SA s.65(3)]
- 14.8 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.

15. This bylaw rescinds School District No. 53 (Okanagan Similkameen) Procedural Bylaw No. 1.

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

Read a first time the 25th day of June, 2008.

Read a second time the 25th day of June, 2008.

Read a third time the 25th day of June, 2008.

Chairperson of the Board

(Corporate Seal)

Secretary Treasurer