

# Procedural Bylaw

## 1 | Procedural Bylaw

Date Approved:

Date Amended: March 11 2016

---

### 1.0 MEETINGS

#### 1.1 GENERAL

1.1.1 The quorum for a meeting of the Board shall be a majority of Trustees holding office at that time.

1.1.2 A Trustee may participate in a meeting by telephone if the Trustee is unable to be physically present at the meeting.

1.1.3 A Trustee who participates in a meeting by telephone shall be deemed present at the meeting and shall be counted for the purposes of determining quorum and voting.

1.1.4 If a Trustee participates in a meeting by telephone, there shall be telephone apparatus at the site of the meeting, which permits the Trustee participating by telephone to hear all discussion by all Trustees and permits all Trustees to hear all comments by the Trustee participating by telephone.

1.1.5 Meetings of the Board will be held at the School Board Office unless the Chairperson gives notice on the written notice of meeting and agenda or the Board otherwise resolves.

#### 1.2 INAUGURAL MEETINGS

1.2.1 The Board shall meet by the first Tuesday after the term of office begins at the same time as for a regular meeting. In the event that the inaugural meeting falls on the second Tuesday of the month, then the regular meeting shall be held on the third Tuesday of that month.

1.2.2 The Chairperson of the Inaugural meeting shall be the Secretary-Treasurer until such time as the Board Chairperson has been elected.

1.2.3 The interim Chairperson shall announce results of Trustee elections and confirm that new Trustees have completed the Declaration and Oath of Allegiance as required by the School Act, following which the Board Chairperson shall be elected.

1.2.4 The interim Chairperson shall call for nominations for Board Chairperson and conduct a vote by ballot in which that person receiving a clear majority shall be elected Board Chairperson. If no person receives a clear majority, further ballots shall be taken until the same is achieved or, if a tie shall occur, the election shall be decided by drawing of lots.

1.2.5 Following the election of Board Chairperson, the newly elected Board Chairperson shall assume the

chair and the order of business shall be:

1.2.5.1 Election of Vice-Chairperson;

1.2.5.2 Election or appointment of BCPSEA Representative and Alternate;

1.2.5.3 Election or appointment of BCSTA Representative and Alternate

1.2.6 The election of Vice-Chairperson shall be conducted in the same manner as the election of Chairperson.

1.2.7 The Board Chair may choose to assign Trustees to Committee and to Schools.

### 1.3 REGULAR MEETINGS

1.3.1 A regular meeting shall be held at least once a month on the second Tuesday of the month at 7:30 p.m. in months that school is in session or upon such other day or at such other hour as the Board may decide. Additional meetings shall be held as the Board may decide.

1.3.2 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 these Bylaws.

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 a time certain or to the next regular meeting date, at his/her discretion.

1.3.3 The order of business at all regular meetings, unless varied by motion, shall be as follows:

1.3.3.1 Adoption of Agenda;

1.3.3.2 Receiving Delegations;

1.3.3.3 Approval of Minutes of Prior Meetings;

1.3.3.4 Necessity of Closed Meeting and Agenda if Required;

1.3.3.5 Correspondence;

- 1.3.3.6 Superintendent of School's Report;
  
- 1.3.3.7 Secretary Treasurer's Report;
- 1.3.3.8 Reports of Committees;
- 1.3.3.9 Adjourned Business;
- 1.3.3.10 New Business;
- 1.3.3.11 Information Items;
- 1.3.3.12 10Minute Question & Answer Period.

1.3.4 A change to the prescribed order of business may be proposed by a Trustee and shall require unanimous consent, without debate.

1.3.5 The agenda and notice of meetings shall be prepared by the Secretary-Treasurer under the direction of the Chairperson. Written notice of each meeting, together with the proposed agenda, must be given at least 48 hours in advance to each Trustee by delivery to the place designated by him or her.

1.3.6 Minutes shall be kept by the Secretary of the Board of all proceedings passed at meetings of the Board, such minutes to be concise and to detail proceedings of the Board, but not the contents of speeches. A copy of the minutes when approved shall be forwarded to the Ministry of Education.

1.3.7 All meetings shall stand adjourned at three hours after their commencement unless a Resolution is passed by a two-thirds majority to extend the hour of adjournment.

1.3.8 All 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, by resolution, may order a meeting or part thereof to be closed. The Board may exclude persons other than Trustees or persons other than Trustees and officers.

1.3.9 Petitions and delegations should:

1.3.9.1 be received in writing by the Secretary-Treasurer prior to the release of the agenda;

1.3.9.2 designate who the speaker or speakers are to be;

1.3.9.3 have a definite time limit placed on them.

The Board's decision on the course of action to be followed in connection with the matter or matters presented will usually be delayed to a subsequent regular meeting.

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

#### 1.4 SPECIAL MEETINGS

1.4.1 A special meeting of the Board may be called by the Chairperson 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.

1.4.2 Written notice of a special meeting and an agenda shall be given to each Trustee at least 48 hours in advance of the meeting. Delivery of a written notice and the agenda may be waived by a majority vote of the Board, provided all reasonable steps have been taken to notify all Trustees of the meeting.

#### 1.5 CLOSED SESSION

1.5.1 If the Board has resolved pursuant to paragraph 1.3.8, the Board may convene a meeting without the public, or without the public and staff present, at which matters of a confidential nature shall be discussed. No Trustee shall disclose to the public the proceedings of a closed meeting unless a Resolution has been passed at the closed meeting to allow disclosure.

1.5.2 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 closed meetings and shall not be filed with the minutes of regular meetings.

1.5.3 Pursuant to the School Act, a record of each closed meeting shall be kept available at all reasonable times for any person. The record shall contain a general statement as to the nature of the matters discussed and the general nature of the decisions reached.

1.5.4 Unless otherwise determined by the Board, the following matters shall be considered in closed session:

1.5.4.1 Salary claims and

1.5.4.2 Accident claims and other matters where Board liability may arise;

1.5.4.3 Legal opinions respecting the liability or interest of the Board;

1.5.4.4 The conduct, efficiency, discipline, suspension, termination or retirement of employees;

1.5.4.5 Medical Examiners or examinations and medical reports;

1.5.4.6 Matters pertaining to individual students including the conduct, discipline, suspension or expulsion of students, truancy and indigent students;

1.5.4.7 Staff changes including appointments, transfers, resignations, promotions and demotions;

1.5.4.8 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;

1.5.4.9 Lease, sale or exchange of real property prior to finalization thereof;

1.5.4.10 Matters pertaining to the safety, security or protection of Board property;

1.5.4.11 Such other matters where the Board decides that the public interest so requires.

All other matters shall be considered in Public Session.

1.5.5 The agenda of each closed session shall have as an order of business "matters for disclosure".

## **2. CHAIRPERSON AND PRESIDING OFFICERS**

### **2.1 GENERAL**

2.1.1 The Chairperson shall preside at all meetings of the Board but may vacate the Chair in order to enter debate or propose or second a motion.

2.1.2 The Vice-Chairperson shall preside in the absence of the Chairperson or when the Chairperson vacates the Chair.

2.1.3 In the event that neither the Chairperson nor the Vice-Chairperson is able or willing to take the Chair, the presiding officer shall be such person as the Board may elect for that meeting.

2.1.4 The Chairperson and the Vice-Chairperson shall be elected for a term of one year in December of each year, unless otherwise changed.

2.1.5 The presiding officer shall rule on all points of order and shall state the reasons and the authority for ruling when making a 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.

2.1.6 The Chairperson shall vote in accordance with paragraph 6.1.3.

2.1.7 The Chairperson normally acts as spokesperson for the Board to the media, community and schools.

### **3. RULES OF ORDER**

#### **3.1 GENERAL**

3.1.1 Where these Rules are silent and where not inconsistent with these Rules, Robert's Rules of Order Newly Revised shall apply to the conduct of meetings, provided, further, that where both these Rules and Robert's Rules of Order Newly Revised are silent, the Standing Orders of the British Columbia Legislature shall be followed. Where there is an inconsistency between these Rules and the School Act, the School Act shall apply over the Rule in question.

3.1.2 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.

3.1.3 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.

3.1.4 The presiding officer's ruling on a point of order shall be based on Rules of Order as stated in paragraph 3.1.1 herein.

3.1.5 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.

3.1.6 All questions shall be decided by a vote on motion.

### **4. MOTIONS**

#### **4.1 GENERAL**

4.1.1 Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result. A preamble does not form part of a Resolution when passed.

4.1.2 The presiding officer may divide a motion containing more than one subject if she/he feels this would produce a fairer or clearer result and the same shall be voted on in the form in which it is divided.

4.1.3 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.

4.1.4 All motions shall be seconded except in Committee.

4.1.5 All motions are debatable except the following:

4.1.5.1 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;

4.1.5.2 Motion to fix time for adjournment of a meeting;

4.1.5.3 Motion to proceed to the next meeting;

4.1.5.4 Motion to go into Committee of the Whole or closed session;

4.1.5.5 Motion to table;

4.1.5.6 Motion to recess;

4.1.5.7 Motion to suspend rules;

4.1.5.8 Motion to lift from the table;

4.1.5.9 Motion to move the previous question.

4.1.6 All motions shall be subject to amendment except the following:



4.1.6.1 Motion that the question be now put;

4.1.6.2 Motion for adjournment of debate or adjournment of a meeting;

4.1.6.3 Motion to table unless such a motion contains a date for further consideration of the matter tabled;

4.1.6.4 Motion to refer to Committee;

4.1.6.5 Motion to proceed to next business;

4.1.6.6 Motion to lift off the table;

4.1.6.7 Motion to reconsider;

4.1.6.8 Motion to postpone indefinitely;

4.1.6.9 Motion to suspend the rules.

4.1.7 An amendment to a motion does not require notice. Only one amendment to an amendment shall be allowed and the same 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.

## 4.2 RECONSIDERATION

4.2.1 A question may be reconsidered only if notice of a request for reconsideration has been given at the previous meeting and if reconsideration is approved by a 2/3 majority.

## 5. DEBATE

### 5.1 GENERAL

5.1.1 Debate shall be strictly relevant to the question before the meeting and the presiding officer shall warn

speakers who violate this Rule.

5.1.2 No Trustee shall speak until recognized by the Chairperson.

5.1.3 No person shall speak more than once to a question except the mover of a motion, who shall have the right to make a reply when all other Trustees who wish to speak have spoken. No Trustee shall speak for a period in excess of five minutes at one time. The Chairperson may caution a Trustee who persists in tedious and repetitious debate and may direct the Trustee to discontinue.

5.1.4 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.

5.1.5 No Trustee shall interrupt another Trustee who has the floor except to raise a point of order or a point of privilege.

## **6. VOTING**

### **6.1 GENERAL**

6.1.1 All Trustees present at a meeting must vote although a Trustee must abstain from voting in the event that he has a conflict of interest by reason of having a direct pecuniary interest in a vote. A Trustee may also abstain from voting if reasons are stated.

6.1.2 Voting shall be by a show of hands and only the results recorded unless a Trustee requests recording of names. Where names are recorded both positive and negative votes shall be recorded.

6.1.3 The Chairperson shall vote at the same time as the other members of the Board and, in the case of equality of votes for and against a motion, the question is resolved in the negative and the Chairperson shall so declare.

6.1.4 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.

## **7. COMMITTEES**

### **7.1 GENERAL**

7.1.1 The Chairperson shall appoint the members to each standing Committee at the first regular meeting in each year, or as soon thereafter as possible.

7.1.2 There shall be the following standing Committees:

District Improvement Team;

Policy Committee;

Finance & Building Committee;

Personnel Committee;

7.1.3 Members of the Board may attend meetings of any of its Committees and may be allowed to take part in any discussion or debate by permission of a majority of the Committee, but may not vote.

7.1.4 The rules applying in regular or special meetings shall be observed in Committee of the Whole and in standing Committees so far as they may be applicable except as to the requirement for seconding of motions and limiting the number of times of speaking.

Speeches in Committee of the Whole must be strictly relevant to the item or clause under consideration.

7.1.5 On completion of deliberations on matters referred to it, a Committee shall report its findings to the whole Board.

7.1.6 The actions of a Committee shall not be complete until its report has been approved by the whole Board.

7.1.7 Committees will report to the Board of the proceedings of committee meetings.

## **7.2 SCOPE OF COMMITTEES**

### 7.2.3 Finance and Building Committee

#### 7.2.3.1 Membership:

The Committee will comprise of the following individuals:

7.2.3.1.1 Three Trustees;

7.2.3.1.2 Superintendent of Schools; and,

7.2.3.1.3 Secretary Treasurer.

Other Trustees and staff may be in attendance.

#### 7.2.3.2 Recommendations.

Decisions will be made by Trustee consensus. When consensus is not reached, Trustees may bring alternate recommendations to the Board.

#### 7.2.3.3 Scope of Committee:

The main responsibility of the committee is to prepare recommendations for School Board's approval in the following areas:

- 7.2.3.3.1 Seismic Capital Plan;
- 7.2.3.3.2 Capital Plan;
- 7.2.3.3.3 Annual Capital Grant Expenditures in excess of \$50,000;
- 7.2.3.3.4 Audited Financial Statements;
- 7.2.3.3.5 Joint Use Agreements with External Groups; and,
- 7.2.3.3.6 Repurposing of School Buildings.
- 7.2.3.3.7 Audit Committee

#### 7.2.3.4. Audit Committee Function

The Finance & Building Committee shall serve as the Audit Committee for the District. The Audit Committee's principle function is to oversee the school district's financial reporting process and its internal control structure, and report its findings to the Board. This task is facilitated by asking questions about the quality of work done by management, participating in the audit planning and reporting process, understanding and reviewing the aspects of the operation that put the school district at risk and the district's

preparedness to face that risk. It summarizes its findings and recommendations so that the Board can make informed decisions.

The Committee shall:

7.2.3.4.1 Review the audited financial statements and recommend approval of the audited statements by the Board;

7.2.3.4.2 Oversee the internal control structure with a focus on safeguarding district assets;

7.2.3.4.3 Review audit results with the external auditors and follow up on the implementation of the auditor's letter of recommendations;

7.2.3.4.4 Review the nature and extent of other services provided by the external auditors in relation to auditor independence;

7.2.3.4.5 Monitor the development of and changes to accounting principles and practices and financial reporting standards and their impact on the school district's financial reporting;

7.2.3.4.6 Oversee engagement of external auditors including the terms of the audit engagement and the appropriateness of proposed fees.

7.2.3.4.7 Meet with the external auditors at an Audit Committee meeting without staff members present for a portion of the meeting to obtain independent feedback from the external auditors to Board members.

#### 7.2.3.5 Meeting Schedule

The Committee will meet monthly prior to each scheduled Board meeting.

## **8. BYLAWS AND RESOLUTIONS**

### **8.1 GENERAL**

8.1.1 All matters shall be dealt with by Resolution or Bylaw. A Resolution shall have only one reading but a Bylaw shall have three readings.

8.1.2 The following matter shall only be resolved by Bylaw:

8.1.2.1 Amendments to Bylaws;

8.1.2.2 The rules of procedure of the Board and rules relative to the organization of meetings of the Board;

8.1.2.3 Regulation and control of the use of property owned and administered by the Board;

8.1.2.4 Where required by the School Act.

### **8.2 PROCEDURE ON BYLAWS**

8.2.1 Before it is passed, a Bylaw of the Board must be given three distinct readings.

8.2.2 Subject to subsection 8.2.3, at each of the readings of a Bylaw, the Bylaw must be read in full.

8.2.3 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:

8.2.3.1 its title; and

8.2.3.2 a summary of its contents.

8.2.4 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.