



**BYLAW 5.2
SCHOOL BOARD PROCEDURAL OPERATIONS**

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| Adopted: | 2005-11-07 |
| Reviewed: | 2007-12-03 |
| Revised: | 2006-01-24, 2006-02-13, 2006-03-07, 2006-11-0-1, 2007-01-21, 2009-10-26, 2010-04-26, 2010-05-31, 2010-06-14 |

A bylaw by the Board of Education of School District No. 20 (Kootenay-Columbia) (called the “Board”) to establish revised procedures to be followed in calling and conducting meetings, establishing committees, and adopting bylaws.

WHEREAS the *School Act* authorizes the Board of Education to make bylaws relative to the organization of meetings of the Board;

NOW, THEREFORE, the Board of Education of School District No. 20 (Kootenay-Columbia) enacts as follows:

1. INAUGURAL MEETINGS

- 1.1 After the general school 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 interim Chairperson of the Inaugural Meeting shall be the Secretary-Treasurer or Superintendent of Schools until such time as the Board Chairperson is elected.
- 1.3 The Secretary-Treasurer shall announce the results of the 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.
- 1.4 The interim Chairperson shall call for nominations for Board Chairperson (seconding is not necessary) and conduct a vote by ballot as follows:
 - a) Each candidate is given an opportunity to speak for three minutes.
 - b) The vote count for each candidate shall be announced at the conclusion of each ballot.
 - c) If one candidate receives a majority of votes, he/she will be declared elected.
 - d) If no candidate receives a clear majority, further ballots shall be taken until the same is achieved.
 - e) Each candidate shall be given an appropriate length of time to make a presentation or to withdraw from election prior to the next ballot.
 - f) If a tie occurs between the leading candidates after two or more ballots, the Board may decide to determine the election by the drawing of lots.
- 1.5 The Chairperson so elected shall assume the Chair for the remainder of the meeting.
- 1.6 The Board shall proceed to elect a Vice-Chairperson, BCSTA Provincial Council representative and alternative, and BCPSEA representative and alternative, in the same manner as the election of the Chairperson.
- 1.7 At the first meeting in December in each year following the elections, the order of business shall include:
 - a) appointment of auditor; [SA s.168]
 - b) passage of banking resolutions and appointment of signing officers;
 - c) authorization for Trustee remuneration. [SA s.71]

2. REGULAR MEETINGS

- 2.1 The Board of Education shall schedule at least one Board of Education meeting each month during the school year. 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 or until another meeting shall have been called in accordance with this bylaw.
- a) The Board may allow Trustees to participate in or attend a meeting of the Board by telephone or other means of communication if:
- practical in terms of cost and human resources
 - all Trustees and persons participating in or attending the meeting are able to communicate with each other
- b) If a Trustee participates in or attends a meeting of the Board by telephone or other means of communication (as provided above), the Trustee is to be counted for the purposes of establishing a quorum.
- 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 who shall consult with the Superintendent. 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. Non-receipt by a Trustee shall not void the proceedings.
- 2.6 Delegations:
- a) Persons wishing to address the Board may be placed on the agenda at a future Board meeting. The request must be provided in writing to the Secretary-Treasurer at least one week prior to the meeting.
At the Board agenda-setting meeting, delegation requests will be considered to determine:
- if the delegation will be heard
 - the appropriate date for the delegation presentation
- b) A written brief of the subject matter will be required one week prior to the meeting.
- c) A delegation must appoint a spokesperson who will be permitted 15 minutes to present the main issue to the Board, followed by a 10 minute question period to allow Trustees to ask questions of the delegation for the purposes of clarification or gathering more information.
- d) The Board will consider the delegation's request at a future Board meeting and will communicate its decision as soon as possible.
- 2.7 The order of business at all regular meetings shall be:
- a) Call to order;
- b) Receiving delegations/presentations;

- c) Approval of agenda;
- d) Correspondence;
 - i) Board correspondence will be received in letter format.
 - ii) Board correspondence will be received in e-mail format when a formal letter is in the body of the e-mail or is a separate attachment to the e-mail.
- e) Approval of minutes of prior meetings, including receipt of closed meetings [SA 1.72(1)];
- f) Business arising from the minutes;
- g) Unfinished business;
- h) New business;
- i) Reports;
- j) Questions from the public pertaining to the agenda;
- k) Notice of meeting;
- l) Adjournment.

- 2.8 A change to the order of business may be proposed by any Trustee and shall require a two-thirds vote.
- 2.9 Additions to the agenda will be considered by the Chair and only will be allowed on the agenda if deemed to be of an urgent or time-sensitive nature.
- 2.10 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 69(4) 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. [SA s.72(1)]
- 2.11 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(1)]
- 2.12 All meetings shall stand adjourned at three hours after their commencement and in any event not past 22:30, unless a resolution is passed by a majority vote to extend the hour of adjournment.
- 2.13 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)]
- 2.14 The Secretary-Treasurer, or other 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 current 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)]
- 2.15 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 s.70(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)]

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 48 hours in advance of the meeting. Delivery 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 & 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. 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 in the *School Act*.
- 4.3 The Board shall 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 presented at the next meeting of the Board open to the public and 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)]
- 4.4 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 in accordance with paragraph 4.6:
- a) Personnel matters including contract and collective agreement negotiations; matters pertaining to individual employees, including medial matters, appointment, promotion, demotion, transfer, conduct, competence, discipline, suspension, termination or retirement; grievances and requests of employees, Board officers or other bargaining agents or representatives; plans that relate to the management of personnel or of 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 advice 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 of 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.
- 4.5 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 is to be resolved in accordance with paragraph 4.6.

- 4.6 Where any motion raises the question whether a matter should be considered in closed session or in a meeting open to the public, the matter shall be considered in a meeting open to the public unless a majority of the Board present and voting votes to consider the matter in closed session.

5. CHAIRPERSON & PRESIDING OFFICERS

- 5.1 A Chairperson, Vice-Chairperson, BCSTA Provincial Council representative, and BCPSEA representative shall be elected at the first meeting of the Board in December according to the procedure outlined in paragraph 1.4.
- 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 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.
- 5.6 A majority of the Board may elect a new Chairperson, Vice-Chairperson, BCSTA and BCPSEA representatives 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.

7. BYLAWS AND RESOLUTIONS

- 7.1 Unless expressly required to be exercised by a bylaw, all powers of the Board may be exercised by bylaw or by resolution.
- 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.65(5)]
 - d) ordinary rules or procedures of the Board and rules relative to the organization of meetings of 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, where practical, and in the notice of the meeting where the bylaw is to be proposed.
- 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) Committee stage: if the question for second reading passes and where considered necessary by the majority of the Board, the bylaw shall be referred to the Committee of the Whole for detailed consideration unless a motion is passed for referral to a Standing Committee.
 - d) Third reading: consideration of amendments made in committee and final decision.
- 8.3 When a bylaw has been amended in committee, it shall be reprinted as amended and shall not be further proceeded with, 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 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)]

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 (ie, 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 only 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 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 at a subsequent meeting only if notice is given in the call of the meeting.

10. DEBATE

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.

Speakers shall be recognized by the Chair and shall address all remarks to the Chair.

Each Trustee has the right to speak twice on the same question on the same day but cannot make a second speech so long as any Trustee who has not spoken on the question desires to speak. No trustee shall speak for more than three minutes at one time.

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. No Trustee shall interrupt another Trustee who has the floor except to raise a point of order, a point of privilege, or to disclose 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 the 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, the reason for such abstention shall be stated. If a Trustee wishes to have a negative or positive vote recorded, he or she must so request immediately before or immediately after the vote is taken. All negative votes and abstentions shall be recorded.

11.2 Voting shall be by show of hands.

11.3 All questions shall be decided by a majority of the votes of the Trustees present and voting unless otherwise provided by the *School Act*. [Interpretation Act s.18(2)(c)]

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) shall at the meeting disclose his or her pecuniary interest and the general nature of the pecuniary interest;
- b) shall not take part in the discussion of or vote on any question in respect to the matter; and
- c) shall not attempt in any way, whether before, during or after the meeting, to influence the voting on any question in respect to the matter. [SA s.58(1)]

12.2 If a 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 a pecuniary interest of a Trustee is not disclosed as required above by reason of the Trustee's absence from the meeting, the Trustee shall disclose the pecuniary interest and otherwise comply with the requirements 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 to 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 55 of the *School Act*. [SA s.55]
- 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 open 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 and recorded in the minutes of the next meeting that is open to the public. [SA s.50]

13. BOARD COMMITTEES

- 13.1 The Chairperson shall appoint the members to, and designate the Chairperson of, Board Committees at the first regular meeting of each year or as soon thereafter as possible. The Chairperson may fill vacancies as they occur on Board Committees.
- 13.2 Trustee representation on committees shall be restricted so as not to constitute a majority of the Board.
- 13.3 Standing Committees shall be established to deal with ongoing Board responsibilities. Ad Hoc Committees have a more limited duration. Both committees can be struck at any time the Board perceives a need.
- 13.4 Trustees, other than those appointed to a specific committee, may attend meetings of any committee of the Board as observers only.
- 13.5 The Chairperson of a committee may make motions and speak to any question during committee meetings without leaving the chair.
- 13.6 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.
- 13.7 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.
- 13.8 Committees of Trustees or individual Trustees may not exercise the rights, duties and powers of the Board. [SA s.64(d)]
- 13.9 On completion of deliberations, a committee shall report its findings to the Board and such reports cannot be acted upon unless approved by the Board.
- 13.10 Agendas and schedules of committee meetings will be distributed to all Trustees in advance of the meetings.

READ A FIRST TIME THE 31ST DAY OF MAY, 2010;
READ A SECOND TIME THE 31ST DAY OF MAY, 2010;
READ A THIRD TIME, PASSED AND ADOPTED, THE 14TH DAY OF JUNE, 2010.