



## BYLAW NO. I PROCEDURAL BYLAW

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### PART 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 the new Board begins its term of office.
- 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*, 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 for nominations for Board Chairperson (seconding is not necessary) and conduct a vote by ballot in which that person receiving a clear majority shall be elected Board Chairperson for the ensuing year. If no person receives a clear majority, further ballots shall be taken until the same is achieved with the candidate receiving the least votes being dropped from the subsequent ballot. If a tie persists after two successive ballots, the election or elimination of a candidate, as the case may be, shall be decided by a weighted ballot vote (ie. in the event of a three way tie, ballots will be cast by Board members giving three votes for first choice, two for second and one for third - the candidate with the least votes would be dropped from the next ballot). If a tie persists after the weighted ballot vote, the election or elimination of a candidate, as the case may be, shall be decided by drawing of lots.
- 1.4 The Chairperson so elected shall assume the chair for the remainder of the meeting.
- 1.5 The Board shall proceed to elect two Vice-Chairpersons, each of whom shall be from one of the two zones not represented by the chairperson. The elections of the Vice Chairpersons shall be conducted in the same manner as that of the Chairperson.
- 1.6 The Board shall elect a Provincial Council Representative to the B.C. School Trustees Association and a representative to the B.C. Public School Employers' Association, and an alternate to each position.
- 1.7 Following the elections the order of business shall include:
  - (a) appointment of auditor;
  - (b) passage of banking resolutions and appointment of signing officers;
  - (c) appointment of time and place for meetings;
  - (d) appointment of standing committees subject to Section 6, unless deferred to the next succeeding regular meeting.

### PART 2 - REGULAR MEETINGS

- 2.1 A regular meeting shall be held at least once a month on the second Tuesday of the month at 19:00 hours or upon such other day or at such other hour as the Board may decide. In any case a meeting shall be held not less than once in every three

- months. 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.
- 2.2.1 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.
- 2.2.2 After a meeting has commenced, if notice is drawn to a lack of quorum, the officer presiding 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.
- 2.3 Forty-eight hours notice in writing shall be given of each regular and special meeting of the Board, which notice must be given to each Trustee by delivery of same at the place designated by him for notice, or failing any such designated place, then at his address as set out in his nomination paper.
- 2.3.1 The agenda and notice of meeting shall be prepared by the Superintendent in consultation with the Secretary Treasurer and the Chairperson.
- 2.3.2 Written notice of any special meeting of the Board may be waived provided that reasonable steps shall have been taken to notify all Trustees of the meeting and that not less than the number of Trustees required to make a quorum agree to the waiving of the written notice.
- 2.4 The order of business at all regular meetings shall be:
- (a) Call to Order;
  - (b) Approval of Agenda;
  - (c) Approval of the Minutes of Prior Meetings;
  - (d) Presentations or Delegations;
  - (e) Matters Arising From the Minutes;
  - (f) Strategic and Policy Issues;
  - (g) Operational Issues;
  - (h) Reports;
  - (i) Information Items;
  - (j) Forthcoming Events;
  - (k) Questions From the Public;
  - (l) Adjournment.
- 2.4.1 A change to the order of business may be proposed by any Trustee and shall require a two-thirds vote or unanimous consent.
- 2.4.2 All meetings shall stand adjourned at three hours after their commencement unless a resolution is passed by a two-thirds vote to extend the hour of adjournment.
- 2.5 Minutes of the proceedings of all meetings 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. A copy of the minutes, when approved, shall be forwarded to the Ministry of

Education (Section 91(4) SA).

- 2.5.1 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.
- 2.5.2 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.
- 2.6 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 the Trustees be excluded.
  - 2.61 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. A majority of the Trustees present at a meeting of the Board may expel a Trustee from the meeting for improper conduct.

### **PART 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 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.

### **PART 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. 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.
- 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 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.

- 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:
- (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 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 requires a simple majority to pass.

## **PART 5 - CHAIRPERSON AND PRESIDING OFFICERS**

- 5.1 A Chairperson, two Vice-Chair people, the BCSTA Provincial Councillor, and the BCPSEA Representative shall be elected at the first meeting of the Board in December according to the procedures 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 one of the Vice-Chairpersons, if present, or another member appointed by the Chairperson shall preside.

- 5.4 If the Chairperson is absent or unable to act, a Vice-Chairperson shall preside at meetings of the Board. This responsibility shall alternate on a monthly basis between the two Vice-Chairpersons. If both Vice-Chairpersons are 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 in accordance with Part 12.
- 5.6 A majority of the Board may elect a new Chairperson or Vice-Chairpersons at any time.

## **PART 6 - STANDING COMMITTEES**

6.1 There shall be five standing committees of the Board:

- (a) Policy;
- (b) Capital Projects;
- (c) Labour Relations;
- (d) Finance and Audit;
- (e) Scholarships Recognition.

6.2 Standing Committee Meetings:

Standing committees shall be expected to meet at least two times during the school year.

6.3 Committee Membership:

Membership of all committees shall be upon appointment by the Chairperson of the Board at the first meeting of the Board in December, or at the next succeeding regular meeting, but shall be subject to the approval of the Board.

6.3.1 In order to assist the Chairperson in making the appointments required under Section 1.7, the following procedure shall be used:

- (a) At the time the Regular Agenda for the December meeting is made public, the Superintendent shall provide each Trustee and Trustee-elect, as the case may be, with a copy of this Bylaw and a form on which are listed all of the standing committees of the Board.
- (b) Each Trustee and Trustee-elect shall rank their preferences for standing committee appointments, and shall return the form to the Superintendent prior to the December meeting.
- (c) The Superintendent shall compile the preferences of all Trustees into a single report and provide the information to the Chairperson who shall determine the committee appointments in consultation with the Superintendent.

6.3.2 The Chairperson of the Board shall be ex-officio a voting member of all committees and shall be counted in forming a quorum.

6.3.3 No Trustee shall serve as Chairperson of more than one standing committee.

6.3.4 Each committee will normally have three Trustees.

6.4 Quorum:

For all committees a quorum shall be a majority of the members of the committee.

6.5 Committee Meetings:

In the transaction of business, all committees shall adhere, as far as possible, to the rules governing proceedings in meetings of the Board.

6.6 Vacancies:

Should a vacancy occur on any committee of the Board, the Chairperson of the Board shall name a successor to fill the vacancy.

6.7 Committee Reports:

All committees shall report to the Board on a regular basis. A minority of any committee may also report.

- (a) No action shall be taken on the report of any committee until formally approved by the Board unless the Board, by a majority vote, has given the committee power to act in certain clearly defined cases.
- (b) The Superintendent of Schools and/or the Secretary Treasurer shall confer with and keep all chair people of committees informed on matters within the jurisdiction of the committee, and shall meet with the committee at such times as the committee may desire.
- (c) Committees may require the Superintendent of Schools and/or the Secretary Treasurer to bring to committee meetings such other members of the school district staff as may be deemed desirable.

6.8 Termination of Committees:

All committees of the Board shall be automatically discharged on the day preceding the Inaugural Meeting, or the first meeting in December of each year, or at such earlier date as the work of the committee has been completed.

6.9 Policy Committee:

- (a) Composition:
  - three Trustees;
  - Superintendent;
  - one or more senior staff or principals, as required.
- (b) Mandate:
  - the development and adoption of new policies;
  - the revision or deletion of existing policies.Further procedures are delineated in Policy No. 1100.

6.10 Capital Projects Committee:

- (a) Composition:
  - three Trustees;
  - Secretary Treasurer;
  - Director of Operations.
- (b) Mandate:
  - creating and/or updating the District's long-term site acquisition and facility development plans;
  - drafting the annual capital plan for the Board's consideration;
  - dealing with the acquisition or disposal of District property and the configuration of its schools;
  - assisting in the development of the annual capital allowance plan.

6.11 Labour Relations Committee:

- (a) Composition:
  - three Trustees;
  - Superintendent, or designate;
  - Assistant Superintendent;
  - Secretary Treasurer.
- (b) Mandate:
  - to foster positive Human Relation practices in the District;
  - to make recommendations to the Board regarding the personnel matters that come before the committee;
  - the positive resolution of contracts between the District and both its unionized and non-unionized employees.

6.12 Finance and Audit Committee:

- (a) Composition:
  - three Trustees;
  - Secretary Treasurer.
- (b) Mandate:
  - to provide advice and input into the development and monitoring of the annual budget;
  - to provide advice and input into the selection of an external auditor;
  - to oversee the work of the external auditor;
  - to make recommendations to the Board in respect of these matters.

6.13 Scholarships Recognition Committee:

- (a) Composition:
  - three Trustees;
  - Superintendent or designate.
- (b) Mandate:
  - to foster academic performance through the recognition of curricular achievement;
  - in particular, to manage the selection and recognition of the Provincial District Scholarship winners, any local district scholarships, and curricular subject awards;
  - further procedures are delineated in Policy 6700, Recognition of Scholarship.

## **PART 7 - RULES OF ORDER**

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 The presiding officer's ruling on a point of order shall be based on rules of order as stated in paragraph 7.1. 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.
- 7.5 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.
- 7.6 A copy of the Board's procedural bylaw shall be available for inspection at all reasonable times by any person.

## **PART 8 - BYLAWS AND RESOLUTIONS**

- 8.1 Unless expressly required to be exercised by bylaw, all powers of the Board may be exercised by bylaw or by resolution.
- 8.2 The following matters shall be dealt with only by bylaws:
- (a) adoption of the budget;
  - (b) a capital bylaw;
  - (c) the acquisition or disposal of property;
  - (d) ordinary rules of procedure 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*.

## **PART 9 - PROCEDURE ON BYLAWS**

- 9.1 Before it is passed, a bylaw of the Board must be given three (3) distinct readings.
- 9.2 Subject to 9.3, at each of the three readings of a bylaw, the bylaw must be read in full.
- 9.3 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 its title and a summary of its contents.

- 9.4 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.
- 9.5 The Secretary Treasurer shall certify on a copy of each bylaw the readings and the times thereof and the text of any amendments passed in committee.
- 9.6 A bylaw may be withdrawn at any stage with unanimous consent of the Board.
- 9.7 Amendments to bylaws will follow the same procedure as for adopting a bylaw, as outlined above.

## **PART 10 - MOTIONS**

- 10.1 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.
- 10.2 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.
- 10.3 All motions shall be seconded except in committee.
- 10.4 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.
- 10.5 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.
- 10.6 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.
- 10.7 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 majority of the Board, the same vote is required on a motion to amend or rescind.
- 10.8 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.

#### **PART 11 - DEBATE**

- 11.1 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.
- 11.2 Speakers shall be recognized by the Chair and shall address all remarks to the Chair.
- 11.3 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 that question desires to speak. No Trustee shall speak more than five minutes at one time.
- 11.4 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.
- 11.5 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.

#### **PART 12 - VOTING**

- 12.1 It is expected that all Trustees present at a meeting, including the Chairperson, 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.
- 12.2 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.
- 12.3 All questions shall be decided by a majority of the votes of the Trustees present and voting unless otherwise provided by the *School Act*. In the case of equality of votes for and against a motion, the question is resolved in the negative.

#### **PART 13 - CONFLICT OF INTEREST**

- 13.1 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 of 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 of the matter.

- 13.2 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.
- 13.3 If the pecuniary interest 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.
- 13.4 The requirements of paragraphs 13.1 -13.3 do not apply to any pecuniary interest referred to by the *School Act* as exempt from the disclosure requirements of the *School Act*.
- 13.5 "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 76 of the *School Act*.
- 13.6 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.
- 13.7 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 to and recorded in the minutes of the next meeting that is open to the public.

This Bylaw may be cited for all purposes as "School District No. 6 (Rocky Mountain) Bylaw No. I. A Bylaw to provide for the organization and operation of the Board and is in all respects in accordance with the provisions of the *School Act*.

Read a first time the 13th day of January, 1998.

Read a second time the 24th day of February, 1998.

Read a third time the 9th day of June, 1998.

Finally passed and adopted the 9th day of June, 1998.

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Board Chairperson

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Secretary Treasurer