

**School District No.64 (Gulf Islands)**

**BYLAW NO. 5**

**PROCEDURAL BYLAW**

**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.87(1)] The term of office commences on December 1, immediately following a general local election. [SA s.41(1)]
- 1.2 The secretary-treasurer shall announce the results of trustee elections and confirm that all trustees have completed the declaration and taken the oath of office as required by the School Act. [SA 59].
- 1.3 The superintendent (or designate) shall call for nominations by ballot 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 received a clear majority, further ballots shall be taken until the same is achieved or, if, after a second ballot, a tie shall occur, the election shall be decided by drawing of lots. (Board Policy and Procedure No. 225)
- 1.4 The chairperson so elected shall assume the chair for the remainder of the meeting.
- 1.5 The Board shall proceed to elect in the same manner as the election of the chairperson, trustees for the following positions:
  - Vice-Chairperson
  - B.C.S.T.A. Rep ~ Provincial Council
  - B.C.S.T.A. Alternate Rep ~ Provincial Council

**2. REGULAR MEETINGS**

- 2.1 A regular meeting shall be held at least once a month on the second Wednesday of the month at 12:30 p.m. or upon such 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. [SA s.87(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.86]
- 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 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 The order of business at all regular meetings shall be:
- (a) Approval of agenda;
  - (b) Adoption of minutes;
  - (c) Business Arising;
  - (d) Delegations;
  - (e) Chief Executive Officer Report;
  - (f) Chairperson Report;
  - (g) Correspondence;
  - (h) Committee Reports;
  - (i) Trustee Reports;
  - (j) Other Business;
  - (k) Question Period;
  - (l) Adjournment.
- 2.7. A change to the order of business may be proposed by any trustee and shall require a two-thirds vote or unanimous consent.
- 2.8 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 88(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.91(1)]
- 2.9 Except for minutes of a meeting from which persons other than trustees or officers of the board, or both, were excluded, the minutes shall be open for inspection at all reasonable times by any person, who may make copies and extracts on payment of a fee set by the board. [SA s.91(2)]
- 2.10 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.
- 2.11 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.88(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.88(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 s.89(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. 89(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, may be called by the secretary-treasurer. No business other than that for which the meeting was called shall be conducted at the meeting.
- 3.2 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**

- 4.1 If, in the opinion of the board, the public interest so requires, persons other than trustees may be excluded from a meeting. The secretary-treasurer or other employee designated under section 88(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.88(2), (3)&(4).
- 4.2 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 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. [SA s.91(3)]
- 4.4 Unless otherwise determined by the board, the following matters shall be considered in closed session:
  - (a) salary claims and adjustments and consideration of requests of employees and board officer with respect to collective bargaining procedures;
  - (b) accident claims and other matters where board liability may arise;
  - (c) legal opinions respecting the liability or interest of the board;
  - (d) the conduct, efficiency, discipline, suspension, termination or retirement of employees;
  - (e) medical reports;
  - (f) matters pertaining to individual pupils including the conduct, discipline, suspension or expulsion of pupils, truancy and indigent pupils;
  - (g) staff changes including appointments, transfers, resignations, promotions and demotions;
  - (h) purchase of real property including the designation of new sites; consideration of appraisal reports and accounts claimed by owners; determination of board offers and expropriation procedures;
  - (i) lease, sale or exchange of real property prior to finalization thereof;
  - (j) matters pertaining to the safety, security or protection of board property.
  - (k) such other matters where the board decides that the public interest so required.

### **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 reside at the meeting.
- 5.5 The chairperson can 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.87(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 any person. [SA s.87(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.
- 7.2 The following matters shall be dealt with only by bylaw:
  - (a) adoption of the budget, [SA s.129];
  - (b) a capital bylaw, [SA s.157];
  - (c) the acquisition or disposal of property, [SA s.85(5)];

- (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.

## **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.
- 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, 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 Every bylaw shall receive three readings on different days. A bylaw may be advanced two or more stages in one day by a two-thirds vote or on urgent or extraordinary occasions, the determination of which shall be by the chairperson.
- 8.5 The secretary-treasurer shall certify on a copy of each bylaw the readings and the times thereof and the context of any amendment passed in committee.
- 8.6 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 can only be made the day on which the original motion was voted upon and 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 at a subsequent meeting only if proper notice is given in the call of the meeting.

## **10. DEBATE**

10. 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 cannot 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 and, if a trustee has a conflict of interest, the trustee must not vote. Such an abstention shall be recorded and shall not affect the quorum. 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 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 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. [SA s.78(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.78(2)]
- 12.3 A trustee's temporary absence or inability to vote due to a conflict of interest shall not affect the quorum of a meeting.
- 12.4 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 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.78(3)]
- 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 76 of the School Act. {SA s.75]
- 12.6 A trustee has an indirect pecuniary interest in any matter in which the school 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. [SA s.76]
- 12.7 The pecuniary interest of a spouse or of a parent or child of the trust shall, if known to the trustee, be deemed to be also a pecuniary interest of the trustee. [SA s.77]
- 12.8 The provisions of the School Act regarding disclosure do not apply to a pecuniary interest in any matter that a trustee may have:
  - (a) by reason of the trustee have a pecuniary interest in the matter which is a pecuniary interest in common with electors generally;
  - (b) by reason of the trustee being entitled to receive any indemnity, expenses or remuneration payable to one or more trustees in respect of the matter;
  - (c) by reason only that the trustee is a member of a Cooperative Association or Credit Union having dealings or contracts with the board;
  - (d) by reason only of a pecuniary interest of the trustee that is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence a trustee [SA s.79]
- 12.9 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. [SA s.80]

### 13. BOARD COMMITTEES

- 13.1 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.
- 13.2 Trustees may attend meetings of any committee of the board and may be allowed to take part in any discussion but may not vote.
- 13.3 The chairperson of a committee may make motions and speak to any question during committee meetings without leaving the chair.
- 13.4 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.
- 13.5 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.
- 13.6 Committees of trustees or individual trustees may not exercise the rights, duties and powers of the board. [SA s.85(3)]
- 13.7 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.

Read a First time the 23rd day of June, 1993.  
Read a Second time the 23rd day of June, 1993.  
Read a Third time the 23rd day of June, 1993  
Reconsidered, finally passed and adopted the 15th day of September, 1993.

Chairperson

Secretary-Treasurer

I HEREBY CERTIFY that this is a true copy of School District No. 64 (Gulf Islands) Bylaw No. 5, Procedural Bylaw, adopted by the Board the 15th day of September, 1993.

Secretary-Treasurer

**Resolution No.s: 116/93  
117/93  
118/93  
133/93**