

BYLAW NUMBER 1 – PROCEDURAL BYLAW

1. INAUGURAL MEETINGS

- 1.1 After the general local election of trustees, the Secretary-Treasurer 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. (Section 67(1) SA)
- 1.2 The term of office commences on the first Monday after November 1 immediately following a general local election. (Section 49(a) SA).
- 1.3 The Secretary-Treasurer shall announce the results of trustee elections and confirm that all trustees have made the prescribed oath of office. (Section 50(2) SA)
- 1.4 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 or, if, after a second ballot, a tie shall occur, the election shall be decided by 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 in the same manner as the election of chairperson.
- 1.7 Following the elections the order of business shall be:
 - 1.7.1 passage of banking resolutions and appointment of signing officers;
 - 1.7.2 appointment of time and place for meetings.

2. REGULAR MEETINGS

- 2.1 A meeting shall be held as often as is necessary to transact the Board's business and, in any event, not less than once in every three months (Section 67(3) SA). Additional meetings shall be held as the Board may decide. Meetings shall be held in the district administration office in Port Hardy or at such other place as the Board may decide.
- 2.2 The quorum for a regular meeting shall be a majority of trustees holding office at that time. (Section 66 SA)
- 2.3 At the appointed time for commencement of a meeting, the Chairperson 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 Chairperson 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. Nonreceipt by a trustee shall not void the proceedings.
- 2.6 The order of business at all regular meetings, unless varied by motion, shall be as follows:
- Call to Order – Recognition of Traditional Territories
 - Additions to Agenda
 - Adoption of Agenda with Additions
 - Approval of Minutes of Previous Meeting(s)

 - Correspondence
 - District Report
 - Superintendent
 - Secretary-Treasurer
 - Assistant Superintendent
 - Director of Instruction
 - Business Arising from Previous Minutes
 - New Business
 - Hearing of Delegates
 - Question Period
 - Adjournment
- 2.7 A change to the prescribed order of business may be proposed by any trustee and shall require unanimous consent, without debate.

- 2.8 Minutes of the proceedings of all meetings shall be legibly recorded in a minute book; such minutes shall be concise and shall detail proceedings of the Board, but not the contents of speeches. The minutes shall be certified as correct by the Secretary-Treasurer, signed by the Chairperson or other member presiding at the meeting or at the next meeting at which they are approved. (Section 72 (1) SA)
- 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. (Section 72(2) SA)
- 2.9.1 Such minutes shall constitute the official proceedings of Board meeting when approved by the Board of Education at a subsequent meeting.
- 2.9.2 Members of the public may request permission to record the proceedings of meetings electronically. Such requests will be dealt with on an occurrence basis at the time of the intended recording. These recordings will be permitted for the personal use of the party or parties involved and may not be released to any other agency without the permission of those affected by the recording.
- 2.10 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. The Secretary-Treasurer or another employee designated by the Board must be present at the time that a decision of the Board is rendered and must record any such decision. (Section 69 SA)
- 2.11 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. (Section 70 SA)

3. SPECIAL MEETINGS

- 3.1 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.

- 3.2 Notice of a special meeting and an agenda shall be given to each trustee at least 48 hours in advance of the meeting. All reasonable steps must be taken to notify each trustee of the meeting.

4. IN-CAMERA MEETINGS

- 4.1 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 an in-camera meeting unless a resolution has been passed at the in-camera meeting to allow such disclosure, except as might be necessary to enforce the conflict of interest provisions of the School Act.
- 4.2 Minutes of an in-camera meeting shall be kept in the same manner as for a regular meeting but shall be approved only by the Board at the next in-camera meeting and shall not be filed with the minutes of regular meetings. Abridged minutes of in-camera meetings, upon approval by the Board, shall be available to the public, on the same basis as minutes of regular meetings. (Section 72(3) SA)
- 4.3 Unless otherwise determined by the Board, the following matters shall be considered only at in-camera meetings:
- 4.3.1 salary claims and adjustments and the consideration of requests of employees and board officers with respect to collective or individual bargaining;
 - 4.3.2 accident claims and other matters where board liability may arise;
 - 4.3.3 legal matters respecting the potential liability or the interest of the Board;
 - 4.3.4 the conduct, efficiency, discipline, suspension, termination or retirement of employees;
 - 4.3.5 medical examinations and medical reports on students or employees;
 - 4.3.6 matters pertaining to individual students including the conduct, discipline, suspension or expulsion of students, truancy and indigent students;
 - 4.3.7 staff changes including appointments, transfers, resignations, promotions and demotions;

- 4.3.8 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;
- 4.3.9 lease, sale or exchange of real property prior to finalization thereof;
- 4.3.10 matters pertaining to the safety, security or protection of board property;
- 4.3.11 such other matters where the Board decides that the public interest so requires.

All other matters shall be considered at regular meetings.

5. CHAIRPERSON AND PRESIDING OFFICERS

- 5.1 The Chairperson of the Board shall preside at meetings of the Board and generally fulfill the duties usually performed by a chairperson.
- 5.2 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.
- 5.3 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 act as chairperson of the meeting.
- 5.4 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.
- 5.5 A majority of the Board may elect a new chairperson or vice-chairperson at any time. (Section 67(4) SA)

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 this bylaw or specified by the School Act. Where there is an inconsistency between this bylaw and the School Act, the School Act shall apply.
- 6.2 The Board may adopt a procedural rule for one or more meetings by a 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. The rule requiring notice of meetings may be suspended by unanimous consent of all members of the Board.

- 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 herein. The ruling shall be subject to an appeal to the Board if requested by a trustee immediately after a 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 trustees present. When an appeal is successful, it 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. (Section 67(5) SA)

7. MOTIONS

- 7.1 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. Motions should express an opinion or achieve a result. A preamble does not form part of a resolution when passed.
- 7.2 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.
- 7.3 All motions shall be seconded except when in committee.
- 7.4 An amendment is a motion to modify the wording of a pending motion. An amendment may be inconsistent with one already adopted or may directly conflict with the spirit of the original motion, but it must have a direct bearing upon the subject of that motion. 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. Only one amendment to an amendment shall be allowed and the same shall be dealt with before the amendment is decided.

- 7.5 A motion to reconsider can only be made on 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.
- 7.6 A motion to rescind or to amend a motion previously adopted will be considered only if proper notice is given in the call of the meeting and if no action has been taken which 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.
- 7.7 Motions to rescind or to amend motions previously adopted require a majority vote to pass. However, if the original motion requires a two-thirds vote, the same is required on a motion to rescind or amend.
- 7.8 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.

8. BYLAWS

- 8.1 Unless expressly required to be exercised by bylaw, all powers of the Board may be exercised by resolution or by bylaw (Section 65 (4) SA). A resolution shall have only one reading but a bylaw shall have three distinct readings. (Section 68(1) School Act)
- 8.2 The following matters shall be dealt with by bylaw only:
- 8.2.1 amendments to bylaws;
 - 8.2.2 ordinary rules of procedure of the Board and rules relative to the organization of meetings of the Board;
 - 8.2.3 acquisition or disposal of property owned or administered by the Board; (Section 65(5) SA)
 - 8.2.4 adoption of the budget; (Section 113 SA)
 - 8.2.5 adoption of a capital bylaw; (Section 143 SA)
 - 8.2.6 where required by the School Act.
- 8.3 Every bylaw shall be dealt with in the following stages:
- 8.3.1 first reading – no debate or amendment;
 - 8.3.2 second reading – discussion of the principle of the bylaw;
 - 8.3.3 third reading – consideration of amendments.

- 8.4 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. (Section 68(3) School Act)
- 8.5 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. (Section 68(4) School Act)
- 8.6 The Secretary-Treasurer shall certify on a copy of each bylaw the readings and the dates thereof and the context of any amendment.
- 8.7 The trustee who introduces a bylaw may withdraw the same at any stage with unanimous consent of the Board.

9. DEBATE

- 9.1 Debate shall be strictly relevant to the question before the meeting and the presiding officer shall warn speakers who violate this rule.
- 9.2 No trustee shall speak until recognized by the Chairperson and shall address all remarks to the Chair.
- 9.3 The mover of a motion shall have the right to open and close debate on a motion. The Chairperson may caution a trustee who persists in tedious and repetitious debate and may direct him/her to discontinue if he/she persists.
- 9.4 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 a resumption of business.
- 9.5 No trustee shall interrupt another trustee who has the floor except to raise a point of order, a point of privilege or disclose a conflict of interest.

10. VOTING

- 10.1 It is expected that all trustees present at a meeting will vote on each issue. However, each 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.
- 10.2 Voting shall be by a show of hands and only the result recorded unless a trustee requests recording of names before the vote is taken.

- 10.3 In the case of an equality of votes for and against a motion, which requires a majority vote to pass, the question is resolved in the negative, and the Chairperson shall so declare.
- 10.4 All questions shall be decided by a majority of the votes of the trustees present and voting, save as otherwise provided by this bylaw or the School Act. (Section 18(2) (c) Interpretation Act)

11. COMMITTEES

- 11.1 Prior to February 1 of each year, the Chairperson of the Board shall be responsible for appointing trustees to, and designating the Chairperson of, each standing committee. The Chairperson may fill vacancies as they occur on any standing committee or appoint members to ad-hoc committees as needed.
- 11.2 Trustees may attend meetings of any committee of the Board and may be allowed to take part in any discussion or debate by permission of a majority of the committee, but may not vote.
- 11.3 The Chairperson of a committee may make motions and speak to any questions during committee meetings without leaving the chair.
- 11.4 The rules applying to regular or in-camera meetings shall be observed in committee so far as they are applicable and not altered by the provisions of this bylaw.
- 11.5 Motions in a committee need not be recorded. Speeches in a committee must be strictly relevant to the item or clause under consideration.
- 11.6 Committee meetings may be held by conference call when members are unable to meet at the district administration office.
- 11.7 On completion of deliberations on matters referred to it, a committee shall report its findings to the Board and such report cannot be acted upon unless approved by the Board. Upon submission of its report, an ad-hoc committee shall be discharged.
- 11.8 The rights, powers, duties and liabilities of the Board rest only with the duly constituted Board and not with committees of trustees or individual trustees. (Section 65 (3) SA)

12. REPRESENTATIVES

- 12.1 Prior to February 1 of each year, the Board shall be responsible for appointing representatives and alternates to other organizations as required.
- 12.2 Representatives who attend meetings of other organizations on behalf of the Board are expected to include a written report in the agenda of the next board meeting.
- 12.3 Other organizations are BCPSEA, the BCSTA Provincial Council, the First Nations Education Council and any other organization so deemed by a majority vote of the Board.

13. DELEGATIONS TO REGULAR MEETINGS

To permit community members to be heard, and at the same time to conduct its meetings properly and efficiently, the Board establishes the following procedures for persons wishing to place matters before the Board.

- 13.1 The individual should inform the Secretary-Treasurer of the nature of his/her concern, the group he/she represents (if applicable) at the same time submitting relevant documentation and other pertinent information for dissemination to the Board members at least 5 days before the meeting. The Secretary-Treasurer, in consultation with the Chairperson, shall decide if the presentation involves a regular or in-camera meeting in accordance with Section 4.3.
- 13.2 The individual will be allowed 15 minutes for his/her initial presentation, although an extension of time may be granted by the Chairperson in scheduling the presentation on the agenda, or later by the Board as it hears the individual.
- 13.3 Where a person has addressed the Board and requests a further opportunity to address the Board on the same or a similar matter, the person shall be permitted the opportunity to do so in writing. In exceptional circumstances the Board may request the person to supplement the written presentation with an oral presentation.
- 13.4 Speakers may offer objective criticism of school operations and programs, but the Board will not hear complaints about school personnel or other persons at a public session. Other channels provide for board consideration of complaints involving individuals.

The Chairperson will have authority to terminate the remarks of any individual who does not adhere to the above rules. After requests are directed to the Board, actions – and answers to questions – may be deferred pending board consideration at that or a subsequent meeting.

14. CONFLICT OF INTEREST

14.1 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:

14.1.1 shall at the meeting disclose his or her pecuniary interest and the general nature of the pecuniary interest;

14.1.2 shall not take part in the discussion of or vote on any question in respect of the matter; and

14.1.3 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. (Section 58(1) SA)

14.2 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. (Section 58(2) SA)

14.3 A trustee's temporary absence or inability to vote due to a conflict of interest shall not affect the quorum of a meeting.

14.4 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. (Section 58(3) SA)

14.5 "Pecuniary interest" means, with respect to a trustee, an interest in a matter that could monetarily affect the trustee and includes an indirect pecuniary interest referred to in section 56 of the School Act. (Section 55 SA)

14.6 A trustee has an indirect pecuniary interest in any matter in which the Board of Education is concerned if:

14.6.1 the trustee or the trustee's nominee:

14.6.1.1 is a shareholder in or a director or senior officer of a corporation that does not offer its securities to the public, or

14.6.1.2 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

14.6.1.3 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. (Section 56 SA)

- 14.7 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. (Section 57 SA)
- 14.8 The provisions of the School Act regarding disclosure do not apply to a pecuniary interest in any matter that a trustee may have:
- 14.8.1 by reason of the trustee having a pecuniary interest in the matter which is a pecuniary interest in common with electors generally;
 - 14.8.2 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;
 - 14.8.3 by reason only that the trustee is a member of a Cooperative Association or Credit Union having dealings or contracts with the Board;
 - 14.8.4 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. (Section 59 SA)
- 14.9 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. (Section 60 SA)