



The Board of Education of School District No. 83 (North Okanagan-Shuswap)

BRIEFING NOTE

TO: Board of Education **DATE:** 21 September 2020
FROM: Alanna Cameron, Secretary-Treasurer
RE: **Procedural Bylaws - Amendment September 2020**

Background

The following is a summary of amendments made to the Procedural Bylaws of the Board of Education of School District No. 83 (North Okanagan-Shuswap):

<u>Article</u>	<u>Comment</u>
3.4	Order of Business updated to more accurately reflect current practice
3.6	Clarification
6.1	Chairperson is permitted to participate in normal debate; may vacate chair in unusual circumstances, or to move or second a motion
6.4	To align with revised election date for trustees
6.6	Clarification
12.2	To update Committees to be consistent with adopted Committee Terms of Reference and Mandates
Code of Conduct for Trustees	Updated to be consistent with new policies.

Supporting Documentation

DRAFT Procedural Bylaws – Amended 2020-09-22 is attached.

Recommendation

That the amended Procedural Bylaws of the Board of Education of School District No. 83 (North Okanagan-Shuswap) be read a first time on the 22nd day of September, 2020;

That the amended Procedural Bylaws of the Board of Education of School District No. 83 (North Okanagan-Shuswap) be read a second time on the 22nd day of September, 2020;

Respectfully submitted,

Alanna Cameron

Alanna Cameron
Secretary-Treasurer



**The Board of Education of
School District No. 83
(North Okanagan-Shuswap)**

PROCEDURAL BYLAWS

ADOPTED: 1985-11-12

AMENDED: 1987-11-10

AMENDED: 1987-12-08

AMENDED: 1989-01-09

AMENDED: 1990-04-10

AMENDED: 1992-06-09

AMENDED: 1993-05-11

AMENDED: 1994-04-12

AMENDED: 1995-10-10

AMENDED: 1998-05-12

AMENDED: 2000-12-12

AMENDED: 2003-02-11

AMENDED: 2005-06-14

AMENDED: 2009-03-10

AMENDED: 2014-04-08

AMENDED: 2018-10-16

AMENDED: 2020-XX-XX

THE BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 83 (NORTH OKANAGAN-SHUSWAP) PROCEDURAL BYLAWS

Inaugural Meeting

- 1.1 The Board shall meet in November following each general trustee election at a time, place and location as determined by the Board.
- 1.2 The Chairperson of the inaugural meeting shall be the Secretary Treasurer until such time as the Board Chairperson has been elected.
- 1.3 The Secretary Treasurer or the local Provincial Court Judge shall administer the two oaths of office; the Declaration by Trustee and the Oath of Confidentiality.
- 1.4 The Interim Chairperson shall announce results of trustee elections.
- 1.5 The Interim Chairperson shall call for nominations for Board Chairperson three times and declare nominations closed. A secret ballot shall be held and the person receiving more than one half of the total number of votes cast shall be declared elected. If no person receives a clear majority, that person with the least number of votes shall be dropped from the nominees and a further ballot conducted. Any vote involving only two trustees that ends in a tie vote shall result in the appointment of an Interim Chairperson to serve until a (special) meeting is held at which time the nomination and election process will be repeated. The Interim Chairperson shall be selected from the first available trustee in the following order:
 - a) The most recent Chairperson;
 - b) The most recent Vice Chairperson;
 - c) The two remaining trustees nominated for chairperson by drawing lots.
- 1.6 Following the election of Board Chairperson, the Vice Chairperson shall be elected.

Annual Election of Officers of the Board

- 2.1 In years when inaugural meetings are not necessary, the Board shall meet at a time, place and location as determined by the Board to elect the officers of the Board. This will normally be done annually; however, the *School Act* allows an election at any time.
- 2.2 The Chairperson of the meeting shall be the Secretary-Treasurer until such time as the Board Chairperson has been elected.

- 2.3 The Interim Chairperson shall call for nominations for Board Chairperson three times and declare nominations closed. A secret ballot shall be held and the person receiving more than one half of the total number of votes cast shall be declared elected. If no person receives a clear majority, that person with the least number of votes shall be dropped from the nominees and a further ballot conducted. Any vote involving only two trustees that ends in a tie vote shall result in the appointment of an Interim Chairperson to serve until a (special) meeting is held at which time the nomination and election process will be repeated. The Interim Chairperson shall be selected from the first available trustee in the following order:
- a) The most recent Chairperson;
 - b) The most recent Vice Chairperson;
 - c) The two remaining trustees nominated for Chairperson by drawing lots.
- 2.4 Following the election of Board Chairperson, the Vice Chairperson shall be elected.

Regular Public Meetings

- 3.1 During the period September to June in each school year, a regular meeting should be held at least once per month. The time and location will be determined by the agenda setting committee.
- 3.2 The quorum for a regular meeting shall be a majority of trustees holding office at that time.
- 3.3 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 these bylaws.

If, prior to the meeting, the Chair and/or the Secretary Treasurer have received information suggesting there will not be a quorum, the meeting may be cancelled and attempts will be made to contact all Trustees.

- 3.4 The Order of Business at all regular board meetings shall cover the following items, the order of which will be determined by the agenda setting committee:
- a. Approval of the agenda;
 - b. Approval of minutes of prior meetings;
 - c. Approval of general statement regarding in-camera meetings;
 - d. Business Arising;
 - e. Receiving delegations;
 - f. Superintendent's Report;
 - Announcements;
 - g. Educational Component;

- Receiving delegations;
- ~~Business Arising;~~
- ~~Discussion items;~~
- h. New Business;**
- i. Committee Reports;
- Policy;
- j. Board Correspondence**
- ~~Information items;~~
- k. Trustee Reports**
- ~~Other business;~~
- l. Public Question Period. ~~(To be placed into the order of business by the —
—agenda setting committee.)~~

- 3.5 A change to the prescribed order of business may be proposed by any trustee and shall require majority consent, without debate.
- 3.6 The **written** agenda and notice of meetings shall be prepared by the Secretary Treasurer under the direction of the Chairperson. Written notice of each meeting, together with the proposed agenda, must be given at least 48 hours in advance to each trustee by delivery to the place designated by him/her.
- 3.7 Minutes shall be kept by the Secretary of the Board of all proceedings of the Board, with the minutes to be concise and to detail proceedings of the Board, but not the contents of speeches.
- 3.8 All meetings shall stand adjourned at three hours after their commencement.
- 3.9 All Regular Public meetings of the Board shall be open to the public and no person shall be excluded except for improper conduct. ~~If, in the opinion of the Board, the public interest so requires, the Board may order a meeting or part thereof to be closed to discuss topics pertinent to that meeting and may exclude persons other than trustees and officers.~~
- 3.10 The presiding officer may expel and exclude from a Board meeting, any person whom he or she considers has been guilty of improper conduct.
- 3.11 Fifteen minutes will be set aside on each regular Board Meeting Agenda to give members of the public an opportunity to put one or two questions to the Board. The Board welcomes questions of a general nature, but the primary purpose of the "Public Question Period" is to ask questions about the Board's policies or operations. The Question Period is not a platform for presentations or personal statements. The Chairperson may refer the question to a senior staff member or to the appropriate Board Committee Chairperson. Whenever possible, the questions will be answered immediately. If not, it will be deferred to a later date when all the information is available.

- 3.12 A review of Board operations, procedures and Procedural Bylaws will be conducted at a time and place to be determined by the Board.

Closed In-Camera Session

- 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 a closed meeting unless a resolution has been passed at the closed meeting to allow disclosure.
- 4.2 Minutes of a closed meeting shall be kept in the same manner as a regular meeting but shall be approved only by the Board in a closed meeting and shall not be filed with the minutes of the regular meetings.
- 4.3 A general summary of matters discussed and the nature of decisions made at in-camera meetings shall be prepared following each meeting and, after approval of the in-camera meeting minutes, this statement will be attached to the agenda of the regular meeting immediately following.
- 4.4 Unless otherwise determined by the Board, the following matters shall be considered in closed session:
- a. Student disciplinary cases;
 - b. Information regarding appointment, employment or dismissal of an employee;
 - c. Matters of collective negotiations with employees;
 - d. Matters related to the purchase or sale of land;
 - e. Matters of a personal nature that are subject to the Freedom of Information and Protection of Privacy Act;
 - f. Other matters as deemed necessary by the Board.
- 4.5 Confidential information of in-camera meetings shall be maintained and information that is to be conveyed from an in-camera meeting shall be done by the district administration. The first time in a trustee's career that he or she discloses confidential information; the Board will discuss the violation at an in-camera meeting. If the offence is repeated, the Board will discuss the violation at a public meeting, and in keeping with the new educational philosophy, the chair may publicly reprimand the offending trustee. The trustee may also be barred from future in-camera meetings, as per the *School Act*.

Special Meetings

- 5.1 A special meeting of the Board, either Public or In-Camera, may be called by the Chairperson, or upon written request of a majority of the trustees, by the Secretary Treasurer. No business other than that for which the meeting was called shall be conducted at the meeting.
- 5.2 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.

Chairperson, Vice Chairperson and Presiding Officers

- 6.1 The Chairperson shall preside at all meetings of the Board but may vacate the chair in order to **substantially** enter debate or ~~propose~~ **move** or second a motion.
- 6.2 The Vice Chairperson shall preside in the absence of the Chairperson or when the Chairperson vacates the chair.
- 6.3 In the event that neither the Chairperson nor the Vice Chairperson are able or willing to take the chair, the presiding officer shall be such person as the Board may elect for that meeting.
- 6.4 The Chairperson and Vice Chairperson shall be elected for a term of one year at the first meeting after **October** ~~November 31~~ **30** each year. Elections may be called by simple majority vote on motion, and any one of them may be replaced before their terms expire.
- 6.5 The presiding officer shall rule on all points of order and shall state his reasons and the authority for ruling when making a ruling. The presiding officer's ruling shall be subject to appeal to the Board. An appeal may only be requested immediately after a ruling and before resumption of business.
- 6.6 In discussing matters with a delegation, the Chairperson of the Board shall act as spokesperson. Trustees should **restrict their questions, through the chair**, ~~address themselves~~ to clarification of the content of the submission or request.

Rules of Order

- 7.1 These bylaws are to apply and take precedence over any other rules of order or procedural rules, unless they are in conflict with the *School Act* or other provincial law. Where these bylaws appear to conflict with any other Rules of Order, these bylaws shall apply. 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 these bylaws.
- 7.2 To the extent that is reasonable, the sections of these bylaws concerning the conduct of meetings are intended to facilitate meetings, rather than to restrict meetings. The primary intent is that the spirit of these bylaws be followed. Therefore, with the tacit agreement of the board, minor deviations from these procedural bylaws may be allowed by the presiding officer in order to facilitate meetings.
- 7.3 At the explicit request of any one or more board members, the presiding officer must enforce these bylaws strictly, either for the duration of a meeting or in dealing with the motion in question, according to the request. These bylaws can not be applied

retroactively, and there are to be no consequences from, or recourse because of, deviations before the explicit request for strict enforcement was made.

- 7.4 The Board may adopt a procedural rule for one meeting by resolution of a majority of two-thirds of the trustees present at the meeting. A rule other than the requirement for notice of meetings may be suspended by unanimous consent of the trustees present.
- 7.5 These procedural bylaws may be amended by resolution of at least two-thirds (2/3) of the entire board approving the amendment. Notice of intention to propose the amendment must be given at the previous meeting and Trustees must be given at least 48 hours' notice.
- 7.6 The presiding officer's ruling on a point of order shall be based on these procedural rules, as stated in Article 8.1 herein.
- 7.7 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.
- 7.8 All motions shall be decided by a vote; neither the mover nor the seconder shall be recorded in the minutes.
- 7.9 A copy of the Board's procedural bylaws and all amendments thereto shall be filed with the Ministry of Education.

Motions

- 8.1 Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result. A preamble does not form part of a resolution when passed.
- 8.2 The presiding officer may divide a motion containing more than one subject if he or she feels this would produce a fairer or clearer result and the same shall be voted on in the form in which it is divided.
- 8.3 No motion other than to postpone consideration of a question, or a procedural motion, shall be repeated during the calendar year except by the rescinding process.
- 8.4 All motions shall be seconded.
- 8.5 All motions are debatable except the following:
 - a. Motion for adjournment of debate or for adjournment of a meeting unless such a motion contains a time for recommencement of debate or for a new meeting;
 - b. Motion to fix time for adjournment of a meeting;
 - c. Motion to proceed to the next business;
 - d. Motion to go into committee of the whole or closed session;

- 8.6 All motions shall be subject to amendment except the following:
- a. Motion that the question be now put;
 - b. Motion for adjournment of debate or adjournment of a meeting;
 - c. Motion to table unless such a motion contains a date for further consideration of the matter tabled;
 - d. Motion to refer to committee;
 - e. Motion to proceed to next business.
- 8.7 An amendment to a motion does not require notice. Only one amendment to an amendment shall be allowed and the same shall be dealt with before the amendment is decided. Amendments must be strictly relevant to the main motion and not alter in a material way or be contrary to the principle embodied in the main motion.

Reconsideration and Rescind

- 9.1 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. No question can be reconsidered twice. A two-thirds (2/3) vote is required for approval.
- 9.2 Motions to rescind a motion previously adopted can be considered only if notice of motion has been given at a previous meeting where trustees were given at least 48 hours' notice, and if no action has been taken which it is too late to undo. Such motions are debatable. There is no time limit for these motions, and they can be moved by any member. A two-thirds (2/3) vote is required for approval.

Debate

- 10.1 Debate shall be strictly relevant to the motion before the meeting and the presiding officer shall warn speakers who violate this rule.
- 10.2 No trustee shall speak until recognized by the Chairperson.
- 10.3 After posing a question during debate and receiving an initial response to the question, a trustee may ask up to two additional questions in order to clarify matters of concern to the trustee.
- 10.4 The mover of a motion shall have the right to open and close debate. Unless authorized by the Chair, no trustee shall speak for a period in excess of three minutes at one time. The Chairperson may caution a trustee who persists in tedious and repetitious debate and may direct him/her to discontinue if he/she persists.

- 10.5 A point of privilege (a matter dealing with the rights or interests of the Board as a whole or of a trustee personally), may be raised at any time and shall be dealt with forthwith before resumption of business.
- 10.6 No trustee shall interrupt another trustee who has the floor except to raise a point of order or a point of privilege.

Voting

- 11.1 All trustees present at a meeting must vote although a trustee must abstain from voting in the event that he/she has a conflict of interest by reason of having a direct pecuniary interest in a vote. A trustee may also abstain from voting if he/she states at the meeting his/her reasons thereon.
- 11.2 The Chairperson may 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.
- 11.3 All questions shall be decided by a majority of the votes of the trustees present and voting, save as otherwise provided by these bylaws or the *School Act*.

Committees

- 12.1 The Chairperson after consulting with the Vice Chairperson shall appoint the members to each committee as soon as practical after each election of officers. The appointments to those committees and organizations that are regional and provincial will be made after consultation with the Board as a whole.
- 12.2 There shall be the following standing committees:
 - a. Policy
 - b. Labour Relations
 - c. Education Directions
 - d. Finance & Facilities/**Audit**
 - . **Audit**
 - e. Partner Group Liaison (~~2 members of each partner group~~)

An advisory Budget Committee shall be struck annually, and will report recommendations to the Board through the Finance & Facilities/Audit Committee.

- 12.3 Members of the Board may attend meetings of any of its committees and may be allowed to take part in any discussion or debate with the prior permission of the Committee Chairperson prior to the meeting.
- 12.4 If a trustee not on the committee wishes an item discussed at a committee session, he/she will bring the matter to the attention of the Chairperson of that committee, who will decide either to speak on the matter or invite the trustee to speak on the matter.

The trustee will speak only on the matter and participate in the debate to provide any clarification requested by committee members.

- 12.5
 - a. The rules applying in regular or special meetings shall be observed in committee of the whole and in standing committees so far as they may be applicable.
 - b. Debate in committee of the whole must be strictly relevant to the item or clause under consideration.
- 12.6 On completion of deliberations on matters referred to it, a committee shall report its findings to the whole Board.
- 12.7 Committees shall take attendance and provide minutes of meetings, or reports, or a summary of topics discussed to the entire Board.

Bylaws and Resolutions

- 13.1 All matters shall be dealt with by resolution or bylaw. A resolution may have only one reading but a bylaw shall have three readings.
- 13.2 The following matters shall only be resolved by bylaw:
 - a. Amendments to bylaws;
 - b. The rules of procedure of the Board and rules relative to the organization of meetings of the Board;
 - c. Regulation and control of the use of property owned and administered by the Board;
 - d. Where required by the *School Act*.

Procedure on Bylaws

- 14.1 Written notice of intention to propose a procedural bylaw or amend a procedural bylaw shall be given at the meeting prior to the first reading. Trustees are to be given at least 48 hours' notice.
- 14.2 Every bylaw shall be given three readings.
- 14.3 The board may 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. (*School Act* s.68.4)
- 14.4 The Secretary shall certify on a copy of each bylaw, the readings and the times thereof and the context of any amendment passed.
- 14.5 The trustee who introduces a bylaw may withdraw the same at any stage with unanimous consent.

Code of Conduct for Trustees

The following Policies are relevant to Board responsibilities and conduct:

- Policy 130 - Roles and Responsibilities of the Board
- Policy 131 - Roles and Responsibilities of the Board Chairperson
- Policy 132 - Roles and Responsibilities of Individual Trustees
- Policy 133 - Trustee Code of Conduct
- Policy 134 - Trustee Conflict of Interest
- Policy 135 - Trustee Attendance
- Policy 136 - Trustee Remuneration and Expenses
- Policy 137 - Roles and Responsibilities of the Vice-Chairperson
- Policy 140 - Board Delegation of Authority
- Policy 170 - Monitoring Board Performance
- Policy 180 - Trustee Professional Learning
- Policy 190 - Budget Monitoring and Reporting

This Bylaw may be cited for all purposes as 'School District No. 83 Procedural Bylaws' and is in all respects in accordance with the provisions of the *School Act*.

READ A FIRST TIME THE 22nd day of September, 2020

READ A SECOND TIME THE 22nd day of September, 2020

READ A THIRD AND FINAL TIME XX day of XX, 2020

Board Chair

Secretary Treasurer