

# School District No. 71 (Comox Valley)

## Board Procedural Bylaw, 2007

Board Approved Update: March 22, 2011

WHEREAS the *School Act* requires that the Board establish procedures governing conduct of its meetings;

THEREFORE this Bylaw provides rules and regulations for governing the procedure at meetings of the Board of Education, School District No. 71 (Comox Valley) and matters relating thereto.

### 1. Definitions

For purposes of this Bylaw the words used shall have their ordinary meaning save and except the words following, which shall have the meaning herein set out, namely:

- “Act” - shall mean the *School Act* and amendments thereto;
- “Board” - shall mean the Board of Education, School District No. 71 (Comox Valley);
- “Chairperson” or “Chair” - shall mean the Chairperson of the Board, or the Chairperson of any committee of the Board;
- “Meeting” - shall mean any regular meeting of the Board;
- “Regulation” - shall mean the School Regulation;
- “Secretary-Treasurer” - shall mean the Secretary-Treasurer of the Board;
- “Special Meeting” - shall mean any meeting of the Board which is not a regular meeting of the Board;
- “Superintendent” - shall mean the Superintendent of Schools for School District No. 71 (Comox Valley)

Wherever the singular or masculine is used in this Bylaw, it shall be considered as if the plural or feminine has been used where the context so requires.

### 2. Meetings—Generally

Board Quorum—a Quorum of the Board shall be a majority of the Trustees holding office at the time of the meeting.

Rules of Order—Where these Rules are silent and where not inconsistent with these Rules, the most recent edition of *Robert's Rules of Order* shall apply to the conduct of meetings, provided, further, that where both these Rules and *Robert's Rules of Order* are silent, the *School Act* shall apply over the Rule in question.

The Board may adopt a procedural Rule for one or more meetings 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.

Under the order of "Question Period" questions may be put to the Chair or, through the Chair, to any other Board member or executive officer of the Board, relating to any matter connected with the business of the Board

Meetings of the Board shall be either regular meetings or special meetings. The Chairperson shall preside, when present, at all meetings of the Board and generally shall fulfill the duties usually performed by a Chairperson. If the Chairperson is absent from the meeting, the Vice-Chairperson shall preside.

If both the Chairperson and the Vice-Chairperson are absent from the meeting, the members present at the meeting shall elect one of their number to act as Chairperson of the meeting.

Regular Meetings of the Board shall be held on the fourth Tuesday of the month, provided that the Board may, with the unanimous approval of members present at any meeting of the Board, dispense with the holding of any regular meeting of the Board or arrange for the holding of such regular meeting at some other time.

The Education Committee shall meet on the second Tuesday of the month, provided that the Board may, with the unanimous approval of members present at any meeting of the Board, dispense with the holding of any Education Committee or arrange for the holding of such Education Committee at some other time.

The Board shall meet monthly with the District Superintendent.

Special Meetings of the Board may be called by the Chairperson or, in the absence of the Chairperson, the Vice-Chairperson, or by the Secretary-Treasurer on request of a majority of the Board. Only the business for which the meeting was called shall be conducted at the meeting. The Secretary-Treasurer will be responsible for advising all members of the Board and the public of special meetings.

The Board expects the Superintendent, the Secretary-Treasurer, and the Assistant Superintendent of Schools to attend all regular and special meetings.

### 3. **Inaugural Meeting**

The last regular meeting held in November of each year shall be considered an inaugural meeting. The first order of business shall be to elect a Chairperson and Vice-Chairperson of the

Board. During an election year the Board will delay Board elections until the completion of appeal timelines by using an extraordinary meeting for selection.

The inaugural meeting shall be convened by the Secretary-Treasurer, who shall be interim Chairperson until such time as the Board Chairperson has been elected.

The Secretary-Treasurer shall call for nominations for Board Chairperson and conduct a vote by ballot in which that person receiving a clear majority shall be elected Board Chairperson. If no person receives a clear majority, further ballots shall be taken until the same is achieved.

The newly-elected Board Chairperson shall assume the chair and call for nominations for the election of a Board Vice-Chairperson in the same manner as for the election of the Chairperson.

#### 4. **Regular Board Meetings and Education Committee of the Whole**

All regular Board Meetings shall commence at the hour of 6:00 pm, with the public portion of the meeting to commence at 7:00 pm. All Education Committee meetings shall commence at 6:30 pm and both shall adjourn not later than the hour of 9:00 pm. Meetings may continue to a specified or unspecified time, provided that the members present at the meeting unanimously resolve continuation.

All regular meetings and Education Committee meetings shall be open to attendance by the media and by the general public.

At least forty-eight hours prior to the time of commencement of the regular meeting, the Secretary-Treasurer shall provide all members of the Board with the agenda. The agenda will include the following items:

- minutes of the previous meeting;
- minutes of any special meetings held since the previous regular meeting;
- notice of items of old business to be considered;
- copies of Management Reports;
- copies of Committee Reports: Finance Committee and Policy Advisory Committee
- notice of which Board appointees to other bodies will be reporting;
- notice of items of new business to be considered;
- copies of correspondence to be considered.

The Order of Business—for any regular meeting of the Board shall be as follows, namely:

- Call Meeting to Order/Welcome
- Adoption of Minutes
- Adoption of Agenda
- Report on In-Camera Meeting
- Presentations/Delegations

- [moved order] Old Business: consideration of matters arising out of the minutes of the previous regular meeting and any special general meetings
- Chair's Report
- Management Reports:
  - Superintendent's Report
  - Secretary-Treasurer's Report
  - Human Resources
- Board Committee Reports:
  - Finance Committee
  - Policy Advisory Committee
  - Board Governance
- Board Appointees to other Boards/Committee Structure
- New Business
- Board Correspondence
- Questions and Enquiries
- Adjournment

provided that the Board may, by resolution at any regular meeting, suspend the regular order of business or alter or vary the regular order of business.

New business shall not be considered at any regular meeting unless it arises directly out of correspondence, reports, or other matters arising during the regular order of business; or unless at least forty-eight hours notice of the intention to introduce the item of new business has been given to all members of the Board, provided that the members present at any regular meeting of the Board may, by unanimous resolution, waive the giving of notice.

Referral to Committee of any matter arising during the course of any regular meeting may be made upon resolution of the meeting.

Committee of the Whole Board may be called at any regular meeting of the Board upon resolution of the meeting, and the regular order of business shall thereupon be suspended until return to regular order of business has been resolved. It is expected that the Superintendent, Secretary-Treasurer, and Assistant Superintendent of Schools shall attend meetings of the Committee of the Whole Board. The Board may invite other persons to attend all or part of a meeting of the Committee of the Whole Board.

Except for a record containing a general statement of the nature of the matters discussed, no business transacted at any meeting of the Committee of the Whole Board shall be published, reported, or otherwise communicated to anyone not present at the meeting without the consent of the meeting to such publication, reporting, or communication being first obtained.

Unfinished business at the time of adjournment shall be dealt with by the Board:

- at the next regularly scheduled meeting; or
- at a special meeting of the Board called in the manner provided in this Bylaw.

5. **Special General (Open) and Special Confidential (Closed) Meetings**

Notice of, and the agenda for, special meetings shall be provided by the Secretary-Treasurer to all members of the Board at least forty-eight hours in advance of the meeting. Should the matter be of an emergent nature, this requirement may be waived by a vote of a majority of all of the members of the Board, which will be considered as the first item of business at the special meeting.

All special meetings of the Board shall be called in accordance with this Bylaw, shall be limited to the purposes set out herein, and shall follow the procedures for regular meetings insofar as those procedures may be applicable.

Special general (open) meetings are called to consider matters that the Chairperson of the Board (or in the absence of the Chairperson, the Vice-Chairperson), or a majority of Board, consider desirable to be dealt with prior to the next regularly scheduled meeting. Such meetings are open to the public, and all the media normally receiving a copy of the agenda for regular Board meetings will be advised.

Special confidential (closed) meetings are meetings from which the public and the media are excluded as the matter(s) to be considered are of a confidential nature. No Board member shall disclose to the public the proceedings of a confidential meeting unless a resolution has been passed at the confidential meeting to permit disclosure.

Unless otherwise determined by the Board, the following matters shall be considered in closed session:

- salary claims and adjustments, and the consideration of requests of employees and Board officers with respect to collective bargaining procedures;
- accident claims and other matters where Board liability may arise;
- legal opinions respecting the liability or interest of the Board;
- the conduct, efficiency, discipline, suspension, or termination of employees;
- medical examiners or examinations and medical reports;
- matters pertaining to individual students including the conduct, discipline, suspension, or expulsion of students, truancy, and indigent students;
- personnel matters of a sensitive nature;

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

## 6. Rules of Order

A Bylaw may be proposed at either a Regular meeting of the Board or at a Special meeting called for the purpose of considering the Bylaw.

Resolutions may be proposed during the consideration of correspondence, during the reception of the reports of committees, and upon the introduction of other items properly included with the agenda, provided that any resolution proposed shall relate to the matter under discussion and consideration.

A resolution shall be presented by motion of a member of the Board and shall be seconded by another member of the Board before acceptance for discussion or vote. The Chairperson may not move or second a resolution.

Each member of the Board shall normally be entitled to speak only once to any resolution proposed at any regular meeting, and every member of the Board present at the meeting shall be entitled to speak before the question is called.

Notwithstanding the foregoing, the mover of the resolution shall have the right to close debate.

The Chairperson shall put the vote when the question is called.

Any member who does not vote for or against the resolution when the vote is put shall be deemed to have abstained, and shall not be counted for purposes of the vote.

The Chairperson has the same right to vote as the other members of the Board; in the case of an equality of votes for and against a motion, the question is resolved in the negative, and the Chairperson shall so declare.

All motions are debatable except:

- a motion for adjournment of debate;
- a motion for adjournment of a meeting;
- a motion to table;
- a motion to go into Committee of the Whole or closed session.

### Reconsideration

A question previously dealt with will only be reconsidered if a Board member gives notice that a motion to reconsider will be presented at the next regular meeting.

The notice, complete with supporting documentation, must be given to all members of the Board either in writing through the Secretary-Treasurer four days in advance, or with the agenda. A motion of the Board to reconsider must be passed by having a majority of all its members cast an affirmative vote. Provided the motion to reconsider is approved, the original question can be dealt with forthwith.

No motion other than to postpone consideration of a question, or a procedural motion, shall be repeated during the calendar year except by the reconsideration process. A motion to rescind a duly approved resolution shall follow the reconsideration process.

### Bylaws

Bylaws shall only be proposed when at least forty eight hours notice of the intention to propose the bylaw has been given to all members of the Board, provided that the members present at a regular meeting of the Board may, by unanimous resolution, waive the giving of notice.

A bylaw shall receive two readings before being finally passed and adopted. A proposed bylaw shall not be considered for amendment until it has passed its first reading, and shall not be amended save and except by a new amending bylaw after it has been finally considered and adopted.

A bylaw may receive its two readings at a single regular meeting or special meeting of the Board and shall be reconsidered and adopted or rejected at the regular meeting next following the meeting at which it passes its second reading, or at a special meeting called for that purpose, provided that the Board may, by unanimous resolution of the members present at the regular or special meeting of the Board at which it passes its second reading, suspend the requirements of this regulation and reconsider or adopt or reject the bylaw at the same regular or special meeting at which it passes its second reading.

Notwithstanding the foregoing, consideration of money bylaws in the form specified by the Minister of Education may receive all required readings and be reconsidered and adopted at the same meeting.

## **7. Policies**

Policies and amendments to policies shall only be proposed when at least forty-eight hours notice of intention to propose the policy or amendment has been given to all members of the Board.

First consideration by the Board of a proposed policy or major amendment to a policy will be by formal resolution giving notice of motion of the Board's intention to adopt the policy or amendment at a subsequent regular meeting.

The members present at a regular meeting of the Board may, by unanimous resolution, waive the requirements of 7.1 and 7.2.

## 8. **Standing Committee**

Standing committees of the Board shall be established by the Board Chairperson, following consultation with each Board member.

The Chairperson of the Board shall annually appoint such members of the Board and management staff as he/she deems advisable to the standing committees of the Board. The membership of such committees may be revised by the Chairperson of the Board, who will so inform the Board at the next regular Board meeting.

Each of the standing committees shall be under direct supervision of a Chairperson or responsible Board member, and, where deemed advisable, a Vice-Chairperson may be appointed. The Chairperson of the Board may attend meetings of standing committees of which he/she is not an official member, but shall not be entitled to vote at such meetings.

In addition to the standing committees of the Board, the Chairperson may from time to time appoint ad hoc committees where deemed advisable.

No standing committee, other than the Education Committee, shall include more than three members of the Board.

The Education Committee is a committee of the whole Board; however, it shall be chaired by the Vice-Chairperson of the Board. The other rules that pertain to standing committees shall pertain to the Education Committee.

Committee meetings may be called at any time by the Chairperson of the committee for the purpose of dealing with the business of such committee, and the committee may adopt its own procedures for the dispatch of its business, provided that no resolution shall be passed at any committee meeting, but matters of recommendation for the Board shall be brought from the meeting by way of report to a regular meeting for consideration and such action as is deemed advisable. No one other than committee members shall be entitled to attend such meetings without invitation of the Chairperson of the committee.

All business that comes before a standing committee will be limited to:

- matters that have been referred by resolution at a regular Board meeting.

9. **Reports and Records**

Reports and recommendations shall be made to the Board at regular meetings by:

- management, or;
- for committee matters, the committee Chairperson or a member delegated.

All reports to the Board for recommendation or action shall be accompanied by all relevant information. Reports for information only need not be complete.

Minutes of the meetings shall be in summary form and shall contain the form of the motion, the results of the vote and a record of how each member voted. Discussion preceding the vote need not be recorded. In matters of general discussion or report where no vote is taken, a brief statement of the purport of the matter shall suffice unless the meeting otherwise directs.

10. **General**

This Bylaw is to be read in conjunction with the provisions of the *School Act* governing School Board meetings. In the event of conflict between this Bylaw and the *Act*, the *Act* shall take precedence.

Read a first time this 22 day of March, 2011.

Read a second time this 22 day of March, 2011.

Reconsidered, finally passed, and adopted this 22 day of March, 2011.

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Chairperson

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Secretary-Treasurer