

**BOARD OF EDUCATION
SCHOOL DISTRICT NO. 84 (VANCOUVER ISLAND WEST)**

PROCEDURES BYLAW

*Adopted: 16-10-11
Reviewed: 18-01-08
Reviewed: 19-04-08
Reviewed: 21-03-08*

A BYLAW by the Board of Education of School District No. 84 (Vancouver Island West) (hereinafter called the "Board") to adopt Procedures Amendment Bylaw No. 1.

WHEREAS in accordance with the provisions of the *School Act*, the Board has approved a Procedures Bylaw,

NOW THEREFORE the Board enacts the following procedures:

1. Inaugural Meetings

- 1.1 After the general local election of trustees in a school district, the Secretary-Treasurer for that school district must 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.67(1)]*. The term of office of a trustee elected at a general school election begins on the first Monday after December 1 following the election or when the person takes office in accordance with Section 50(3), whichever is later. *[SA s.49(a)]*
- 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 s.50]*
- 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 or, if after a second ballot a tie shall occur, the election 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 a Vice-Chairperson in the same manner as the election of the Chairperson.
- 1.6 Following the elections the order of business shall be:
 - a. Appointment of auditor; *[SA s.158]*
 - b. Motion to ratify and/or change committees;
 - c. Appointment of committee members;
 - d. Passage of banking resolutions and appointment of signing officers;
 - e. Appointment of time and place for meetings;
 - f. Approve remuneration for Board of Education;
 - g. Appointment of Parliamentarian;
 - h. Appointment of British Columbia Public School Employers' Association representative and Alternate;
 - i. Appointment of BC School Trustees Association Provincial Councillor and Alternate.

2. Regular Meetings

- 2.1 Regular meetings of the Board shall be held on the second Monday of each month at 4:00 pm in the Board Room of the Board Offices, except where the Chairperson has indicated in the notice of meeting that the meeting will be held in some other place and/or at some other time. In any case, a meeting shall be held not less than once in every three months [SA s.67(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.
- 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 by-law.
- 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 by-law.
- 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 agenda and supporting material for each open Board meeting will be available for public inspection at the Board Office on the next working day following delivery of that material to the trustees. Every effort will be made to make complete packages available to interested news media at that time.
- 2.7 The order of business at all regular meetings shall be:
 - a. Call to order;
 - b. Approval of agenda;
 - c. Approval of minutes of prior meetings;
 - d. Public inquiries and presentations;
 - e. Correspondence;
 - f. Report of closed meeting;
 - g. Trustee reports;
 - h. Business arising from the minutes;
 - i. Unfinished business;
 - j. New business;
 - k. Reports -staff;
 - l. Trustee inquiries;
 - m. Press and public inquiries;
 - n. Notice of meeting;
 - o. Adjournment.
- 2.8 A change to the order of business may be proposed by any trustee and shall require a two-thirds vote or unanimous consent.
- 2.9 Inclusion of items on the agenda, received in the last forty-eight (48) hours, will be at the discretion of the Chairperson.
- 2.10 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 72 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. 72(1)]

- 2.11 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.72(2)]
- 2.12 All meetings shall stand adjourned at four hours after their commencement unless a resolution is passed by a two-thirds vote to extend the hour of adjournment.
- 2.13 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.69(1)&(2)]
- 2.14 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.69(3)&(4)]
- 2.15 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.70(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.70(1)]

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, by the Secretary-Treasurer. No business other than that for which the meeting was called shall be conducted at the meeting. Special meetings are open to the public.
- 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.
- 3.3 Special meetings require a quorum of trustees, according to the procedure outlined in paragraph 2.2.

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 69(2) 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.69(2),(3)]
- 4.2 Regular closed meetings shall precede the regular open meetings of the Board on the second Monday of each month. Closed meetings may be called at other times by following the notice procedures as set out in this by-law.
- 4.3 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*.
- 4.4 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. [SA s.72]
- 4.5 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 officers 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 officers 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 requires.
- 4.6 The Board shall, as the last item of business at each closed meeting, consider a motion to make public such information that it deems to be no longer in the public interest to exclude from public preview, in accordance with Section 91(3) of the *School Act*.
- 4.7 Where it is deemed necessary and appropriate in the opinion of the Chairperson a conference call meeting can be called by following the notice procedures as set out in this by-law to conduct the closed business of the Board.

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 enter the debate but must vacate the chair to 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 numbers to preside at the meeting.
- 5.5 The Chairperson has the same right to vote and shall vote at the same time as the other members of the Board and, in the case of an equality of votes for and against the motion, the question is resolved in the negative, and the Chairperson shall so declare.
- 5.6 A majority of the Board may elect a new Chairperson or Vice-Chairperson at any time.
[SA s.67(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 by-law, 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 by-law may be amended by by-law 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 The Chairperson or other presiding officer shall determine all points of procedure, except that that ruling may be challenged by any trustee and decided by a majority of the trustees present. Where the ruling is challenged, there shall be no debate except the challenger and the Chairperson have the right to state briefly the reasons for their positions. A successful appeal does not necessarily set a precedent.
- 6.6 A copy of the Board's procedural by-law shall be available for inspection at all reasonable times by any person. [SA s.67(5)]

7. **By-laws and Resolutions**

- 7.1 Unless expressly required to be exercised by by-law, all powers of the Board may be exercised by by-law or by resolution.
- 7.2 The following matters shall be dealt with only by by-law:
 - a. adoption of the budget [SA s.113];
 - b. a capital by-law [SA s.143];
 - 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 by-laws;
 - f. where required by the School Act.

8. **Procedure on By-laws**

- 8.1 Written notice of intention to propose a by-law shall be given at the meeting prior to first reading, when practical, and in the notice of the meeting where the by-law is to be proposed.
- 8.2 Every by-law shall be dealt with in the following stages:
 - a. first reading: no debate or amendment;
 - b. second reading: discussion of the principle of the by-law;
 - c. committee stage: if the question for second reading passes, and where considered necessary by the majority of the Board, the by-law shall be referred to the Committee of the whole for detailed consideration unless a motion is passed for referral to a standing and/or special committee;
 - d. third reading: consideration of amendments made in committee and final decision.
- 8.3 When a by-law 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 The Board may not give a bylaw more than two readings at any one meeting unless all the members of the Board who are present at the meeting unanimously agree to give the bylaw all three readings at the meeting.
- 8.5 The Secretary-Treasurer shall certify on a copy of each by-law the readings and the times thereof and the context of any amendment passed in committee.
- 8.6 A by-law 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**

- 10.1 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.
- 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 All trustees present at a meeting have the right and duty to vote, except where the trustee has a conflict of interest, in which case 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*.
- 11.4 On urgent or extraordinary occasions and where the matter has been discussed at a previous meeting of the Board, the Chairperson can put a motion before the members and the vote will be conducted by polling each trustee individually. The question shall be decided by the majority vote of the trustees holding office at the time. The motion can be rescinded,

amended or reintroduced at the next meeting of the Board subject to the procedures as stated in Paragraphs 9.6, 9.7 and 9.8. Polling by phone and/or video conference will be alphabetically by trustee's surname.

- 11.5 Where a trustee cannot be present, the Chairperson may permit a video conference or speaker phone vote, where that is deemed necessary and appropriate, such as weather preventing travel or for medical reasons.
- 11.6 Before a vote is called administrative staff present may be asked for educational options or recommendations.

12. Conflict of Interest

- 12.1 If a trustee has a 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.58(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.58(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.58(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 56 of the *School Act*.
- 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.56]
- 12.7 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. [SA s.57]
- 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 having 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.59]
- 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.60]

13. **Delegations and Correspondence**

- 13.1 The Board welcomes and encourages delegations from students, parents, teachers, support staff and others at Board meetings. The purpose of public presentations is for the Board to gather information from the community and its employees. Decisions will be made when the Board has had the opportunity to deliberate the entire issue.
- 13.2 During the public presentation period of each regular Board meeting any person or delegation may address the Board by advising the Chairperson at that time. A time limit for making a public presentation may be imposed by the Chairperson. This time limit may be extended by a resolution passed by a majority vote of the Board .
- 13.3 If a person wishes the Board to consider an item at the current Board meeting the person shall provide written notification and an outline of the presentation to the Secretary-Treasurer at least five days prior to distribution of the agenda to the trustees.
- 13.4 During the public inquiry period, persons may ask questions of the Board. A time limit for putting forward such questions may be imposed by the Chairperson. This time limit may be extended by a resolution passed by a majority vote of the Board.
- 13.5 The Chairperson shall rule on the propriety of all presentations and may terminate any presentation or question and refer it to a closed meeting of the Board if, in the opinion of the Chairperson, the public interest so requires.
- 13.6 Where correspondence is received that appears to require a formal Board response, that correspondence shall be placed on the agenda of the next regular Board meeting together with whatever recommendation for Board action administration deems appropriate. All correspondence shall be filed at the School Board Office and a summary list of all the correspondence received shall be provided to the trustees on the day of the Board meeting.
- 13.7 Where correspondence is received that does not appear to require a formal Board response, that correspondence together with any response issued by administration shall be made available to trustees, upon request, and will not be placed on the Board agenda. However, any trustee may request that any correspondence be placed on an agenda in conjunction with a notice of motion which the trustee wishes to bring forth in connection with that correspondence.

14. **Board Committees**

- 14.1 The Chairperson shall appoint the members to, and designate the Chairperson of, each 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 committee.
- 14.2 The committees shall be those as listed in *Appendix A* which forms part of this procedural by-law.
- 14.3 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.

- 14.4 The Chairperson of a committee may make motions and speak to any question during committee meetings without leaving the chair.
- 14.5 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.
- 14.6 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.
- 14.7 Committees of trustees or individual trustees may not exercise the rights, duties and powers of the Board. [SA s.65 (3)]
- 14.8 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.

15. **Miscellaneous Provisions**

- 15.1 If any part of this by-law is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this by-law.
- 15.2 This by-law may be cited as the "Vancouver Island West School Board of Education Procedures By-law" and all previous procedures by by-law and resolutions, and amendments thereto, are hereby repealed.

This Bylaw may be cited for all purposes as School District No. 84 (Vancouver Island West) Procedures Bylaw; and is in all respects in accordance with the provisions of the *School Act*.

READ A FIRST TIME the 11th day of October, 2016.

READ A SECOND TIME the 11th day of October, 2016.

READ A THIRD TIME, PASSED AND ADOPTED the 11th day of October, 2016.

Board Chairperson

Superintendent of Schools/Secretary-Treasurer

I HEREBY CERTIFY this to be a true and original School District No. 84 (Vancouver Island West) Procedures Amendment Bylaw adopted by the Board the 11th day of October, 2016.

Superintendent of Schools/Secretary-Treasurer

APPENDIX A

BOARD COMMITTEES

Budget Committee
CUPE Labour Management Committee
CUPE Negotiating Committee
District Earthquake Safety Committee
District Mission and Goals Committee
District Occupational Health and Safety Committee
First Nations Education Liaison Committee
Grievance Committee
Joint Rental Accommodations Committee
Policy Review Committee
Scholarship Committee
VIWTU Negotiating Committee
Working Relations Committee