



## School District No. 46 (Sunshine Coast)

# Bylaw

### PROCEDURAL BYLAW

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#### **1.0 INAUGURAL MEETINGS**

- 1.1 The Secretary-Treasurer for the school district shall convene a first meeting of the Board within thirty (30) days from December 1 immediately following a general local election.
- 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.
- 1.3 The Secretary-Treasurer shall call for nominations for Board Chair (seconding is not necessary) and conduct a vote by ballot in which that person receiving a clear majority shall be elected Board Chair 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 lots.
- 1.4 The Chair so elected shall assume the chair for the remainder of the meeting.
- 1.5 The Board shall proceed to elect a Vice-Chair, a BC Public School Employers' Association representative and a BC Trustees' Association representative in the same manner as the election of the Chair.
- 1.6 Following the elections the order of business shall be:
  - (a) passage of banking resolutions and appointment of signing officers;
  - (b) appointment of time and place for meetings.

#### **2.0 REGULAR MEETINGS**

- 2.1 A regular meeting shall be held at least once per month September to June. Additional meetings shall be held as the Board may decide.
- 2.2 At the appointed time for commencement of a meeting the presiding officer shall ascertain that a quorum (as defined in the School Act) 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.

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- 2.3 The agenda and notice of meetings shall be prepared under the direction of the Chair, who shall consult with the Superintendent. Agenda items are to be submitted to the Chair, in writing, at least eight (8) working days before the scheduled meeting. Written notice of each meeting, together with the proposed agenda, must be given at least forty-eight (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.
- 2.4 A change in the order of business may be made if a resolution is passed by a simple majority.
- 2.5 A regular meeting shall stand adjourned at two and one-half (2-1/2) hours after its commencement unless a resolution is passed by a two-thirds (2/3) majority to extend the hour of adjournment.
- 2.6 Scheduled Presentations
- 2.6.1 Requests to make a presentation before the Board shall be submitted to the Chair at least eight (8) working days before the scheduled meeting.
- 2.6.2 After the scheduled presentation, Board members may ask questions. Except in extraordinary circumstances, no formal response will be given until a later date.
- 2.6.3 Presentations at regular meetings may include objective criticism of school operations and/or programs, but may not include complaints about school personnel or other persons.
- 2.6.4 Speakers shall be allotted fifteen (15) minutes for a presentation, although the time allotment may be extended up to an additional fifteen (15) minutes more by a majority vote of the Board.
- 2.7 Unscheduled Presentations
- 2.7.1 Individual members of the public attending a regularly scheduled Board meeting may be permitted to address the Board spontaneously for a five (5) minute period.

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- 2.7.2 Spontaneous addresses shall be permitted in the following circumstances:
- (a) if the issue is urgent;
  - (b) if the information is significant to a decision to be made by the Board at that meeting;
  - (c) if the issue has arisen since the deadline in 2.6.1;
  - (d) if new information has come to light since the deadline in 2.6.1.

- 2.7.3 Decisions to permit a spontaneous address or to extend the time limit shall be made by Board motion.

### **3.0 SPECIAL MEETINGS**

- 3.1 A special meeting of the Board may be called by the Chair or, upon written request by a majority of the trustees, shall be called by the Secretary-Treasurer. No business other than that for which the meeting was called shall be conducted at the meeting.
- 3.2 Written notice of a special meeting and an agenda shall be given to each trustee at least forty-eight (48) hours in advance of the meeting. Delivery of a written notice and the agenda may be waived by resolution, provided all reasonable steps have been taken to notify all trustees of the meeting.

### **4.0 CLOSED MEETINGS**

- 4.1 Business will be conducted in closed session when, in the opinion of the Board, it is of such a nature that the public interest so requires. 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 of a personal nature;
  - (f) matters pertaining to individual students including the conduct, discipline, suspension or expulsion of pupils, truancy and indigent pupils;

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- 4.1 (g) staff changes including appointments, transfers, resignations, promotions and demotions;
- (h) purchase of real property including the designation of new sites, consideration of appraisal reports and accounts claimed by owners, determination of Board offers and expropriation procedures;
- (i) lease, sale or exchange of real property prior to finalization thereof;
- (j) matters pertaining to the safety, security or protection of Board property;
- (k) such other matters where the Board decides that the public interest so requires.
- 4.2 Notwithstanding any rule limiting reconsideration of the agenda, a trustee may make a motion to move a matter from the agenda of a closed meeting or session to the agenda of the open meeting, or the reverse. The motion requires a seconder, is debatable, and requires a simple majority in order for the matter to be considered in closed meeting or session.

### **5.0 PRESIDING OFFICERS**

- 5.1 A Chair and a Vice-Chair shall be elected annually, at the first public meeting of the Board in December, according to the procedure outlined in Bylaw 1.3 During the second and third years of the Board's term of office, the elections will occur as the last item of business at the December public meeting.
- 5.2 The Board may elect a new Chair and/or Vice-Chair at any time.
- 5.3 If the Chair is absent or unable to act, the Vice-Chair shall preside at meetings of the Board. If the Vice-Chair is absent or unable to act, the members present shall elect one of their number to preside at the meeting.
- 5.4 The Chair may vacate the chair to enter debate or propose or second a motion, in which case the Vice-Chair, if present, or another member appointed by the Chair shall preside until the issue is disposed of (which should seldom be done).

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- 5.5 The chair votes only when either:
1. the vote is by ballot, in which case the chair votes along with and at the same time as all other members, or
  2. the chair's vote will change the result of the vote.

- 5.6 The chair shall declare the question to be resolved in the negative should there be an equal number of votes for and against the motion.

### 6.0 RULES OF ORDER

- 6.1 The current edition of Robert's Rules of Order shall govern points of order and procedures not provided for in the *School Act* or in this bylaw. Where there is an inconsistency between the *School Act* and this bylaw, the *School Act* shall apply.
- 6.2 The Board may adopt or suspend a procedural rule for a specific period of time in that meeting by resolution approved by two-thirds (2/3) of the trustees present at the meeting.
- 6.3 The rules contained in this bylaw may be amended by bylaw only.
- 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 A motion to appeal a ruling of the presiding officer requires a seconder and shall be decided without debate by a majority vote of the trustees present. The challenger and the presiding officer have the right to state briefly the reason for their positions.
- 6.6 A copy of the Board's procedural bylaw shall be available for inspection at all reasonable times by any person.

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#### 7.0 BYLAWS

- 7.1 The Board shall not give a bylaw more than two (2) readings at any one (1) meeting unless the members of the Board who are present at the meeting unanimously agree to give the bylaw all three (3) readings at that meeting. The following matters shall be dealt with only by bylaw:
- (a) adoption of the budget;
  - (b) a capital bylaw;
  - (c) the acquisition or disposal of property;
  - (d) ordinary rules of procedure of the Board and rules relative to the organization of meetings of the Board;
  - (e) amendments to bylaws;
  - (f) where required by the *School Act*.
- 7.2 Written notice of intention to propose a bylaw shall be given in the notice of the meeting where the bylaw is to be proposed.
- 7.3 Every bylaw shall be dealt with in the following stages:
- (a) First reading: no debate or amendment;
  - (b) Second reading: discussion of the principle of the bylaw;
  - (c) Third reading: consideration of amendments and final decision.
- 7.4 The Secretary-Treasurer shall certify on a copy of each bylaw the readings and the times thereof and any amendment passed.
- 7.5 A proposed bylaw or amendment may be withdrawn at any stage with unanimous consent of the Board.

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#### 8.0 MOTIONS

- 8.1 Unless expressly required to be exercised by bylaw, all powers of the Board shall be exercised by resolution (motion).
- 8.2 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.
- 8.3 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.
- 8.4 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.
- 8.5 A motion to reconsider can be made by any trustee from the winning side of the original vote at the meeting during which the motion was passed or defeated. 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 more than once, unless materially amended by the previous reconsideration.
- 8.6 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.
- 8.7 Motions to rescind or to amend something previously adopted for which notice has been given require a two-thirds (2/3) majority vote to pass.
- 8.8 A motion that has been defeated at a previous meeting can be moved again at a subsequent meeting only if notice is given in the call of the meeting.

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#### **9.0 DEBATE**

- 9.1 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.
- 9.2 Speakers shall be recognized by the Chair and shall address all remarks to the Chair.
- 9.3 Each trustee has the right to speak twice on the same question on the same day but cannot make a second speech if any trustee who has not spoken on that question desires to speak. No trustee shall speak for more than five (5) minutes at one time.
- 9.4 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.
- 9.5 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.

#### **10.0 VOTING**

- 10.1 It is expected that all trustees present at a meeting will vote on each issue unless they are in a conflict of interest.
- 10.2 If a trustee has a conflict of interest they must not vote and the quorum will not be affected.
- 10.3 If a trustee wishes to have their vote recorded, he or she must so request before or immediately after the vote is taken.
- 10.4 Any declared conflicts of interest shall be recorded.
- 10.5 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.
- 10.6 All questions shall be decided by a majority of the votes of the trustees present and voting unless otherwise provided by these bylaws or by the *School Act*.
- 10.7 When a trustee cannot be present, the Chair may permit a speakerphone vote where that is deemed necessary and appropriate.

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#### **11.0 REPORTS**

- 11.1 The Executive report will be received by motion which requires a seconder and is not debatable. The motion requires a simple majority to pass.
- 11.2 Reports from task groups and Board representatives will be received by motion and are not debatable. Recommendations contained therein require a motion to adopt and are debatable.
- 11.3 A Committee of the Whole report will be received by motion, requires a seconder and is not debatable. Recommendations contained within the report require a motion to adopt, require a seconder and are debatable. Motions require a simple majority to pass.

#### **12.0 COMMITTEES**

- 12.1 Appointments to Committees shall be made annually at the January Regular Board Meeting and otherwise as required.
- 12.2 Committee meeting agenda packages will be distributed to all trustees at least 7 days prior to committee meetings. Public committee meetings will have their corresponding agenda packages published on the SD46 website at that time.
- 12.3 Standing Committees shall provide written reports to the Board on any matters discussed by the Committee. It is the responsibility of the Standing Committee Chair (or designate) to record and confirm the minutes prior to the adjournment of the Committee meeting.
- 12.4 Each Standing Committee shall make recommendations to the Board in writing, with final wording agreed upon at the Committee meeting.
- 12.5 Each Standing Committee shall meet regularly throughout the school year. The Committee Meetings will take place prior to the Board's regularly scheduled meeting day so that written Committee Meeting reports can be included in the next Board agenda package.
- 12.6 Each of the Standing Committees shall elect a chairperson. If no Chair is elected, the Board Chair shall appoint one.

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- 12.7 The Chair of the Board shall be an ex-officio member of all Standing Committees.
- 12.8 The Board will establish the mandate of each of the Standing Committees. Each of the Standing Committees shall determine its Terms of Reference and submit it to the Board for approval.
- 12.9 There shall be no more than three trustees on any Standing Committee. Any trustee may attend any meeting of any Standing Committee and may participate in the discussion.
- 12.10 The Superintendent of Schools and/or designate, should attend all Committee meetings.
- 12.11 No action of any Committee of the Board shall be binding on the Board until the action is formally approved by the Board.
- 12.12 All information discussed in a Committee meeting will be treated as confidential until distributed to the full board. Committee attendees, both trustees and non-trustees, will be asked to respect this confidentiality.
- 12.13 All Ad hoc Committees are to be appointed by the Board Chair and shall follow the same operating procedures as those of our Standing Committees. Ad hoc committees are time-limited and normally appointed to complete a task, at which time they cease to exist.
- 12.14 Board Committees will be open to public attendance and participation, except when a committee is specifically addressing confidential matters covered in Bylaw 4.1.

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