

LORD SELKIRK SCHOOL DIVISION

BY-LAW NO. 2016-04

BEING A BY-LAW to regulate the proceedings of the Board of Trustees of the Lord Selkirk School Division (hereinafter called "the Board") and the Committees thereof:

WHEREAS Section 33(1) of the Public Schools Act provided that "each school board shall pass by-laws establishing rules of procedure for the guidance of the school board in the conduct of its meetings".

NOW THEREFORE be it and it is hereby enacted as a By-Law of the Lord Selkirk School Division that, unless they shall at any time be contrary to the over-riding provisions of the Public Schools Act, the following Rules of Procedure shall regulate the operation of the Board and all other procedures shall be repealed.

I. MEETINGS OF THE BOARD

A. Proceedings at the First Meeting of the Board

1. The first meeting of the school board of a school division following the general election of trustees shall take place within 14 days after the election on a day and at an hour to be fixed by the Secretary-Treasurer of the school division, who shall notify each trustee of the date, time and place of the meeting. PSA 29(1)
2. At the first meeting of a school board following a general election, the trustees present shall elect, from among themselves, a Chair and Vice-Chair for the next ensuing year and the Secretary-Treasurer shall preside at the election, or, if there is no Secretary-Treasurer present, the trustees present shall select one of themselves to preside at the election; and the member selected to preside may vote on the election PSA 29(2)
3. Annually thereafter, the trustees, at their first regular meeting in September, shall elect a Chair and Vice-chair in the same manner as provided in PSA 29(2).
4. In the event of a tie vote in selecting of a Chair or Vice-Chair, the School Board shall determine by lot who shall cast the deciding vote. PSA 29(3)
5. In the absence of the Chair and Vice-Chair, the remaining quorum, if present, will appoint an Acting Chair.

B. Meeting Format

1. Every school board shall hold its meeting openly, and no person shall be excluded or removed from any meeting except for improper conduct. PSA 30(3)
2. The regular Board meetings will be held on the first and third Tuesday of each month and are open to the public. Hours and location of meeting to be determined by Board motion.
3. For Board meetings which extend beyond 10:00 p.m., there must be a Board motion and a majority vote to proceed.

4. The Committee of the Whole meetings will be held on mutually agreed upon dates and are open unless otherwise indicated. As meeting dates are established, they will be posted on the divisional website.
5. Meetings of committees may be held 'in camera' as needed. PSA 30(4)
6. This By-Law shall constitute notice of above meetings.

C. Notice of Meetings

1. Notice of all school board meetings, regular and special, shall be given by the Secretary-Treasurer to all trustees so that the notice will be received at every trustee's designated address at least 24 hours before the meetings, by notifying each of them personally or in writing, stating the place, date and hour of the meeting. PSA 30(2)

D. Quorum

1. A majority of the trustees of a division, when present at a meeting, constitute a quorum, and the vote of the majority of such a quorum is valid and binds the school division, subject to any by-law duly passed by the Board of Trustees and in force.
2. A quorum is a majority of the whole Board and no business can be legally transacted without a quorum present.
3. If there is no quorum when the meeting is supposed to begin, those trustees present may wish to proceed with the business of the meeting, operating as a committee. When a quorum is present, the legally constituted meeting would then be asked to approve the decisions made by the committee. This committee would not be referred to as a Committee of the Whole because a quorum for a Committee of the Whole would be the same number as would be a quorum for the Board.
4. An Act or proceeding of a school board that is not done or taken at a regular or special meeting of the school board is not valid or binding on any person affected thereby. PSA 35

E. Rights and Privileges of Trustees

1. Every member of the Board has equal rights.
2. The first person recognized by the Chair as desiring to speak has the right to the floor.
3. No trustee shall be interrupted while speaking, unless they are out of order, on point of privilege or for clarification.
4. When any matter is before the Board, the consideration of same cannot be interrupted except on a motion: for adjournment, to lay on the table, for postponement, for referral or for amendment.
5. Exceptions to rules within the jurisdiction of the Board can be made by unanimous consent of the Board.

F. Duties of the Chair

1. The Chair should call the meeting to order precisely at the hour for which the meeting is called, providing a quorum is present. If a quorum is present, but the Chair is absent, the Vice-Chair should call the meeting to order.
2. At all meetings of the school board, the Chair of the meeting shall:
 - a) Maintain the order and proper conduct and decorum of the meeting; and
 - b) Decide questions of order, subject to an appeal to the rest of the Board. PSA 30(5)
3. If the Chair wishes to speak on a motion, they should vacate their seat as Chair and ask the Vice-Chair to take over.
4. The Chair may speak to points of order in preference to other members, and shall decide questions of order, subject to an appeal to the Board by any two members duly moved and seconded.
5. It shall be the duty of the Chair, in consultation with Vice-Chair and Senior Administration, to appoint all committees, with final approval by board motion.
6. The Chair shall preside at meetings of the Board of trustees and may vote with the other members on all questions; and any questions on which there is an equality of votes shall be deemed to be negatived. PSA 31

G. Duties of the Vice-Chair

1. When the chair is absent from a duly called and regularly held meeting of the Board of Trustees, the Vice-Chair shall preside; and, while so presiding, they have all the powers of the Chair. PSA 32
2. The Vice-Chair or designate shall preside over Committee of the Whole meetings. Topics will be determined by the Board.

II. COMMITTEE REGULATIONS

A. Meeting Format

1. It shall be the duty of the first named on any committee to convene the first meeting of the committee, and in case of their absence or inability to act, the second named shall assume this duty. At the first meeting of the committee, a chair should be elected.
2. All board members have the right to attend committee meetings and may enter into the discussion but only committee members have the right to vote.
3. The number of trustees of any committee should be less than a quorum of the Board, excepting the Committee of the Whole.

B. Rights and Privileges – Committee Members

1. The Board Chair is an “ex-officio” member of all committees and, as such, may attend all meetings, contribute to the debate, but does not have a vote at that committee meeting.

** Ex-officio – by virtue of one’s office.

2. It is recommended procedure that at least one senior administrator be assigned to each committee to provide background, and research.
3. Senior administration does not have a voting privilege on committees initiated by the Board.

C. Committee of the Whole

1. Chair for Committee of the Whole will be the Vice-Chair, or designate, of the Board. Where topics from different committee are dealt with, the appropriate committee chair shall chair these portions.

D. In-Camera Sessions

1. Although the Board subscribes, in principle, to the view that public business should be conducted at open public meetings, it recognizes that, on occasion, it is in the public interest to deal with some matters in closed sessions. The Board accepts the following list of topics that may need to be discussed ‘in-camera’:
- a) Salary strategies and negotiations
 - b) Personnel
 - c) Purchase or Sale of Property
 - d) Student suspension and/or expulsion cases.
2. The procedure for entering into ‘in-camera’:
- a) From a regular board meeting:
 - i) Motion to enter into a Committee of the Whole
 - ii) Motion to enter into in-camera from Committee of the Whole.
 - b) From a Committee of the Whole:
 - i) Motion to enter into ‘in-camera’.
3. The procedure for coming out of ‘in-camera’:
- a) Motion to rise and report to Committee of the Whole.

III. RECORDING OF MEETING PROCEEDINGS

A. Minutes of Meetings – Board

1. A record is to be kept of all motions of Board and their status (ie. carried or defeated).
2. Items may be read into record through motion of the Board (exception – see Withdrawal of motion)

B. Minutes of Meetings – Committee of the Whole

1. Same as Board (above).

C. Minutes of Meetings – Committees

1. Motions, supporting materials and discussions to be recorded.

D. Minutes of Meetings – In-Camera

1. No minutes are recorded. Only record is that the Committee rise and report. Report is then recorded.

E. Committee Reports

1. All reports to be 'received' by the Board. This procedure allows for the recording in the official Board Minutes of the report. Receipt of a report indicates only that a report has been presented to the Board and the Board is aware of its existence.
2. Recommendations from reports are to be duly moved and seconded, debated and voted on before being acted upon. (ie. receipt has no status)
3. Voting for or against a motion in committee on recommendations in no way precludes a committee member from voting either for or against a recommendation at Board level.
4. Formal motion should be made for referral of item to committees, stating content of referral and time for report.

IV. AGENDA DEVELOPMENT

1. The agenda for regular board meetings shall be prepared jointly by the Secretary-Treasurer and the Superintendent, and approved by the Chair. Trustees shall contact the Board Chair for inclusion of Agenda items.
2. The agenda for Committee of the Whole shall be prepared jointly by the Secretary-Treasurer and the Superintendent, and approved by the Vice-Chair.
3. Wherever possible, the agenda, any background information and reports should be available to the trustees at least two days before the meeting.
4. Items shall be placed on the agenda in the order as outlined on Board Agenda Outline.
5. Items for the agenda are generated by:
 - a) Committee reports
 - b) Individual Board members via the Board Chair or Senior Administration
 - c) Senior Administration reports
 - d) Request by others to Board Chair or Senior Administration.
6. All items not in the prepared agenda are to be entered under 1:05 Notice of New Items and placed in order of submission under specific reports or New Business.
7. After the agenda is adopted by the Board, further items can be added only by motion. Items can be rejected from the agenda when presented at a meeting but cannot be delayed more than one meeting.

V. MOTIONS

A. General Procedures

1. To begin a motion, "I move that" is the correct phrase to use.
2. A motion made must be seconded. When the question is called, a motion must be repeated distinctly before the vote is taken. Every motion shall be recorded in writing.
3. Any trustee who has made a motion shall have liberty to withdraw it, with the consent of their seconder, before any debate has taken place, but not after debate is had, without leave being granted by the Board.
4. An amendment may be moved on any motion, and shall be decided before the original motion; but no more than one amendment to an amendment shall be entertained. An amendment can only modify the motion, not change the intent of the motion.
5. A motion for adjournment shall always be in order and shall be decided without debate, except that it cannot be entertained when the Board is voting on another question or while a trustee is addressing the Board.
6. A motion for postponement takes precedence over a motion for referral, and a motion for referral takes precedence over a motion to amend or a vote on the original subject.
7. A motion is: postponed – to a specific date
 referred – to a committee
 tabled – indefinitely.
8. Abstention from voting on any question shall be recorded as a negative unless there is a perceived conflict of interest in which case the trustee will file a disclosure of interest and will be granted permission to withdraw from the meeting.
9. Any trustee wanting their vote recorded must advise the Board Chair prior to the vote being called.
10. When motions pertain to an individual trustee's attendance for a conference, they are to refrain from voting.

B. Procedures for Withdrawal of Motions

1. A motion may be withdrawn at the same meeting at which it is made by a unanimous vote of the Board. No record is kept of withdrawn motions.

C. Procedures for Reversal of Motions

1. Subject to #2 (below), a question once decided by a school board shall not be reversed unless:
 - a) written notice of a proposal to reverse the decision has been given from at least one meeting to another; and
 - b) a majority of the total number of trustees for the division votes in favor of the reversal. PSA 33(2)

2. A decision of a school board may be reversed:
 - a) at the same meeting at which it is made; and
 - b) by unanimous consent of all members present and voting thereon. PSA 33(3)
3. Minutes will record all motions.

D. Delay of Motions

1. When it is prudent to delay action on a Board or committee motion, it shall be the duty of the Chair (of the Board or of a committee) to contact all members of the Board and seek their counsel and informal vote on the matter of delay.

If a majority of members agree to the delay, the said Chair shall inform the administration as to the course of action to take.

DONE AND PASSED by the Lord Selkirk School Division at the City of Selkirk, in Manitoba, this 15th day of November A.D. 2016.

FIRST READING: 2016/11/01

SECOND READING: 2016/11/15

THIRD READING: 2016/11/15

Levan Tablicke
Chair

Paul Spivak
Secretary-Treasurer