

SCHOOL DISTRICT NO. 92 (NISGA'A)

BYLAW NO. 1 – INAUGURAL MEETING OF THE BOARD OF EDUCATION

Date Passed: June 9, 2009

Date Amended: May 21, 2019

Description:

INAUGURAL MEETING OF THE BOARD OF EDUCATION

A Bylaw to provide for the organization and operation of the Board.

Part 1 - Inaugural Meeting

Time of Meeting

- 1.1 The Inaugural Meeting of the Board shall be held at the first meeting following each general election. At this time, the Oaths and Declarations shall be stated and signed as per the *School Act* (*School Act* Section 71 & 72). Elections of Officials shall occur at the Inaugural Meeting and yearly thereafter at the first Board meeting in December.

Elections of Officials

- 1.2 The Secretary Treasurer or designate shall call the meeting to order and shall preside at such meeting until a Chairperson has been elected (*School Act* Section 87).

Election of Chairperson

- 1.3 The presiding official shall then conduct the election of a Chairperson according to the rules provided herein.
 - 1.3.1. Any trustee may be nominated by any other trustee and no seconder shall be required.
 - 1.3.2. Nominations shall be called three times unless a motion is passed that nominations cease.
 - 1.3.3. A motion that nominations cease shall always be in order and, upon being seconded, shall be voted on without debate.
 - 1.3.4. All voting shall be by ballots.
 - 1.3.5 Should more than two nominations be received, balloting shall continue until one trustee receives a clear majority of the votes. The name of the trustee receiving the least number votes shall be dropped from the list of nominees for each succeeding ballot. In the event of two trustees being tied for the least number of votes, a special ballot shall be taken for the purpose of determining which name shall be retained.

Election of Vice-Chairperson

- 1.4. Upon election, the Chairperson shall assume the chair and shall immediately conduct

the election of the Vice-Chairperson, according to the procedures provided for above.

Appointment of Committee

- 1.5.1. Prior to the end of the Inaugural Meeting, the Chairperson shall appoint such committees and committee Chairperson as are required by these Bylaws and shall name the Board's appointees to such other boards and organizations as are required.
- 1.5.2. To assist the Chairperson in making these appointments the following procedures shall be followed:
 - a. At least one week prior to the Inaugural Meeting, the Secretary Treasurer shall provide each trustee and trustee-elect with a copy of this Bylaw and a form on which are listed all of the committees of the Board and all of the special appointments.
 - b. Each trustee and trustee-elect shall decide a first, second and third preference for committee appointments and a first and second preference for other appointments, and shall bring this information to the Inaugural Meeting.
 - c. The Secretary Treasurer shall bring a report of the capacities in which any trustees have served in the past, and shall make the report available to all trustees at the Inaugural Meeting.
 - d. At the Inaugural Meeting of the Board, the Chairperson shall appoint Chairperson for each of the committees.
- 1.5.3. Membership of all committees shall be upon appointment by the Chairperson of the Board but shall be subject to the approval of the Board.

Inaugural Business

- 1.6. The meeting shall then proceed with such other matters as are properly brought before it.

Part 2 - Meetings

Regular Meetings

- 2.1. The Board may, by ordinary motion, set Regular Meeting dates and may vary such regular meeting dates from time to time.

Public Meetings

- 2.2. All business of the Board, except that specifically designated "closed", shall be conducted at a meeting open to the public. The order of business at all regular public meetings, unless varied by motion, shall be:

1. Call to order
2. Adoption of Agenda
3. Adoption of Public Meeting Minutes
4. Business Arising from the Minutes
5. Receive delegations (if applicable)
6. Management Reports
7. Education
8. Finance
9. Personnel
10. Maintenance
11. Correspondence
12. Trustee Reports
13. Public Question Period
14. Ratification of Actions taken in Closed Session
15. Date of Next Board Meeting
16. Adjourn Meeting

Closed Meeting

- 2.3.1. Board members are duty-bound not to disclose any details of discussions held in Closed sessions.
- 2.3.2. All matters coming before the Board shall be considered in public sessions except the following:
 - 2.3.2.1. Personnel Matters
 - 1) Salary Claim and negotiations.
 - 2) Efficiency, discipline, or retirement of employees.
 - 3) Employee promotion or termination.
 - 2.3.2.2. Legal Matters
 - 1) Accident Claims
 - 2) Legal actions brought by or against the Board
 - 3) Legal opinions respecting any matter which are to be considered in private session.
 - 2.3.2.3. Student Matters
 - 1) Indigent Students
 - 2) Student Discipline
 - 2.3.2.4. Property Matters
 - 1) Negotiations regarding purchase, lease or sale of property.
 - 2) Future site planning and designation.
 - 2.3.2.5. Medical Matters respecting individual students or employees.
 - 2.3.2.6. Such other matters as the Board may determine.
- 2.3.3. The order of proceedings at all the Closed meetings, unless changed by motion, shall be:

1. Call to order
2. Adoption of Agenda
3. Adoption of Closed Meeting Minutes
4. Business Arising from the Minutes
5. Receive delegations (if applicable)
6. Management Reports
7. Education
8. Finance
9. Personnel
10. Buildings and Grounds
11. Correspondence
12. Trustee Reports
13. Date of Next Board Meeting
14. Adjourn Meeting

Special Meeting/Conference Calls

- 2.4. A special meeting/conference call of the Board may be called by:
 - 1) The Chairperson or Superintendent.
 - 2) The Secretary Treasurer, upon request by a majority of the trustees holding office.
- 2.4.1. No business other than that for which the meeting was called shall be conducted at a special meeting/conference call.

Notice of Meetings

- 2.5. Forty-eight hours notice in writing shall be given of each regular and special meeting of the board, which notice must be given to each trustee by delivery of the same at the place designated by him/her for notice, or failing any such designated place, then at his/her address as set out in his/her nomination paper.
- 2.5.1. Written notice of any special meeting of the Board may be waived provided that reasonable steps shall be taken to notify all trustees of the meeting.

Quorum

- 2.6. A quorum shall be a majority of trustees holding office at the time of the meeting.
- 2.6.1. The meeting shall stand adjourned if; thirty minutes after the time appointed for the meeting of the Board, there should not be a quorum present. It shall stand adjourned to a date in the month of the adjourned meeting, to be fixed by the Chairperson, or, in default of the Chairperson's fixing the same, until the next regular meeting. The Secretary Treasurer shall record the names of the members present at the expiration of the thirty minutes.
- 2.6.2. No act or proceeding shall be valid or binding on the Board unless such act or proceeding shall have been adopted at a regular, Closed or special meeting which has included a quorum of the Board.

Part 3 - Committees and Representatives

- 3.1. Committees of the Board are Committees of the Whole, Standing Committees and Ad Hoc Committees. Board representatives to other organizations may be appointed by the Board Chairperson as required.
 - 3.1.1. The Chairperson of the Board shall be ex officio a non-voting member of all committees, unless he or she is a sitting member of the committee.
 - 3.1.2. Should a vacancy occur on any committees of the Board, the Chairperson of the Board shall name a successor to fill the vacancy.
 - 3.1.3. All committee and special appointees shall report to the Board at each Regular or Closed Board Meeting.
 - 3.1.4. No action shall be taken on any report until formally approved by the Board, unless the Board, by majority vote, has given the committee or appointee power to act in certain clearly defined cases.
 - 3.1.5. The Superintendent of Schools and/or the Secretary Treasurer shall confer with and keep all Chairperson's of committees informed on matters within the jurisdiction of the committee, and if not sitting members, shall meet with the committee at such times as the committee may desire.
 - 3.1.6. Committees may require the Superintendent of Schools to bring to committee meetings such other members of the School District Staff as may be deemed desirable.
 - 3.1.7. All previous committees of the Board shall be automatically discharged at the first meeting in December of each year or at such earlier date as the work of the committee has been completed.

Committee of the Whole

- 3.2. The Board shall meet as a Committee of the Whole prior to each Public Board Meeting.
 - 3.2.1. The agenda for the Committee of the Whole meeting shall be the agenda prepared for the Board Meeting.
 - 3.2.2. Wherever possible, discussion on agenda items shall be reserved for the Public Meeting.

Standing Committees

- 3.3. Standing Committees shall be formed to perform Board business of an ongoing nature that recurs year after year. The Standing Committees shall include:
 - 1) Education Committee
 - 2) Finance Committee
 - 3) Personnel Committee
 - 4) Building and Grounds Committee
 - 5) Policy Committee

6) Student Residence Committee

Ad Hoc Committees

- 3.4. Ad Hoc Committees may be formed to perform Board business of an ongoing nature that has a time-line for completion.

Special Appointments

- 3.5. Special Appointments are representatives of the Board to specified affiliated organizations. These include but are not limited to:
- 1) BCSTA Provincial Council
 - 2) BCPSEA

Part 4 - Presiding Officers of the Board

- 4.1. The Chairperson shall preside at all meetings of the Board but may vacate the chair in order to enter debate or propose or second a motion.
- 4.2. The Vice-Chairperson shall preside in the absence of the Chairperson or when the Chairperson vacates the chair.
- 4.3. In the event that neither the Chairperson nor the Vice-Chairperson is able or willing to take the chair, the presiding officer shall be such person as the Board may elect for that meeting.
- 4.4. The Chairperson and the Vice-Chairperson shall be elected for a term of one year at the Inaugural Meeting and the first meeting in December thereafter.
- 4.5. The presiding officer shall rule on all points of order and shall state his or her 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.
- 4.6. The Chairperson shall vote in accordance with paragraph 8.3.

Part 5 - Rules of Order

- 5.1. Where these rules are silent and where not inconsistent with these rules, 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 Standing Orders of the British Columbia Legislature shall be followed.
- 5.2. The Board may adopt a procedural rule for one or more meetings by resolution of a majority of two-thirds (2/3) of the trustees present at the meeting. A rule other than the requirement for notice of meeting may be suspended by unanimous consent of the trustees present.
- 5.3. The rules may be amended by bylaw only, at meeting of which notice of intention to propose the amendment has been given at the previous meeting.

- 5.4. The presiding officer's ruling on a point of order shall be based on Rules of Order as stated in paragraph 5.1 herein.
- 5.5. An appeal of a ruling of the presiding officer shall be decided without debate by a majority of trustees present. When an appeal is successful it does not necessarily set a precedent.
- 5.6. All questions shall be decided by a vote on motion.
- 5.7. A copy of the board's procedural bylaw and all amendments thereto shall be filed with the Ministry of Education (*School Act* Section 91).
- 5.8. Point of Order - a member rises to draw the Chair's attention to an error in procedure or a lack of decorum in debate.
- 5.9. Point or Privilege - a member rises to draw the Chair's attention to a situation affecting the comfort, convenience, rights or privileges of the meeting and/or individual trustee.

Part 6 - Motions

- 6.1. 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.
- 6.2. 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 which it is divided.
- 6.3. No motion other than to postpone consideration of a question, or a procedural motion, shall be repeated during the calendar year except by the reconsideration process.
- 6.4. All motions shall be seconded.
- 6.5. All motions are debatable except the following:
 - 6.5.1. Motion for adjournment of debate or for adjournment of a meeting unless such a motion contains a time for recommendation of debate or for a new meeting;
 - 6.5.2. Motion to fix a time for adjournment of a meeting;
 - 6.5.3. Motion to proceed to the next business;
 - 6.5.4. Motion to go into a Closed session.
- 6.6. All motions shall be subject to amendment except the following:
 - 6.6.1. Motion that the question be now put;
 - 6.6.2. Motion for adjournment of debate or adjournment of a meeting;
 - 6.6.3. Motion to table unless such a motion contains a date for further consideration of the matter tabled;

- 6.6.4. Motion to refer to committee;
- 6.6.5. Motion to proceed to next business.
- 6.7. 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.
- 6.8. A question may be reconsidered if reconsideration is approved by a two-thirds (2/3) majority.

Part 7 - Debate

- 7.1. Debate shall be strictly relevant to the question before the meeting and the presiding officer shall warn speakers who violate this rule.
- 7.2. No trustee shall speak until recognized by the Chairperson.
- 7.3. No person shall speak more than once to a question except the mover of a motion, who shall have the right to make a reply when all other trustees who wish to speak have spoken. No trustee shall speak for a period in excess of five minutes at one time. The Chairperson may caution a trustee who persists in tedious and repetitious debate and may direct him or her to discontinue if he or she persists.
- 7.4. A matter 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.
- 7.5. No trustee shall interrupt another trustee who has the floor except to raise a point of order or a point of privilege.

Part 8 - Voting

- 8.1. All trustees present at a meeting excepting the Chairperson must vote, although a trustee must abstain from voting in the event that he or she has a conflict of interest by reason of having a direct pecuniary interest in a vote. A trustee may also abstain from voting.
- 8.2. Voting shall be by a show of hands and only results recorded unless a trustee requests recording of their name and vote.
- 8.3. The Chairperson shall vote in the case of equality of votes for and against a motion.
- 8.4. All questions shall be decided by a majority of the votes of the trustees present unless otherwise stated by these bylaws of the *School Act*.

Part 9 - Bylaws and Resolutions

- 9.1. All matters shall be dealt with by resolution or bylaw. A resolution shall have only one reading whereas a bylaw shall have three readings.

- 9.2. The following matters shall only be resolved by bylaw:
 - 9.2.1 Amendments to bylaws;
 - 9.2.2 The rules of procedure of the Board and rules relative to the organization of meetings of the Board.
 - 9.2.3 Regulation and control of property owned and administered by the Board (*School Act* Section 83);
 - 9.2.4 Where required by the *School Act*.
- 9.3. Written notice of intention to propose or change a bylaw shall be given at the meeting prior to the first reading.
- 9.4. Every bylaw shall be dealt with in the following stage(s):
 - 9.4.1. First reading - no debate or amendment;
 - 9.4.2. Second reading - discussion of the principle of the bylaw, and amendments made;
 - 9.4.3. When a bylaw has been amended it shall be reprinted as amended and shall not be further proceeded with until the amended version has been distributed except by vote of a two-thirds (2/3) majority.
 - 9.4.4. Third reading - consideration of amendments made and, if no further amendments, then a vote is taken.
 - 9.4.5. Every bylaw shall receive three readings on different days. A bylaw may be advanced two or more stages in one day only by a unanimous vote of the Board.
 - 9.4.6. The Secretary Treasurer shall certify on a copy of each bylaw, the readings, the times thereof and the context of any amendment passed in committee.
 - 9.4.7. The trustee who introduces a bylaw may withdraw the same at any stage with a two-thirds (2/3) majority vote.

This Bylaw may be cited for all purposes as “School District No. 92 (Nisga’a) Bylaw No. 1. This Bylaw is to provide for the organization and operation of the Board and is in all respects in accordance with the provisions of the *School Act*.”

Read a first time _____

Read a second time _____

Read a final time the _____

Reconsidered, Finally Pass and Adopted the _____

Secretary Treasurer

Chairperson of the Board

I hereby certify that this is a true copy of School District No. 92 (Nisga'a) Bylaw No. 1.

Secretary Treasurer