

THE ROLLING RIVER SCHOOL DIVISION

BY-LAW NO. 2/2019

BOARD PROCEDURAL BY-LAW

BEING A BY-LAW to regulate the proceedings of the Board of Trustees of The Rolling River School Division, (hereinafter called "the Board").

WHEREAS Section 33 (1) of The Public Schools Act provides 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 Rolling River School Division, unless they shall at any time be contrary to the overriding provisions of The Public Schools Act, the following Rules of Procedure shall regulate the operation of the Board.

SECTION I

FIRST OR INAUGURAL MEETINGS OF THE BOARD

- 1.1. The inaugural meeting of the Board shall be held in the month of September each year except in a year of general School Board Trustee Election. The first meeting of the School Board of a School Division following the regular election of Trustees shall take place within fourteen (14) days after the election on a day and at an hour to be fixed by the Secretary- Treasurer who shall notify each trustee of the date, time and place of the meeting. PSA 29 (1)

SECTION II

BOARD CHAIR – VICE CHAIR ELECTIONS

- 2.1.1.1.2 At the inaugural meeting of the Board, the trustees present shall elect from among themselves by majority vote a Chairperson and Vice-Chairperson for the next ensuing year and the Secretary-Treasurer of the Board 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)
- 2.1.1.1.3 In the event of a tie vote in selecting a Chairperson or Vice-Chairperson, the Board shall determine by lot and in a secret manner who shall cast the deciding ballot. PSA 29 (3).
- 2.1.1.1.4 In the event of the resignation of the Chair or Vice Chair, an election of the vacant position shall be held, in accordance with section 2.1, at the next regular Board meeting.

SECTION III

MEETINGS OF THE BOARD

3.1. Regular Board Meetings

The Board shall hold Regular Meetings as scheduled by the Board, generally once per month, in each month of September through June. The Board meeting schedule will be published at the beginning of the school year. The meetings shall be held in the Division Office Boardroom at six (6:00) o'clock p.m. or at such other times and places as the Board may from time to time determine.

- 3.2. A Regular Board meeting shall not remain in session longer than, 5 hours from call to order or past eleven (11:00) o'clock p.m. whichever comes first, unless it shall be otherwise decided by a two-thirds (2/3rds) vote of the members present.

3.3. Special Meetings

Special Meetings of the Board may be convened at any time by the Chairperson directly or by the Chairperson at the request of any trustee. At a special meeting no subject or matters other than those mentioned in the notice calling the meeting shall be considered.

3.4. Emergency Meeting

Notwithstanding Article 2.5, the Board may hold a meeting at any time and any place to deal with an emergency situation if all the trustees consent thereto and are present there at. PSA 30 (1)

3.5. Notice of Meetings

Notice of Board meetings 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 48 hours before Regular Board meetings and at least 24 hours before Special Board Meetings and Committee of The Whole meetings, by notifying each of them personally or in writing, stating the place, date and hour of the meeting. PSA 30 (2)

- 3.6 Inaugural, Regular and Special meetings of the Board shall be open to the public. The Board recognizes, however, that from time to time it is in the best public interest to discuss sensitive matters in closed meetings. The Board may, therefore, by motion resolve itself into Committee of the Whole in Camera to discuss sensitive matters related to planning, policy, personnel, labour relations, finance, education and operations such as individual employee personnel issues, individual student issues, salary negotiations, security, goods and service contract negotiations, property acquisition and disposal negotiations, and litigation strategy. The minutes shall record only the topic discussed in camera. No decisions shall be made in camera. PSA 30 (3).

- 3.7. The Chairperson shall preside at the meetings of the Board and may vote with the other members on all questions. Any question on which there is an equality of votes shall be deemed to be defeated. The Chairperson of the Board does not have a deciding vote. PSA 31

- 3.8. In the absence of the Chairperson, the Vice-Chairperson shall preside and while so presiding he/she has all the powers of the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, a Chairperson shall be appointed by the members present and he/she shall preside at said meeting, or until the arrival of the Chairperson or Vice-Chairperson. PSA 32

3.9. Quorum

A majority of the whole Board shall constitute a quorum. The number required for a quorum does not change if there is a vacancy. When at any Meeting of the Board there is no quorum present at the time appointed for the commencement of the Meeting, the Meeting shall proceed as a committee of the whole Board so long as a minimum of three trustees are present. The Board meeting shall be called to order if and when a quorum is present, and business discussed by the Committee of the whole shall be acted on based on the Committee recommendation.

3.10 All rules for meeting procedures and debate shall apply to all meetings of the Board.

3.11. Corporate Acts Must Be Done At Board Meetings

All powers of Trustees lie in their actions as a group. Individual Board members exercise their authority over Division affairs only as they vote to take action at a duly constituted meeting of the Board.

An act or proceeding of the Board that is not done or taken at a regular or special meeting of the Board, is not valid or binding on any person affected thereby. PSA 35, 41, 48, 51 and 53

The Board, in conducting its business, shall comply with all laws, Federal, Provincial and/or Municipal, including all statutory regulations passed pursuant thereto.

An individual Board member, including the Chairperson, shall have power only when the Board, by vote, has delegated authority to him or her.

SECTION IV

REGULAR BOARD MEETING AGENDA

4.1 The Secretary-Treasurer, in consultation with the Board Chair and Superintendent, shall prepare the agenda and provide the order of business in the form of a prepared agenda, the order of same to be in accordance with or similar to the following:

AGENDA FORMAT

1. Approval of Agenda
2. Minutes of Previous Meeting(s)
3. Business arising from minutes
4. Delegations
5. Committee of the Whole (in camera)
6. Senior Administration / Reports
7. Ad Hoc Committee and Trustee Representation
8. Manitoba School Boards Association Report
9. By-Laws
10. Unfinished Business

11. New Business
12. Announcements
13. Adjournment

Any variation of the foregoing order of business requires a two-thirds (2/3rds) majority vote of the members present, which shall be without debate.

- 4.2. Introduction of all new matters, other than matters of privilege, shall be published in the agenda and received at every Trustee's designated address at least twenty-four (24) hours before the meeting unless such rule is dispensed with by a two-thirds (2/3rds) majority vote of the members present.
- 4.3. Any trustee may request of the Chairperson or Secretary-Treasurer that an item be placed on the agenda.
- 4.4. Any items received too late for the Agenda shall be held until the following regular meeting unless deemed to be of an emergent nature, as determined by the Superintendent, Secretary-Treasurer and/or Chairperson. Late items to be considered shall be identified to the Board by the Secretary-Treasurer prior to approval of the Agenda. The Board shall decide, without debate by a two-thirds (2/3rds) majority vote, whether a late item will be considered.

SECTION V

REGULAR BOARD MEETING PROCEDURES

General Regulations For Meetings

- 5.1. Each and every member of the Board has equal rights. The meeting is a democratic process and shall be conducted accordingly.
- 5.2. The Chairperson will decide who has the right to the floor. No trustee shall be interrupted while speaking unless:
 - a) he/she is out of order
 - b) on a point of privilege
 - c) for clarification
- 5.3. When any matter is before the Board, the consideration of same cannot be interrupted except on a motion:
 - a) to adjourn
 - b) to lay on the table
 - c) to postpone
 - d) to refer
 - e) to amend

- 5.4.1 Exceptions to rules within the jurisdiction of the Board can be made by a two-thirds (2/3rds) majority vote of the members present.

Role of the Chairperson

- 5.5. It shall be the duty of the Chairperson at all times to preserve order and to endeavour to conduct all business before the Board with propriety, fairness and dispatch, in accordance with the rules of procedure herein provided or, if not provided, by Robert's Rules of Order.
- 5.6. The Chairperson will call the meeting to order at the hour for which the meeting is called, providing a quorum is present, or as soon as a quorum is present as herein before provided in (Article 3.9).
- 5.7. When called upon to decide a point of order or practice, the Chairperson shall state the rule applicable to the case, without argument or unnecessary comment, and without debate. The decision of the Chair shall be final unless reversed by a vote of two-thirds (2/3rds) of the members present.
- 5.8. The Chairperson, or in his/her absence the Vice-Chairperson, is the official public spokesperson for the Board. This authority may be delegated to the Superintendent.

Motions

- 5.9. All motions must be put in writing and seconded before being stated by the Chairperson, after which they shall only be disposed of by vote of the Board, unless the mover by permission of the Board withdraws same.
- 5.10. Any trustee who has made a motion shall have the liberty to withdraw or modify it, with the consent of his/her seconder and prior to the debate.
- 5.11. After a motion has been moved and seconded and debate has begun, the motion shall be deemed to be in possession of the Board (Corporate Motion).
- 5.12. 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.
- 5.13. A motion for adjournment, duly moved and seconded, 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.
- 5.14. 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.
- 5.15. A motion, prior to the question being called, may be:
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| postponed | to a specific date |
| referred | to a committee, the administration or other person(s) designated |
| tabled | temporarily until lifted from the table by any trustee at the same meeting or at the next regular meeting. After the next meeting the motion is "dead". |

- 5.16. A motion "to recess or to adjourn debate", "to lay on the table", or to "Resolve, into Committee of the Whole," shall be decided without debate.
- 5.17. A member of the Board shall not participate in the discussion of any question in which he/she has a direct or indirect interest as defined in The Public Schools Act. Members of the Board shall be governed by the conflict of interest provisions of The Public Schools Act, Sections 36 through 39 inclusive, and Board policies established from time to time. A Trustee must declare a conflict of interest prior to the debate on a motion. As per 38(1) of the Public Schools Act, the Trustee will disclose the conflict of interest, withdraw from the meeting without participation in the discussion or vote, and refrain from attempting to influence the matter.
- The Secretary Treasurer will record in the meeting minutes, the disclosure of a Trustee conflict of interest and withdrawal of the Trustee from the meeting.
- 5.18. No member while speaking shall be interrupted by another, except upon a point of order, or for the purpose of explanation. The member so interrupting shall confine himself/herself strictly to the point of order or explanation.
- 5.19. If any member transgresses the rules, the Chairperson shall, and any member can, call him to order in which case the member so called shall immediately be silent but shall afterwards be permitted to explain, and the Board, if appealed to, shall decide on the case, but without debate.
- 5.20. A member may require the question or motion under discussion to be read for his/her information at any time of the debate but not so as to interrupt a member speaking.
- 5.21. If the Chairperson wishes to speak to a motion, he/she shall vacate his/her seat as Chairperson and ask the Vice-Chairperson to take over. The Chairperson should speak just prior to the last speaker who will be the mover of the motion.
- 5.22. No member shall speak to any question after a vote on the question has been called for by the Chairperson, who shall announce clearly the result of the vote.

Voting Method

5.23. Reversal of Decisions

- (i) A question once decided by the 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 favour of the reversal. PSA 33 (2).
- (ii) A decision of a 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).

5.24. Abstention from Voting

Although it is the duty of every member who has an opinion on a question to express it by his/her vote, he/she can abstain since he/she cannot be compelled to vote. In the event of a tie vote, the abstained vote will be considered a negative vote. A member who abstains may request that his/her abstention be recorded in the minutes and the Secretary-Treasurer shall record the same.

5.25. Declaration of Results

The Chairperson shall declare the results of all votes and they shall be recorded as carried or defeated. Any member may request that his/her vote be recorded, and his/her vote shall be entered upon the minutes by the Secretary-Treasurer.

Giving of Notice

5.26. Written notice may be given by a trustee from one meeting to the next for the purpose of the following:

- (i) to rescind a decision previously made by the Board.
- (ii) introduction of a By-Law.

By-Laws

5.27. Matters resolved by By-Law:

- a) amendments to By-Laws
- b) rules of Board procedure, organization and operation of meetings
- c) where required by The Public Schools Act.

5.28. Every By-Law shall be dealt with in the following stages by a final motion of the Board:

- i) First Reading -"That this By-Law be now read a first time" shall be decided without amendment or debate.
- ii) Second Reading -When the second reading of the By-Law has been moved, the principle of the By-Law may be discussed, and it shall be lawful for the Board to defer, amend or reject the By-Law and a motion may be made to that effect.
- iii) Third Reading -This is the final reading of the proposed By-Law and shall be deemed to be passed when given its third reading.

Every By-Law shall receive three separate readings. The first reading of a By-Law shall be at a different reading than the second and third reading unless by a vote of a majority of the whole Board this rule be suspended. The Secretary-Treasurer shall certify on a copy of each By-Law, the readings and dates of the readings of the By-Law passed.

SECTION VI

COMMITTEES

- 6.1. Meetings of Committee of the Whole Board are held in camera unless opened to invited guests. PSA 30(4)
- 6.2. Ad Hoc Committees may be struck for specific purposes as directed by the Board and shall be discharged when that purpose has been met and upon the receipt and acceptance of a written report to the Board.
- 6.3. If the Chairperson of an Ad Hoc Committee is not appointed by the Board, it shall be the duty of the first named on any Committee to convene the first meeting at which time a Chairperson should then be elected.
- 6.4. The Chairperson of the Board is an ex-officio member of all Ad Hoc Committee. He/she may attend all meetings and contribute to debate, but he/she shall not have the right to vote.
- 6.5. The number of trustees on any Ad Hoc Committee should be no more than two, except for Committee of the Board as a Whole, unless approved unanimously by the Board. To function as a Committee of the Whole, the quorum of the Committee of the Whole is the same number as a quorum for the Board.
- 6.6. At least one senior administrator shall attend each Ad Hoc Committee meeting in an advisory capacity to provide background, do research and to record the minutes.
- 6.7. Ad Hoc Committees appointed to report on any subject referred to them by the Board shall report in writing a statement of facts and, also, their opinion and recommendation thereof.
- 6.8. No Ad Hoc Committee has the authority to bind the Board to any decision or commitment unless previously authorized by the Board.

Committee of the Whole

- 6.09 Committee of the Whole meetings will generally be scheduled as a regular item on each Board Meeting agenda. Additional Committee of the Whole meetings may be scheduled as per Section III 3.5 Notice of Meetings
- 6.10 During a Board Meeting, by a vote of the majority of the members present the Board may resolve itself into "Committee of the Whole in Camera" for the purpose of discussing informational reports, Committee of the Whole reports, or any other motion or matter before the Board of a confidential nature (see also Section III, Article 3.6). No minutes shall be recorded other than a record in the minutes of the Regular Meeting of the topic discussed while in Committee of the Whole. (See also Section II, Article 3.6 re "In Camera" discussions).
- 6.12 The rules of procedure of the Board shall be observed in Committee of the Whole so far as applicable. No decisions of the Board shall be made while in Committee of the Whole.

SECTION VII

PUBLIC PARTICIPATION AT BOARD MEETINGS

- 7.1. The Board shall hold its meetings openly, and no person shall be excluded or removed from any meeting except for improper conduct, PSA 30 (3) or for In Camera discussions (Article 2.6).
- 7.2. The Chairperson may, at some point in the Agenda of the Regular Board Meeting, permit visitors to the meeting to ask questions or speak to a matter on the Agenda of which they are familiar for clarification purposes.

Delegations

- 7.3. Any resident elector of the Division shall have the right to be placed on the agenda of a regular board meeting to be heard under "Delegations". Appearance at a Board Meeting shall be arranged through the Secretary-Treasurer and the Delegation shall provide, wherever possible, a written brief or petition in sufficient time for inclusion in the agenda package and shall identify a spokesperson whom the Chairperson can address and to whom correspondence can be forwarded. During a presentation by a delegation, the Board will only ask questions for clarification.
- 7.4. The Board may hear any other delegations at its discretion.
- 7.5. The delegation will be heard for information purposes only. In the event a decision of the Board is required, the matter shall be deferred to the next regular meeting for action or referred to a Committee or the Administration for consideration or further information and report. If a decision is required prior to the next regularly scheduled meeting, the Board may by a two-thirds (2/3rds) majority vote suspend the rules and consider the delegation's request at the same meeting, the matter then being referred to "Unfinished Business" for decision making.
- 7.6. The Secretary-Treasurer or Superintendent shall communicate the action taken by the Board and the final decision of the Board, in writing, to the identified spokesperson for the delegation.

SECTION VIII

GENERAL

- 8.1 That this By-Law be placed in the hands of each Board Member and each new Board Member.
- 8.2 That By-Law No. 3/2018 passed September 19, 2018 be repealed effective the date of passing this By-Law.

GIVEN FIRST READING by the Board of Trustees of The Rolling River School Division, assembled at Minnedosa, in the Province of Manitoba, this 11th day of September A.D. 2019.

SECOND READING: 9th day of October A.D. 2019

THIRD READING: 9th day of October A.D. 2019

Chairperson *Chudson*

Secretary-Treasurer *K McNabb*

I, Kathlyn McNabb, Secretary-Treasurer of The Rolling River School Division,
DO HEREBY CERTIFY THE ABOVE to be a true and correct copy of By-Law
No. 2/2019

Secretary-Treasurer *K McNabb*