



# Turtle River School Division

## By-Law 183

### Procedural By-Law

**BEING a BY-LAW** to regulate the proceedings of the Board of Trustees of the Turtle River School Division and the committees thereof.

**WHEREAS** Section 33(1) of The Public Schools Act provides that every school board shall pass a bylaw establishing Rules of Procedure for the guidance of the school board in the conduct of its meetings.

**NOW THEREFORE** be it hereby enacted as a by-law of the Board of Trustees of the Turtle River School Division that, unless they shall at any time be contrary to the overriding provisions of The Public Schools Act, and regulations enacted thereunder the following rules of Procedure shall regulate the operation of the school board.

Whereas meeting procedural rules are not addressed in this by-law, *Robert's Rules of Authority* is the designated parliamentary authority for the Turtle River School Division board.

#### Board Member Positions

##### 1) Role of the Chair:

The Board Chair shall act on behalf of the Board and provide leadership and guidance to assist members of the Board to operate effectively as a group.

##### a) Duties of the Chair:

- At all meetings of the School Board the Chair of the meeting shall:
  - Maintain the order and proper conduct and decorum of the meeting;
  - Decide questions of order, subject to an appeal to the rest of the Board (Reference Section 30(5), Public Schools Act; and
  - Conduct meetings in accordance with the Public Schools Act and the Procedural By-Laws adopted by the Board, and where those are silent, Robert's Rules of Order shall prevail.
- 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.
- It shall be the duty of the Chair at all times to preserve order and to endeavour to conduct all business before the Board with propriety and dispatch.
- The Chair shall preserve order and decorum at all times, acting with impartiality in all matters.
- When the chairperson is called upon to decide "a point of order" or practice, he/she shall state the rule applicable to the case. The Chair may seek guidance of the Secretary-Treasurer on the point or the meeting may take a short recess to clarify the point. The Chair will rule on the point without argument or unnecessary comment, and without debate. The chair's decision shall be final unless reversed by a majority vote of the members present. An appeal shall not be considered as a motion of non-confidence in the chair.
- The chairperson states each motion, or causes it to be stated, before it is discussed and before it is voted upon.
- The chairperson calls for and declares the results of all votes.
- If the Chair wishes to speak to a motion, he/she should vacate his/her seat as Chair and ask the Vice-Chair to take over. The Chair should speak just prior to the last speaker who will be the mover of the motion. The mover of the motion has the right to close the debate
- Act as the chief spokesperson on behalf of the Board except for those instances where the Board has delegated this role to another individual or group.
- Ensure that the Board operates in accordance with its own policies and procedures.
- Present, on behalf of the Board, such awards as the Board may authorize from time to time, except for those instances where the Board has delegated this role to another individual.
- Keep the Trustees and the Superintendent informed on all matters that might affect the Division.

## **2) Role of the Vice Chair**

The Vice-Chair shall act on behalf of the Board Chair, in the latter's absence and shall have all the powers, duties and responsibilities of the Board Chair.

### **FIRST OR INAUGURAL MEETING**

- “The first meeting of the school board 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.” [Section 29(1) P.S.A.]
- “From among the trustees present, the secretary-treasurer must conduct an election of a chair and a vice-chair of the board. The election must be held
  - (a) in a year the general election is held, at the first meeting of a school board after the general election; and
  - (b) in any other year, at the first meeting of a school board in September.” [Section 29(2) P.S.A.]
- “In the event of a tie vote in selecting a chairperson or vice-chairperson the school board shall determine by lot, who shall cast the deciding ballot.” [Section 29(3) P.S.A.]

### **Guidelines for Election of Chair and Vice-Chair**

- Nominations do not require a seconder. Trustees may name only one person for a particular position and they cannot nominate themselves.
- If no further nominations are evident following the customary third call, nominations will be declared closed. Each person nominated will be asked in the order they were nominated if they are prepared to allow their name to stand for election.
- Those nominated will have an opportunity to accept or withdraw after nominations are declared closed. A motion to close the nominations requires a two-thirds vote.
- The mover or nominee may speak prior to the balloting.
- Voting will be done by secret ballot. The election will be determined by a simple majority. In the event that a majority vote is not reached, the person receiving the lowest number of votes will be dropped and the balloting will continue until a majority of the board is reached. If a member is not successful in a position, that member is eligible to be nominated for another position.

A physical mailing address and email address of each trustee shall be provided to the Secretary-Treasurer in writing for the receipt of all notices or communications. Until the Secretary-Treasurer receives another address, a notice of meeting or other communications delivered or mailed to the member shall be deemed sufficient. (Reference Section 30(2), Public Schools Act).

### **Inaugural or First Meeting Agenda**

- 1) Call to Order with Secretary-Treasurer in the Chair.
- 2) Oath of office required for all newly elected trustees. (only in an election year) Affidavit of qualification and the oath of office in Form 1 of Schedule “D” of the Public Schools Act (Reference Section 25(8), Public Schools Act)
- 3) Open nominations for chairperson of the board. (Call three times for nominations)
- 4) Open nominations for vice-chairperson of the board. (Call three times for nominations)
- 5) Formation of Committees
- 6) Dates for Regular Board Meetings
- 7) Appointment of Signing Officers
- 8) Appointment of Auditors
- 9) Adjournment

### **Absence at Inaugural or First Meeting**

If a trustee is unable to attend the first meeting, they must present a signed oath witnessed by a Commissioner of Oaths from the Province of Manitoba. The trustee may then fulfill their duties and attend virtually.

### **Absence at regular and special meetings or delegated events**

The trustee shall notify the Chairperson and Secretary-Treasurer when they are unable to attend a regular or special meeting of the board or any event they have been delegated to attend on behalf of the board. If the Chair is absent he/she will notify the Vice-Chairperson and Secretary Treasurer.

A person is disqualified from remaining as a trustee of the Board if that person absents himself or herself, without being authorized by a resolution of the Board to do so, from three consecutive regular meetings of the Board (Reference Section 39.8(c), Public Schools Act). No motion is required to remove the trustee from the board. Notice of disqualification will be read into the minutes.

### **MEETINGS OF THE BOARD**

- At the first or inaugural meeting of the school board, the school board will establish the date time and place for regular meetings. (A school board meeting shall not remain in session later than eleven o'clock, PM, unless specifically extended by a motion of the board.
- The chairperson may convene special or emergency meetings of the school board at any time directly, or at the request of a quorum of trustees. At a special or emergency meeting, no subject or matter, other than those mentioned in the notice calling the special or an emergency meeting, shall be considered, except that items may be added with unanimous consent of the whole board.
- "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 thereat" [Section 30(1) P.S.A.]
- "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 meeting, by notifying each of them personally or in writing, stating the place, date and hour of the meeting." [Section 30(2) P.S.A.]
- "The chairperson shall preside at the meetings of the school board and may vote with the other members on all questions and any question on which there is an equality of votes shall be deemed to be negated." [Section 31 P.S.A.]
- "In the absence of the chairperson, the vice-chairperson shall preside and, while so presiding, shall have all the powers of the chairperson." [Section 32 P.S.A.] In the absence of both the chairperson and the vice-chairperson, a chairperson shall be appointed by the members present, who shall preside at said meeting or until the arrival of the chairperson or vice-chairperson.
- A majority of the whole school 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 school board, there is no quorum present at the expiration of one-half (1/2) hour from the time appointed for the commencement of the meeting, the meeting shall stand adjourned, and the secretary-treasurer shall enter into the record the names of those members present.
- "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." [Section 35 P.S.A.]
- Where the school board has not made a rule for governing a particular proceeding, the 1915 edition of Roberts Rules of Order shall be the Parliamentary Guide.

### **Regular Board Meeting Agenda**

A proposed agenda will be presented at the beginning of each regular meeting.

- The Secretary-Treasurer shall prepare agendas for all meetings of the Board in consultation with the Superintendent and the Board Chair/Vice-Chair.
- All items for inclusion on the agenda shall be in the hands of the Secretary Treasurer before noon 4 days prior to the meeting. This procedure for agenda items is to include delegations or oral presentations to the Board.
- The Board shall follow the order of business set up by the agenda unless the order is altered by a majority vote by members present. Items of business not on the agenda may be discussed and acted upon if a majority of the Board agrees to consider them. The Board, however, may not revise Board policies or adopt new ones unless such action has been scheduled.
  - 1) Call to Order
  - 2) Reading of Mission Statement and Treaty Acknowledgement
  - 3) Additions to the Agenda
  - 4) Approval of Agenda
  - 5) Adoption of Board Minutes
  - 6) Business Arising from the Minutes
  - 7) In-Camera

- 8) Delegations
- 9) Board Committee Reports
- 10) Senior Administration Report
  - 10.1 Superintendent's Report
  - 10.2 Secretary Treasurer's Report
- 11) Accounts Payable Approval
- 12) Board Information and Correspondence
- 13) New Business
- 14) Announcements
- 15) Adjournment

\* Members wishing to add new items to the agenda at a regular meeting, may do so with permission of two thirds of the members present, such matters shall be dealt with in the "New Business" portion of the meeting.

### **Electronic Meetings**

While in-person attendance is the preferred option, the board recognizes that members may not always be physically present at all Board meetings. The Board further recognizes that advances in technology have made it possible for individuals to interact with others from remote locations through the use of speaker phones, teleconferencing and/or videoconferencing. This policy is in accordance with section 39.7.1 of the Public Schools Act and Regulation 201/2004

- Members of the Board may attend Board meetings, and may participate in all Board deliberations and actions, by speakerphone, teleconferencing and/or videoconferencing if she/he does not physically attend the meeting.
- A trustee who participates in a meeting of a school board through electronic means is deemed to be present at the meeting for the purposes of the Public Schools Act and will be designated as a remote member.
- Remote participation may occur using any communication device capable of enabling the remote member to hear the comments of and speak to all those present at the meeting; and enabling all those present at the meeting to hear the comments of and speak to such remote member.
- Remote members may vote on matters before the Board only if such member has listened to all Board deliberations prior to casting his/her vote
- Should a remote member make or second a motion, their name will be recorded on the motion by the Secretary-Treasurer or designate.
- The remote member shall be considered an off-site participant and counted as present by means of video or audio conference.
- Every trustee must be physically present at a regular scheduled meeting at least once every three months.

### **Use of Electronic/Recording Equipment**

Accredited members of the news media are permitted to use recording devices and photographic equipment at Board meetings. Non-accredited use of electronic/recording equipment shall be prohibited except as otherwise authorized by the Board.

## **GENERAL REGULATIONS FOR MEETINGS**

### **Rules of Debate in Board Meetings**

- Each and every member of the Board has equal rights.
- The first person recognized by the Chair as desiring to speak has the right to the floor.
- Every member previous to speaking to any question or motion shall address the Chair.
- No Trustee shall be interrupted while speaking, unless he/she is out of order, on point of privilege, or for clarification.
- When any matter is before the Board, the consideration of same cannot be interrupted except on a motion: for adjournment; to lie on the table; for postponement; for referral; or for amendment.
- A motion may be reversed at the same meeting at which it was passed, provided that all board members present votes in favor of reversal.
- A question once decided by the Board shall not be reversed unless written notice of a proposal to reverse the decision has been given from at least one meeting to another and a majority of the Trustees vote in favour of the reversal.

- Each Trustee shall be required to vote on every question unless excused by the Chair or by a majority vote of the Board for some particular reason. One reason acceptable for abstention could be an actual conflict of interest as defined in the Public Schools Act or where the Trustee desiring to abstain from voting perceives himself or herself to have a conflict of interest even where such is not considered to be a conflict of interest as defined in the Public Schools Act. If a Trustee abstains from voting without permission of the Chair, his abstention should be considered as a negative vote.
- If any member at a meeting of the Board when a question is put and a roll call vote taken does not vote he shall be deemed as voting in the negative.
- Exceptions to rules within the jurisdiction of the Board can be made by unanimous consent of the entire Board.

### **Motions and Resolutions**

- To begin a motion, “I move that .....,” is the correct phrase to use.
- When a motion is important, complex or long, it should be presented as a draft resolution. A resolution is simply a formal motion and should begin with the words “Resolved that...”
- A motion or draft resolution made must be seconded, and then may be repeated distinctly by the Chair or read aloud before it is debated, and every motion shall be reduced to writing if the Chair or any member requires it.
- Any Trustee who shall have made a motion/resolution shall have the liberty to withdraw it, with the consent of his/her second, before any debate has taken place thereon, but not after debate is had, without leave being granted by the Board.
- An amendment may be moved on any motion, and shall be decided before the original motion; but no more than one amendment can modify the motion. An amendment cannot change the intent of the motion.
- All amendments shall be put in the reverse order in which they are moved, and every amendment submitted shall be decided upon individually or withdrawn before the main question is put to vote. Once all amendments have been voted on, the initial motion, as amended, shall be put to the vote.
- A motion may be amended with the consent of the mover and seconder with a formal amending motion, provided that no objection is raised by any member. In these cases, the amendments shall be deemed to have formed part of the original motion.
- When a motion has been made, the mover thereof shall have an opportunity of speaking thereto before any other member is permitted to do so. In addition, the mover shall have the opportunity to be the final speaker to a motion.
- The following categories of motions may be introduced verbally, without written notice and without leave:
  - a. Debatable motions requiring only a simple majority for approval:
    - Motions to postpone to a specific date or time;
    - Motions to receive reports;
    - Motions to refer; and
    - Motions to table (indefinite postponement).

The debate of a referral or postponement motion may relate only to the issue of whether the main question ought to be referred or postponed, or not. The debate may not extend to a debate of the main question itself.
  - b. Non-debatable motions requiring only a simple majority for approval:
    - Motions to adjourn
  - c. Non-debatable motions requiring only a two-thirds majority for approval:
    - Motions for the previous question (that the vote be now taken)
- A motion for adjournment shall 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 member is addressing the Board.
- 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.
- A motion is:
  - Postponed – To a specific date
  - Referred – To a Committee
  - Tabled – Indefinitely

- When a member raises a point of order, he/she shall ask leave of the Chair to raise a point of order and after leave is granted, he/she shall state the point of order to the Chair and remain silent until the Chair shall have stated and decided the point of order. Thereafter, a member shall only address the Chair for the purpose of appealing to the Board for the Chair's decision. If no member appeals, the decision of the Chair shall be final.
- If, however, a member wishes to appeal from the decision of the Chair, he/she shall, as soon as the decision is made, appeal to the Board the decision of the chair. If this appeal is seconded, the Chair shall state clearly the question at issue and his/her reasons for the decision if he/she thinks it is necessary and the Board, if appealed to, shall decide the question and its decision shall be final.
- Following debate on a motion, that motion shall be read when requested by any member of the Board, or by the Secretary-Treasurer, before the vote is taken.

### **Voting Method**

- Voting shall normally be done by a show of hands.
- Any trustee can request that his/her vote be recorded in the minutes. Such request must be made prior to the vote being taken.

### **By-Laws**

- Every proposed by-law shall receive three (3) separate readings before it is finally passed and becomes a by-law and a proposed by-law may be amended on any reading thereof.
- By-laws must be given no fewer than three separate readings at two separate Board meetings and require an affirmative vote of two-thirds of all the members of the board present.
- The separate readings of any by-law shall be given at different meetings unless by a vote of two-thirds of the whole Board this rule will be suspended.
- On the first reading of a by-law, the by-law shall be read, and on such first reading the by-law shall not be debated or amended.
- When the second reading of a by-law shall be moved, the principle of the by-law may be discussed and it shall be in order for the Board to reject, defer or amend by the by-law and a motion may be made to that effect. The first and second readings may take place at the same meeting by a vote of two-thirds of all the members of the board.
- On the third reading of the by-law, the title only of such by-law need be read, unless a member of the Board shall request it to be read clause by clause.

### **In Camera/Committee of the Whole**

- By a vote of the majority of the members present, the school board may resolve itself into "In-Camera" for the purpose of discussing personnel disciplinary and competency matters, student discipline, salary or service negotiations, senior administration contracts and performance appraisals, sick leave, or legal strategy before the school board.
- When there is to be an in-camera meeting involving a matter(s) referenced in this section, the Committee-of-the-Whole may resolve to exclude from the meeting all persons other than members and other persons specifically authorized by the Committee to be present.
- A motion to go "in camera" shall include a statement of the purpose for going "in-camera" as it relates to matters referred to in this section. Upon completion of in-camera deliberations, the meeting will resume in Committee-of-the-Whole and the conclusions reached during the in-camera session, if any, shall be formulated into a report or recommendation to be considered in a subsequent meeting of the Board.
- Recommendations in respect of deliberations while in-camera shall contain no information that would divulge the nature of discussions.
- Trustees and senior administration present will not disclose the proceedings under any circumstances of an "In-Camera" session meeting to the public, unless a resolution permitting disclosure is passed at the meeting.
- The rules of procedure of the board shall be observed in committee of the whole in-camera, so far as applicable.
- No vote of the school board shall be made while in Committee of the Whole In-Camera, and no minutes shall be recorded.

## **Committees**

- Unlike school board meetings, committee meetings are not public meetings. Members of a designated committee meeting cannot make final decisions; they will investigate, deliberate, may reach a consensus, and report back to the full board, which will consider any recommendations of the committee at its public meeting. All committee minutes of the board will be recorded, listing the members present, the items discussed and outcome of any of the items discussed.
- Standing committees as determined by the school board shall be appointed at the inaugural or regular meetings. Other committees may be appointed at the inaugural or regular meetings for specific purposes as required, and shall be discharged when that purpose has been met, and upon receipt and acceptance of the written report to the school board.
- If a chairperson of a committee is not appointed by the school board, it shall be the duty of the first-named on the committee to convene the first meeting, at which time a chairperson should then be appointed.
- The chairperson of the school board is an ex-officio member of all committees. He/she may attend all meetings and may contribute to the debate. The chairperson should not be part of the committee consensus process when making recommendations forward to the Board of Trustees for consideration,
- The number of trustees on any committee shall be less than a quorum of the school board, except for "Committee of the Whole".
- The superintendent of the division shall determine which members of the office council shall attend each school board committee meeting to provide background, do research and record the minutes.
- School board committees appointed to report on any subject referred to them by the school board shall report in writing.

## **Public Participation & Delegation at Meetings**

- Every School Board shall hold its meetings openly, and no person shall be excluded or removed from any meeting except for improper conduct (Reference Section 30(3), Public Schools Act).
- Delegations shall inform the office of the Secretary-Treasurer of their desire to appear before the Board, stating in writing the reason for the delegation and any remedy requested of the Board.
- The delegation must deliver or send the written notice so that it reaches the Secretary-Treasurer by noon at least ten working days before the date of the meeting at which the delegation wishes to appear.
- The Chair in consultation with the Vice-Chair, Superintendent and Secretary-Treasurer may determine (at Agenda Setting) that the reason for the delegation to appear does not fall within the purview of Turtle River School Division. Should the delegation be denied to appear, the delegation may appeal this decision in writing to the full Board. The appeal will be considered at the next regularly scheduled Board meeting under Other Business. A resolution to appear must be approved by two-thirds of the Board members present.
- The Chair shall decide which Board meeting the delegation shall appear before and the Secretary-Treasurer shall inform the delegation as to the date of the meeting and the time during the meeting at which the delegation will be received.
- Any individual desiring to speak, as a delegation shall give his or her name, and the group, if any, that is represented at the Board meeting. The address should be submitted to the Secretary-Treasurer, in writing, for any further correspondence.
- Delegations may appoint up to two spokespersons and no other member of the delegation shall address the Board except with the permission of the Board. After the spokespersons have spoken, the Board members shall have the opportunity to ask questions only for clarification.
- The presentation should be as brief as possible. The delegation when presenting the highlights of the brief at the Board meeting should restrict its presentation to a maximum of ten minutes unless the Board grants an extension of time. An additional time period of up to ten minutes will be allowed to the delegate or delegation to answer questions of clarification that Trustees may ask the delegate or delegation.
- Speakers may offer such objective criticisms of school operations and programs as concern them; but in public session, the Board will not hear personal complaints of school personnel, nor against any person connected with the school system. Other

channels provide for Board consideration and disposition of legitimate complaints involving individuals.

- Once the delegation has appeared before the Board, the Secretary Treasurer shall provide, in writing, acknowledgement of the presentation and advice as to the intended date that a decision is to be made, or a staff report is to be considered, concerning the delegation's submission.
- A delegation, once heard, shall not be received again by the Board on substantially the same information for a period of three (3) months from the date of the first hearing.
- Another delegation on the same subject or issue shall not be entertained before six months have elapsed since the last delegation, unless those requesting a delegation can prove they have significant new information on the issue.
- Despite the foregoing, if a matter is determined by resolution of a two thirds majority of the Board members present at a meeting to be of a serious and urgent nature, some or all of these rules concerning delegations may be waived.
- On resolution of the Board, a delegation may appear before a committee of the Board.
- Persons appearing before the Board are reminded, as a point of information that members of the Board are without authority to act independently as individuals in official matters. Thus questions may be directed to individual Board members, and the responses given by individual members are only an expression of their individual opinions; but official answers on behalf of the Board must be deferred pending consideration by the full Board.
- The number of persons within the Board room shall be restricted to the actual number of seats available (i.e.20-24). The Chair will so announce when the maximum number of people, allowed in the board room at one time, has been attained under guidelines; (Resident elector will take priority over nonresidents when capacity is at maximum). The Chair may in his or her sole discretion call a meeting in another large location.
- Only Resident electors of the division shall have the right to be placed on the agenda of a regular Board meeting, to be heard under "delegations"
- The right to remove observers who disrupt board proceedings shall be exercised as per provisions of the Public School Act Section 30(6).

### Resignations

- **From a Board Committee:** A Trustee who decides to resign from a Board Committee shall provide two weeks written notice to the Committee, the Board Chair and the Senior Administration or committee designate. A replacement will be selected at the next public Board meeting.
- **From Position of Board Chair or Vice-Chair:** An incumbent who decides to resign from the position of Board Chair or Vice-Chair shall notify each other and the Senior Administration. The Board Chair will notify the Board at a regular Committee Meeting. Decisions pertaining to public communication will need to be determined. Nominations and elections for the vacant position will take place at a board meeting using the process as per the annual inaugural Board meeting.
- **From the Board:** An incumbent who decides to resign from the Board should inform the Board Chair and the Senior Administration. The Board Chair will notify the Board at a regular Meeting. Decisions pertaining to public communication and any requirements for a by-election will need to be determined. The Board Chair will notify the Minister of Education with the information and Board decisions about a by-election.

That this by-law becomes effective on the date of the 3rd reading.

Done and passed and given final reading in open session at the meeting of the Board of Trustees of the Turtle River School Division held in the RM of McCreary this 14 day of November, 2023

Given 1st Reading this 12 day of September, 2023

Given 2nd Reading this 10 day of October, 2023

Given 3rd Reading this 14 day of November, 2023.

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CHAIRPERSON

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SECRETARY-TREASURER