

**BOARD OF EDUCATION OF SCHOOL DISTRICT NO.58  
(NICOLA-SIMILKAMEEN)**

**BYLAW NO. 2-23  
PROCEDURAL BYLAW**

A Bylaw of the Board of Education of School District No. 58 (Nicola-Similkameen), hereinafter called "the Board", to establish procedures governing the conduct of meetings of the Board

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**WHEREAS** the *School Act* requires the Board to establish procedures to govern meetings of the Board.

**AND WHEREAS** the Board wishes to enact meeting procedures to support meetings being conducted in a democratic, transparent and efficient manner.

**NOW THEREFORE** the Board of Education of School District No.58 (Nicola-Similkameen) in an open meeting, hereby **ENACTS AS FOLLOWS:**

**1. CITATION**

- 1.1 This Bylaw may be cited as School District No. 58 (Nicola-Similkameen) Procedural Bylaw 2-23
- 1.2 The rules contained in this Bylaw may be amended by bylaw only, at a meeting of which notice of intention to propose the amendment has been given at the previous meeting and in the notice of the meeting.
- 1.3 A copy of the Board's procedural Bylaw shall be available for inspection at all reasonable times by any person.

**2. DEFINITIONS**

- 2.1 The terms used in this Bylaw have the meanings assigned by *the School Act* except as when the context indicates otherwise.

**3. OATH OF OFFICE, INAUGURAL MEETING AND ELECTION OF BOARD OFFICERS**

- 3.1 A person elected or appointed as a Trustee must take a prescribed oath of office, by oath or solemn affirmation, within the timelines outlined in the *School Act*, before assuming their role as a Trustee on the Board.
- 3.2 After the general local election of Trustees, the Secretary Treasurer shall convene a first meeting of the Board as soon as possible and, in any event, within 30 days from the date that the new Board begins its term of office.
- 3.3 The Secretary Treasurer will call the meeting to order and will preside until a Chair has been elected.

- 3.4 The Secretary Treasurer shall announce the results of Trustee elections and confirm that all Trustees have taken the oath of office, or shall administer, or cause to be administered, the oath of office to Trustees who have not taken it.
- 3.5 The Secretary Treasurer shall call for nominations three times for the position of Board Chair.
- 3.5.1 Trustees may not nominate themselves.
  - 3.5.2 Nominations do not require a seconder.
  - 3.5.3 After each nomination, the Secretary Treasurer will request that each candidate accept or decline their nomination.
  - 3.5.4 Once nominations are closed, Trustees, who have accepted a nomination, may address their colleagues for two minutes.
  - 3.5.5 Trustees who are not elected for one office may accept a nomination for another office.
- 3.6 The Secretary Treasurer will then conduct a vote, if necessary, by secret ballot. The Secretary Treasurer may designate one or more staff members as scrutineers to count the ballots. A person receiving a majority of the total votes cast will be elected Chair of the Board.
- 3.6.1 If no person receives a clear majority, further ballots will be taken.
  - 3.6.2 If more than two candidates are on a ballot and no majority is reached, the person with the least number of votes will be dropped from the nominees and a further ballot conducted.
  - 3.6.3 If any vote involving only two Trustees ends in a tie vote, the election shall be decided by drawing of lots.
  - 3.6.4 All ballots will be destroyed.
  - 3.6.5 The Secretary Treasurer will declare the duly elected Chair of the Board and will vacate the Chair.
- 3.7 The Chair so elected shall assume the Chair for the remainder of the meeting.
- 3.8 Upon assuming the Chair, the Chair will call for nominations for Vice Chair of the Board, and then for the BCSTA Provincial Council and BCPSEA Representatives (and their alternates) for the ensuing year and will conduct each election in the same manner as described in 3.5 and 3.6 above.
- 3.8.1 If possible, the Chair shall be from one electoral area and the Vice-Chair shall be from another electoral area.
- 3.9 The Chair and Vice Chair serve in their roles at the pleasure of the Board or until the annual Special Meeting in the following November.
- 3.9.1 A majority of the Board may elect a new Chair or Vice-Chair at any time.
- 3.10 Following the elections, the order of business shall include:
- 3.10.1 passage of banking resolutions and appointment of signing officers; and,
  - 3.10.2 appointment of time and place for meetings.

#### **4. ANNUAL SPECIAL MEETING OF THE BOARD AND ELECTION OF BOARD OFFICERS**

- 4.1 In the years when no inaugural meeting is required, an annual Special Meeting of the Board will be held, in public, no later than the third Wednesday in November to appoint representatives to the BCSTA Provincial Council and BCPSEA Representatives (and their alternates) for the ensuing year in accordance with 3.8 above.

**5. MEETINGS OF THE BOARD - AGENDAS, QUORUM AND MINUTES**

- 5.1 Prior to each meeting, the Secretary Treasurer is responsible to prepare an agenda in consultation with the Chair and Superintendent outlining all business to be brought before the Board.
- 5.2 Proposed agenda items may be requested to be on the agenda in one of the following ways:
  - 5.2.1 Individual Trustees wishing to have business brought before the Board will forward the business item to the Chair and Secretary Treasurer to facilitate appropriate action.
  - 5.2.2 As a request from a Committee of the Board.
  - 5.2.3 At the commencement of a meeting, in the event a Trustee believes that an item requires immediate attention, the Chair will allow the item to be added to the agenda provided that no objection is raised by any Trustee in attendance. If an objection is raised, the item will be added to a subsequent Board meeting.
- 5.3 The Board agenda and supporting documentation will be provided to each Trustee in an electronic format, at least 48 hours prior to the meeting.
  - 5.3.1 Every effort will be made to deliver the agenda and all supporting material to Trustees at least three working days prior to the time of Open and Closed Meetings.
  - 5.3.2 Non receipt by a Trustee shall not void the proceedings.
  - 5.3.3 Written notice of any meeting will be waived provided that reasonable steps have been taken to notify all Trustees of the meeting and that the majority of the sitting Trustees agree to the waiving of the written notice.
  - 5.3.4 The agenda and supporting material for each Open Meeting will be emailed to Rights-Holders and stakeholders 48 hours in advance of the meeting.
  - 5.3.5 The agenda and supporting material for each Open Meeting will be available for the public and interested media through the District website subsequent to delivery of the agenda to Trustees.
  - 5.3.6 Additional supporting information or related correspondence may be provided to the Board up to the start of the meeting if the information and correspondence is related to items on the published agenda.
- 5.4 A quorum of the Board is a majority of the Trustees holding office at the time of the meeting.
  - 5.4.1 If, prior to any meeting, the Chair and/or the Secretary Treasurer have received information suggesting there will not be a quorum, the meeting may be rescheduled, and attempts will be made to contact all Trustees.
  - 5.4.2 At the appointed time for commencement of a meeting, the presiding officer shall ascertain that a quorum 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, then the meeting will stand adjourned until the next meeting date or until another meeting has been called in accordance with this Bylaw.
  - 5.4.3 After a meeting has commenced, if notice is drawn to a lack of quorum, the presiding officer shall ascertain whether there is a lack of quorum and, if so found, adjourn the meeting to the next meeting date or to another meeting called in accordance with this Bylaw.
- 5.5 In the event both the Chair and Vice Chair are absent, and a quorum is present, the Secretary Treasurer will call the Trustees to order and the Trustees will choose a Trustee to chair the meeting until the arrival of the Chair or Vice Chair.

- 5.6 All meetings will begin with meaningful recognition of the ancestral, traditional and unceded territories of the Nle?kepmx and Syilx people and acknowledgement of the Metis communities.
- 5.7 At all meetings, the Secretary Treasurer must be present at the time that a decision of the Board is rendered and must record any decision. If the Secretary Treasurer is unable to attend the meeting, or if the meeting concerns the work performance or employment of the Secretary Treasurer the Board may designate another employee of the Board to attend the meeting in place of the Secretary Treasurer to perform the duties of the Secretary Treasurer at the meeting.
- 5.8 Any Trustee with a conflict of interest in a Meeting will:
- 5.8.1 state that they have a conflict of interest in the matter;
  - 5.8.2 state the general nature of the conflict of interest;
  - 5.8.3 not take part in any discussion of the matter, if the meeting is not closed to the public, or leave any meeting closed to the public;
  - 5.8.4 not attempt in any way to influence the voting on any question in respect of the matter, before, during or after the meeting; and
  - 5.8.5 abstain from voting on any question in respect of the matter or the part of the meeting during which the matter is under consideration.
- 5.9 The Chair or other Trustee presiding at a meeting may expel from the meeting a person, other than a Trustee, that the Chair or other Trustee presiding at the meeting considers guilty of improper conduct. A majority of the Trustees present at a meeting of the Board may expel a Trustee from the meeting for improper conduct.
- 5.10 Minutes of the proceedings of all meetings shall be legibly recorded in a minute book, ratified at the next meeting of the Board, certified as correct by the Secretary Treasurer or other employee designated and the Chair or other Trustee presiding at the meeting.
- 5.10.1 Minutes will record the names of movers and seconders.
  - 5.10.2 Minutes will record who voted for or against motions. Trustees may ask to have their vote recorded.
  - 5.10.3 If a Trustee declares a conflict of interest, such conflict will be recorded in the minutes.
  - 5.10.4 Except for minutes of a meeting or portion of a meeting from which persons other than Trustees or Board officers, or both, were excluded, the minutes will be published on the District website once adopted.

## 6. MEETING RULES OF ORDER

- 6.1 Meetings of the Board will be conducted in accordance with this Bylaw and, where the Bylaw is silent, using *Robert's Rules of Order, Newly Revised*, except where provisions of the *School Act* may conflict, in which case the latter will prevail.

- 6.2 The Board may adopt a procedural rule for one or more meetings by resolution approved by two-thirds of the Trustees present at the meeting. A rule, other than the requirement for notice of meetings, may be suspended by unanimous consent of the Trustees present.
- 6.3 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.
- 6.4 An appeal of a ruling of the presiding officer shall be decided without debate by a majority vote of the Trustees present. A successful appeal does not necessarily set a precedent.

## **7. MOTIONS**

- 7.1 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.
- 7.2 Subject to the concurrence of the seconder, the mover of a motion may withdraw the motion at any time prior to the vote being taken. A motion which has been withdrawn may be re-introduced at the same meeting only by a different Trustee.
- 7.3 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.
- 7.4 All motions shall be seconded.
- 7.5 The Chair must vote as any other member.
- 7.6 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.
- 7.7 A motion to reconsider a decision can be made the day on which the original motion was voted upon, by a member who voted on the prevailing side. 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 twice.
- 7.8 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.
- 7.9 Motions to rescind or to amend something previously adopted for which notice has been given require a majority vote to pass. However, if the original motion required a two-thirds vote or a vote of the majority of the Board, the same vote is required on a motion to amend or rescind.
- 7.10 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.

## **8. DEBATE**

- 8.1 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.
- 8.2 Speakers shall be recognized by the chair and shall address all remarks to the chair.
- 8.3 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.
- 8.4 Each Trustee has the right to speak twice on the same question on the same day but cannot make a second speech so long as any Trustee who has not spoken on the question desires to speak. No Trustee shall speak for more than five minutes at one time.
- 8.5 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.
- 8.6 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.

## **9. VOTING**

- 9.1 It is expected that all Trustees present at a meeting will vote on each motion, unless a Trustee has a declared conflict of interest, in which case the Trustee must not vote and such an abstention shall be recorded.
  - 9.1.1 If a Trustee wishes to abstain for any other reason or to have a negative vote recorded he or she must so request before or immediately after the vote is taken.
  - 9.1.2 The Chair will vote at the same time as other Trustees.
- 9.2 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.
- 9.3 All questions shall be decided by a majority of the votes of the Trustees present and voting unless otherwise provided by the *School Act*.
  - 9.3.1 In the case of a tie vote, the motion is defeated.

## **10. OPEN MEETINGS OF THE BOARD**

- 10.1 Meetings of the Board shall be open to the public unless, in the opinion of the Board, the public interest requires that persons other than Trustees be excluded.
- 10.2 An Open Meeting will normally be held monthly during the school year.
- 10.3 Annually, the Board will determine the schedule of meetings for the following school year and will publish the schedule at the beginning of each school year in non-general election years, and within sixty (60) days following the election date in general election years.
  - 10.3.1 The meetings will alternate between Merritt and Princeton.

- 10.4 Significant consideration will be given to one of Open Meeting per year taking place, on a rotating schedule, at a "Rights-Holder" location.
- 10.5 An Open Meeting shall stand adjourned at three hours after its commencement unless a consensus has been reached to extend the hour of adjournment.
- 10.6 The order of business at Open Meetings will be:
- 10.6.1 Call to Order and meaningful acknowledgement of the ancestral, traditional and unceded territories of the Nte?kepmx and Syilx people and acknowledgement of the Metis communities.
  - 10.6.2 Approval of Agenda
  - 10.6.3 Adoption of Minutes of Prior Meetings
  - 10.6.4 Report from Closed Meeting
  - 10.6.5 Recognition, Presentations, and Delegations
  - 10.6.6 New Business
  - 10.6.7 Indigenous Education Report
  - 10.6.8 Superintendent Report
  - 10.6.9 Committee Reports
  - 10.6.10 Trustee Reports
  - 10.6.11 Public Question Period
  - 10.6.12 Adjournment
- 10.7 A change to the order of business may be proposed by any Trustee and shall require unanimous consent.

## **11. RECOGNITION, PRESENTATIONS AND DELEGATIONS AT REGULAR MEETINGS**

- 11.1 The Board welcomes and encourages presentations and delegations from students, parents, Rights-holders, staff, partners, and others at meetings.
- 11.1.1 The Superintendent, or designate, will be responsible to schedule in-district presentations and recognition activities.
  - 11.1.2 Attempts should be made to keep such presentations to approximately 10 minutes.
- 11.2 A person or group wishing to address the Board as a delegation on an item not otherwise on the agenda will provide a written request outlining the item(s) they wish to present and naming a spokesperson.
- 11.2.1 Consideration of the request is subject to article 5 of this Bylaw for placement on the agenda of an Open or Closed Meeting.
  - 11.2.2 A request to present at an Open Meeting will require a brief written submission, including the purpose (information, request for action, etc.) of the presentation seven days in advance of the scheduled Open Meeting for distribution to Trustees as part of their agenda package.
- 11.3 The Board will hear the delegation's presentation and the Trustees may ask questions for clarification. The Board will ordinarily take the presentation under advisement and will take action after due deliberation, usually at a subsequent meeting.

- 11.3.1 The Chair will rule on the propriety of all presentations and comments and may terminate any presentation or comment or refer it to a Closed Meeting of the Board if that is deemed to be appropriate by the Chair.
  - 11.3.2 A maximum of ten minutes will be allowed for each Delegation to make a presentation.
- 11.4 If circumstances warrant, the Board may receive such individuals or Delegations in a Closed Meeting.

## **12. PUBLIC QUESTION PERIOD**

- 12.1 The Open Meeting is the formally designated means of transacting Board business. Communication with the public is extremely important and therefore, a public question period of fifteen minutes will be set aside at each Open Meeting solely as a means for ensuring that public who are present in the audience have an opportunity to ask questions about business or issues pertaining to the Board agenda.
- 12.1.1 Questions regarding personnel or specific students must be raised with the Superintendent privately.
  - 12.1.2 Matters currently under negotiation or litigation, or related to personnel or student circumstances, are not permitted and will not be addressed in the public question period.
- 12.2 One question will be taken from each person, after which, time permitting, each person may present a second question.
- 12.2.1 Speakers must identify themselves and their connection to the District before speaking.
  - 12.2.2 All questions will be limited to five minutes and directed to the Chair, who may refer the question to the Superintendent or Secretary Treasurer.
  - 12.2.3 The Chair may restrict the length of time any one individual may speak.
  - 12.2.4 The response to a question will be made during the meeting, when possible, or deferred until a later date when information becomes available.
  - 12.2.5 Individuals addressing the Board assume personal responsibility for all statements made to the Board.
  - 12.2.6 The Chair will use judgment to stop any inappropriate questions that would be better discussed in a different forum.
  - 12.2.7 The Chair may use discretion to terminate any speaker's privilege or exclude a speaker from the meeting if, after due warning, the speaker persists with conduct or remarks which the Chair considers inappropriate.

## **13. SPECIAL MEETINGS**

- 13.1 Special Meetings are any meetings held between the regularly scheduled meetings.
- 13.2 A special meeting open to the public, or a Special Closed Meeting may be called by the chairperson or, upon written request by a majority of the Trustees, shall be called by the Secretary Treasurer.
- 13.3 No business other than that for which the meeting was called shall be conducted at the meeting.

## **14. CLOSED MEETINGS**



- 14.1 All matters coming before the Board shall be considered in public unless the public interest requires otherwise. In these circumstances, persons other than Trustees may be excluded from a meeting or from part of a meeting. Accordingly, the following matters shall be considered in closed session unless the Board determines otherwise:
- 14.1.1 Personnel matters including contract and collective agreement negotiations; matters pertaining to individual employees including medical matters, appointment, promotion, demotion, transfer, conduct, competence, discipline, suspension, termination or retirement; grievances and requests of employees, Board officers or their bargaining agents or representatives; plans that relate to the management of personnel of or the administration of the Board and that have not yet been implemented or made public.
  - 14.1.2 Legal matters: accident claims and other matters where Board liabilities may arise; legal opinions and advice respecting the liability or interest of the Board or respecting any matter to be considered in closed session; information or action regarding legal actions brought by or against the Board.
  - 14.1.3 Matters pertaining to individual students including medical matters and the conduct, discipline, suspension or expulsion of students.
  - 14.1.4 Acquisition and disposition of real property prior to finalization including: future site planning and designation; negotiations regarding purchase, lease sale or exchange of real property; purchase of real property; consideration of appraisal reports and claims by owners; determination of Board offers; expropriation procedures.
  - 14.1.5 Matters pertaining to the safety, security or protection of Board property.
  - 14.1.6 Other matters where the Board decides that the public interest so requires.
- 14.2 The Secretary Treasurer, or other employee designated in accordance with the *School Act*, must be present at the time that a decision of the Board is rendered and must record any decision.
- 14.3 No Trustee shall disclose to the public the proceedings of a closed meeting unless a resolution has been passed at the closed meeting to allow such disclosure, except such as might be necessary to enforce the conflict-of-interest provisions of the *School Act*.
- 14.4 The Secretary Treasurer shall prepare a record containing a general statement as to the nature of the matters discussed and the general nature of the decisions reached at a meeting from which persons other than Trustees or officers of the Board or both were excluded, and the record shall be provided in the subsequent Regular Meeting of the Board.

## 15. BYLAWS

- 15.1 The following matters shall be dealt with only by bylaw:
- 15.1.1 adoption of the budget;
  - 15.1.2 a capital bylaw;
  - 15.1.3 the acquisition or disposal of property;
  - 15.1.4 rules and procedures relative to the organization of meetings of the Board;
  - 15.1.5 amendments to bylaws; and,
  - 15.1.6 where specifically required by the *School Act*.

- 15.2 Every bylaw shall be dealt with in the following stages:
- 15.2.1 First reading: no debate or amendment;
  - 15.2.2 Second reading: discussion of the principle of the bylaw;
  - 15.2.3 Third reading: consideration of amendments made and final decision.
- 15.3 When a bylaw has been amended it shall be reprinted as amended and shall not proceed until the amended version has been distributed.
- 15.4 Subject to 14.3, at each of the three readings of a bylaw, the bylaw must be read in full, however, a reading of the bylaw may, if a written or printed copy of a bylaw is in the possession of each Trustee and is available to each member of the public in attendance at the meeting at which the bylaw is to be read, consist of a description of the bylaw by its title and a summary of its contents.
- 15.5 The Board shall not give a bylaw more than two readings at any one meeting unless the members of the Board who are present at the meeting unanimously agree to give the bylaw all three readings at the meeting.
- 15.6 The Secretary Treasurer shall certify on a copy of each bylaw, the readings and the times thereof and the text of any amendment passed in committee.
- 15.7 A bylaw may be withdrawn at any stage with consent of the Board.

## **16. ELECTRONIC PARTICIPATION BY TRUSTEES**

- 16.1 In accordance with the *School Act*, Trustees may participate in or attend any meeting of the Board by telephone or other means of communication, provided that all Trustees and other persons participating in or attending the meeting are able to communicate with each other.
- 16.2 If a Trustee participates in or attends a meeting of the Board by telephone or other means.

## **17. MISCELLANEOUS PROVISIONS**

- 17.1 All points of procedure not provided for in this Bylaw shall be decided in accordance with *Robert's Rules of Order, Newly Revised*.
- 17.2 If any part of this Bylaw is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

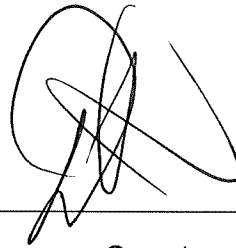
**18. REPEAL**

18.1 School District No. 58 (Nicola-Similkameen) School Board Meetings Bylaw 1-96 adopted December 6, 1996, including any amendments thereto, are hereby repealed.

Read a First Time	this	13th	day of	September 2023
Read a Second Time	this	11th	day of	October 2023
Read a Third Time	this	8th	day of	November 2023
ADOPTED	this	8th	day of	November 2023



Chair



Secretary-Treasurer