



***SWAN VALLEY
SCHOOL DIVISION***

Ready to Succeed



***Board of
Trustees***

***Procedural
By-Law 3/81***



**Updated
November 9,
2020**

THE SWAN VALLEY SCHOOL DIVISION

BY-LAW 3/81

A PROCEDURAL BY-LAW TO REGULATE THE PROCEEDINGS OF THE REGULAR, SPECIAL AND COMMITTEE MEETINGS OF THE SCHOOL BOARD OF THE SWAN VALLEY SCHOOL DIVISION.

WHEREAS it is deemed advisable and expedient to determine by by-law the procedure to be observed in the conduct of School Division and Committee meetings; and

WHEREAS it is deemed advisable and expedient to determine by by-law other pertinent regulations related to the meetings of Trustees;

NOW THEREFORE the School Division Board of the Swan Valley School Division in open session assembled enacts as follows:

1. In all proceedings in the School Division meetings of the Swan Valley School Division, unless they shall at any time be contrary to the overriding provisions of *The Public Schools Act*, the following rules and regulations shall be observed and shall be the rules and regulations for the order and dispatch of business in the said School Division Board and the Committees of the said Board.

THE FIRST MEETING OF THE YEAR

2. The first meeting of the School Board following a regular election (Inaugural Meeting) shall be held not later than the 14th day after the 4th Wednesday in October in the year of the election at an hour to be fixed by the Secretary-Treasurer of the School Division, who shall notify each Trustee of the time and the place of the meeting.
3. No business shall be proceeded with at the Inaugural Meeting until the Oath of Office has been administered to all newly elected Trustees who present themselves to take same, nor until there be a quorum.
4. At the first meeting of the School Board, (Reorganizational Meeting) the Trustees present shall elect a Chair and Vice-Chair for the next ensuing year. The Secretary-Treasurer of the School Board shall preside at the election or, if there is no Secretary-Treasurer present, the Trustees shall select one of themselves to preside at the election and the member selected may vote in the election. During nonelection years the Reorganizational Meeting will be the first meeting in September.

5. The first two orders of business at the first meeting of the Board shall be:
 - (a) Elect a Chair
 - (b) Elect a Vice-Chair(The Chair and Vice-Chair shall succeed themselves in office once only.)

In each case, all nominations shall be made verbal to the chair; all elections shall be by secret ballot.
6. In the event of a tie vote in selecting a Chair or Vice-Chair, the School Board shall determine, by lot, who shall cast the deciding ballot.

TIME AND LENGTH OF BOARD MEETINGS

7. Regular meetings of the Board of Trustees shall be held on the second and fourth Mondays of each month at 7:00 p.m., at the School Division Board Room, in the Town of Swan River, or at such other time and place as may be fixed by resolution of the Board of Trustees. When a regular meeting falls on a statutory holiday, Monday, the meeting will be rescheduled for the next day, Tuesday, at 7:00 p.m.
8. When at any session of the Board of Trustees the hour of 11:30 p.m. shall be reached, the Chair or other presiding officer shall declare the meeting of the Board of Trustees adjourned and leave the chair, unless the Board of Trustees by unanimous resolution determines otherwise.

PREPARATION AND ORDER OF AGENDA

9.
 - a) The preparation of agendas is the joint responsibility of the Superintendent, the Secretary-Treasurer, Chair and Vice-Chair. After the meeting has started, items shall be added to the agenda only by a motion approved by a majority vote of the Board.
 - b) All administrative staff submit items of business and related reports to the Superintendent or the Secretary-Treasurer for inclusion on the agenda.
 - c) Members of the public or employees of the School Division may have items of business placed on the agenda and/or appear before the Board of Trustees to discuss an area of concern by writing to the Superintendent or the Secretary-Treasurer asking to be placed on the agenda and stating the business they wish to discuss.
 - d) Trustees may have items of business placed on an agenda by arrangement with the Superintendent or the Secretary-Treasurer, subject to the conditions in Item No. e.
 - e) All items of business are to be submitted to the Superintendent or the Secretary-Treasurer by the Tuesday previous to the regular meetings of the Board on the second and fourth Mondays of each month.

- f) Agendas, complete with written reports where applicable, will be available online at least 48 hours prior to the meeting.

10. The order of the Agenda, unless otherwise determined by the Chair, shall be as follows:

1. Call to Order
2. Additions to and Adoption of Agenda
3. Delegation
4. Approval of Minutes of Previous Meeting(s)
5. Policy Review
6. Board Education and Vision
7. Senior Administration Report
 1. Superintendent/CEO
8. Secretary-Treasurer
 1. Administrative
9. Administrator Reports
10. Other Reports
11. New Business
12. Questions of Clarification or Comments Regarding the Current Meeting from the Public
13. Correspondence/PD Folder:
 1. Correspondence Folder
 2. Board Opportunity Folder
14. Information from Trustees
15. Date(s) of Future Meeting(s)
16. In-camera
 1. Motion from in-camera
17. Trustee Reflection on the Board Meeting
18. Adjournment

RULES OF PROCEDURE

11. Every member, previous to his/her speaking, shall address the Chair.
12. When two or more members address the Chair at the same time, the Chair is to name the member who is to speak first but, in the case of dissatisfaction, the other members may put the question as to who shall be heard.
13. The Chair shall preside at meetings of the School Board and may vote with the other members on all questions. Any question on which there is an equality of votes shall be deemed negative. The Chair will indicate at the first meeting following his/her election as to whether he/she will vote on all questions or not. If the Chair has elected not to vote on all questions and wishes to vote on a particular issue, he/she will indicate so prior to the vote on that issue.
14. When the Chair is absent from a duly called and regularly held meeting of the Board of Trustees, the Vice-Chair shall preside; and while so presiding, he/she shall have all the powers of the Chair. The Secretary-Treasurer shall preside over the election of a Chair for a meeting when the Chair and Vice-Chair are both absent for that meeting.

15. When the Chair is absent from the School Division, the Vice-Chair may exercise all the powers and discharge all the duties of the Chair.
16. Every disputed question shall be decided by the majority of the votes of the Trustees of the Board present except in cases where, under the provisions of *The Public Schools Act* (PSA), another number of votes is required to carry the matter.
17. Subject to No. 18, 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.
18. A decision of the School Board may be reversed
 - a) at the same meeting at which it is made; and
 - b) by unanimous consent of all members present and voting thereon.
19. The vote shall in all cases be taken by open voting and shall be recorded in the Minutes of the proceedings of the Board of Trustees if required by any member or by any by-law of the said Board of Trustees.
20. When a Chair is called upon to decide a point of order or practice, he/she shall do so without comment unless requested to do so.
21. If any Trustee considers him/herself grieved by the decision of the Chair, it shall be his/her privilege to appeal to the Board and the vote of such appeals shall be taken without debate, except that the mover of the appeal may explain his/her reasons for appealing and the Chair may explain his/her reasons for the ruling.
22. The order of the day shall have preference to any motion put before the Board of Trustees.
23. A "Notice of Motion" may be read by any member, at the appropriate time during a meeting, or submitted in writing to the Chair for presentation, prior to adjournment. It shall be recorded in the minutes as a "Notice of Motion" only but shall not be discussed or voted on until the next meeting where it shall be written as a motion with a mover and seconder.
24. Exceptions to the rules within the jurisdiction of the Board can be made by unanimous consent of the entire Board of Trustees, providing those sections are consistent with the provisions of *The Public Schools Act*.
25. A motion which is duly moved and seconded "to recess or to adjourn debate", "postpone debate", "lay on the table" or to "move into Committee of the Whole", shall be decided without debate.
26. "Amendments" are motions which are used to propose and effect changes in the initial wording of the main motion. An amendment:

- a) must be germane (closely related) to the motion to be amended;
 - b) cannot nullify the intent of the main motion;
 - c) must be moved and seconded in the same way as main motions. Once moved and seconded, the amendment now becomes the subject of debate and only issues relevant to the desirability or lack of same of the amendment now are allowed. The amendment must be decided upon before discussion can return to the main motion. If the amendment is agreed to, the main motion is "amended" and debated as the "motion as amended". If the motion is defeated, the debate then centers on the original motion as proposed.
27. "Amendments to Amendments" are motions used to propose and effect changes in the wording of proposed motions to amend. They must be moved, seconded and dealt with in a way similar to an amendment. Once moved and seconded, the amendment to the amendment becomes the subject of debate. Only when debate and voting is completed does discussion return to the amendments as amended or as previously.
28. No motion shall be debated or put unless the same is in writing and is seconded, except only a motion to adjourn, which shall not be required to be in writing.
29. No Trustee, other than the one proposing a question or a motion, shall speak more than once on the same question without leave of the Chair of the Board, except an explanation of the material part of the speech which may have been misconceived but he/she is not to introduce new matters.
30. No Trustee shall speak to the question or in reply for longer than five minutes without leave of the Chair of the Board.
31. It is the responsibility of each Board member to declare a conflict of interest prior to discussion of that item. A disclosure of interest form shall be completed and the Trustee will physically remove him/herself from the meeting.
32. If a member is in conflict of interest and does not remove him/herself from the meeting and if another Board member is aware of this conflict, he/she is responsible to bring this to the attention of the Board. If the member in conflict refuses to leave the meeting, the Board may instruct the Superintendent or the Secretary-Treasurer to file suit in the courts.
33. Any Trustee may require the question, motion or document under discussion to be read for his/her information at any time during the debate, but not so as to interrupt a Trustee while speaking.
34. No Trustee shall speak beside the question in debate.
35. If the Chair or other presiding officer decides to take part in the debate, he/she shall vacate the Chair and shall call on one of the Trustees to fill his/her place until he/she resumes the Chair.
36. A motion that has been read may be withdrawn at any time before the decision or amendment, with the permission of the mover and seconder or the majority of the Board of Trustees.

37. During debate on a motion, members of the Board may call for the "question". Unless the majority of the Board decides otherwise, the Chair shall call the vote.
38. Immediately before putting the question, the mover shall have the privilege of summarizing the debate but he/she shall not introduce new matters.
39. Trustees are required to vote on every question unless excused by the Chair for some particular reason. One reason acceptable to the Chair for absentia could be a conflict of interest. If a Trustee abstains from voting without permission of the Chair, his/her absentia shall be considered as a negative vote.
40.
 - a) Any two Trustees may require the recording of the yeas and nays on any question.
 - b) A Roll Call Vote requires a motion. A Roll Call Vote records how each trustee voted on the question.
41. Any Trustee can request that his/her vote be recorded in the minutes, provided that such request is made before the question is put.
42. When the Chair is putting a question, no member shall walk across the Board Room or make any noise or disturbance, and when a member is speaking, no other member shall hold discourse and interrupt him/her except to raise a point of order, not pass between him/her and the Chair.
43. A Trustee called to order shall sit down immediately, but may afterwards be permitted to explain, and if the Board of Trustees is appealed to, shall decide on the case without debate. If there is no appeal, the decision of the Chair shall be final.
44. No member of the Board of Trustees shall resist the rules or disobey the decision of the Chair or presiding officer, or in the case of appeal, of the Board of Trustees on questions on order or practice, or in the interpretation of the rules of the Board of Trustees. In case any member shall resist or disobey, he/she may be ordered by the Chair or the presiding officer to leave his/her seat for the meeting. In case of his/her refusal to obey, he/she may be removed therefrom by a constable for contempt of the Board of Trustees and its rules. In cases of ample apology being made by the offender, he/she may, by vote of the Board of Trustees, be restored forthwith.
45. A motion to adjourn takes precedence of all others and may be moved at any time, but this question cannot be received after another question actually is put and while the Board of Trustees is engaged in voting.
46. In all points of order and procedure not provided herein, the Board of Trustees and its Committees shall follow Robert's Rules of Order, provided such rules do not supersede *The Public Schools Act*.

COMMITTEE STRUCTURES AND PROCEDURES

47. It shall be the duty of the Chair to appoint all Standing Committees, and Ad Hoc Committees except when the Board shall decide otherwise.
48. It shall be the duty of the Chair to identify the Chair of each Committee appointed.
49. A Committee Chair shall preside at every meeting and shall vote on all questions submitted (unless he/she has a vested interest) and in cases of an equal division, the question shall be deemed to have been defeated.
50. The Chair of the Board shall be ex officio non voting member of all Standing and Ad Hoc Committees.
51. At least one staff officer is to be present at each Committee meeting, to provide background, do research and record minutes, unless determined otherwise by the Board of Trustees.
52. The number of Trustees on any Committee is to be less than a quorum of the Board (Standing and Ad Hoc).
53. Every Committee will submit a written report of its investigation and findings, together with recommendations, if any.
54. The meetings of any Committee of the Board of Trustees may be attended by other members of the Board, who shall not be allowed to vote, and such members, with the permission of the majority of the members of the Committee, shall be allowed to take part in any discussion (Standing and Ad Hoc).
55. Of the number of Trustees appointed to compose any Ad Hoc Committee, the majority shall constitute a quorum competent to proceed to business.
56. Every Committee, Standing or Ad Hoc, shall meet as necessary following approval through the Chair.
57. A Committee of the Whole Board shall serve as the Finance/Audit Committee.

COMMITTEE OF THE WHOLE

58. All meetings of the Committee of the Whole shall be held in-camera.
59. In forming a Committee of the Whole, the Chair may preside or elect to appoint a Chair to preside with the same authority in the chair as the head of the Board of Trustees.
60. Rules of the Board of Trustees shall be observed in the Committee of the Whole as far as may be applicable, except the rules limiting the number of times of speaking.
61. On motion of the Committee of the Whole to rise and report, the question shall be decided without debate.

SPECIAL MEETINGS

62. Special meetings shall be held at the ordinary place of the meetings of the Board of Trustees at the hour fixed for ordinary meetings, unless otherwise determined by notice of the meeting, an adjournment or a by-law of the Board of Trustees.
63. Notice of all School Board meetings, regular and special, shall be given by the Superintendent or 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, email or in writing, stating the place, date and hour of the meeting.
64. Notwithstanding No. 62, the School Board may hold a meeting at any time and at any place to deal with an emergency situation if all the Trustees consent thereto and are present thereat.
65. The Board of Trustees, before proceeding to the business of such special meetings, shall, if such be the fact, set out forth in the Minutes of the meeting that the notice of the meeting has been given in conformity with the requirements of *The Public Schools Act*, to all members of the Board of Trustees who are not present at the opening of the meeting.
66. If, at the opening of the special meeting, it appears that the notice of the meeting has not been given to all the absent members, no business shall be transacted at the meeting, but the presence of any member of the Board of Trustees shall have the effect of waiving the necessity of notice so far as he/she is concerned.
67. At a special meeting, no other subjects or matters than those mentioned in the notice calling the meeting shall be taken into consideration.

BY-LAWS

68. The following matters only shall be resolved by by-law:
 - a) Amendments to by-laws
 - b) Rules of procedure of the Board and rules relative to the organization of meetings of the Board
 - c) Where required by *The Public Schools Act*
 - d) School closures
69. Every by-law which has been passed by the Board of Trustees shall be signed immediately by the Chair or by any authorized Trustee and the Superintendent and/or Secretary-Treasurer, and be sealed with the School Division seal and shall be deposited in the Division Office vault.
70. By-laws may be amended at any regular meeting by a vote of two-thirds' majority of the entire Board of Trustees and a notice of such amendment shall be given orally and in writing at the regular meeting previous to the meeting in which the amendment is considered.
71. The Board of Trustees may pass by-laws not inconsistent with *The Public Schools Act*, for the guidance of the Board.

QUORUM

72. A majority of the Trustees of the School Division, when present at a meeting, shall constitute a quorum; and the vote of the majority of such a quorum shall be valid and shall bind the School Division subject to any by-laws duly passed by the Board of Trustees and in force.
73. When, at any meeting of the Board of Trustees, there is no quorum present at the end of one-half hour after the appointed time, the Board of Trustees shall stand adjourned and the Superintendent or Secretary-Treasurer shall enter in the Minutes the names of the members present.
74. An ordinary or special meeting, when there is a quorum, may be adjourned by the Board of Trustees to any other hour of the same day or to the next subsequent date, without the necessity of giving notice of such adjournment to all members who are present but notice of adjournment other than an adjournment from day to day shall be given, as in the case of a special meeting, to all members of the said Board of Trustees.

PUBLIC PARTICIPATION AT BOARD MEETINGS

75. Every school board shall hold its open meetings, and no person shall be excluded or removed from any meeting, except for improper conduct. {PSA Section 30(3)}
76. At meetings of the Board or its committees, except as may be specifically permitted by resolution of the Board, the use of cameras, electric lighting equipment, flash bulbs, recording equipment, tape recorders, sound equipment, television cameras and any other devices of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by members of the public, including non accredited and other representatives or any news media, is prohibited. Accredited members of the news media are permitted with the knowledge of the Board to use recording devices and photographic equipment at Board meetings.
77. The Board of Trustees shall be bound to receive petitions which have been received by it through the office of the Superintendent or the Secretary-Treasurer and listed on the next agenda of a regular School Board meeting.
78. During a presentation by a delegation, the Board members shall not express opinions but shall ask questions for clarification only. The Board shall discuss the presentation during the normal course of the meeting.
79. Everyone entitled to be heard before the Board of Trustees or its Committee may be so heard in person or through another person acting on his behalf.
80. a) Correspondence that is received by the Board may be placed on the Board Agenda and at the Board Meeting, the Secretary-Treasurer shall state with respect to the correspondence placed on the agenda:
 - (i) Who the letter is from (individual or group)

- (ii) Indicate the subject of the letter for Board consideration or action.

Correspondence will not be distributed to the public by the Board.

- b) Individual Trustees or Committee Chairs who receive correspondence from citizens and wish to bring this correspondence to the Board's or Committee's attention (in all cases, except where the correspondence is a solicited response to the committee's work or research) shall first table the correspondence by filing with the Secretary-Treasurer prior to the Board Meeting.

- c) Any citizen who wishes the Board to receive correspondence of letters should address all correspondence that concerns the Board in the following manner:

Board of Trustees
Swan Valley School Division
Box 995
Swan River, MB
R0L 1Z0

Such correspondence, if received in time, will be placed on the Board Agenda.

81. Where, at a meeting of the School Board, any person other than a member of the School Board is, in the opinion of the Chair of the meeting, guilty of disorderly or improper conduct, the Chair of the meeting may require him/her to leave the meeting forthwith and if he/she fails to do so may cause him to be removed. {PSA Section 30(6)}

TRUSTEE: CONFLICT OF INTEREST

82. a) No Trustee shall have any pecuniary interest in, or receive or expect to receive, any profit or benefit from any contract, agreement or engagement taken, made or entered into, either in his/her own name or in the name of another, with the School Board of which he/she is a member, and any such contract, agreement or engagement is void.

- b) Notwithstanding subsection (1), a Trustee may:

- (i) receive a sum determined by the rate not exceeding that fixed by a resolution of the School Board, for work done for the School Board apart from his/her duties as Trustee if:

1. The School Board is unable to arrange to have the work done by someone who is not a member of the School Board and, before the work is done, by resolution, approves of the work to be done by the Trustee, or
2. the work is done to relieve an emergency and the School Board, by resolution passed at its next meeting after the work is done, approves of the work done and acknowledges that it was done to relieve an emergency.

- (ii) be a shareholder in the corporation having dealings or contracts with the School Board, unless
 - 1. directly or indirectly, he owns or is entitled to a beneficial interest in five per cent or more of the issued capital stock of the corporation, and issued capital stock of the corporation, or
 - 2. he is a manager, managing director or other director, general manager, or secretary thereof, or other similar senior or executive official thereof, or devotes his whole time or the major portion of his time, to the direction of the affairs of the corporation, and
 - 3. the dealing or contracts involve considerations or amounts exceeding, five hundred dollars in any one year, in the aggregate.
- c) A Trustee who owns or has a beneficial interest of five per cent or more of the capital stock of a corporation having dealings or contracts with the School Division shall not vote at meetings of the School Board on any questions affecting those dealings or contracts.
- d) A Trustee who violates any provision of this section shall, ipso facto, vacate his/her seat and the remaining Trustees shall forth with declare the seat vacant and order an election to fill the vacancy.

TRUSTEE DISMISSAL FROM THE BOARD

83. A Trustee who
- a) absents him/herself from the regular meeting of the School Board for three consecutive regular meetings or for a period of three consecutive months, whichever occurs first, without being authorized by resolution recorded in its minutes; or
 - b) ceases to be a resident of the School Division for which he/she is a Trustee; shall, ipso facto, vacate his/her seat and the remaining Trustees shall declare his/her seat vacant and order an election to fill the vacancy. {PSA 26 (1-7) to govern Trustee vacancies}

TRUSTEE ATTENDANCE AT REGULAR MEETINGS OF THE BOARD BY ELECTRONIC MEANS

84. Pursuant to *The Public Schools Act* Section 39 and Manitoba Regulation 201/2004 and the Division's Procedural By-Law as amended, the Division shall:
- a) Where requested by a Trustee to participate electronically in a regular or special Board Meeting or Committee Meeting, the Division shall facilitate that participation via telephone conference call, skype or such other electronic means as the Division is reasonably able to provide.

- b) This policy is subject to the provisions of *The Public Schools Act* Sections 36 to 39.8 in all aspects.
- c) Attendance via electronic means at closed meetings shall be restricted to those who are entitled to attend the closed meetings or are invited to attend the closed meeting.
- d) Despite a regulation passed under subsection (1), every Trustee must be physically present at a regular meeting at least once every three (3) months {excerpt from *The Public Schools Act* Section 39.7.1 (2)}.
- e) At every meeting of the School Board, the following persons be physically present in the meeting room of the Board:
 - (i) the Chair of the Board or his/her designate;
 - (ii) at least one additional member of the Board;
 - (iii) the Superintendent of the Division or his/her designate;
 - (iv) the Secretary-Treasurer or his/her designate.

{excerpt from Manitoba Regulation 201/2004 Section 5}

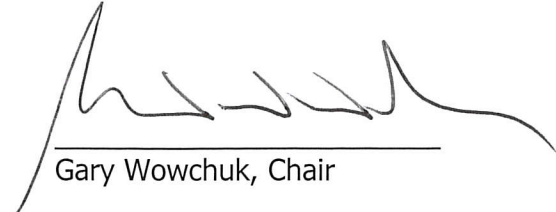
CORPORATE ACTS

- 85. An act or proceeding of the Board of Trustees that is not done or taken at a regular or special meeting of the Board shall not be valid or binding on any person affected thereby; and if such an act or proceeding is done or taken at a regular or special meeting of the Board, it shall not be valid or binding as aforesaid until all the Trustees were present at the meeting or notice thereof was given, as required by *The Public Schools Act*, and at least a majority of the Trustees were present at the meeting.
- 86. That this by-law comes into force and takes effect on the day it receives final passage by the Board of Trustees.

DONE AND FINALLY PASSED, SIGNED, SEALED and NUMBERED AS BY-LAW 3/81, this 25th day of May, A.D. 1981.

Revised - October 18, 1981
 Revised - April 12, 1999
 Revised - January 27, 2003
 Revised - November 28, 2005

Revised - September 9, 2013
 Revised - September 11, 2017
 Revised - December 10, 2018
 Revised - November 9, 2020



 Gary Wowchuk, Chair



 Brent Rausch, Secretary-Treasurer