

**EVERGREEN SCHOOL DIVISION
BY-LAW NO. 4/21**

BEING A BY-LAW to regulate the proceedings of the Board of Trustees of the Evergreen School Division and the Committees thereof.

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

NOW THEREFORE be it hereby enacted as a By-Law of the Board of Trustees of the Evergreen School Division that, 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Schools Act, the following Rules of Procedure shall regulate the operation of the Board, and By-Law 6/19 shall be repealed.

SECTION 1 - FIRST OR INAUGURAL MEETING

- 1) The first meeting of the School Board following a regular election shall be held within 14 days after 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 place of the meeting. [Section 29(1) P.S.A.]
- 2) At the first meeting in September of the Board in a non-election year, the Trustees present shall elect from among themselves a Chairperson and Vice-Chairperson for the next ensuing year and the Secretary-Treasurer of the School Division 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. [Section 29(2) P.S.A.]
- 3) In the event of more than one nomination in selecting a Chairperson, Vice-Chairperson or Board Committee Chair, the School Board shall determine by lot, and in a secret manner, who shall cast the deciding vote. [Section 29(3) P.S.A.] The Board will elect a Chairperson and Vice-Chairperson and Board Committee Chair by a minimum of 5 votes. In the event three people are nominated and no one receives 5 votes, the person with the fewest votes will be dropped from the ballot and the vote will be retaken. In the event of a tie, a vote will be taken to determine which name will be removed from the ballot.
- 4) Interest forms for the remaining committee positions will be submitted by all trustees by the end of the inaugural meeting. The Board Chair and Vice-Chair will determine the appointments giving consideration to balanced representation, interests, and experience.

SECTION 2 - MEETINGS OF THE BOARD

- 1) After the first or Inaugural Meeting of the Board, the Board shall hold a Regular Meeting on the first Wednesday of each and every month in the Board Rooms at the hour of 6:15 P.M. or at such other times and places that the Board may from time to time designate.
- 2) The Board shall not remain in session later than 9:15 o'clock P.M, unless it shall be otherwise determined by a two-thirds (2/3) vote of the members present.
- 3) The Committee of the Whole Board In-Camera shall meet when required on the first and third Wednesday of each and every month in the Board Rooms at the hour of 5:00 P.M. or at such other times and places that the Board may from time to time designate.
- 4) The Education Committee of the Whole Board shall meet when required on the third Wednesday of each and every month in the Board Rooms at the hour of 5:00 P.M. or at such other times and places that the Board may from time to time designate.

- 5) Special or Emergency Meetings of the Board may be convened at any time by the Chairperson directly, or by the Chairperson at the request of a quorum of Trustees. At a Special or Emergency Meeting, no subject or matters, other than those mentioned in the Notice calling the Special or Emergency Meeting, shall be considered, except that items may be added with unanimous consent of the Board.
- 6) 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.]
- 7) Notice of all 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.]
- 8) The Chairperson shall preside at the meetings of the 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 negative. [Section 31 P.S.A.] The Chairperson of the Board does not have a deciding vote.
- 9) In the absence of the Chairperson, the Vice-Chairperson shall preside and shall have all the powers of the Chairperson. [Section 32 P.S.A.] In the absence of 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.
- 10) 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 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.
- 11) An act or proceeding of a 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. [Section 35 P.S.A.]
- 12) Where the Board has not made a rule for governing a particular proceeding, Roberts Rules of Order shall be the parliamentary guide.

SECTION 3 - REGULAR BOARD MEETING AGENDA

- 1) The Superintendent shall prepare the Agenda and provide the order of business in the form of a prepared Agenda, the order of the same to be in accordance with, or similar to, the following:

AGENDA FORMAT

Reading of Vision and Mission Statements Reading of Treaty Lands Acknowledgement

1. AGENDA
 - 1.01 Adoption of Agenda
2. MINUTES OF LAST BOARD MEETING
 - 2.01 Reading
 - 2.02 Omissions and Errors
 - 2.03 Adoption of Minutes
3. VISITORS AND DELEGATIONS

4. SCHOOL AND COMMUNITY CONNECTIONS
 - 4.01 Evergreen School Division Student Voice
5. SUPERINTENDENT’S DEPARTMENT REPORTS
 - 5.01 Secretary-Treasurer
 - 5.01.1 Secretary-Treasurer’s Report
 - 5.02 Assistant Superintendent
 - 5.02.1 Assistant Superintendent’s Report
 - 5.03 Superintendent/CEO
 - 5.03.1 Superintendent/CEO’s Report
6. COMMITTEE REPORTS
 - 6.01 Committee of the Whole Board (In-Camera)
 - 6.02 Education Committee of the Whole Board
 - 6.03 Finance Committee of the Whole Board
 - 6.04 Division Committee Reports
 - 6.04.1 Evergreen Foundation
 - 6.05 Board Development Committee
 - 6.07.1 Trustee Conference and Meeting Reports
 - 6.06 Audit Committee
 - 6.07 Liaison & Negotiations Committee
 - 6.08 **Advocacy & Public Relations Committee**
 - 6.09 Ad Hoc Committee Reports
 - 6.10 Trustee Reports
7. OTHER BUSINESS
8. CORRESPONDENCE AND INFORMATION PACKAGE
 - 8.01 MSBA
 - 8.02 OTHER CORRESPONDENCE and INFORMATION

TRUSTEE READINGS

TRUSTEE CORRESPONDENCE

FOR PERUSAL

9. ITEMS FOR NEXT AGENDA
10. ADJOURNMENT
11. MEDIA AVAILABILITY (Board Chair and Superintendent)

- 1) Any variation of the foregoing order of business requires a two-thirds (2/3/) majority vote of the members present, which shall be without debate.
- 2) Introduction of new matters, other than matters of privilege or petitions, shall be published in the Agenda and delivered to Trustees at least twenty-four (24) hours before the meeting.
- 3) Any Trustee may request of the Chairperson or the Superintendent that an item be placed on the Agenda.

- 4) Any items received too late for the Agenda shall be held until the following Regular Meeting, unless deemed to be of an emergency nature, as determined by the Superintendent and/or the Chairperson.

SECTION 4 - REGULAR BOARD MEETINGS

GENERAL REGULATIONS FOR MEETINGS

- 1) Each and every member of the Board has equal rights.
- 2) The first person recognized by the Chairperson as desiring to speak has the right to the floor.
- 3) No Trustee shall be interrupted while speaking, unless he/she is out of order, or on a point of privilege, or for clarification.
- 4) When a matter is before the Board, the consideration of same cannot be interrupted except on a motion for adjournment, to be put on the table, for postponement, for referral or for amendment.
- 5) Exceptions to rules within the jurisdiction of the Board can be made by a two-thirds (2/3) majority vote of the member present.

Duties of the Chairperson

- 1) The Chairperson should call the meeting to order precisely at the hour for which the meeting was called, providing a quorum is present, or as soon as a quorum is present, as herein before provided.
- 2) It shall be the duty of the Chairperson at all times to preserve order and endeavor to conduct all business before the Board with propriety and dispatch, in accordance with the Rules of Procedure herein provided.
- 3) 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 comments, and without debate. The decision of the Chairperson shall be final, unless reversed by a two-thirds (2/3) vote of the members present.

Motions

- 1) All motions must be put in writing and seconded before being stated by the Chairperson, after which they shall be disposed of by vote of the Board, unless the mover and seconder, by permission of the Board, withdraw same.
- 2) To begin a motion, "I move that" is the correct phrase to use.
- 3) Any Trustee who has made a motion shall have the liberty to withdraw or modify it with the consent of the second and prior to the question.
- 4) An amendment may be moved on any motion and shall be decided before the original motion; but no more than one amendment shall be entertained. An amendment can only modify a motion, not change the intent of the motion.
- 5) A motion for adjournment 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.
- 6) 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.
- 7) A motion may be:

Postponed: to a specific date.

Referred: to a committee

Tabled: for an indefinite period or until lifted from the table by any Trustee.

Received: to accept and no action be taken.

- 8) A motion "to recess or adjourn debate", "to lay on the table" or "to resolve into Committee of the Whole" shall be decided without debate.
- 9) No member of the Board shall take part in the discussion of any question in which he/she has a personal or pecuniary interest, as defined in Section 36 - 39.7(7) inclusive of the Public Schools Act, and shall disclose the general nature of the direct or pecuniary interest or liability and withdraw from the meeting as required by Section 38(1) of the Public Schools Act. The Secretary-Treasurer shall record the conflict and withdrawal from the meeting on the prescribed form and file with the minutes.
- 10) Every member, previous to speaking, shall address himself/herself to the Chairperson and shall confine himself/herself to the question under debate. When two or more members speak at once, the Chairperson shall name the member who is to speak first.
- 11) 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.
- 12) If any member transgresses the rules, the Chairperson shall, or any member can, call him/her 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 the case, but without debate.
- 13) No member, unless otherwise herein provided, shall speak to a question or motion for longer than five (5) minutes, nor more than once (except in Committee) on the same question, without leave of the Chair. The Trustee who proposes the question is permitted to reply and thereby closes debate. A member may speak more than once for clarification purposes only.
- 14) A member may require the question or motion to be read for his/her information at any time of the debate, but not so as to interrupt a member speaking.
- 15) No member shall speak to any question after a vote on the question has been called by the Chairperson.

Voting Method

- 1) Reversal of Decisions
 - (i) Subject to subsection 1(ii), 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. [Section 33(2) P.S.A.]
 - (ii) A decision of the Board may,
 - (a) at the same meeting at which it is made; and
 - (b) by unanimous consent of all members present and voting therein be reversed. [Section 33(3) P.S.A.]
- 2) 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. If a Trustee abstains from voting without permission of a majority Trustees present, his/her absentia should be considered as a negative vote.

- 3) When the question under consideration contains distinct propositions, upon the request of any member, the vote upon each such distinct proposition shall be taken separately.
- 4) The Chairperson shall declare the motion under consideration as Carried or Defeated.
- 5) The Secretary-Treasurer shall enter into the minutes a record of all trustees who voted against or who abstained for all motions.

Giving Notice

- 1) Written notice may be given by any Trustee from one meeting to the next for the purpose of the following:
 - (i) reversal of a decision previously made by the Board;
 - (ii) introduction of a By-Law;
 - (iii) introduction of a Policy change

Electronic Meetings

- 1) In accordance with Section 39.7.1 of The Public Schools Act and Regulation 201/2004, trustees may participate in Regular Board Meeting by electronic means
- 2) In Evergreen School Division, meeting participation by electronic means should be restricted to emergent or personal illness situations and to a limit of once per year, unless otherwise approved through Board motion
- 3) The following persons must be physically present in the meeting room of the Board:
 - i. The Chair of the Board or his or her designate
 - ii. At least one additional member of the Board
 - iii. The Superintendent of the Division or his or her designate
 - iv. The Secretary-Treasurer or his or her designate
- 4) A member of the Board participating through electronic means shall be deemed present for the meeting and recorded as such
- 5) A member of the Board participating by electronic means shall notify the Chair of their departure (either temporarily or permanently) from the meeting before absenting themselves
- 6) A trustee wishing to participate by electronic means shall provide as much advance notice as possible and shall endeavor to provide twenty-four (24) hour notice
- 7) All the rules of participation as provided for by the Public Schools Act, Board Governance By-laws or Code of Ethics shall apply whether participating in person or electronic means
- 8) Participation by electronic means to be limited to the public portion of the regular monthly board meeting
- 9) The above regulations may be overruled by Public Health Orders in which case, participation by electronic means will be governed by the Orders and will not be limited to the public portion of the regular meeting unless stipulated as such in the Orders

By-Laws

- 1) 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. A By-Law may be given two (2) readings at one meeting, except as otherwise provided in the Public Schools Act [Section 213(3)] or as may otherwise be determined by the Board.

Committees

- 1) Meetings of Committees may be held In-Camera [Section 30(4) P.S.A.]
- 2) Standing Committees as determined by the 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 Board.

- 3) If a Chairperson of a Committee is not appointed by the Board, it shall be the duty of the first named on the Committee to convene the first meeting, at which time a Chairperson should be elected.
- 4) The Chairperson of the Board is an Ex-Officio member of all Committees. He/she may attend all meetings and contribute to the debate but should not have the right to vote.
- 5) The number of Trustees on any Committee shall be less than a quorum of the Board, except for Committee of the Board as a Whole.
- 6) It is recommended that at least one senior administrative staff officer attend each Committee meeting to provide background, do research and record the Minutes.
- 7) Committees appointed to report on any subject referred to them by the Board shall report in writing a statement of facts and their opinion therein.
- 8) By a vote of the majority of the members present, the Board may resolve itself into "Committee of the Whole" for the purpose of discussing reports of Committees, or any other motion or matter before the Board.
- 9) The Rules of Procedure of the Board shall be observed in Committee of the Whole, so far as applicable. No decision of the Board shall be made while in Committee of the Whole, and 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.
- 10) When the Board chooses to go In-Camera or meets as Education Committee of the Whole Board, the Vice-Chairperson shall preside. **The exceptions to this are the Superintendent's evaluation, the Trustee self-evaluation, and the Board goal setting sessions for which the Chairperson shall preside.**

SECTION 5 - PUBLIC PARTICIPATION AT BOARD MEETINGS

- 1) The Board shall hold its meetings openly, and no person shall be excluded or removed from any meeting, except for improper conduct. [Section 30(3) P.S.A.]
- 2) 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". They shall provide the Superintendent, wherever possible, a written brief or petition 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.
- 3) The Board may hear any other delegations at its discretion.
- 4) The delegation will be heard for information purposes only. In the event a decision of the Board is required, the matter shall be postponed to the next Regular Meeting for action. If a decision is required prior the next regularly scheduled meeting, the Board may suspend the rules and consider the delegation's request at the same meeting.

That this By-Law shall become effective on the 6th day of October 2021 and By-Law 6/20 be repealed.

Done and passed in open session of the meeting of the Board of Trustees of the Evergreen School Division, held in the Rural Municipality of Gimli this 6th day of October 2021.

Given 1st Reading this 1st day of September 2021.

Given 2nd Reading this 6th day of October 2021.

Given 3rd Reading this 6th day of October 2021.

Chairperson

Secretary-Treasurer