



**BY-LAW: 6/24**  
**SUBJECT: MEETING PROCEDURES**  
**AMENDED: September 3, 2024**

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**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 (PSA) 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Schools Act, the following Rules of Procedure shall regulate the operation of the Board, and By-Law 4/21 shall be repealed.

**1. First or Inaugural Meeting**

In the year of a regular election, the first meeting of the School Board shall be held within 14 days after such election.

The Secretary-Treasurer shall:

- Call the meeting to order
- Call the elected members to take the Oath of Office, sign the Affidavit of Qualifications, and to take their seat
- Preside over the election of the Board Chair

Subsequent to election, the Board Chair will chair the remainder of the meeting, including the election of the Vice-Chair.

**1.1** In a year other than a regular election year, the first meeting of the School Board shall be held in September in accordance with section 2 of this By-Law.

The Secretary-Treasurer shall:

- Call the meeting to order
- Preside over the election of the Board Chair

Subsequent to election, the Board Chair will chair the remainder of the meeting, including the election of the Vice-Chair.

**1.2** With respect to the procedures governing the election of Board Chair, or Vice-Chairperson:

- The presiding officer will make 3 calls for nominations from the floor.
- Once a nomination has been tabled, the nominee must accept the nomination in order to be considered for the position.
- A trustee may not nominate themselves.
- In the event that more than one nomination is received and accepted for the position being considered, 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 shall appoint two scrutineers from senior administration, by motion, to examine the ballots and report the results to the presiding officer.
- The presiding officer will announce the successful candidate.
- The Board will pass a motion to destroy the ballots.

- 1.3 Board Committee Expression of Interest forms are to be completed by all Trustees, other than the Board Chair, at the end of the first or inaugural meeting and submitted to the Board Chair and Vice-Chair for consideration.

Appointments to Board Committees will be determined by the Board Chair and Vice-Chair, with consideration being given to individual trustee expression of interest forms, balanced representation and experience.

Appointments are announced no later than the Regular Meeting following the first or inaugural meeting.

The Board Chair sits as ex-officio on some Board Committees, as dictated by the individual committee terms of reference. The role of ex-officio shall be entitled to engage in debate on all matters at any committee meeting at which they are in attendance but shall not participate in the vote.

## **2. Scheduling Meetings of the Board**

The Board shall hold Regular Meetings, including the First or Inaugural meeting, per the published schedule of meetings, typically the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of the month during the school year in the Board Room at Gimli, MB at the hour of 6:30 P.M. or at such other times and places that the Board may designate. Notice of all Regular Board Meetings shall be posted on the Division website.

- 2.1 The Board shall not remain in session later than 9:15 P.M, unless it shall be otherwise determined by a two-thirds (2/3) vote of the members present.

The Committee of the Whole Board In-Camera shall meet when required on the first and third Tuesday of each and every month in the Board Room at Gimli, MB at the hour of 5:30 P.M. or at such other times and places that the Board may designate.

- 2.2 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.



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- 2.3 The Board may hold a meeting at any time and any place to deal with an emergency situation if all the Trustees consent thereto and are present there at. [Section 30(1) PSA]
- 2.4 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 twenty-four (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) PSA]
- 2.5 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 PSA] The Chairperson of the Board does not have a deciding vote.
- 2.6 In the absence of the Chairperson, the Vice-Chairperson shall preside and shall have all the powers of the Chairperson. [Section 32 PSA] 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.
- 2.7 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.
- 2.8 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 PSA]
- 2.9 Where the Board has not made a rule for governing a particular proceeding, Roberts Rules of Order shall be the parliamentary guide.



**3. Regular Board Meeting Agenda**

- 3.1 The Superintendent, in collaboration with the Secretary-Treasurer and Board Chair, 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***

1. READING OF TREATY LANDS ACKNOWLEDGEMENT
2. READING OF VISION AND MISSION STATEMENTS
3. WELCOME TO GUESTS
4. AGENDA
  - 4.1 Adoption of the Agenda
  
5. MINUTES OF THE LAST BOARD MEETING
  - 5.1 Reading
  - 5.2 Omissions and Errors
  - 5.3 Adoption of the Minutes
  
6. SUPERINTENDENT'S DEPARTMENT REPORTS
  - 6.1 Superintendent Report
  - 6.2 Timed item: Presentations
  - 6.3 Secretary-Treasurer Report
  
7. COMMITTEE REPORTS
  - 7.1 Committee of the Whole Board (In-Camera)
  - 7.2 Education Committee of the Whole Board
  - 7.3 Finance Committee of the Whole Board
  - 7.4 Board Development Committee
  - 7.5 Audit Committee
  - 7.6 Negotiations Committee
  - 7.7 Advocacy and Public Relations Committee
  - 7.8 Policy Committee
  - 7.9 Scholarship Committee
  - 7.10 Employee Recognition Committee
  - 7.11 Trustee Reports/ Motions for Consideration
  
8. CORRESPONDENCE AND INFORMATION PACKAGE
9. MEETING HIGHLIGHTS
10. ADJOURNMENT
11. AVAILABILITY FOR QUESTIONS



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- 3.2 Any variation of the foregoing order of business requires a two-thirds (2/3) majority, which shall be without debate.
- 3.3 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.

Trustees may request, by end of business on the Thursday prior to a Regular meeting, of the Chairperson that a motion for Board consideration be placed on the Agenda. Any background information should accompany the request so that it shall be included in the board package.

- 3.4 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 Chairperson in collaboration with the Superintendent.

#### **4. Regular Board Meetings**

##### **4.1 General Regulations for Meetings**

- a) Each and every member of the Board has equal rights.
- b) The first person recognized by the Chairperson as desiring to speak has the right to the floor.
- c) No Trustee shall be interrupted while speaking, unless he/she is out of order, or on a point of privilege, or for clarification.
- d) 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.
- e) Exceptions to rules within the jurisdiction of the Board can be made by a two-thirds (2/3) majority vote of the member present.

##### **4.2 Duties of the Chairperson**

- a) 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.
- b) 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.



- c) 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.

#### 4.3 Motions

- a) All motions must be moved and seconded before being debated, after which they shall be disposed of by vote of the Board, unless the mover and seconder, by permission of the Board, withdraw same.
- b) To begin a motion, "I move that" is the correct phrase to use.
- c) 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.
- d) 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.
- e) 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.
- i. 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.
- ii. 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 accepted, with no action be taken
- f) 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.
- g) No member of the Board shall take part in the discussion of any question in which he/she has a personal, pecuniary interest, conflict of interest or relationship bias as defined in Section 36 - 39.7(7) inclusive of the Public Schools Act and as dictated by Board Policy and shall disclose the general nature of the direct or pecuniary interest or liability and withdraw from the meeting as required. If the withdrawal relates to 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.



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- h) 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.
  - i) 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.
  - j) 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.
  - k) 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.
  - l) 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.
  - m) No member shall speak to any question after a vote on the question has been called by the Chairperson.

#### 4.4 Voting Method

##### a) Reversal of Decisions

A question, once decided by the Board, shall not be reversed unless (PSA 34.2):

- i) Written notice of a proposal to reverse the decision has been given from at least one meeting to another; and
- ii) A majority of the total number of Trustees for the Division votes in favour of the reversal. [ Section 33(2) PSA]

A decision of a school Board may be reversed (PSA 33(3))

- i) at the same meeting at which it is made; and
- ii) by unanimous consent of all members present (excepting those declaring conflict of interest in accordance with the PSA).



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- b) 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. Trustees abstaining for reasons related to section 4.3 (g) will be documented in the minutes as abstaining.
- c) 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.
- d) The Chairperson shall declare the motion under consideration as Carried or Defeated.
- e) The Secretary-Treasurer shall enter into the minutes a record of all Trustees who voted against or who abstained for all motions.
- f) 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.

#### 4.5 Electronic Meetings

- a) 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.
- b) In Evergreen School Division, meeting participation by electronic means should be restricted to a limit of twice per year, unless otherwise approved through Board motion.
- c) The following persons must be physically present in the meeting room of the Board: The Chair of the Board (or designate), the Superintendent (or designate), the Secretary-Treasurer (or designate) and at least one additional member of the Board.
- d) A member of the Board participating through electronic means shall be deemed present for the meeting and recorded as such.
- e) 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.
- f) A Trustee wishing to participate by electronic means shall provide as much advance notice as possible and shall endeavor to provide twenty-four (24) hours' notice.





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- g) 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.
  - h) Participation by electronic means to be limited to the public portion of the Regular Board Meeting.
  - i) 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.

#### 4.6 In-Camera

- a) The Board believes that public business should be conducted at open meetings; however, it recognizes that there are occasions when it is necessary for privacy reasons and/or it is in the public interest to deal with some matters in closed sessions (reference section 30(4) of the PSA). Unless otherwise determined by the Board, only the following matters shall be considered in the Committee of the Whole In-Camera session.
  - i) decisions with respect to personnel and/or collective bargaining matters;
  - ii) the disclosure of intimate or personal information in respect of an employee (or prospective employee), Board member, pupil or the parent /guardian of a pupil;
  - iii) accident claims and other matters where Board liability may arise;
  - iv) legal opinions respecting the liability or interest of the Board;
  - v) the conduct, efficiency, discipline, termination or retirement of personally identified employees;
  - vi) any personnel matter of a confidential nature, including staff changes and medical reports;
  - vii) the conduct, discipline, suspension or expulsion of personally identifiable pupils;
  - viii) salary claims and adjustments;
  - ix) confidential reports of outside agencies or organizations;
  - x) budget deliberations;
  - xi) purchase, leases, sales or exchanges of real property prior to finalization thereof;



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- xii) the safety, security or protection of Board property; and
  - xiii) other such matters where the Board in its sole discretion decides that in the public interest so requires.
  - b) By a vote of the majority of the members present, the Board may resolve itself to "Committee of the Whole In-Camera".
  - c) Trustees and Senior Administration present will not disclose the matters discussed In-Camera under any circumstances, unless compelled by legal proceedings or permitted to do so by Board motion.
  - d) When the School Board chooses to go to Committee of the Whole In-Camera, the Vice-Chairperson of the Board shall preside. In the absence of the Vice-Chairperson, the Chairperson shall preside.
  - e) Whenever a recommendation is reported to the Board from the Committee of the Whole In-Camera, a motion to concur with the recommendation will be put before the Board and decided without debate or amendment.
  - f) All In-Camera documentation will be returned to the Secretary-Treasurer and destroyed at adjournment of the Board Meeting.

## **5. By-Laws**

- 5.1 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.

## **6. Committees**

- 6.1 Meetings of Committees may be held In-Camera [Section 30(4) P.S.A.]
- 6.2 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.
- 6.3 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.
- 6.4 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.



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- 6.5 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.
- 6.6 The Superintendent will attend each Committee meeting to provide background, do research and record the Minutes.
- 6.7 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.
- 6.8 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.
- 6.9 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.
- 6.10 When the Board chooses to go In-Camera, 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.
- 7. Public Participation at Board Meetings**
- 7.1 The Board shall hold its regular board meetings openly, and no person shall be excluded or removed from any meeting, except for improper conduct. [Section 30(3) P.S.A.]
- 7.2 The use of video, image and/or sound recording or transmission equipment by members of the public is prohibited. The Board may allow the use of such devices in special circumstances or by accredited media for the purpose of recording the Board Meeting.
- 7.3 Any resident elector of the Division shall have the right to be placed on the Agenda of a Regular Board Meeting to be heard under "Delegations".
- a) They shall provide the Superintendent, a written letter or copy of the presentation to be made to the Board, no later than one week prior to the meeting at which the delegation will be present. This documentation will be provided to the Board with the agenda.
  - b) The delegation shall identify a spokesperson whom the Chairperson will address, and to whom correspondence will be forwarded. Delegations will be limited to five (5) participants.
  - c) The presentation will be limited to ten (10) minutes with five (5) minutes set aside for the Board to ask questions for clarification. The Board will not engage in dialogue or debate with the delegation.



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- d) Once a delegation has been heard, the Board will retain the right to discern the manner of future delegations and communication. Another delegation on the same subject or issue shall not be entertained for a period of 6 months, unless those requesting the delegation can demonstrate significant new information on the issue.
- e) Presentations to the Board shall be made only after all normal dispute resolutions procedures or formal channels have been exhausted.
- f) Speakers may offer objective feedback on school operations or programs as concern them. However, public presentations shall not include statements pertaining to personnel matters, negotiations, purchase or sale of property or security and discipline. Appeals that pertain to these topics will be held in camera.
- g) Requests to present on any subject that is not within the Board's jurisdiction shall be denied.
- h) Delegations may voice concerns but must not:
- Promote hate, harassment, or violate the *Manitoba Human Rights Code* or ESD Policies;
  - Use offensive, obscene or defamatory language, gestures or images;
  - Use negative or derogatory personal references;
  - Misuse personal information related to ESD students, staff or Trustees.
- i) 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 urgent and cannot be delayed to 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 September 4, 2024, and By-Law 2/23 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.

GIVEN FIRST READING: June 18, 2024

GIVEN SECOND READING: September 3, 2024

GIVEN THIRD READING: September 3, 2024

  
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Chairperson

  
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Secretary-Treasurer