
Policy 7

BOARD OPERATIONS

The Board has adopted policies so the business of the Board can be conducted in an orderly and efficient manner. In order to discharge its responsibilities to the electorate of the District, the Board shall hold meetings as often as necessary. All points of procedure not provided for in this Policy Handbook shall be decided in accordance with Robert's Rules of Order.

The Board's fundamental obligation is to preserve, if not enhance, the public trust in education, generally, and in the affairs of its operations in particular. Towards this end, the Board believes its affairs must be conducted in public to the greatest extent possible.

There are times when BC FOIPPA legislation requires or when the Board determines that public interest is best served by private discussion of specific issues in "in-camera" sessions.

In order to carry out its responsibilities effectively, the Board will hold periodic meetings of several types. Formal meetings, at which all formal and legal business of the Board as a corporate body shall be done, may be designated as inaugural, regular, or special meetings, or in-camera.

The Board has adopted specific policy governing Board operation and the conduct of its formal meetings.

1. Board Composition and Elections

- 1.1 The Board of Education for the District is comprised of a total of seven (7) trustees selected from the following trustee electoral areas:
 - 1.1.1 Four (4) trustees from Trustee Electoral Area 1, being the Corporation of the City of Penticton as defined in the British Columbia Gazette dated February 27, 1992;
 - 1.1.2 Two (2) trustees from Trustee Electoral Area 2, being the former School District No. 77 (Summerland) as defined in the British Columbia Gazette dated April 8, 1948; and
 - 1.1.3 One (1) trustee from Trustee Electoral Area 3, being the former School District No. 15 (Penticton) as defined in the British Columbia Gazette dated April 8, 1948, except that part comprising the Corporation of the City of Penticton as defined in the British Columbia Gazette dated February 27, 1992.

2. Inaugural Board Meetings

- 2.1 The inaugural meeting of the Board in each year shall be held within 30 days from the date that the new Board begins its term of office and shall be convened by the Secretary-Treasurer.
- 2.2 The Chair of the inaugural meeting shall be the Secretary-Treasurer (“the interim Chair”) until such time as the Board Chair has been elected.
- 2.3 The interim Chair shall announce the results of trustee elections prior to the swearing in ceremonies.
- 2.4 The swearing of oaths and the taking of declarations shall be done by the Secretary-Treasurer or by a judge of a court of record or by a justice or by a clerk of a municipality.
- 2.5 The interim Chair shall call for nominations for Board Chair three times and declare nominations closed. A secret ballot shall be held and the person receiving more than one-half of the total number of votes cast shall be declared elected. If no person receives a clear majority, that person with the least number of votes shall be dropped from the nominees and a further ballot conducted. Any vote involving only two trustees that ends in a tie vote shall result in the appointment of an interim chair to serve until the next regular meeting at which time the nomination and election process will be repeated. The interim Chair shall be selected from the first available trustee in the following order:
 - 2.5.1 The most recent Chair;
 - 2.5.2 The most recent Vice-Chair;
 - 2.5.3 The two remaining trustees nominated for Chair drawing lots.
- 2.6 Following the election of Board Chair, the order of business shall be:
 - 2.6.1 Election of Vice-Chair. The election of Vice-Chair shall follow the same procedures as that for the chair.
 - 2.6.2 Elections for BCPSEA and Provincial Council. These elections shall follow the same procedures as that for the Chair.
 - 2.6.3 Discussion of committees and representative appointments.

3. Regular Meetings

- 3.1 The Board shall generally meet in the School Board Office on the last Monday of the month at 6:30 p.m. or upon such other day or at such other hour as the Board may decide. During the months of July and August, regular meeting dates will be suspended and the Board will meet if required at the call of the Chair. A two-thirds majority of the Board members is necessary to call additional meetings. Meetings shall be open to the public, unless, in the opinion of the Board, the public interest requires persons other than trustees to be excluded from Board meetings.
- 3.2 A quorum of the Board is the majority of trustees holding office at the time of the meeting. 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 is not present within 30 minutes of the time appointed for the meeting, the meeting shall stand adjourned until the next meeting shall have been called in accordance with these Bylaws.

- 3.3 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 regular meeting date or to a certain time, at his or her discretion.
- 3.4 The agenda for each meeting will be prepared and distributed to trustees prior to the meeting.
 - 3.4.1 The Chair and Vice-Chair of the board shall generally meet with the Secretary-Treasurer and the Superintendent on the Wednesday preceding the regular meeting to finalize the agenda. Trustees shall advise the Board Chair, Vice-Chair, the Secretary-Treasurer, or the Superintendent of agenda items prior to the Wednesday meeting in order that new business matters requiring administrative data can be adequately researched. Appropriate placement of agenda items on open or closed meeting agendas will be determined at this time.
 - 3.4.2 Items printed on the agenda will constitute the only business of the meeting. However, matters of an emergent nature may be added to the agenda by resolution of the Board prior to the adoption of the agenda.
 - 3.4.3 The agenda shall be prepared by the Secretary-Treasurer under the direction of the Chair. The proposed agenda shall be available on the School Board website by noon of the Friday preceding the regular board meeting.
- 3.5 The order of business at all regular meetings, unless varied by resolution, shall be as follows:
 - 3.5.1 Call to order;
 - 3.5.2 Adoption of agenda;
 - 3.5.3 Presentations by schools and/or students;
 - 3.5.4 Receiving of delegations and guests;
 - 3.5.5 Approval of minutes of previous meetings;
 - 3.5.6 Unfinished business;
 - 3.5.7 Report from closed meetings;
 - 3.5.8 Correspondence;
 - 3.5.9 Reports of committees;
 - 3.5.10 Report of Superintendent;
 - 3.5.11 Report of Secretary-Treasurer;
 - 3.5.12 New business;
 - 3.5.13 Report of representatives (where appropriate);
 - 3.5.14 Information items;
 - 3.5.15 Question period;
 - 3.5.16 Adjournment;
- 3.6 A change to the prescribed order of business may be proposed by any trustee and shall require the consent of a simple majority, without debate.
- 3.7 Minutes shall be kept by the Secretary-Treasurer of the Board of all proceedings of the

meeting of the Board. Such minutes will be concise and will detail proceedings of the Board but not the contents of speeches. Minutes of each meeting of the Board shall be circulated for adoption at the next meeting and then signed by the Secretary-Treasurer and Chair or other member present at the meeting.

3.7.1 Upon adoption, except for minutes of a meeting from which persons other than trustees or officers of the Board, or both, were excluded, the minutes shall be open for inspection at all reasonable times by any person.

3.8 All regular meetings shall stand adjourned at three and one-half hours after the commencement unless a resolution is passed by a two-thirds majority to extend the hour of adjournment.

3.9 Regular meetings of the Board are held in public. However if, in the opinion of the Board it is required by the public interest, the Board may order a meeting or part thereof to be closed and may exclude persons other than trustees or persons other than trustees and officers (Section 69(2) of the School Act).

3.10 The presiding officer may expel and exclude from a Board meeting any person whom he or she considers has been guilty of improper conduct (Section 70(1) of the School Act).

4. Special Meetings

4.1 The Board may, from time to time, call special meetings which may be either open to the public or closed. A closed meeting would be called if, in the opinion of the Board, the public interest requires persons other than trustees to be excluded from Board meetings. A special meeting may be called by the Chair or, upon written request of a majority of the trustees, may be called by the Secretary-Treasurer. No business other than that for which the meeting was called shall be conducted at the meeting.

4.2 Notice shall be given of a special meeting and an agenda shall be provided to each trustee at least twenty-four hours in advance of the meeting. Provision of a written notice and the agenda may be waived by unanimous vote of those present provided all reasonable steps have been taken to notify all trustees of the meeting.

5. In-camera Session (also referred to as closed or in-private sessions)

5.1 The Board will convene a meeting at 5:00 p.m. before the regular meeting. This meeting will be convened without the public or without the public and staff present. At meetings where staff are excluded, the Secretary-Treasurer or designate must be present when a decision of the Board is rendered. The meeting will deal with matters of a confidential nature which in the opinion of the Board the public interest requires the exclusion of the public or the public and staff. No trustee will disclose to the public the proceedings of a closed meeting unless a resolution has been passed at the closed meeting to allow disclosure. Minutes of a closed meeting shall be kept in the same manner as a regular meeting, but shall be approved by the Board in closed meeting and shall not be filed with the minutes of regular Board meetings. A record of the general nature of the matters discussed and general nature of the decisions reached shall be open for inspection at all reasonable times by any person (Section 72(3) of the School Act).

5.2 Following Section 69(2) of the School Act, the public interest may require the following matters to be considered in closed session:

5.2.1 Personnel;

5.2.2 Legal;

- 5.2.3 Property.
- 5.3 The agenda for each meeting will be prepared and distributed to trustees prior to the meeting in the same manner as prescribed for regular meetings.
- 5.4 The order of business at all closed sessions, unless varied by motion, shall be as follows:
 - 5.4.1 Call to order;
 - 5.4.2 Adoption of agenda;
 - 5.4.3 Receiving of delegations and guests;
 - 5.4.4 Approval of minutes of previous meetings;
 - 5.4.5 Unfinished business;
 - 5.4.6 Correspondence;
 - 5.4.7 Reports of committees;
 - 5.4.8 Report of the Superintendent;
 - 5.4.9 Report of Secretary-Treasurer;
 - 5.4.10 New business;
 - 5.4.11 Report of representatives;
 - 5.4.12 Information items;
 - 5.4.13 Adjournment.

6. Minutes

The Board shall maintain and preserve by means of minutes a record of its proceedings and resolutions.

- 6.1 The minutes shall record:
 - 6.1.1 Date, time and place of meeting;
 - 6.1.2 Type of meeting (inaugural, regular or special);
 - 6.1.3 Name of presiding officer;
 - 6.1.4 Names of those trustees and administration in attendance;
 - 6.1.5 Motions, (Preamble, rationale, or discussions related to motions will not be recorded in the minutes, unless directed by the Board through resolution);
 - 6.1.6 Points of order;
 - 6.1.7 Appointments;
 - 6.1.8 Recommended motions proposed by Committees; and,
 - 6.1.9 Trustee declaration pursuant to Section 56, 57 or 58 of the School Act.
- 6.2 The minutes shall be recorded and maintained in accordance with Section 72 of the School Act:
- 6.3 As part of its ongoing effort to keep staff and the public fully informed concerning its affairs and actions, the Board directs the Superintendent to institute and maintain effective and appropriate procedures for the prompt dissemination of information about

decisions made at all Board meetings.

- 6.4 The approved minutes of a regular or special meeting shall be posted to the website as soon as possible following approval.

7. Motions

- 7.1 Motions shall be phrased in a clear and concise manner so as to express an opinion or achieve a result. All motions shall be stated in the positive. The preamble does not form part of a resolution when passed.
- 7.2 The presiding officer may divide a motion containing more than one subject if he or she feels this would produce a fairer or clearer result and the same shall be voted on in the form in which it is divided.
- 7.3 All motions must be seconded in order that they may be recognized by the Chair and allow debate to proceed.
- 7.4 All motions are debatable except the following:
 - 7.4.1 Motion for adjournment of debate or for adjournment of a meeting unless such motion contains a time for re-commencement of debate or for a new meeting;
 - 7.4.2 Motion to fix time for adjournment of a meeting;
 - 7.4.3 Motion to proceed to the next business;
 - 7.4.4 Motion to go into Committee-of-the-Whole or closed session.
- 7.5 All motions shall be subject to amendment except the following:
 - 7.5.1 Motion that the question be now put;
 - 7.5.2 Motion for adjournment of debate or adjournment of a meeting;
 - 7.5.3 Motion to table unless such a motion contains a date for further consideration of the matter tabled;
 - 7.5.4 Motion to refer to Committee;
 - 7.5.5 Motion to proceed to next business.
- 7.6 An amendment to a motion does not require notice. Only one amendment to an amendment shall be allowed and this shall be dealt with before the amendment is decided. Amendments must be strictly relevant to the main motion and not alter the motion in a material way or be contrary to the principle embodied in the main motion.

8. Debate

- 8.1 Debate shall be strictly relevant to the question before the meeting and the presiding officer shall warn speakers who violate this rule.
- 8.2 No trustee shall speak until recognized by the Chair.
- 8.3 No trustee shall speak for a period in excess of five minutes at one time. The Chair may caution a trustee who persists in tedious and repetitious debate and may direct a persistent trustee to discontinue.
- 8.4 A matter of privilege (a matter 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.

- 8.5 No trustee shall interrupt another trustee who has the floor except to raise a point of order or a point of privilege.

9. Bylaws and Resolutions

- 9.1 Unless expressly required to be exercised by Bylaw, all powers of the Board may be exercised by Bylaw or by resolution. A Bylaw shall have three readings; a policy resolution shall have two readings; and an ordinary resolution shall have only one reading.

10. Rules of Order

10.1 Chair and Presiding Officers

- 10.1.1 The Chair shall preside at all meetings of the Board.
- 10.1.2 The Vice-Chair shall preside in the absence of the Chair or when the Chair vacates the Chair.
- 10.1.3 In the event that neither the Chair nor the Vice-Chair is able or willing to take the Chair, the presiding officer shall be such person as the Board may elect for that meeting.
- 10.1.4 The Chair and the Vice-Chair shall be elected at the first meeting in November of each year. A majority of the Board may elect a new Chair or Vice-Chair at any time (Section 67(4) of the School Act).
- 10.1.5 The presiding officer shall rule on all points of order and shall state the reasons and the authority for the ruling. The presiding officer's ruling shall be subject to appeal to the Board. An appeal may only be requested immediately after a ruling and before resumption of business.
- 10.1.6 The Chair shall vote on all motions in accordance with paragraph 9.1 of these Bylaws.

10.2 Rules of Order

- 10.2.1 Where these rules are silent and where not inconsistent with these rules, Roberts Rules of Order shall apply to the conduct of meetings. Where there is an inconsistency between these Rules and the School Act, the School Act shall apply over the rule in question.
- 10.2.2 The Board may adopt a procedural rule for one or more meetings by unanimous resolution of the trustees present at the meeting. A rule other than the requirement of notice of meeting may be suspended by unanimous consent of the trustees present.
- 10.2.3 The rules 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.
- 10.2.4 An appeal of a ruling of the presiding officer shall be decided without debate by a majority vote of the trustees present. When an appeal is successful, it does not necessarily set a precedent.
- 10.2.5 All questions shall be decided by a vote on motion.
- 10.2.6 These rules shall be applicable to all regular, special and closed session

meetings of the Board.

- 10.2.7 A copy of the Board's procedural Bylaw and all amendments thereto shall be available for inspection by any person (Section 67(5) of the School Act).

11. Voting

- 11.1 Trustees with a pecuniary interest in a matter being considered at a meeting of the Board shall not take part in the discussion of or vote on any question in respect of the matter (Sections 55 to 64 of the School Act). Additional provisions of Sections 55 to 64 of the School Act shall be followed by trustees.
- 11.2 Except as provided in Section 9.1, all trustees present at a meeting may vote.
- 11.3 Voting shall be by a show of hands and only the results recorded unless a trustee requests that his or her name and negative vote be recorded in advance of the vote.
- 11.4 The Chair shall vote at the same time as the other members of the Board. In the case of equality of votes for and against a motion, the question is resolved in the negative and the Chair shall so declare.
- 11.5 All questions shall be decided by majority of the votes of the trustees present and voting save as otherwise provided by these Bylaws or by the School Act.

12. Public Participation

The Board welcomes and provides for a variety of forms of public participation by members of the community. Public participation may be through presentations by a delegation, through formal question/comment periods in regular Board meetings or in the form of written communications. Such opportunities shall not be used to address matters which must be dealt with in closed meetings as noted elsewhere in this policy. Individual student matters must not be dealt with in a public setting. In addition, structures have been defined in legislation and collective agreements to deal with labour management issues. The public participation opportunities noted below are not to be used to address such matters.

Delegations

- 12.1 Parties wishing to appear as a delegation must notify the Secretary-Treasurer before Tuesday noon of the week prior to the Board meeting for their presentation to be considered for inclusion in the agenda.
- 12.2 All delegations appearing before the Board shall provide a written brief for inclusion in the agenda as part of their request to be added to the agenda.
- 12.3 The Chair shall rule on the propriety of all presentations and questions and may decline to have a matter heard from a delegation or terminate any presentation or question or refer it to an "in-camera" meeting of the Board if that is deemed to be appropriate by the Chair.
- 12.4 The Board will recognize an official spokesperson from each delegation.
- 12.5 Trustees may ask questions for clarification but no recommendations or motions concerning the presentation will normally be made at the same meeting.
- 12.6 Presentations by delegations must be limited to ten minutes.
- 12.7 The Chair may determine the number of delegations that will be heard at any one

Board meeting and shall inform all trustees regarding delegation requests that have been made, considered, and either included on the Board agenda or denied.

12.8 The Chair may deny a request to appear as a delegation to the Board for any of the following reasons:

12.8.1 If a request to appear as a delegation is relevant to a Board established committee, the request will be referred to that committee.

12.8.2 If the individual or group has already presented to the Board on the same topic, the request is denied.

12.8.3 If it is a full agenda, the number of delegations may be limited and the person denied is advised that they will be considered for the next meeting.

12.8.4 A request to appear as a delegation may be denied if the topic is unclear. The person requesting to appear is asked for more information. Once more information is received, the request is considered again.

Comment and Question Periods

12.9 During the question period section of the agenda, members of the public in attendance may ask a question regarding items on the agenda of the Chair. The total time for each question, including supplemental questions and the response is five minutes.

Correspondence

12.10 Correspondence addressed to the Board, shall be acknowledged by the Secretary-Treasurer and placed on the agenda of the next regular Board meeting, for the Board's consideration.

12.11 Where non-routine correspondence is received that does not appear to require a formal Board response, that correspondence, may be referred to the Superintendent or an established Board committee for further consideration.

12.12 Where an individual trustee receives correspondence that in the trustee's judgement is more appropriately a corporate Board matter, the correspondence will be directed to the Secretary-Treasurer who will acknowledge the correspondence, and act in accordance with 12.10 above.

13. Audio/Video Recording Devices

13.1 The Board requires that anyone wanting to use recording devices at a public Board meeting must obtain prior approval of the Board Chair. This shall be communicated by the Board Chair at the beginning of the regular or special meeting.

14. Trustee Participation in Meetings through Electronic Means

A trustee may participate in a meeting of the Board by electronic means or other communication facilities if the electronic means or other communication facilities enable the trustees participating in the meeting and members of the public attending the meeting to hear each other.

14.1 Trustees participating in a meeting of the Board by electronic means or other communication facilities are deemed to be present at the meeting.

- 14.2 The Chair of the Board may refuse to allow a trustee to participate in a meeting by electronic means or other communication facilities where the required electronic equipment is not available or where special meetings are held in private and or for the purpose of hearing appeals or conducting hearings related to employee matters, or any Board matters which attract the principles of natural justice.
- 14.3 Notwithstanding the requirements of these procedures, a trustee cannot attend more than three (3) consecutive regular meetings of the Board electronically without being authorized by resolution of the Board to do so.
- 14.4 Trustees who connect to a meeting of the Board by video conference, teleconference or other means of electronic transmission will be considered in attendance at the meeting and form part of the quorum.

15. Trustee Remuneration

15.1 Financial Disclosure

- 15.1.1 All trustee election candidates shall submit completed Financial Disclosure Act forms as per the Local Government and Elections Acts.
- 15.1.2 All elected trustees shall complete and file Financial Disclosure Act forms with the Secretary-Treasurer annually between January 1st and 15th of each year.
- 15.1.3 Completed forms shall be maintained in the School Board Office, and shall be made available to the public upon receipt of a written request.

15.2 Trustee Stipend

- 15.2.1 Trustee stipends shall be increased each July based on the Consumer Price Index for British Columbia for the previous 12-month period.

16. Trustee Expense Reimbursement

- 16.1 Expense reimbursements for trustees representing the Board on official business shall be handled as follows:
- 16.1.1 Educational calendar planning shall be done at least monthly so that all trustees become aware of relevant seminars, workshops and meetings. Trustees are encouraged to attend training sessions relevant to their area(s) of interest or responsibility.
- 16.1.2 An accounting of out-of-pocket expenses must be submitted to the Secretary-Treasurer within 30 days of the end of the event being claimed.
- 16.1.3 Trustees will be reimbursed for mileage to attend special Board meetings; committee meetings; other meetings where the trustee has been appointed School Board representative or specifically invited to attend; and for official matters requiring their attendance at the School Board Office.

17. All claims for reimbursement must be supported by a standard Travel Expense Claim Form and supporting documentation where required.

18. Business use of private vehicles shall be reimbursed at a rate per kilometer that is inclusive of all costs incurred by the employee. The rate per kilometer shall be the rates established annually by the BC School Trustees Association (BCSTA).
19. Mileage claims are to be submitted at least quarterly. June's claim must be submitted before July 7th of each year.
20. Air fares are to be booked sufficiently in advance of the travel date to take advantage of reduced excursion fares where feasible. One (1) personal checked bag will be reimbursed with appropriate receipts each way. Trustees, who choose driving over flying, will be reimbursed for mileage no greater than the lowest airfare rate available.
21. Reasonable accommodation costs as evidenced by appropriate hotel receipts. Only standard level room costs and applicable taxes will be covered. A claim of \$30.00 per day will be considered if the accommodation is at a friend's residence in lieu of a hotel room.

21.1 Meals may be claimed without receipts as follows:

Breakfast:	\$15
Lunch:	\$25
Dinner:	\$35

On days of departure and return the following guidelines will be followed:

Departure from District

Breakfast, lunch and dinner may be claimed if departure is before 9:00 a.m.

Lunch and dinner may be claimed if departure is before 12 noon.

Dinner may be claimed if departure is before 5:00 p.m.

Return to District

Breakfast may be claimed on your return day.

Lunch may be claimed if return is after 1:00 p.m.

Dinner may be claimed if return is after 5:00 p.m.

21.2 Other expenses supported by appropriate receipts, e.g. parking, ferry rates, taxis, telephone calls, etc.

21.3 Bridge toll costs will be reimbursed without receipts.

21.4 Registration, course or other fees supported by appropriate receipts

22. Trustee Conflict of Interest

The trustee is directly responsible to the electorate of the District and to the Board. Upon election to office, the trustee must accept a position of public trust and is expected to act in a manner which will enhance the trust accorded the trustee, and through the trustee, the trust accorded to the Board. Elected officials must not have financial interests, liabilities or appointments which place them in a position of Conflict of Interest or opportunity for personal gain while representing the District. The Board's ability to discharge its obligations is dependent upon the confidence the residents of the District place in the Board and in its

trustee members.

22.1 The trustee shall be conversant with Sections 55 to 60 of the School Act.

22.2 The trustee is responsible for declaring himself/herself to be in possible Conflict of Interest.

22.2.1 The trustee shall make such declaration in open meeting prior to Board or committee discussion of the subject matter which may place the trustee in Conflict of Interest

22.3 It shall be the responsibility of the trustee in conflict to absent him/herself from the meeting in accordance with the requirements of the School Act and ensure that his/her declaration and absence is properly recorded within the minutes.

Legal References: 50, 56, 57, 58, 59, 66-71, 71(1), 72 School Act
Financial Disclosure Act
Income Tax Act

Policy 7 - Appendix

TRUSTEE ELECTIONS BYLAW

RATIONALE

The Board of Education accepts that certain procedures are necessary to provide for the conduct of local school trustee elections.

PROCEDURAL BYLAW

A bylaw to provide for the determination of various procedures for the conduct of local school trustee elections.

UNDER the School Act, the Board of Education, School District No. 67 (Okanagan Skaha), may establish a bylaw, various procedures and requirements to be applied in the conduct of local government elections and other voting.

The Board of Education for the School District is comprised of a total of seven (7) trustees from the described trustee electoral areas:

- (a) four (4) trustees from Trustee Electoral Area 1, being the Corporation of the City of Penticton as defined in the British Columbia Gazette dated February 27, 1992;
- (b) two (2) trustees from Trustee Electoral Area 2, being the former School District No. 77 (Summerland) as defined in the British Columbia Gazette dated April 8, 1948; and
- (c) one (1) trustee from Trustee Electoral Area 3, being the former School District No. 15 (Penticton) as defined in the British Columbia Gazette dated April 8, 1948, except that part comprising the Corporation of the City of Penticton as defined in the British Columbia Gazette dated February 27, 1992.

Trustee elections are the responsibility of the City of Penticton in Trustee Electoral Area 1, the District of Summerland in Trustee Electoral Area 2 and the responsibility of the School District in Trustee Electoral Area 3. In Trustee Electoral Area 3, the election may be conducted by the Board directly or by or in conjunction with a local government under an agreement with the Board made pursuant to Section 38 of the School Act.

The Board of Education, in an open meeting, enacts as follows:

1. Definitions

The terms used shall have the meanings assigned by the School Act, the Local Government Act, and the Local Elections Campaign Financing Act except as the context indicates otherwise.

“Election” means a general trustee election.

“By-election” means a trustee election to fill a vacancy on the School Board in any of the circumstances described in Section 36 of the School Act.

“General Voting Day” means the date on which general voting for a trustee election is to take place, whether part of a general school election or a by-election.

2. Application

This bylaw applies to both general school trustee elections and by-elections carried out by the Board and by other authorities, except as otherwise indicated.

3. Minimum Number of Nominators

The minimum number of nominators required shall be two (2), there will be no nomination deposit required.

4. Order of Names on the Ballot

The order of names of candidates on the ballot will be determined by lot in accordance with Section 107 of the Local Government Act for Trustee Electoral Area 2.

5. Resolution of Tie Votes after Judicial Recount

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with Section 141 of the Local Government Act.

6. Elections Conducted by Other Authorities

The School District may enter into an agreement with a local government under Section 38(4) of the School Act, under which the local government conducts a trustee election for the Board, or conducts a trustee election in conjunction with a local government election.

7. Application of Local Government Bylaws

- (a) In Trustee Electoral Area #1, the election bylaws of the City of Penticton (including bylaws that address voting machines) apply to trustee elections conducted by the City of Penticton, except for any bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit, or any other matter on which the local government bylaws may not by law apply to a trustee election.
- (b) In Trustee Electoral Area #2, the elections bylaws of the District of Summerland (including bylaws that address voting machines), apply to that trustee election or part of the trustee election, except for any bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit, or any other matter on which the local government bylaws may not by law apply to a trustee election.
- (c) In Trustee Electoral Area #3, if the Regional District of the Okanagan-Similkameen conducts all or a part of the trustee election, the elections bylaws of Regional

District of the Okanagan-Similkameen (including bylaws that address voting machines), as they may be amended from time to time, apply to that trustee election or part of the trustee election, except for any bylaws determining the minimum number of nominators, the order of names on the ballot, the resolution of tie votes after judicial recount, requiring a nomination deposit, or any other matter on which the local government bylaws may not by law apply to a trustee election.

8. Elections Conducted by Board of Education

The following additional provisions apply to those trustee elections which the Board conducts on its own behalf and does not enter into an agreement as in Paragraph 5 above.

- (a) Unless the Board is exempted from the requirement by Order of the Minister of Education, an advance voting opportunity will be held on the tenth day before general voting day.
- (b) In jurisdictions where the population is 5,000 or less, pursuant to Section 97(3) of the Local Government Act, a second advance voting opportunity is not to be held.
- (c) Unless the Board is exempted from the requirement for a second advance voting opportunity by Order of the Minister of Education, a second advance voting day will be held on:
 - (i) In Trustee Electoral Area #1, the date specified in the bylaws of the City of Penticton.
 - (ii) In Trustee Electoral Area #2, the date specified in the bylaws of the District of Summerland
 - (iii) In Trustee electoral Area #3, the date specified in the bylaws of the Regional District of the Okanagan-Similkameen
- (d) Notwithstanding 6(b) of this Bylaw, the Chief Election Officer is authorized pursuant to Section 98(1) of the Local Government Act to establish dates for additional advance voting opportunities for each election and to designate the voting places, and the voting hours for these voting opportunities.
- (e) Pursuant to Section 99(1) is authorized to establish one or more special voting opportunities.
- (f) Registration of electors for all elections and assent voting is hereby limited to registration at the time of voting, including registration at advance voting opportunities. This registration is effective only for the election for which the voting is being conducted at that time.

9. Voting Procedures

- (a) The use of automated voting machines, voting recorders, or other devices for voting in an election is authorized in accordance with Section 102(1) of the Local Government Act.

This Bylaw may be cited for all purposes as School District No. 67 (Okanagan Skaha) Policy No. 7 Appendix - Trustee Elections Bylaw and is in all respects in accordance with the provisions of the *School Act*.

READ a first time this 25th day of November, 2019.

READ a second time this 25th day of November, 2019.

READ a third time and adopted this 25th day of November, 2019.

Chairperson of the Board

Secretary-Treasurer

Legal Reference: Sections 36, 37, 38, 45, 46 School Act
Sections 71, 72, 73, 96, 97, 99, 100, 103, 107, 110, 141 Local Government Act
Sections 58, 59 Local Elections Campaign Financing Act

