



Lester B. Pearson
School Board

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Lester-B.-Pearson

REGISTER OF OFFICIAL DOCUMENTS

BY- LAW 1.5/2018: RULES OF INTERNAL MANAGEMENT OF THE COUNCIL OF COMMISSIONERS AND THE EXECUTIVE COMMITTEE

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Unless otherwise specified, the masculine gender is used to simplify the text. Council of Commissioners will be referred to as “Council”.

1. **Objectives**

- 1.1 The aim of this document is to define the rules of internal management applicable to the Council of Commissioners and the Executive Committee. These rules will also cover the preparation and convening of meetings and the taking and reporting of the minutes of the meetings of Council and of the Executive Committee.

2. **General Provisions**

- 2.1 The meetings of Council and the Executive Committee are held according to the *Education Act* and in accordance with the provisions of the present rules. The stipulations of the Act have precedence.
- 2.2 The time and place of the regular meetings of Council and the Executive Committee are determined through a by-law, in accordance with the *Education Act* (sections 162 and 182).
- 2.3 The time and place of the meetings of standing/advisory committees are determined annually and the dates are forwarded by the chairs to their members. The chairs are also responsible to have the dates indicated on Council's calendar posted electronically. These committees will establish their rules of internal management. The Chair, as ex-officio member of these committees, may participate in their meetings but his presence does not count towards quorum and he is not entitled to vote.

3. **Function and Powers: Chair and Vice-Chair of Council and of the Executive Committee**

- 3.1 The Chair presides over the Council meeting and follows the rules of management to ensure efficiency, peace and decorum. In accordance with section 159 of the EA, he shall maintain order at sittings of Council. The Chair of the Executive Committee presides over the meeting of the Executive Committee and follows the same rules (s.182 EA).
- 3.2 The Chair receives proposals submitted by the commissioners and administrators for study and deliberation.
- 3.3 The Chair continues to preside when he submits a proposal.
- 3.4 In the event of a tie, the Chair has the casting vote.
- 3.5 Should the Chair be absent or unable to act, the Vice-Chair shall exercise his functions and powers. If the Vice-Chair is absent or unable to act, the Chair of the Executive Committee shall exercise the Chair's functions and powers. Should the Chair of the Executive Committee be absent or unable to act, another commissioner shall be designated by a majority vote of Council to exercise the Chair's functions and powers. The Director General shall oversee the election of a chair for that meeting.

4. Caucus

- 4.1** A caucus of commissioners is called for the purpose of studying dossiers referred by administration, Council, the Executive Committee, standing/advisory committees or individual commissioners. The caucus meeting is not public.
- 4.2** The Chair presides over caucus meetings. Commissioners who attend are bound to respect the confidentiality of what is discussed (refer to the Code of Ethics and Professional Conduct Applicable to the Council of Commissioners).

5. Convening

- 5.1** The meetings of Council are convened by electronic notice to this effect.
- 5.2** The proposed agenda will be posted on the website 72 hours before the meeting. It is not final until approved by a majority of Commissioners at the meeting, as per the process established at section 6.

6. Conduct of the Meeting

6.1 Agenda

- 6.1.1** A draft agenda for each regular meeting of Council is prepared jointly by the Chair, the Vice-Chair, the Chair of the Executive committee, the Director General and the Secretary General. Items, documents and written reports emanating from administration are submitted by an administrator to the Director General for recommendation, with a copy to the Secretary General within five (5) working days of holding the meeting.

Items, documents and written reports emanating from a commissioner are submitted to the Chair for recommendation, with a copy to the Secretary General within the same delay.

Items, documents and written reports emanating from either committee meetings or events attended by Council representatives are submitted to the Secretary General within the same delay. In the case of committees holding their meetings the week prior to the regular Council meeting, the documentation should be sent no later than the Wednesday preceding the meeting.

- 6.1.2** The Secretary General is responsible for finalizing the agenda and ensuring that the documentation is available to commissioners at least 72 hours before the meeting (exception 6.3.2).

In conformity with sections 163 and 182 EA, the Secretary General draws up the agenda for special meetings of Council or the Executive Committee after consulting the Chair and the Director General.

6.1.3 The Secretary General determines the title of each item that is to appear on the agenda.

6.2 Quorum

6.2.1 Quorum at a meeting of Council or of the Executive Committee is determined by the presence of a majority of the voting commissioners.

6.2.2 At least one commissioner or the Director General (or his designated delegate) must be physically present at Council meetings.

6.2.3 Upon prior request of a commissioner to the Chair, Council/the Executive Committee may agree that he fully participates at the meeting through any means permitting all participants to communicate directly with each other.

6.2.3.1 In such a case, the minutes must note:

- that the meeting was held with virtual attendance;
- the name of each member physically present at the meeting and who voted in favor to the use of the device;
- the name of the commissioner(s) who joined the meeting through virtual attendance.

6.2.4 The Chair will ensure that the commissioner(s) in virtual attendance will be given the opportunity to participate in the discussion and to cast their vote each time it is taken. In the case of a vote by secret ballot, the commissioner(s) on the phone will indicate their vote to the Secretary General, who will fill a secret ballot accordingly.

6.2.5 If quorum is not attained one hour past the official time of convening, or if confirmation that quorum will not be met has been duly provided, the Secretary General may declare the meeting closed.

6.2.6 Once quorum is established, the Chair calls the meeting to order no earlier than the time indicated in the by-law setting the time and date of the meeting.

6.2.7 A short absence of a commissioner during the meeting does not affect quorum; nonetheless, motions or resolutions cannot be adopted if the requirements of quorum are not met.

6.2.8 A commissioner must advise the Secretary General or the Recording Secretary whenever he leaves the meeting either temporarily or permanently. The absence is noted in the recording of votes by the Secretary General.

6.2.9 A meeting automatically ends if an absence of quorum is created by the permanent departure of a commissioner.

6.2.10 A brief recess may be taken at any time during the meeting at the call of the Chair or following a majority vote of Council.

6.3 Approval of Agenda

6.3.1 Prior to its approval at the beginning of a Council or Executive Committee meeting, the agenda may be modified at the request of any commissioner. The modified agenda must then be adopted by a majority of the voting commissioners present. A modification can either be an addition, a deletion, a request for deferral and/or a change of the order of any item, including resolutions. The Chair determines the placement of the addition.

6.3.2 During the meeting, any modification to the agenda (including the addition of motions or resolutions) must be approved by a two-third majority vote of the commissioners present and entitled to vote.

6.4 Procedure to follow during the question periods for the public

6.4.1 Section 168 EA requires that a question period be provided at Council meetings, during which the persons present may put oral questions to the commissioners. As required by this section, the rules relating to the time for question period, its duration and the procedure to be followed for putting questions are defined below. This by-law makes provisions regarding question period at Council apply equally to the Executive Committee.

6.4.2 At Council meetings, the first question period will follow the standing item Priorities on the agenda. The second question period will be at the end of the agenda and reserved for questions that have arisen from items on that agenda.

6.4.3 At Executive Committee meetings, there will be one question period following the adoption of the agenda and approval of the minutes.

6.4.4 Each question period shall last at most 15 minutes unless otherwise extended by the Chair.

6.4.5 A member of the public wishing to ask a question must identify himself or herself.

6.4.6 All questions must be addressed to the Chair, who will decide whether or not to answer the question or to refer it to the most appropriate person.

6.4.7 Each member of the public will be limited to 3 minutes to ask a question unless otherwise extended by the Chair.

- 6.4.8** The Chair may declare inadmissible and will immediately terminate any question or comment that :
- a. is not related to matters that fall under the Council of Commissioners'/the Executive Committee's mandate; or
 - b. is regarding a matter pending before the courts or quasi-judicial bodies, or which is under investigation or part of on-going negotiations; or
 - c. is deemed to be of a personal or confidential nature, or
 - d. is deemed to be abusive, offensive or that constitutes a personal attack.
- 6.4.9** Decorum at Council meetings will be strictly upheld. All persons will show respect for others, whether present in the room or not, in language and conduct.
- 6.4.10** The Chair may use discretion to terminate any speaker's privilege to speak or exclude a speaker from the meeting if, after due warning, the speaker persists with conduct or comments which are not admissible or appropriate.

The privilege to speak or the exclusion may be for the balance of the meeting at the Chair's discretion or for an indefinite time, at Council's/ the Executive's Committee approval.

6.5 Internal Communications

- 6.5.1** Commissioners may ask questions or relate information of general interest to Council on items not on the agenda. The Chair may answer immediately, refer the question to any appropriate person or defer an answer to a subsequent meeting.

6.6 Reports

- 6.6.1** All reports are presented to Council by the chair of the committee reporting or by a designated person.
- 6.6.2** Questions regarding the reports are addressed to the Chair who can reply or ask any appropriate person to reply.

6.7 Correspondence

- 6.7.1** Correspondence is any piece of information addressed to the Chair. It is brought to the attention of Council through the item "Correspondence" in the Caucus and/or Council agenda and/or by email to Commissioners, while respecting the rules of confidentiality. Council determines how it is to be handled. All correspondence is deemed confidential unless indicated otherwise.
- 6.7.2** This item cannot be used to add an item to the agenda.

6.8 Meeting held in Camera

6.8.1 In accordance with section 167 EA, Council or the Executive Committee may hold meetings or part of meetings in camera to examine any matter liable to be prejudicial to a person.

6.9 Adjournment

6.9.1 Any regular or special meeting may be adjourned to another time on the same day or to a determined date and time. An adjournment on the same day will not entail a convening notice to any absent commissioner. Any request for adjournment must be voted on before any further discussion on any item on the agenda.

6.10 Closing of the Meeting

6.10.1 When all the items noted in the agenda have been addressed, the Chair closes the meeting with a motion.

7. General Rules of Order

7.1 The decisions of Council are adopted by a motion or a resolution by a majority of the votes cast by the commissioners present and entitled to vote.

7.2 The vote must be taken by roll call, by a clear show of hands or by secret ballot. For commissioner(s) attending the meeting through an electronic device, the Chair will clearly confirm their vote for recording purposes each time a vote is taken by show of hands. Proxy votes are not permitted. The Chair decides on the voting procedures and other procedural questions unless otherwise decided by a majority vote of Council.

7.3 Any member of Council may ask for a secret ballot vote, which must be agreed by a majority vote of Council. In such a case, the Secretary General receives the vote of the commissioner who is attending through virtual attendance as per 6.2.4.

7.4 As part of the commissioners' dossiers, resolutions will be in writing. In the case where Council agreed to add a resolution to the agenda after the start of the meeting, all efforts must be made to provide it in a written format before it is discussed by Council.

7.5 Co-opted commissioners will be allowed to propose resolutions but will not be entitled to vote at the meetings of Council and the Executive Committee.

7.6 Students representing the Central Students' Committee (referred to as Student Commissioners) are allowed to participate in discussions but are not entitled to vote.

7.7 Any commissioner having a conflict of interest in a particular dossier must so indicate prior to discussion on the dossier. He must then abstain from any discussion or voting on the subject and must leave the meeting until deliberations on this dossier are completed.

- 7.8** The right to speak is given by the Chair to the commissioners, in the order in which it is asked. The Chair follows the same procedure as the other commissioners by adding his name to the speakers' list.
- 7.9** All interventions are addressed to the Chair. The Chair may limit the time for the period of, or close immediately, any debate.
- 7.10** During the discussion, a commissioner may ask that an item be tabled to another moment in time.
- 7.11** Following the deliberation, the commissioner proposing the resolution may request a brief period in which to make a final comment before the vote is taken.
- 7.12** At any moment during the meeting, a *point of order* may be raised if a commissioner considers that there is an infraction to the rules of conduct, or to the decorum of the meeting. This point of order interrupts the speaker and must be dealt with before the meeting can resume.
- 7.13** At any moment during the meeting, a commissioner can invoke a *question of privilege* if he believes that his reputation is under attack¹. This question of privilege must be dealt with before any further deliberation. A question of privilege may also be invoked by a commissioner wishing to obtain priority to speak; the Chair must decide if the privilege is granted or not.

8. Reconsideration of a Decision

- 8.1** A commissioner, who has voted in the majority regarding a resolution/decision, may ask Council to reconsider said decision, if he has relevant information that was not communicated during the debate on the resolution that may have influenced the decision.

8.1.1 On the same night the resolution was adopted: Once the relevant new information has been presented to Council, it will vote to accept or not the request for reconsideration. In the case Council agrees by a majority of the votes cast to reconsider the decision it previously made, the same resolution will be presented again to the vote of the members of Council.

OR

8.1.2 Before the next meeting: He may present a written request to the Chair no later than five (5) working days prior to the next regular meeting of Council. The request shall briefly set forth the grounds on which it was made. Upon receiving the request, the Chair shall instruct the Secretary General to place the item on the agenda of the next regular meeting. The commissioner must verbally present his proposal at the meeting. Refer to 8.1.1.

¹ Question of privilege of assembly : comfort of members or disturbance, conduct of officers, employees or visitors, punishment of members or accuracy of reports

Question of personal privilege : charges circulated against a member's character

8.2 This process shall not be invoked more than once per resolution.

9. Minutes

9.1 The Secretary General is responsible for recording the minutes of the meeting.

9.2 A title and a number must be given to each item noted in the minutes.

9.3 In the minutes, the presence and absence of the commissioners are duly noted. The arrival or departure of a commissioner is noted under the agenda item during which it happens or when a vote is taken.

9.4 The minutes must mention all approved decisions and documentation deemed relevant to the decision-making process or any information that Council requires to be entered in the minutes.

9.5 The minutes must duly compile all favourable and non-favourable votes, as well as abstentions. The names of the commissioners who voted in the minority, those who abstained and the absentees during the vote will be mentioned. The minutes will also indicate cases when a commissioner did not vote due to a conflict of interest.

9.6 When a resolution is amended or revoked, mention of this is duly noted in the margin of the minutes of the meeting when the resolution was first adopted and last amended. When a by-law is amended or revoked, mention of this is duly noted in the by-law register, including the date and resolution number said modification was voted.

9.7 The minutes are approved at the beginning of the following meeting. The Secretary General is not obliged to read the minutes as long as each member present was sent an electronic copy at least six (6) hours prior to the meeting during which the minutes are to be approved. The Secretary General makes any correction to the minutes voted by Council or may make a simple clerical correction which in no way alters the meaning of a decision nor adds elements that were not part of said decision.

9.8 Approved minutes are then signed by the Chair and by the Secretary General and kept in an official book of minutes. The unsigned version of the approved minutes is also posted on the board's website and distributed to Governing Board Chairs.

9.9 A register of approved documents, including by-laws (LBPSB Register of Official Documents) will be kept and will be posted on the board's website.

9.10 The minute book or by-law register may be consulted by any interested party during regular office hours. Official documents are posted on LBPSB website.

9.11 According to the *Education Act* (section 172), the signed and certified copies of minutes, resolutions or by-laws of Council or minutes and resolutions of the Executive Committee, as well as any other official record of the School Board, are public.

10. **Special Meeting**

- 10.1** The Chair or two commissioners may call a special meeting of Council per the *Education Act* (section 163) or a special meeting of the Executive Committee (section 182). The Secretary General shall send a call of notice to each commissioner and give a notice to the public of the date, place and time of the meeting and of the matters to be discussed, at least two days before the meeting is held. However, no publication in a newspaper is required.
- 10.2** Only matters mentioned in the notice calling the special meeting may be dealt with and decided, unless all the commissioners are present and decide otherwise (*Education Act*, sections 164 and 182).
- 10.3** The Chair of Council or the Chair of the Executive Committee shall ascertain at the opening of the special meeting of their respective bodies that the procedure for calling the meeting has been complied with.

11. **Motions and Resolutions (Refer to Appendix 1 for their order)**

11.1 Definitions

- 11.1.1** Original main motion: Decisions of Council or the Executive Committee are made by motions or resolutions, which introduce new business before Council. To ensure that enough time is provided to study the question beforehand, Council's or Executive Committee's decisions will be generally made by resolutions.
- 11.1.2** Incidental motion: Incidental to, or relating to, the business of Council and may interrupt a pending motion (for example, a Point of Order raised to correct a breach of rules, or a motion to Reconsider the Vote).
- 11.1.3** Privileged motion: Relates to urgent matters that may arise and warrant immediate determination (for example a Question of Privilege or a Call for Recess).
- 11.1.4** Resolution: Written motion.
- 11.1.5** Amendment: Changes the main motion by removing, adding, striking out and replacing certain words. Must be germane to the main motion. An amendment cannot be amended.

12. **Coming into Force**

- 12.1** The present Rules of Internal Management of the Council of Commissioners and Executive Committee come into force once adopted by Council.

13. Supplemental Rules

- 13.1** The Robert's Rules of Order shall supplement any rule or situation not covered by the present document. Motions not listed in the present by-law will be dealt with in the order of precedence established in the Robert's Rules of Order.

Appendix 1 – Order and Categories of Motions/ Resolutions

LEGEND: A: amendable; D: debatable; R: can be reconsidered if adopted; M: majority; √= yes; X = no

MOTIONS In order of making them (top to bottom). Order of voting on them is reverse (bottom to top).		A	D	R	M	NOTES
1	Main motion Puts new business before council	√	√	√	M	Commissioner making motion has first right and the last right to speak to it, can vote against it.
2	Postpone indefinitely Main motion postponed for duration of meeting or to another meeting	X	√	√*	M	*Only the affirmative vote
3	Amend Change the main motion by removing, adding, striking out and replacing certain words. Must be germane to the main motion	√	√	√	M	Proposed amendment becomes part of main motion. An amendment to an amendment (sub-amendment) cannot be amended but must be decided on before the main motion.
4	Refer to a committee For further study	√	√	√	M	Committee reports back at the next, or later, meeting.
5	Consider informally Council acts as committee	X	√	√*	M	*Only the negative vote can be reconsidered.
6	Postpone to a certain time To delay a decision indefinitely (for duration of meeting)	√	√1	√2	M	1 Merits of postponing only. 2 Only the affirmative vote without debate before the time limit expires.
7	Postpone to a certain time made into a special order To ensure that motion will be taken up at a specified time	√*	√*	√	2/3	A special order interrupts any business currently before council. *Only the time factor.
8	Limit or extend limits of debate To set a time limit on debate, or time limit or number of times each commissioner can speak to motion	√1	X	√2	2/3	1 Time element only. 2 Only the affirmative vote without debate before the time limit expires.

Rules of Internal Management of the Council of Commissioners and the Executive Committee

	MOTIONS in order of making them (top to bottom). Order of voting on them is reverse (bottom to top).	A	D	R	M	NOTES
9	Call the question or Call for a vote To stop debate and take the vote	X	X	√	2/3	Can be reconsidered without debate before any vote has been taken under the order of the previous question.
10	Lay on the table Set main motion and adhering motions aside temporarily to take up something more urgent	X	X	X	M	The item should be lifted from the table immediately after the urgent business is completed. Cannot be used to kill a motion or put it off to a later time.
<u>PRIVILEGED MOTIONS</u>						
LEGEND: A: amendable; D: debatable; R: can be reconsidered if adopted; M: majority; √= yes; X = no						
	PRIVILEGED MOTIONS	A	D	R	M	NOTES
11	Call for Orders of the day Go directly to the agenda. Go to the next item	X	X	X	--	Commissioner or Chair may interrupt speaker. * The Chair rules. No vote is taken unless commissioners want to set aside orders of the day which takes a 2/3 vote. If Chair's ruling is challenged, a majority vote is required.
12	Raise a question of privilege Permits a commissioner to make a request or motion relating to rights and privileges of the Council, a commissioner, or another group or individual and to consider it immediately	X	X	X		Commissioner or Chair may interrupt speaker. Privilege of council has priority. Chair rules on the request. Chair cannot refuse a request to go into committee.
13	Recess To take a break	√	X	X	M	Length of recess is amendable.
14	Adjourn To end meeting now	X	X	X	M	It takes precedence over all other motions except to <i>Fix the time to which to adjourn</i> .
15	Fix time to which to adjourn To set a later time to continue this meeting before the next regular meeting	√	X	√	M	Time and date are amendable.
16	Fix time at which to adjourn To set the time to adjourn the meeting	√	√	X	M	If meeting is to continue past the fixed time someone must move to suspend the rules.

INCIDENTAL MOTIONS

LEGEND: A: amendable; D: debatable; R: can be reconsidered if adopted; M: majority; √= yes; X = no

	INCIDENTAL MOTIONS	A	D	R	M	NOTES
17	Point of order. To correct a breach of the rules (repetition, speaking out of order, etc.)	X	X	X		Commissioner or Chair may interrupt speaker. Chair rules and his ruling stands unless someone appeals.
18	Call a member to order	X	X	X		Commissioner or Chair may interrupt speaker. For use of unacceptable language and other disruptions. Same as above.
19	Appeal from the decision of the Chair To disagree with the Chair's ruling and let commissioners decide the disagreement by taking a vote	X	√ ¹	√	M ²	Must be made at the time the ruling was made. Chair has the right to speak first and last. 1Not debatable if relates to rules of speaking, order of business, or a ruling on an undebatable motion. 2Majority or tie vote sustains the decision of the
20	Request for permission to withdraw a motion To withdraw a motion without taking a vote on it	X	X	√*	M	When withdrawn – not recorded in minutes. * Only the negative vote for withdrawing the motion can be reconsidered.
21	Request for permission to modify a motion To modify or amend a motion before it is adopted	X	X	√	M	Motion presented to council in modified form.
22	Object to consideration of a question To prevent a main motion from being considered	X	X	√*	2/3	Motion can be proposed at another meeting. * Only the negative vote can be reconsidered.
23	Division of the council To doubt the result of the vote	X	X	X		The vote is retaken in a different way.
24	Parliamentary inquiry To determine appropriateness and implications of pending motion					The Chair answers the inquiry but may call on others to assist. Not considered as debate.
25	Point of information. Questions. To clarify details about the main motion					Directed to the Chair. Anyone may respond but without debate. Not considered as debate.

Rules of Internal Management of the Council of Commissioners and the Executive Committee

	INCIDENTAL MOTIONS	A	D	R	M	NOTES
26	Suspend the rules To set aside the rules of the council	X	X	X	2/3	Cannot put aside the by-laws and charter or education act.
27	To lift from the table To bring into discussion a previously tabled motion	X	X	X	M	The motion becomes the immediate pending business.
28	Reconsider the vote To reconsider the vote on a motion	X	√*	X	M	Must be made by a commissioner on the prevailing side. Not possible if something has been done that is impossible to undo under the motion being reconsidered. Can be made but not considered when other business is pending. *Only if the reconsidered motion is debatable.
29	Reconsider the vote and enter on the minutes Suspends all action on the motion till the next meeting	X	√*	X	M	Identical to above. *Identical to above.
30	Rescind or amend something previously adopted To change a motion or by-law previously adopted either by striking it out or changing part of it	X	√	√1	2/3 2	Not possible if something has been done that is impossible to undo under the motion being amended or rescinded. 1Only the negative may vote. 2Majority vote with previous notice.
31	Discharge a committee To take a matter from the hands of a committee before its report is presented and act on it immediately	√	√	X	2/3 *	Can only be made when no other business is pending. Any motions referred to a committee must be immediately discussed. *Majority vote with previous notice or if committee gives only a partial report or fails to report by designated time.

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OTHER RULES

1. If a main motion is defeated, it can't be brought before the council again at the same meeting unless it is a substantially new question, by a change in wording, or a difference in time or conditions or through special procedures to **reconsider the vote**. However, it can be brought up at a future meeting as if it were a new motion.
2. When a proposed action takes away members' rights, a two-thirds vote is necessary

References: Robert McConnell Productions. 1999. *Webster's New World* □ *Robert's Rules of Order Simplified and Applied*, MacMillan General Reference, A Simon & Shuster MacMillan Company, New York, 400 pp.