



**MOOSONEE DISTRICT
SCHOOL AREA BOARD**

PROCEDURAL BY-LAWS



MOOSONEE DISTRICT SCHOOL AREA BOARD

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PROCEDURAL BY-LAWS

NOTE:

The provisions of the *Education Act* take precedence over any By-Laws formulated by motion of the Moosonee District School Area Board.

1. Procedural By-Law 1: General

- 1.1. These procedural By-Laws are the rules governing the Board as provided for in the *Education Act* of Ontario and regulations made under the *Act*. These rules shall apply to the structure and proceedings of the Board until amended by resolution of the Board.
- 1.2. The affairs of the corporation shall be governed by a Board of Trustees consisting of five (5) members elected in accordance with the *Municipal Elections Act of Ontario* or as may otherwise be prescribed in Ontario regulations as provided for in the *Education Act*.
- 1.3. In all cases not provided for by these By-Laws, the rules and practice of Robert's Rules of Order shall govern as far as applicable.
- 1.4. For the purpose of these By-Laws:
 - a) "Board" means the Moosonee District School Area Board.
 - b) "Chair" means the chair of the Board.
 - c) "Member" or "Trustee" means an elected member of the Board, including the chair.
 - d) "Committee Chair" means the chair of a standing, *ad hoc* or other special purpose committee.
 - e) "Officers of the Board" are the Chair, the Vice-Chair, the Supervisory Officer, and the Secretary-Treasurer and Business Administrator.
 - f) "Supervisory officer" means the chief executive officer of the Board or designate.
 - g) "Secretary" means the secretary of the Board.
 - h) "Treasurer" means the treasurer of the Board and chief financial officer.
 - i) "*In camera*" or "Closed" session means closed to the public, as described in Section 207 (2) of the *Education Act*.
 - j) "Majority vote" shall be fifty percent plus one.
 - k) "Annual organizational meeting" means the first meeting of the new Board in an election year or the regular December meeting of the Board in a non-election year.

2. Procedural By-Law 2: Role of Trustee

2.1. Role of the Board of Trustees

The Board of Trustees shall exercise their power to govern only as trustees of the corporate body, not as individuals.

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The Board of Trustees shall:

- a) promote student achievement and well-being;
- b) ensure effective stewardship of the Board's resources;
- c) develop a multi-year strategic plan aimed at achieving the goals referred to above;
- d) annually review the strategic plan with the Board's supervisory officer;
- e) Ensure that effective and appropriate education programs are delivered to the students of the Board;
- f) develop and maintain policies and organizational structures to support student achievement and well-being;
- g) monitor and evaluate the effectiveness of policies developed by the Board;
- h) monitor and evaluate the performance of the Board and its supervisory officer; and
- i) communicate results and progress to Board employees and the community.

[*Education Act*, Section 169.1: Duties and Powers of Boards]

[Board Policy GOV-03 Role of the Corporate Board]

2.2. Role of the Individual Trustee

Individual members of the Board shall be referred to as a trustee.

Individual trustees shall:

- a) carry out their responsibilities in a manner that assists the Board in fulfilling its duties under the *Education Act*;
- b) focus on student achievement and well-being;
- c) entrust the day-to-day management of the Board to its staff through the supervisory officer;
- d) uphold the implementation of any Board resolution after it is passed by the Board;
- e) attend and participate in Board meetings, including committee meetings of which they are a member;
- f) consult with stakeholders on the strategic plan;
- g) bring concerns of stakeholders to the attention of the Board;
- h) comply with the Board's Code of Conduct; and
- i) promote and support Board initiatives with parents and the community.

[*Education Act*, Section 218.1: Duties of Board Members]

3. Procedural By-Law 3: Organizational Meeting

- 3.1. The annual organizational meeting of the Board in a municipal election year will be held not later than seven (7) days after the day on which the term of office of the Board commences. [*Education Act*, Section 208]

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- 3.2. In a non-election year, the organizational and regular meetings of the Board will be combined at the December meeting.
- 3.3. At such meetings at the appointed time, the supervisory officer shall call the meeting to order and preside until the trustees have elected a Chair.
- 3.4. At the annual organizational meeting of the Board in a municipal election year, after calling the meeting to order, the supervisory officer will read the election returns as certified by the Clerks of the Municipalities. The supervisory officer shall certify that the members have met all procedural requirements and are eligible to take office.
- 3.5. The supervisory officer shall administer to each trustee the required Declaration and the Oath of Allegiance as set out in Section 209 of the *Education Act*. [See Appendix]
- 3.6. The supervisory officer shall conduct the election for the offices for Chair of the board and Vice – Chair in the following manner:
 - a) Nominations shall be made verbally.
 - b) Each nomination shall require a “mover” and a “second”.
 - c) After the third call for nominations and after one or more nominations have been made, the nominations shall be declared closed. In the case of a single nomination, if the nominee agrees to stand, the nominee is declared elected unanimously.
 - d) The supervisory officer shall then poll in reverse order those nominated to determine if they wish to stand. If an acclamation does not occur, voting shall then be conducted by secret ballot after each candidate has addressed the Board for no more than five (5) minutes.
 - e) In the event that none of the nominees accept their nomination, the supervisory officer shall reopen nominations.
 - f) If required, the votes shall be counted by two (2) scrutineers appointed by the supervisory officer.
 - g) The member receiving a clear majority of the votes cast by all members present shall be declared elected.
 - h) In the case of an equality of votes, the candidates shall draw lots to fill the position.

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- 3.7. Membership on the various Board Standing Committees shall be determined immediately following the election of the Chair and Vice-Chair. If required, members shall be chosen by secret ballot.
- 3.8. The Board shall elect its representative(s) to the Ontario Public School Boards' Association (OPSBA).
- 3.9. The Chair shall direct the scrutineers to destroy any and all ballots used during the elections by recorded motion.

4. Procedural By-Law 4: Regular and Special Meetings of the Board

- 4.1. There will be one Regular meeting of the Board per month during the school year.
- 4.2. The Chair and the supervisory officer will be responsible for developing an annual schedule of Board meeting dates for the following school year. Meeting dates shall be presented to the Board at or before the June meeting each year.
- 4.3. The Secretary will ensure that notice of all meetings of the Board will be sent to each member by courier, by mail, or by electronic means at least seventy-two (72) hours before the time of the meeting.
- 4.4. Copies of reports to be presented at any meeting of the Board shall be included with the notice of such meeting.
- 4.5. At all meetings of the Board, a quorum consisting of a majority of all the elected members shall be necessary in order for any business to be legally transacted.
- 4.6. Should there be no quorum present within thirty (30) minutes after the time appointed for the meeting, the Secretary shall record the names of those members present and the Board shall forthwith stand adjourned until the next regular or special meeting.
- 4.7. Should a quorum no longer exist during a meeting of the Board, no business can be legally transacted. It shall then be the responsibility of the presiding Chair and the Secretary to note the lack of a quorum and have the fact recorded in the minutes.
- 4.8. Where any member declares a conflict of interest pursuant to the *Municipal Conflict of Interest Act* and Board Policy GOV-16 Conflict of Interest: Trustees and Staff, the presence of the majority of those entitled to vote shall then constitute a quorum.
- 4.9. Any meeting of the Board shall not remain in session later than 11:00 P.M. unless so determined by a vote of two-thirds of the members present.

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- 4.10. Meetings of the Board shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct.
- 4.11. A meeting of a committee of the Board, including a Committee of the Whole Board may be closed to the public when the subject matter under consideration involves:
- a) the security of the Board's property;
 - b) the disclosure of intimate, personal, or financial information in respect of a member of the Board or Committee, an employee or prospective employee of the Board or a pupil or his/her parent or guardian;
 - c) the acquisition or disposal of any school board site;
 - d) decisions in respect of negotiations with employees of the Board; or
 - e) litigation affecting the Board. [*Education Act*, Section 207]
- 4.12. SPECIAL MEETINGS of the Board may be held at the call of the Chair, or on the written request of a majority of members of the Board, made to the Chair, or in his/her absence, the Vice-Chair, or, in his/her absence, the Secretary Treasurer.
- a) The notice of special meetings shall be sent at least 48 hours before the time of the meeting.
 - b) The agenda of every special meeting of the Board shall state all business to be transacted or considered. No other business shall be considered unless all the members of the Board are present and agree unanimously by recorded motion.
 - c) The requirement for 48 hours' notice may be dispensed with if the Special Board meeting is scheduled at a Board meeting and within a period of time less than 48 hours, subject to approval of two-thirds of the trustees present.
- 4.13. Attendance of members at Board meetings shall be recorded.
- 4.14. To meet the provisions of *The Education Act* when applying for leave of absence, members shall make such request directly to the Board convened in regular session and such approval must be by recorded motion.
- 4.15. Only the media or persons that have the express consent of the supervisory officer may film/videotape the proceedings of the Board and/or committee meetings.

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5. Procedural By-Law 5: Delegations to the Board

- 5.1. A person or delegation wishing to appear before the Board or a Board Committee to present a brief shall apply in writing and provide a copy of the brief to the Board Secretary at least five (5) business days prior to the meeting.
- 5.2. If, in the opinion of the Chair, an extreme time constraint is involved, subsection 5.1 may be suspended by a favourable vote of a majority of the trustees present at the meeting at which the person or delegation wishes to be heard.
- 5.3. An application from a person or delegation shall state:
 - a) the matter on which the submission is to be made;
 - b) the organization or interested parties to be represented; and
 - c) the authority of the spokesperson.
- 5.4. No more than two people shall be designated to speak.
- 5.5. Any person or delegation may be denied the right to appear before the Board by a two-thirds vote of the members of the Board present at a duly constituted meeting.
- 5.6. The presenter(s) shall be reminded by the Chair that the written brief has been included as back-up material in the agenda for the meeting and therefore, members will have had the opportunity to read the brief. The presenter(s) of the brief may speak for approximately 10 minutes in order to summarize the pertinent points in the brief and to outline the solution/action which is requested. Presenter(s) should then be prepared to receive questions from the members of the Board.
- 5.7. At no time will trustees or staff engage in discussion with the spokesperson or any member of the delegation except to clarify, through the chair, a point made in the presentation.
- 5.8. Members of the Board will not present opinions or proposed solutions at this time.
- 5.9. The Board's response, when requested, will be made through the Secretary in writing at a later date, after the trustees have had the opportunity to discuss the matter and arrive at a decision.

6. Procedural By-Law 6: Duties of Chair and Vice Chair

- 6.1. The Chair of the Board is the official spokesperson for the Board on matters which reflect the will of the Board through resolution.

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- 6.2. The Chair of the Board, or in the Chair's absence, the Vice-Chair, shall preside at all meetings of the Board. The Chair will call the meeting to order at the hour appointed and shall preserve order and decorum and decide upon all questions of order. They shall cause the Recording Secretary to record the names of all members present and absent.
- 6.3. In the event of the position of Chair or Vice-Chair becoming permanently vacant, a new Chair or Vice-Chair shall be elected in the same manner as before provided in Procedural By-Law 3.
- 6.4. In case of the absence of both the Chair and Vice-Chair for ten minutes after the hour of the commencement of any meeting, as soon as a quorum shall be present, the Board under the direction of the supervisory officer, shall choose a temporary Chair.
- 6.5. The temporary Chair shall preside only until the Chair or Vice-Chair arrives and the immediate business at hand is completed.
- 6.6. The Chair shall declare the result of each vote.
- 6.7. The Chair shall be an ex-officio member of all Board committees with the exception of the audit committee. They have the same voting rights as other committee members; is not counted in calculating the number necessary for a quorum; but does count at a committee meeting to provide a quorum.
- 6.8. The Chair shall vote with other members of the Board.
- 6.9. The Chair shall sign all minutes approved by the Board.
- 6.10. The Chair shall decide when a question is to be put to a vote.

7. Procedural By-Law 7: Agenda

- 7.1. All items to be included in the agenda for regular Board meetings must be in the hands of the Board Secretary by noon on the Thursday preceding the regular Board meeting.
- 7.2. All items to be included must be accompanied by a written description, statement, or explanation. This is necessary so that all Board members have an opportunity to study all agenda items in full before the regular Board meeting.
- 7.3. The practice of adding items to the agenda at and during the Board meeting is to be restricted to emergency items only.
- 7.4. The Officers of the Board shall be responsible for reviewing an agenda for each meeting of the Board.

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- 7.5. Items which have been referred by the Board to a committee may only be placed on the Board agenda after consultation with the committee.
- 7.6. Regular public meetings of the Board will be held on the first Tuesday of each month, except in January, where the meeting will be held on the second Tuesday.
- 7.7. The agenda format for the order of business will be as follows:
- a) Call to Order
 - b) Motion to Accept Agenda
 - c) Declaration of Conflict of Interest
 - d) Delegations / Presentations
 - e) Approval of Board Meeting Minutes
 - f) Finance and Human Resource Administrator's Report
 - g) Principal's Report
 - h) Director of Education's Report
 - i) Facilities Manager's Report
 - j) Correspondence and Other Information
 - k) Date, Place, and Time of Next Meeting
 - l) Other Business
 - m) In Camera (Closed) Session
 - n) Adjournment

8. Procedural By-Law 8: Order of Procedure

- 8.1. Any member desiring to speak shall indicate by upraised hand, and upon recognition by the Chair, the member may then address the Chair.
- 8.2. When two or more members attempt to speak at the same time, the Chair shall name the member who is to speak.
- 8.3. A member submitting a motion may modify or withdraw it at any time prior to the Chair stating it to the meeting.
- 8.4. No motion or amendment shall be debated or put to a vote unless the same is in writing and seconded.
- 8.5. Formal motions to adopt reports, to refer, to postpone, to receive, to go into an *In-camera* meeting of the Committee of the Whole Board, to rise and report, to adjourn, or such motions as the Chair shall allow, may be made verbally.

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- 8.6. No members shall, without permission of the Chair, speak more than twice upon any question or motion, except the mover of the motion who shall be permitted to summarize.
- 8.7. When the question under consideration contains two or more distinct propositions, any particular proposition, upon the request of any member, may be voted upon separately.
- 8.8. In all cases where a vote is taken on any question, and there is, with the Chair's vote, a tie, the motion or amendment shall be declared lost. [*Education Act*, Section 208 (12)]
- 8.9. All ordinary votes at open meetings shall be taken by a show of hands, and the Chair shall declare the result.
- 8.10. When a recorded vote is requested prior to the calling of the vote, the number of members voting in favour of the motion shall be recorded and the number of members opposed shall be recorded in the minutes of the meeting.
- 8.11. In an *In-camera* (closed) Committee of the Whole meeting of the Board there shall be no recorded votes taken.
- 8.12. When a motion is under debate, the only motion in order shall be:
- 1) to adjourn
 - 2) to table
 - 3) to put the question to a vote
 - 4) to defer
 - 5) to refer
 - 6) to amend

The motion shall have precedence in the order above named, and the first, second, and third shall be decided without debate.

- 8.13. A motion to adjourn shall be in order, except when a member is speaking, or a vote is being taken. A motion to adjourn shall not be open to amendment or debate; but a motion to adjourn to a certain time may be amended and debated.
- 8.14. After a motion is made and seconded, a motion to amend may be made, and a motion to amend the amendment; but no further motion to amend shall be made until one or both amendments have been decided.
- 8.15. An amendment modifying the subject of a motion shall be in order but an amendment that is not relevant to the main motion shall not be in order.
- 8.16. All amendments shall be voted upon in the reverse order in which they are moved.
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- 8.17. If a vote on an amendment(s) is decided in the affirmative, the main question, as amended, shall be put to a vote.
- 8.18. The decision of the Chair as to whether the question has been finally put, shall be conclusive.
- 8.19. Once a motion to reconsider a Board decision is defeated, it shall not again be entertained during the current year or within a period of four months, whichever is the lesser, unless approved by all members of the Board who are in attendance at the meeting.
- 8.20. Petitions and communications on any subject within the purview of a committee may be referred by the Chair to the proper Committee without motion.
- 8.21. The Board may, if two-thirds of the members present at the meeting vote in favour, enter upon the immediate consideration and disposition of a committee item. No discussion of the main question shall be allowed until the motion for immediate consideration has been decided in the affirmative.
- 8.22. The ruling of the Chair shall be final, subject only to an appeal to the Board by a member. The question as to whether the decision of the Chair shall be sustained shall then be put by the Secretary, and decided without debate. To overrule a decision by the Chair, it shall be necessary that two-thirds of the members present vote in favour of overruling the Chair's decision.

9. Procedural By-Law 9: Conduct of Members at Meetings

- 9.1. After the Chair has put a question to a vote, there shall be no further debate and no member shall walk across or out of the room or make any noises or disturbances.
- 9.2. No member shall use offensive or discourteous words against the Board or any member of the Board.
- 9.3. In the course of a meeting, any member who resists the rules of the Board, disobeys the decision of the Chair or of the Board on points of order, or makes any disorderly noise or disturbance unless they make an apology, may be ordered by the Chair to leave the meeting room for the remainder of the meeting.
- 9.4. In case of their refusal to leave, the member may, on the order of the Chair, be removed from the meeting room by a police officer.
- 9.5. Every member shall confine themselves to the question in debate.

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- 9.6. No member shall be interrupted while speaking except to be called to order by another member or by the Chair for transgression of the rules of the Board. The interrupted member shall remain silent until the point of order has been decided by the Chair. A member so interrupting shall speak to the point of order or in explanation only.
- 9.7. Every member present at a meeting of the Board or a committee when a question is put, (including the Chair) shall vote thereon unless prevented by statute or excused by the Board.
- 9.8. Any abstention shall be considered as a vote in the negative and counted as such.
- 9.9. Board Policy GOV-15 Code of Conduct: Board Members provides further, more detailed directives about appropriate conduct for trustees and sets out expectations for enforcement of the Code.
10. **Procedural By-Law 10: *In-Camera* (Closed) Meetings**
- 10.1. A meeting of a committee of the Board, including a Committee of the Whole Board meeting may be closed to the public (*in-camera*) when the subject matter under consideration involves:
- a) the security of the Board's property;
 - b) the disclosure of intimate, personal or financial information in respect of a member of the Board or committee, an employee or prospective employee of the Board or a pupil or his/her parent or guardian;
 - c) the acquisition or disposal of any school board site;
 - d) decisions in respect of negotiations with employees of the Board; or
 - e) litigation affecting the Board. [*Education Act*, Section 207]
- 10.2. All rules of the Board shall be observed in all *In-camera* meetings so far as applicable except that:
- a) the yeas and nays shall not be recorded; and
 - b) the number of times of speaking on any question shall not be limited.
- 10.3. In an *In-camera* meeting, a member may move that the Committee rise and report progress to a meeting of the Board, and this question shall be decided without debate.

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11. Procedural By-Law 11: Regular and Special Committees

- 11.1. Members of the Board may be asked to serve on any committee.
- 11.2. A committee appointed to report upon any subject will report to the Board a statement of facts, and also its opinion on the matter, in writing, and the Chair of the committee or designate will present the report.
- 11.3. A meeting of a committee of the Board including a Committee of the Whole meeting, may be closed to the public when the subject matter under consideration involves the issues described in subsection 10.1 above.
- 11.4. The rules of the Board shall be observed in all meetings of committees, so far as applicable, subject to the exceptions allowed for in the *In-camera* meeting.
- 11.5. Meetings of any committee shall be called by the Chair of that committee whenever he/she shall consider it necessary to do so; or whenever a request is made in writing to do so by a majority of the members of the committee, or by the Chair of the Board.
- 11.6. Board members shall be notified of committee meetings at least 24 hours prior to the meeting.
- 11.7. A meeting of any committee may also be held upon notice given by the Chair of the committee publicly at any meeting of the Board.
- 11.8. The exception to the above is that whenever all the members of any committee shall be present at any one time and place, they may by agreement, without any notice, constitute themselves a meeting of the committee.
- 11.9. A majority of the members of the committee will constitute a quorum.
- 11.10. The Chair of a committee shall preside at every meeting, and shall vote on all questions submitted, but in the case of an equal division of votes, the question shall be decided in the negative. [*Education Act*, Section 208 (12)]
- 11.11. All referrals to committees must be processed in writing through the Board or the Officers of the Board.
- 11.12. All referrals to a committee sponsored by an individual trustee require the attendance of the trustee to speak to the matter at the designated committee meeting.

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12. **Procedural By-Law 12: Amendments to By-Laws**

Amendments, alterations, or additions to the Procedural By-Laws may be made with due notice in writing, setting forth the proposed amendments, alterations, or additions, providing due notice is given at a previous Board meeting and is confirmed by the majority of all members of the Board.

13. **Procedural By-Law 13: Conflict of Interest**

13.1. The Board is committed to safeguarding the public interest and trust in public education.

13.2. The Board has developed Board Policy GOV-16 Conflict of Interest to establish the parameters for the conduct of trustees regarding conflict-of-interest situations. It is aimed at enhancing standards of integrity and professionalism and at building a positive climate for learning and working together.

14. **Procedural By-Law 14: Electronic Meetings**

14.1. Open, accessible public meetings where members of the public, community partners and stakeholders can see, hear or otherwise engage in-person with their representatives is a fundamental part of how Ontario school boards demonstrate transparency and accountability as democratic institutions.

14.2. The Board may provide for the use of electronic means for the holding of meetings of the Board and/or meetings of committees of the Board, including *In-Camera* (closed) meetings. [*Education Act*, Section 208.1]

14.3. At every electronic meeting of the Board and/or meetings of committees of the Board, the following persons must be physically present in the meeting room:

- a) the Chair of the Board and/or designate and/or the chair of a committee of the Board and/or designate;
- b) at least one additional member of the Board and/or committee of the Board; and
- c) the supervisory officer or designate.

[Ontario Regulation 463/97—Electronic Meetings]

14.4. Members of the board need to be physically present in the meeting room of the board for at least three (3) regular meetings of the board during each 12-month period beginning November 15, 2022.

14.5. The electronic means shall permit the Board member to hear and be heard by all other participants in the meeting.

14.6. A member of the Board who participates in a meeting through electronic means shall be deemed to be present at the meeting.

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- 14.7. The rules governing conflict of interest of members shall apply to electronic meetings.
- 14.8. The Board may provide, at one or more locations within its jurisdiction, electronic means to permit participating in meetings by members of the public, excluding closed meetings.
- 14.9. For the purpose of complete disclosure, at every electronic meeting of the Board, members participating through electronic means shall be made aware of the Board members physically present in the room, the Board members participating electronically, and whether or not the public and/or media are present.
- 14.10. Board members who participate in *In-camera* meetings by electronic means, must participate from a room which is closed to any other person so that no other person can hear that member or other members of the Board. Board members must maintain rules of confidentiality and are subject to Board Policy No. GOV-15 Code of Conduct: Board Members.

15. **Procedural By-Law 15: Trustee Attendance**

- 15.1. Trustees are to attend Board and Committee meetings (of which they are members) in order to fulfill their mandate. [*Education Act, Section 229: Attendance Required*]
- 15.2. Trustees who are unable to attend Board meetings must inform the Board office prior to the meeting in order to have the leave of absence recorded in the minutes.
- 15.3. Trustees who are unable to attend committee meetings (of which they are members) must make every effort to contact the Board office prior to the meeting in order to assure a quorum.

16. **Procedural By-Law 16: Trustee Honoraria**

The Board will determine the amount of annual allowances or honoraria to be paid to trustees in accordance with provincial legislation.
[Ontario Regulation 357/06—Honoraria for Board Members]

17. **Procedural By-Law 17: Travel Allowance**

- 17.1. It is the intention of the Board that no trustee travelling on Board-directed business will suffer any undue financial hardship in the fulfillment of his or her role.
- 17.2. The Board has developed Board Policy GOV-23 Travel Allowance: Trustees and Staff to set out Board expectations for the costs of transportation, accommodation, meals, and other expenses incurred on Board business.

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APPENDIX

DECLARATION

I, _____ do solemnly declare that:

I am not disqualified under any Act from being a member of

THE MOOSONEE DISTRICT SCHOOL AREA BOARD

I will truly, faithfully, impartially, and to the best of my ability execute the office of board member, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality, or malversation or other undue execution of the said office and that I will disclose any pecuniary interest, direct or indirect, as required by and in accordance with the *Municipal Conflict Of Interest Act*.

Declared before me at Moosonee, Ontario in the District of Cochrane this _____ day of

_____, 20_____

Signature of Trustee

Signature of Secretary of Board or Commissioner

OATH OF ALLEGIANCE

I, _____ do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me at Moosonee, Ontario in the District of Cochrane this _____ day of

_____, 20_____

Signature of Trustee

Signature of Secretary of Board or Commissioner

[Authority: *Education Act*, Section 209]