

UPPER GRAND DISTRICT SCHOOL BOARD

BY-LAW NO. 1

Board Procedural By-law

UPPER GRAND DISTRICT SCHOOL BOARD

The Head Office of Upper Grand District School Board shall be at the premises designated as Municipal Number 500 Victoria Road North, Guelph, Ontario, N1E 6K2.

Head Office

BY-LAW NO. 1

A By-law to consolidate the Rules of Order of Upper Grand District School Board for the Conduct of the Business of the Board.

Purpose

WHEREAS

It is expedient that a By-law should be passed for the purpose above-mentioned:

THEREFORE

Upper Grand District School Board, by virtue of the power vested in it by law, enacts the following rules for the order and dispatch of the business of the Board.

Authority

adopted this 4th. day of December 2007.

Robert J. Borden, Chairperson

Martha C. Rogers, Secretary-Treasurer

Note:

In all cases not provided for by these rules, the rules and practice of "Bourinot's Rules of Order", Third Edition, as revised by Geoffrey H. Stanford shall govern so far as applicable.

Bourinot

ANNUAL ORGANIZATIONAL MEETING OF THE BOARD

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| 1. | The first meeting of the Board for each year shall be designated as the annual organizational meeting and shall be held at the Board Room on a date and time to be specified by resolution of the Board of the previous year in accordance with Section 208(2) of the Education Act. | Annual
Organizational
Meeting |
| 2. | At such meeting at the appointed time the Secretary-Treasurer of the Board (being the Director of Education, hereafter called Secretary) shall call the meeting to order. | Secretary Calls
Meeting to
Order |
| 3. | At the time the annual organizational meeting is held following a municipal Board election, the Secretary, having called the meeting to order, shall proceed to read the returns of the election to the Board as certified to the Secretary by the municipal clerks. | Election
Returns
Certified |
| 4. | The Secretary shall certify that the Trustees have met all procedural requirements and are eligible to take office. | Secretary
Certifies
Eligibility |
| 5. | The Chairperson of the Board of the previous year may request a member of the community to attend the annual organizational meeting to open the meeting with prayer or reading. | Community
Member |
| 6. | With the Secretary presiding, or in his/her absence, a pro tem Chairperson chosen by open vote of the Board, the Board shall proceed to elect a Chairperson for the ensuing year. | Election of
Chairperson |
| 7. | The temporary Chairperson shall name the scrutineers appointed for the election of the Chairperson. | Naming of
Scrutineers |
| 8. | The election of the Chairperson shall be by secret ballot after the nomination has been held and the Trustee receiving a clear majority of the votes cast by all Trustees present shall be declared elected but the count shall not be declared. Should no Trustee receive a clear majority of the votes cast, the scrutineers shall announce the result in descending order, and the name of the Trustee receiving the smallest number of votes will be dropped from the ballot and balloting shall continue until a majority of the ballots have been cast in favour of one person, but the counts shall not be declared. The person with the clear majority of votes shall be the Chairperson until the next annual organizational meeting and shall at once take the Chair and preside over the further conduct of the business of the meeting. Tie votes shall be decided by lot in accordance with Section 208(8) of the Education Act. | Election of
Chairperson - |

Secret Ballot 9. The Board shall then proceed to elect a Vice-Chairperson and the procedure will be as for the election of the Chairperson.	Election of Vice-Chairperson
10. Election of the Chairperson and Vice-Chairperson of the Board shall be followed by the election of Chairpersons for the Standing Committees.	Election of Standing Committee Chairpersons
11. The Board shall then, by resolution, appoint by name the Chairperson of the Board and the Secretary-Treasurer of the Board as the cheque-signing authorities.	Cheque-signing Authorities
The Officers of the Board shall be the Chairperson, the Vice-Chairperson, the Director of Education as the Secretary-Treasurer.	Officers of the Board
12. In the event of the Chairpersonship or Vice-Chairpersonship becoming vacant for any reason, a new Chairperson or Vice-Chairperson as the case may require, shall be elected in the same manner as before provided.	Vacancy - : Chairperson : Vice-Chairperson
<u>MEETINGS OF THE BOARD</u>	
13. The Board will meet regularly on the fourth Tuesday of each month, at 7:00 p.m., at the Head Office of the Board, unless otherwise ordered by the Board upon special motion.	Meeting Time and Place
14. Written or printed notice of all meetings of the Board shall be transmitted by the Recording Secretary to the address of each Trustee of the Board by depositing such notice in the mails or other appropriate means at least forty-eight (48) hours in advance, not including Sunday, before the time of the meeting.	Notice of Meetings
15. Copies of reports to be presented at any meeting of the Board shall be delivered with the notices of such meeting. The consideration of reports sent at a later date may be deferred until a future meeting of the Board.	Reports
16. Until a Trustee of the Board shall notify the Secretary in writing of his/her official address, all notices or communications delivered or mailed to the Trustee at his/her address as set out in his/her nomination paper shall be deemed to have been received by the member.	Address of Trustees
17. Special meetings of the Board shall be held on the call of the Chairperson or on the written request of a majority of the Trustees of the Board made to the Chairperson, or in his/her absence, the Vice-Chairperson, or in his/her absence, the Secretary.	Special
Meetings 18. The written notice of every special meeting of the Board shall state all	Agenda for

	business to be transacted or considered thereat, and no other business shall be considered unless all of the Trustees of the Board are present and two-thirds majority agrees. Notwithstanding the above, the Director and Chairperson may outline in the written notice, by heading only, a topic to be considered at the meeting.	Special Meetings
19.	At all meetings of the Board, regular and special, the presence either in person or electronically, in accordance with Policy 101 - <u>Electronic Meetings</u> , of a majority of all the Trustees constituting the Board shall be necessary to form a quorum.	Quorum
20.	Should there be no quorum present within fifteen (15) minutes after the time appointed for the meeting, the Recording Secretary shall record the names of those present and the Board may stand adjourned until the next regular or special meeting.	No Quorum Present
21.	When a quorum is no longer in attendance at the Board meeting no business can be legally transacted and it shall be the responsibility of the presiding Chairperson and the Secretary to note the lack of quorum and, if necessary, have the fact recorded in the Minutes.	No Quorum - No Business
22.	A person or a delegation wishing to appear before the Board or a Standing Committee shall apply in writing, and shall present the letter of application, addressed to the Chairperson of the Board, on or before 12 noon of the Wednesday before the meeting. Written information supporting the delegation's position may be presented with the letter of application or at the Board meeting.	Delegation Requirements
23.	The letter of application, as outlined in Clause 22, from a person or delegation shall state the matter on which the submission is to be made, the organization or interested parties to be represented, and the authority of the spokesperson. The length of the item shall be limited to a total of twenty (20) minutes, comprised of ten (10) minutes for presentation and ten (10) minutes for Trustee questions.	Delegation Letter or Brief Spokespersons Time Limit
24.	Visitors in attendance at a Board meeting who have been recognized by the Chairperson of the Board may be invited to address the Board for no longer than ten minutes, including questions, except by leave of a majority of the Board.	Visitors
25.	Consideration of requests by delegations may be disposed of during the Board meeting or referred to a Committee or to a future Board meeting.	Consideration of Delegation

Requests

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| 26. | Access to meetings of the Board and Committees of the Board shall be in accordance with Section 207 of the Education Act. Other persons, including staff, may attend In Camera meetings at the Chairperson's discretion. | Access to Meetings |
| 27. | The Director of Education or his/her representative will act as Secretary of all Board, committee, special, ad hoc, and sub-committee meetings. | Director as Secretary |

RULES OF ORDER AND PROCEDURE AT BOARD MEETINGS

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| 28. | The Chairperson shall preside at all Board meetings or, in his/her absence from the Chair, the Vice-Chairperson. | Presiding at Meetings |
| 29. | In case of the absence of both the Chairperson and the Vice-Chairperson for five (5) minutes after the hour appointed, as soon as a quorum shall be present, the Board shall choose a Chairperson pro tempore. | Pro Tempore Chairperson |
| 30. | The Chairperson pro tempore so chosen shall preside only until the Chairperson or Vice-Chairperson shall arrive and the immediate business at hand is completed. | Relinquishing Pro Tempore Chairpersonship |
| 31. | Similar procedure shall be followed in the case of the absence of the Secretary. | Absence of Secretary |

ORDER OF BUSINESS AT BOARD MEETINGS

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| 32. | The Chairperson, or by his/her direction or in his/her absence, the Vice-Chairperson of the Board, and the Director of Education as Secretary, shall be responsible for preparing an agenda for each meeting of the Board. Agenda items may be submitted to the Chairperson up to one (1) week prior to the regular Board Meeting. | Preparation of Agenda |
| 33. | The order of business will, as far as is possible, deal with items requiring action in the first part of the agenda and information items in the latter part of the agenda. | Order of Items |
| 34. | The order of business for meetings of the Board and of Committee of the Whole shall be:

a) Confirmation of the agenda
b) Declaration of conflict of interest
c) Confirmation of the Minutes of the last regular meeting and | Order of |

- subsequent special meetings of the Board. Reading of the Minutes may be dispensed with provided that a copy of the relevant material has been mailed to each Trustee by the Secretary
- Business** d) Receiving delegations and/or petitions. These may be requested at a later time at the discretion of the Chairperson.
- e) Receiving of Committee reports in the order following:
- i) Standing Committees
 - ii) Advisory Committees
 - iii) Special Committees
- f) Financial Reports
- g) Reports from Officials
- h) Any other business, including Response to Delegation(s)
- i) Correspondence
- j) Information items
- k) Trustee Questions and Reports
- l) Resumption as Board
- m) Adjournment
35. No variation in the foregoing order of business shall be permitted, unless two-thirds of the Trustees present vote in favour thereof, the vote to be taken without debate. **Variation in Order of Business**
36. In the event of a Minority Report, it shall be presented at the time the committee report is tabled, by the Chairperson of the committee. A spokesperson shall have an opportunity to speak to the minority report. **Minority Report**
37. The Committee of the Whole, upon conclusion of its business, shall, on motion duly passed, rise and report immediately to the Board. **Report of Committee of the Whole**
38. The Board shall then consider the motion:
"That the business transacted by the Committee of the Whole be now ratified by the Board"; and, provided such motion is passed by a majority of the Board, the transactions of the Committee of the Whole shall form the properly recorded Minutes. **Actions to Board from Committee of the Whole**
- GENERAL RULES FOR MEETINGS OF THE BOARD**
39. The Chairperson shall decide all questions of order and such decision shall be final, unless negated on an appeal to the Board. **Decision on Questions of Order**
40. The Chairperson shall, when deciding a point of order, state the rule applicable to the case. **State Rule**
- Applicable**41. The ruling of the Chairperson shall be final, subject only to an appeal **Ruling by**

- to the Board by a Trustee. The question whether the Chairperson shall be sustained shall then be put by the Secretary and decided without debate. To over-rule a decision by the Chairperson, it shall be necessary that two-thirds of the Trustees present vote in favour thereof.
- Chairperson**
42. Questions of privilege refer to all matters affecting the rights and protection of the Board, or to the position and conduct of members in the role as Trustees. A breach of privilege is a wilful disregard by a Trustee or any other person of the dignity and authority of the Board or any of its Trustees or employees. A question of privilege is normally presented as a motion to enable the Board to take action deemed appropriate to the complaint.
- Question of Privilege**
43. Any Trustee desiring to speak shall so indicate by raising his/her hand. The Chairperson shall call the Trustee by name and such Trustee may then, but not before, proceed to speak, confining himself/herself to the motion.
- Recognizing Trustees**
44. No Trustee, while speaking, shall be interrupted except to be called to order by a Trustee for infraction of the Rules of Order of the Board, in which case he/she shall stop speaking until the point of order has been decided by the Chairperson.
- Interruptions**
45. Any motion, once read, is in the possession of the Board or the Committee of the Whole, but with permission of the Chairperson of the Board, it may be withdrawn by the mover and seconder, if appropriate, at any time before a vote is taken on the motion.
- Motion in Possession of Board Withdrawn**
46. Every motion of the Board shall be seconded.
- Motions Seconded**
47. Any Trustee may, by right, require the motion in/under discussion to be read for his/her information at any time during the debate, but not so as to interrupt a Trustee speaking.
- Request to Read Motion**
48. A Trustee may read a motion and before it is seconded, speak to it.
- Speak to Motion**
49. The Chairperson (or any Trustee) may require any motion before the Board to be put in writing.
- Motion in Writing**
50. No Trustee, unless strictly in explanation, shall without leave of the Chairperson speak more than once upon any question or motion, except the mover of a motion or amendment, who shall be permitted to conclude the debate.
- Speak Once to Motion**

51. No Trustee shall speak longer than five minutes on the same question, without leave of the Board by simple majority vote.
- Time Limit**52. When the question under consideration contains two or more distinct propositions, any particular proposition, upon the request of any Trustee, shall be considered and voted upon separately. **Separation of Parts of Motion**
53. When a committee report is presented to the Board, the recommendations contained therein may be voted on as a block, or, at the request of any Trustee, recommendation(s) shall be voted on separately to allow for questions or further consideration. The presenter of a committee report may read aloud the recommendations contained therein, or, with the permission of the Chairperson of the Board, may present some or all of the recommendations "as printed". **Committee Reports to Board**
54. Should there be an equality of votes on any matter, the matter shall be lost. **Tie Vote is Negative**
55. Every Board Trustee, including the Chairperson, present at a meeting of the Board or Committee of the Whole shall be entitled to vote thereon unless prevented by statute. **Entitled to Vote**
56. When a motion is under debate, motions of procedure may be put with precedence in the order as listed below: **Motions of Procedure**
- a) To adjourn
 - b) To put the previous question
 - c) To defer or postpone
 - d) To refer to another meeting
 - e) To amend
57. No motion to adjourn shall be placed until at least one (1) item of business is transacted. A motion to adjourn shall be without debate before the vote, but may not occur while a Trustee is speaking, while a vote is in process or when the question has been called. When a motion is to adjourn to reconvene at a fixed time and place, such motion as to that time and place is debatable. **Motion to Adjourn**
58. After the motion to put the previous question has been placed, the Chairperson shall proceed to its vote without debate. If the vote to putting the previous question is in the affirmative, the Chairperson shall call for the vote on the question without debate. **Motion to Put the Question**
59. When a vote to defer a motion is placed, the time for the return of the motion to the floor shall be given. **Motion to**

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| <p>Defer60. a) After a motion has been moved and seconded by the Board, an amendment to the motion may be moved and an amendment to the amendment may be made. Before a second amendment to the amendment is made, the first amendment to the amendment must be resolved.</p> <p>b) After all amendments to the amendment have been resolved, the amendment is to be resolved prior to the introduction of a second amendment to the motion before the Board.</p> <p>c) If the further amendment is to be amended then the procedure in Clause 60(a) is followed.</p> <p>d) After all amendments have been resolved, the Board shall vote on the motion as amended.</p> | <p>Motions and Amendments</p> |
| <p>61. A proposed amendment, deemed by the Chairperson to be relating to a different subject or substantially modifying the primary intent of the motion shall be ruled out of order.</p> | <p>Subject Matter in Amendments</p> |
| <p>62. All amendments shall be put in the reverse order in which they have been moved.</p> | <p>Order of Voting on Amendments</p> |
| <p>63. Every amendment submitted shall be decided upon or withdrawn before the main question shall be put to a vote, and if the vote on an amendment(s) is decided in the affirmative the main question as amended shall be put to a vote.</p> | <p>Amendments and Motion as Amended</p> |
| <p>64. After the Chairperson has put the motion to a vote, there shall be no further debate.</p> | <p>Putting the Question to Vote</p> |
| <p>65. The yeas and nays shall not be recorded upon any question unless requested by at least one (1) Trustee, and such request must be made before the Chairperson calls upon the Trustees to vote upon the question.</p> | <p>Recorded Vote</p> |
| <p>66. The Secretary shall call for the vote with yeas standing first to vote and then nays, and the names of those voting yea and nay and abstaining, shall be recorded in the minutes.</p> | <p>Recording of Votes</p> |

67. Reconsideration of votes:

a) After a vote has been taken on any question, reconsideration at the same meeting may be held if a two-thirds vote of the total membership of the Board is in the affirmative.

Reconsideration b) A question may be reconsidered at a subsequent meeting with the consent of two-thirds of the Trustees present providing there is a quorum and notice has been given at a regular meeting of the Board.

c) After a reconsideration vote has been taken in the manner outlined in (b) and the result is in the negative, a Notice of Motion of further reconsideration of the motion shall not be placed until after a three month period, except by unanimous agreement of Trustees present at a regular Board meeting.

d) After the election of a new Board, with Notice of Motion having been given, a motion for reconsideration of a resolution adopted by a previous Board shall require a simple majority.

New Board

68. Petitions and communications on any subject within the purview of a Committee shall be referred by the Chairperson to the proper committee without motion, but the Board may, if two-thirds of the Trustees present vote in favour thereof, enter upon the immediate consideration and disposition thereof. No discussion of the main question shall be allowed until the motion for immediate consideration has been decided in the affirmative.

Petitions

COMMITTEE OF THE WHOLE

69. In addition to the provisions specified in the Order of Business, the Board may resolve itself into Committee of the Whole upon any matter brought under its consideration and such committee meetings may be closed in accordance with the provisions of Section 207 of the Education Act.

Committee of the Whole

70. All rules of the Board shall be observed in Committee of the Whole so far as applicable, except that no motion shall require to be seconded; and no motion for adjournment shall be allowed.

Rules in Committee of the Whole

71. In Committee of the Whole a Trustee may move that the Committee rise and report progress to the Board, and this question shall be decided without debate.

Rise and Report to Board

RULES OF ORDER FOR COMMITTEES

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| 72. | The rules of the Board shall be observed in all meetings of committees, so far as applicable, no motion shall require to be seconded, and a motion for adjournment shall be to "adjourn and report to the Board". | Rules in |
| Committee 73. | The Committee Chairperson, or by his/her direction or in his/her absence, the Committee Vice-Chairperson, and the appropriate superintendent or designate, shall be responsible for preparing an agenda for the committee meeting. Agenda items should be submitted to the Committee Chairperson no later than one (1) week prior to the scheduled committee meetings. | Preparation of Committee Agenda |
| 74. | In accordance with Section 171(1) of the Education Act, the Board may create such committees as it considers expedient. The creation of an ad hoc committee must be accompanied by terms of reference which include the number of trustee members, the member responsible for convening the first meeting, the voting rights of non-trustee members, the reporting process, and the completion date (See Appendix A). | Appointing Committees |
| 75. | Meetings of any ad hoc committee may be called by the Chairperson thereof whenever he/she shall consider it necessary to do so, and shall be called by the Chairperson thereof whenever a request is made in writing to do so by three (3) Trustees thereof, or by the Chairperson of the Board. | Ad Hoc Committee Meetings |
| 76. | The Chairperson of the Board shall be an Ex Officio member of all committees. Any Trustee of the Board may attend a meeting of any committee of which he/she is not a member, as an observer. | Ex officio Member
Observer |
| 77. | Every duly appointed Trustee member of a Board committee, including the Chairperson of the Board as an Ex Officio member, present at a meeting of that committee when a question is put, shall be entitled to vote thereon unless prevented by statute. Board Trustees who are not appointed to a committee but wish to attend meetings of that committee as observers shall not be entitled to vote. An observer present at a meeting shall not be counted in establishing a quorum. The Ex Officio member, when present, shall be counted in establishing a quorum. | Entitled to Vote
Quorum |
| 78. | The Chairperson of a committee is responsible for presenting a report to the Board. | Committee Report to Board |
| 79. | A member or members of any committee may have a written minority report presented by the Chairperson of the committee in the same manner as the majority report is presented. | Minority Reports |
| 80. | When a motion of recommendation has been defeated in committee, it may | Defeated |

be reintroduced by any Trustee at the next regular Board meeting. It may be discussed immediately at the discretion of the Chairperson. A vote may be held, or the motion may be referred to the appropriate committee for further consideration.

Committee

Motion

- 81. No verbal report from any committee shall be received or discussed except at the discretion of the Chairperson or with the approval of the Board.
- 82. No Trustee member of a committee has the authority to order Administration to undertake any task/action without committee approval.
- 83. The Board shall have two (2) Standing Committees, namely the Business Operations Committee and Program Committee. Meetings of the Standing Committees will normally be held as follows:
1st Tuesday of the month - Program Committee
2nd Tuesday - Business Operations Committee

Verbal report

Authority to Order

Standing Committees

GENERAL PROVISIONS

- 84. Amendments to any By-law may be made at any Board meeting by a two-thirds majority vote of the Trustees present and voting, provided that notice of intention to introduce the amendment and the general nature thereof has been given, either
 - at a previous meeting, or
 - in writing to the Director,at least seven (7) days in advance of the meeting at which it is to be considered.
- 85. Every By-law of the Board, upon approval, shall be signed by the Chairperson and counter-signed by the Secretary and the seal of the Board then attached thereto.
- 86. Attendance of Trustees at Board meetings shall be noted and recorded and Trustees are bound by the provisions of Sections 228 (1)(b) and 229(1) and (2) of the Education Act regarding absence from meetings.
- 87. When applying for leave of absence as described in Section 228(1)(b) of the Education Act, Trustees shall make such request directly to the Board convened in regular sessions and such approval must be by recorded motion.
- 88. All items on the agenda for an In Camera Session, including committee or staff reports, shall be received in confidence and no Trustee of the Board or employee of the Board shall disclose any In Camera Session matter not

Amendments to By-law

By-law Approval

Recording Attendance at Meetings

Members Leave of Absence

Confidentiality of In Camera

previously made public, unless, and only to the extent that, it is subsequently moved into Public Session, or unless such disclosure is expressly approved by the majority of the Trustees of the Board in a vote held for such purpose. Any violation of the By-law could lead to Board censure.

Session Items 89. The Board may, at any time, go into Caucus Session without attendance of anyone but Trustees for the purpose of discussing the performance of the Director of Education or the performance of a Trustee.

Caucus Session

DUTIES OF THE CHAIRPERSON OF THE BOARD

90. The Chairperson of the Board shall not take part in any discussion unless he/she first leaves the Chair and appoints the Vice-Chairperson or in his/her absence, one of the Trustees present, to take his/her place until he/she returns to the Chair.

**Chairperson
as Participant**

91. The Chairperson of the Board shall be entitled to vote with other Trustees of the Board upon all questions.

**Chairperson
to Vote**

92. The Chairperson of the Board shall sign all Minutes approved by the Board.

**Signing
Minutes**

DUTIES OF VICE-CHAIRPERSON OF THE BOARD

93. The Vice-Chairperson of the Board shall, in the absence or disability of the Chairperson of the Board, perform the duties and exercise the powers of the Chairperson of the Board.

**Vice-Chairperson
Duties**

**DUTIES - STANDING COMMITTEE CHAIRPERSONS/
VICE-CHAIRPERSONS**

94. The provisions of Clauses 90-93 shall apply to the duties of the Chairpersons and Vice-Chairpersons of the Standing Committees.

**Standing
Committee
Chairpersons**

REFERENCES TO EDUCATION ACT

95. References to the Education Act will be deemed to be updated as the Education Act itself is revised from time to time.

GENERAL

No Trustee has any authority to act on behalf of the Board except at properly convened and constituted Board meetings or when authority has been delegated specifically to the Trustee by the Board.

MATTERS WHICH MAY BE CONSIDERED IN CAMERA

EDUCATION ACT, Section 207(2):

A meeting of a committee of a 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 property of the Board;**
- (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;**
 - : a pupil or his parent or guardian;**
- (c) **the acquisition or disposal of a school site;**
- (d) **decisions in respect of negotiations with employees of the board; or**
- (e) **litigation affecting the board.**

TRUSTEE ATTENDANCE AT MEETINGS

EDUCATION ACT, Section 228(1):

A member of a board vacates his or her seat if he or she,

- (a) is convicted of an indictable offence;
- (b) absents himself or herself without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the board;
- (c) ceases to hold the qualifications required to act as a member of the board;
- (d) becomes disqualified under subsection 219(4); or
- (e) fails to meet the requirements of section 229.

Section 229(1):

Despite section 208.1 but subject to subsection (2), a member of a board shall be physically present in the meeting room of the board for at least three regular meetings of the board in each 12 month period beginning December 1.

Section 229(2):

Despite section 208.1, for the period beginning when a member of a board is elected or appointed to fill a vacancy and ending on the following November 30, the member shall be physically present in the meeting room of the board for at least one regular meeting of the board for each period of four full calendar months that occurs during the period beginning with the election or appointment and ending on the following November 30.