

Bylaw

CONDUCT OF MEETINGS

Parliamentary Authority

Robert's Rules of Order, Newly Revised, shall govern the Little Silver Board of Education in its deliberations and acts in all cases in which it is not inconsistent with statutes of the State of New Jersey, rules of the State Board of Education, or these bylaws.

Presiding Officer

The president shall preside at all meetings of the board. In the absence, disability, or disqualification of the president, the vice president shall act in his or her place; if neither person is present, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

Announcement of Adequate Notice

The person presiding shall commence each meeting with an announcement of the notice given for the meeting or a statement regarding the lack of adequate notice, in accordance with law.

Agenda

The superintendent and the school business administrator/board secretary in consultation with the board president shall prepare an agenda of items of business to come before the board at each meeting. The agenda shall be delivered to each board member no later than two days before the meeting, and shall include such reports and supplementary materials as are appropriate and available.

Quorum

A quorum of a seven member board shall consist of four (4) board members. Three (3) board members may serve on a board committee.

No official business shall be conducted in the absence of a quorum. In the event a quorum is not present at the hour of convening, the meeting may be recessed to a time not later than 9 o'clock p.m. of the same day. If a quorum is not then present, the members present may adjourn the meeting to a later date within seven days.

In the rare event that the number of board members who have a conflict of interest make a quorum impossible, the Doctrine of Necessity may be invoked. The Doctrine of Necessity may be invoked under the following circumstances:

- A. The board must be unable to act without the members in conflict taking part; and
- B. There must be a pressing need for action, i.e. the matter cannot be laid aside until another date; and
- C. There can be no alternative forum that can grant the same relief (Allen v. Toms River Regional Board of Education, 233 N.J. Super 651 (Law Division 1989)).

CONDUCT OF MEETINGS (continued)

Doctrine of Necessity must be announced and the announcement shall include the reason the board must invoke the Doctrine of Necessity including stating the nature of each board member's conflict. The announcement shall be documented in writing and recorded in the minutes.

Order of Business

In general, the order of business shall be as follows for executive session or regular session:

- A. Call to Order;
- B. Announcement (Article VI, 5);
- C. Approval of Minutes;
- D. Communications;
- E. Public Hearing;
- F. Report and Recommendation of the superintendent;
- G. Financial Reports of the school business administrator/board secretary and treasurer of school monies;
- H. Report of Committees;
- I. Old Business;
- J. New Business;
- K. Public Hearing;
- L. Adjournment

Doctrine of Necessity

When a quorum of the board has conflicted interests (see also board policies 4112.8 Nepotism and 9270 Conflict of Interest), the doctrine of necessity may be invoked in order to allow conflicted board members to participate in the negotiation process and vote. The doctrine of necessity may be invoked for the negotiation team or superintendent search committee only when the board of education has fewer non-conflicted board members than are required, pursuant to statute, to take action. The board shall only invoke the doctrine of necessity after consultation with the board attorney. When invoking the doctrine of necessity the board shall state publicly that it is invoking the doctrine of necessity with the reasons for doing so and the specific nature of the conflicts of interest. The board shall read the resolution invoking the doctrine of necessity at a regularly scheduled public meeting, post the notice of the resolution for 30 days and provide the School Ethics Commission with a copy of the resolution.

Adopted:	October 8, 2009
NJSBA Review/Update:	May 2023
Readopted:	August 24, 2023

Key Words

CONDUCT OF MEETINGS (continued)

Parliamentary Authority, Presiding Officer, Agenda, Quorum

Possible

<u>Cross References:</u>	*1220	<u>Ad hoc</u> advisory committees,
	*9121	Election and duties of president
	9325.4	Voting Method
	9326	Minutes