

# Bylaw

No. 060

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## Board of Education Nutley

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### ARTICLE VI

#### MEETINGS

Section 1. Parliamentary Authority - Robert's Rules of Order, Newly Revised shall govern the Board in its deliberations in all cases in which it is not inconsistent with statute, administrative code or these bylaws, except that rules of order may be amended at any meeting by a majority of those present and voting.

Section 2. Quorum - Five members present shall constitute 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 9:00 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. (18A:10-6)

Section 3. 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 instead; if neither person is available, 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. (18A:16-1.1)

Section 4. Notice -

- a. The Board Secretary shall notify each member and any person who has legally requested such notice and pre-paid the sum of money specified for that purpose by the Board in writing at least 48 hours in advance of the time, date, location and to the extent know, the agenda of any regular, special, or rescheduled meeting which notice shall accurately state whether formal action may or may not be taken and which shall be prominently posed in the Board offices, mailed, telephoned, faxed, or hand delivered to at least two newspapers, which newspapers shall be designated by the Board to receive such notices because they have the greatest likelihood of informing.

the public within the area of jurisdiction of the Board of such meetings, one of which shall be the official newspaper, published at least 48 hours before said meeting in a designated newspaper of record and filed with the clerk of the municipality (if the school district's geographical boundaries are coextensive with the municipality) but where annual notice or revisions thereto in compliance with Article V, Section 4(d) of these bylaws sets forth the location of any meeting, no further notice shall be required for such meeting.

(10:4-8d)

b. Upon the affirmative vote of three quarters of the members present the Board may hold a meeting notwithstanding the failure to provide adequate notice if:

(1) such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and

(2) the meeting is limited to discussion of and acting with respect to such matters of urgency and importance; and

(3) notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in Section 4(a) ante, and also by notifying the two newspapers described in Section 4(a) by telephone, telegram, or delivering a written notice of same to such newspapers; and

(4) either (a) the Board could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or (b) although the Board could reasonably

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have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.  
(10:4-9b)

Section 5. Announcement - At the commencement of every meeting of the Board the person presiding shall announce publicly, and shall cause to be entered in the minutes of the meeting, an accurate statement to the effect:

a. that adequate notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided; or

b. that adequate notice was not provided, in which case such announcement shall state (1) the nature of the urgency and importance referred to in Section 4(b) of this Article and the nature of the substantial harm to the public interest likely to result from a delay in the holding of the meeting; (2) that the meeting will be limited to discussion of and acting with respect to such matters or urgency and importance; (3) the time, place, and manner in which notice of the meeting was provided; and (4) either (a) that the need for such meeting could not reasonably have been foreseen at a time when adequate notice could have been provided, in which event, such announcement shall specify the reason why such need could not reasonably have been foreseen; or (b) that such need could reasonably have been foreseen at a time when adequate notice could have been provided, but such notice was not provided in which event the announcement shall specify the reason why adequate notice was not provided. (10:4-10) (160)

Section 6. Regular Meetings - Regular meetings of the Board shall be public (10:4-1) and shall commence not later than 8:00 p.m. (18A:10-6)

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- a. It shall be the responsibility of the Board Secretary to prepare an agenda of the items of business to come before the Board at each regular meeting. The agenda together with all such reports as can be completed shall be provided each Board member at least three days before the meeting.
- b. The order of business shall be as follows, unless altered by the chairperson or a majority of those present and voting:
  1. Announcement of Meeting
  2. Flag Salute
  3. Call of Roll
  4. Approval of minutes
  5. Correspondence
  6. Superintendent's Report
  7. Board Secretary's Report
  8. Hearing of Citizens (Resolutions Only)
  9. Resolutions
  10. Committee Reports
  11. Hearing of Citizens
  12. Old Business
  13. New Business
  14. Adjournment

(160, 161)

Section 7. Special Meetings - Special meetings of the Board shall be public (N.J.S.A. 10:4-1) and shall commence no later than 8:00 p.m. (N.J.S.A. 18A:10-6)

- a. Special meetings shall be called by the Secretary at the request of the President or upon the presentation to him of a petition requesting such special meeting and signed by a majority of the whole number of members of the Board. (N.J.A.C. 6:3-1.9)
- b. The order of business shall be as follows unless altered by the chairperson or a majority of those present and voting:

Announcement of Meeting  
Roll Call  
Hearing of Citizens (Agenda Items Only)  
Transaction of Business for which Meeting was  
Called  
Adjournment

Section 8. Hearing of Citizens - A member of the public present at a meeting of the Board may address the Board in accordance with the Board's rules.

Section 9. Voting - All motions shall require for adoption a majority vote of those present and voting, except as provided by statute, these bylaws, or parliamentary authority. Abstentions shall not be counted as votes, but shall be recorded and are deemed to acquiesce in the outcome of the vote. At least a majority of the quorum voting affirmatively shall be required to pass a resolution or motion.

a. Actions requiring a recorded two-thirds vote of the full Board:

1. Placement without bid of a nonexempt contracts in excess of \$17,500 because of failure to receive bids on two occasions. (N.J.S.A. 18A: 18A-5c)
2. Placement of a contract following failure to receive responsible bids on two occasions.  
(N.J.S.A. 18A: 18A-5d)
3. Adoption, amendment, repeal, or suspension of a bylaw of the Board. (Article III S1)

b. Action requiring the affirmative vote of three-quarters of the members present:

Hold meeting, notwithstanding the failure to provide adequate notice. (N.J.S.A. 10: 4-9b)

c. Actions requiring a recorded roll call majority vote of the fixed number of members of the Board:

1. Admission after October 1 of a pupil who has never attended school.
2. Adoption or alteration of a course of study. (18A:33-1)
3. Adoption, repeal or amendment of a policy of the Board. (See also Article III, Section 1)
4. Application for membership in an established county audiovisual aid center. (18A:51-11)
5. Appointment of a School Business Administrator. (18A:17-14.1)
6. Appointment of: Superintendent (18A:17-15) or assistant superintendent (18A:17-16), Secretary (18A:17-5) or assistant secretary (18A:17-13) (See also Article III, Section 2.)
7. Appointment or transfer of a teaching staff member. (18A:25-1 and 27-1)
8. Approval of budgets and capital construction. (18A:22-32, -39)
9. Approval of employee salary deductions for hospital and insurance plans and government bonds. (18A:16-8)
10. Authorization of school bonds. (18A:24-10)
11. Decision to establish with other school districts a county audiovisual educational aid center. (18A:51-1)

12. Determination to use voting machines at all school elections.  
(18A: 14-39)
13. Determining sufficiency of charges warranting dismissal or reduction in salary of a tenure employee. (18A: 6 –11)
14. Disposition or exchange of lands owned by the Board.  
(18A: 20-5 and 20-8)
15. Removal of the President or Vice President of the Board.  
(18A: 15 – 2) (See also Article V, Section 2)
16. Restoration or removal following suspension of an assistant superintendent, principal or teacher. (18A: 25-6)
17. Selection of textbooks. (18A:34-1)
18. Withholding employment or adjustment salary increment.  
(18A: 29-14)

d. All actions requiring a vote can be conducted by voice, show of hands or roll call provided that the vote of each member be recorded. Proxy voting is prohibited. Any member may request that the Board be polled.

e. The Board may consider a vote upon all resolutions as a single motion except for those resolutions that the trustees wish to consider separately. Trustees who wish to have a resolution(s) considered separately will ask to state so when the question is asked by the chairperson. All resolutions not placed on hold will be moved, debated and voted on as a package. Then, each resolution placed on hold will be considered separately. The purpose of this procedure is to expedite the business of the Board, while simultaneously protecting the rights of the minority.

Section 10. Adjournment – The Board may at any time recess or adjourn to an adjourned meeting at a specified date and place. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon.

Section 11. Executive Session – The Board reserves the right to meet privately in executive session to discuss issues exempted from public session, as below listed, but the Board shall exclude the public from any meeting to discuss such matters only when it first adopts a resolution, at a meeting to which the public shall be admitted:

- (1) Stating the general nature of the subject to be discussed and
- (2) Stating as precisely as possible, the time when and circumstances under which the discussion conducted in closed session can be disclosed to the public. (10:4-13)
  - a. Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential.
  - b. Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - c. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program including by not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.



- d. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representative of employees of the public body.
- e. Any matter involving the purchase, lease or acquisition of real property with public funds, the investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- f. Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.
- g. Any pending or anticipated litigation or contract negotiation other than in subsection d. herein in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- h. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- i. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.  
(10: 4 – 12)

**Section 12. Minutes – The Board shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with Section 11 of this Article. (10: 4 – 14)**

- a. The Secretary shall provide each Board member with a copy of the minutes of the last regular monthly meeting no later than three days before the next regular meeting.
- b. The section of the minutes entitled “Hearing of Citizens” shall indicate the name of any citizen who addresses the Board, together with the subject matter, stated in general terms, on which each such citizen spoke. If any such discussion results in action by the Board, such action shall also be recorded in the minutes.
- c. The approved minutes shall be signed by the Board Secretary and filed in the Secretary’s office in a prescribed minute book as a permanent record of official Board proceedings.

**Section 13. Board Sessions – The Board shall meet in public conference sessions as a committee of the whole to discuss issues and formulate motions to be acted upon at a subsequent regular or special meeting of the Board, except that no action may be taken.**

- a. A conference session not regularly scheduled may be called at any time by the President; the President shall call such a conference session when requested to do so by three members of the Board.
- b. The Secretary shall provide notice of a conference meeting as per the notice provision of these bylaws. [Article VI, 4]

Date Adopted: 9/27/67  
Date Revised: 5/21/80  
Date Revised: 9/23/02