

Book	Policy Manual
Section	000 Joint Operating Committee Procedures
Title	Meetings
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### **Parliamentary Authority**

All Joint Operating Committee meetings shall be conducted in an orderly and business-like manner. Robert's Rules of Order, Newly Revised, including group rules shall govern the Joint Operating Committee in its deliberations in all cases in which it is not inconsistent with law, state regulations or Joint Operating Committee procedures.[\[1\]](#)[\[2\]](#)

### **Quorum**

A quorum shall consist of a majority of the members of the Joint Operating Committee. No business shall be transacted at a meeting without a quorum, but the members present at such a meeting may adjourn to another time.[\[3\]](#)

### **Presiding Officer**

The Chairperson shall preside at all Joint Operating Committee meetings. In the absence, disability or disqualification of the Chairperson, the Vice Chairperson shall act instead. If neither person is present, a Joint Operating Committee member shall be elected Chairperson pro tempore by a majority of those present and voting to preside at that meeting only. Where no such majority is achieved on the first vote, a second vote shall be cast for the two (2) candidates who received the greatest number of votes.[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)

### **Notice**

Notice of all public Joint Operating Committee meetings, including committee meetings and work sessions, shall be given by publication of the date, place, and time of such meetings in the newspaper(s) of general circulation designated by the Joint Operating Committee and the posting of such notice at the administrative offices of the Joint Operating Committee.[\[8\]](#)[\[9\]](#)

1. Notice of regular meetings shall be given by publication and posting of a schedule showing the date, place and time of all regular meetings for the calendar year at least three (3) days prior to the time of the first regular meeting.[\[8\]](#)[\[9\]](#)
2. Notice of all special meetings shall be given by publication and posting of notice at least twenty-four (24) hours prior to the time of the meeting, except that such notice shall be waived when a special meeting is called to deal with an actual emergency involving a clear and present danger to life or property.[\[8\]](#)[\[9\]](#)
3. Notice of all rescheduled meetings shall be given by publication and posting of notice at least twenty-four (24) hours prior to the time of the meeting.[\[8\]](#)[\[9\]](#)
4. Notice of all recessed or reconvened meetings shall be given by posting a notice of the place, date and time of the meeting and sending copies of such notice to interested parties.[\[8\]](#)

5. Notice of all public meetings shall be given to any newspaper(s) circulating in Montgomery County and a radio or television station which so requests. Notice of all public meetings shall be given to any individual who so requests and provides a stamped, addressed envelope for such notification.

[9]

Notice of all rescheduled meetings and special meetings shall be given to Joint Operating Committee members no later than twenty-four (24) hours prior to the time of the meeting. [9][10]

### **Regular Meetings**

Regular Joint Operating Committee meetings shall be public and shall be held at specified places at least once every two (2) months. [2][11]

*Agenda -*

It shall be the responsibility of the Administrative Director to prepare an agenda of the items of business to come before the Joint Operating Committee at each regular meeting. The agenda, together with all relevant reports, shall be provided to each Joint Operating Committee member prior to the meeting.

### **Special Meetings**

Special meetings may be called for special or general purposes and shall be public except when conducted as an executive session for purposes authorized by the law. [2][5][10][12]

The Chairperson may call a special meeting at any time and shall call a special meeting upon presentation of the written requests of three (3) Joint Operating Committee members. Upon the Chairperson's failure or refusal to call a special meeting, such meeting may be called at any time by a majority of the Joint Operating Committee members. [5]

No business shall be transacted at any special meeting except that named in the call sent to Joint Operating Committee members for such special meeting. [10]

### **Public Participation**

At each public Joint Operating Committee meeting, prior to official action by the Joint Operating Committee, an opportunity shall be provided for public comment in accordance with law and Joint Operating Committee procedures and policy. [2][13]

### **Voting by the Joint Board**

All actions of the Joint Board shall be by a majority vote of the members of the Joint Board, either in convention or by mail ballot, as selected by the Joint Board; provided, however, that the approval of the annual operating budget shall be conducted in accordance with law, Joint Operating Committee policy and provisions of the Articles of Agreement. [14][15][16]

### **Voting by the Joint Operating Committee**

The Joint Board shall have the power to delegate the operation, administration and management of the school to the Joint Operating Committee, including voting powers, in accordance with law, Joint Operating Committee policy and provisions of the Articles of Agreement. [14][16][17][18]

All motions shall require for adoption a majority vote of those Joint Operating Committee members present and voting, except as provided by statute or Joint Operating Committee procedures.

### **Abstention from Voting**

A Joint Operating Committee member shall be required to abstain from voting when the issue involves either one of the following:

1. Conflict of interest under the Ethics Act.[\[19\]](#)[\[20\]](#)[\[21\]](#)

Prior to the vote being taken, the Joint Operating Committee member shall verbally disclose the nature of the conflict in public, and shall also provide the Joint Operating Committee Secretary with a written memorandum stating the nature of the conflict, which shall be attached to the Joint Operating Committee minutes as a public record.

**Conflict of interest** - use by a public official of the authority of his/her office or any confidential information received through his/her holding public office for the private pecuniary benefit of him/herself, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official, a member of his/her immediate family or a business with which s/he or a member of his/her immediate family is associated.[\[19\]](#)

**De minimis economic impact** – an economic consequence which has an insignificant effect.[\[19\]](#)

**Immediate family** – parent, spouse, child, brother or sister.[\[19\]](#)

**Business with which associated** – any business in which the person or a member of the person's immediate family is a director, officer, owner, employee or has a financial interest.[\[19\]](#)

2. Relative recommended for appointment to or dismissal from a teaching position.[\[22\]](#)[\[23\]](#)

**Relative** – father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle, or aunt.

The Joint Operating Committee is encouraged to seek the guidance of the school solicitor or the State Ethics Commission for questions related to conflicts of interest.[\[20\]](#)[\[21\]](#)

## **Minutes**

The Joint Operating Committee shall cause to be made, and shall retain as a permanent record of the school, minutes of all public Joint Operating Committee meetings. Said minutes shall be comprehensible and complete and shall show:[\[24\]](#)[\[25\]](#)

1. Date, place, and time of the meeting.
2. Names of Joint Operating Committee members present.
3. Presiding officer.
4. Substance of all official actions.
5. Actions taken.
6. Recorded votes, including a record by each individual member of all roll call votes.[\[14\]](#)[\[26\]](#)
7. Names of all citizens who appeared officially and the subject of their testimony.

The Joint Operating Committee Secretary shall provide each Joint Operating Committee member with a copy of the minutes of the last meeting prior to the next regular meeting.

The minutes of Joint Operating Committee meetings shall be approved at the next succeeding meeting and signed by the Joint Operating Committee Secretary.[\[27\]](#)

Notations and any tape or audiovisual recordings shall not be the official record of a public Joint Operating Committee meeting but may be available for public access, upon request, in accordance with Joint Operating Committee policy. Any notations and/or audiovisual recordings of a Joint Operating

Committee meeting shall be retained and disposed of in accordance with the established records retention schedule.[\[1\]](#)[\[28\]](#)[\[29\]](#)

### **Recess/Reconvene**

The Joint Operating Committee may at any time recess or reconvene to a reconvened meeting at a specified date and place, upon the majority vote of those present. The reconvened meeting shall immediately take up its business at the point in the agenda where the motion to recess was acted upon. Notice of the reconvened meeting shall be given as provided in Joint Operating Committee policy.[\[8\]](#)[\[9\]](#)

### **Executive Session**

The Joint Operating Committee may hold an executive session, which is not an open meeting, before, during, at the conclusion of a public meeting, or at some other time. The presiding officer shall announce the reason for holding the executive session; the announcement can be made at the public meeting prior to or after the executive session.[\[12\]](#)[\[30\]](#)[\[31\]](#)

The Joint Operating Committee may discuss the following matters in executive session:

1. Employment issues.
2. Labor relations.
3. The purchase or lease of real estate.
4. Consultation with an attorney or other professional advisor regarding potential litigation or identifiable complaints which may lead to litigation.
5. Matters that must be conducted in private to protect a lawful privilege or confidentiality.
6. School safety and security, of a nature that if conducted in public, would:[\[12\]](#)
  - a. Be reasonably likely to impair the effectiveness of school safety measures.
  - b. Create a reasonable likelihood of jeopardizing the safety or security of an individual or a school, including a building, public utility, resource, infrastructure, facility or information storage system.

Official actions based on discussions held in executive session shall be taken at a public meeting.

### **Work Sessions**

The Joint Operating Committee may meet as a Committee of the Whole in a public meeting to vote on or to discuss issues. Public notice of such meetings shall be made in accordance with law and Joint Operating Committee procedures.[\[2\]](#)

A meeting of the Committee of the Whole, not regularly scheduled, may be called at any time by the Chairperson. The Chairperson shall call such a meeting when requested to do so by Joint Operating Committee members. Public notice of the meeting shall be made in accordance with law and Joint Operating Committee procedures.

### **Committee Meetings**

Standing committee meetings may be called at any time by the committee chairperson, with proper public notice, or when requested to do so by members of the committee.[\[8\]](#)[\[9\]](#)

A majority of the total membership of a committee shall constitute a quorum.

Unless held as an executive session, standing committee meetings shall be open to the public, other Joint Operating Committee members, the Administrative Director, and the Chief School Administrator (Superintendent of Record).[\[2\]](#)

A majority of the committee or the Chairperson may invite Joint Operating Committee employees, consultants or other persons who may have special knowledge of the area under discussion.

Legal

1. 24 P.S. 407
2. 65 Pa. C.S.A. 701 et seq
3. 24 P.S. 422
4. 24 P.S. 405
5. 24 P.S. 426
6. 24 P.S. 427
7. 24 P.S. 428
8. 65 Pa. C.S.A. 703
9. 65 Pa. C.S.A. 709
10. 24 P.S. 423
11. 24 P.S. 421
12. 24 P.S. 425
13. Pol. 903
14. 24 P.S. 1850.1
15. Pol. 604
16. Articles of Agreement
17. 24 P.S. 1850.3
18. Pol. 002
19. 65 Pa. C.S.A. 1102
20. 65 Pa. C.S.A. 1103
21. Pol. 827
22. 24 P.S. 1111
23. 24 P.S. 1129
24. 24 P.S. 518
25. 65 Pa. C.S.A. 706
26. 65 Pa. C.S.A. 705
27. 24 P.S. 433
28. Pol. 800
29. Pol. 801
30. 65 Pa. C.S.A. 707
31. 65 Pa. C.S.A. 708
- 65 Pa. C.S.A. 1101 et seq
- Pol. 003
- Pol. 004
- Pol. 005

