

SOUTH VALLEY PREPARATORY SCHOOL	SUBJECT: Governing Council Bylaws
Effective Date: 12/10/09	Revised: 11.22.11, 9.26.12, 5.21.14
Distribution: ALL	Kind: Board Policy

1. MISSION STATEMENT

Together with parents and the community, South Valley Preparatory School is committed to creating a professional learning community that empowers students to learn

2. EQUAL OPPORTUNITY.

South Valley Preparatory School affirms its commitment to providing equal treatment of all of its students, parents and employees. Neither SVPS nor the Governing Council shall discriminate against any student, parent or employee on the basis of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, serious medical condition, sexual orientation or gender identity with respect to his/her rights, privileges, programs, activities, and/or in the administration of its educational programs and athletics/extracurricular activities.

3. GOVERNING LAWS AND POLICIES.

GOVERNANCE AND TRAINING

The Council has a responsibility to ensure that SCHOOL operates in accordance with all applicable laws and regulations, and meets its commitments to its authorizer, the New Mexico Public Education Commission (“PEC”), and to the New Mexico Public Education Department (“NMPED”) as reflected in its charter. Council members have a responsibility to be familiar with the terms of the SCHOOL charter and legal responsibilities of public schools. Council members must become educated about public school laws and applicable rules and regulations. All SCHOOL Council members are required to attend annual mandatory training that explains New Mexico Public Education Department rules, policies, and procedures, statutory powers and duties of charter school governing bodies, legal concepts pertaining to public schools, finance and budget and other matter deemed relevant by the NMPED. In particular, the SCHOOL Council recognizes that the following New Mexico statutes and rules are applicable to public charter schools and each member commits to take necessary steps to become familiar with these provisions:

- Charter Schools Act (NMSA 1978 §§ 22-8B-1 et seq.)
- School Personnel Act (NMSA 1978 §§ 22-10A-1 et seq.);
- Procurement Code (NMSA 1978 §§ 13-1-1 et. seq.);
- Open Meetings Act (NMSA 1978, §§ 10-15-1 et seq.);
- Public School Finance Act (NMSA 1978 §§22-8-1 et seq.)
- New Mexico Public Education Department regulations, (contained in Title 6 of the New Mexico Administrative Code).

To the extent SCHOOL has not specifically requested and been granted a waiver from a particular NMPED policy/regulation, those policies/regulations which have not been waived, shall apply.

4. GOVERNING COUNCIL POWERS AND RESPONSIBILITIES.

The primary powers and duties of the Governing Council are to:

- a. Develop operational policies for the School;
- b. Recruit, hire, oversee and annually evaluate the Principal;
- c. Review, approve and monitor implementation of the annual budget;
- d. Acquire, lease and dispose of property, both real and personal, to the extent permissible by laws applicable to public charter schools;
- e. Initiate lawsuits and take all necessary steps to protect and safeguard the reputation and interests of SVPS charter school;
- f. Authorize the repair and maintenance of all property over the amount of \$10,000;
- g. Enter into contracts consistent with the approved budget for any required service or activity in order to carry out the educational program described in the SVP charter, and as otherwise in accordance with the New Mexico Charter School Act as amended;
- h. Adopt rules and policies pertaining to the administration of all powers or duties of the Governing Council;
- i. Accept or reject any charitable gift, grant, devise or bequest. Each particular gift, grant, devise or bequest accepted shall be considered an asset of SVP;
- j. Approve amendments to the Charter prior to presentation to the authorizer for approval;
- k. Make application to the Public School Capital Outlay Council for capital outlay funds;
- l. Acquire and dispose of School property;
- m. Amend procedures provided for in the Bylaws from time to time, consistent with the mission of SVPS charter school;
- n. Delegate to the Principal the authority to implement the charter, policies and procedures, facilities plans, budget and such other directives and policies adopted by the Governing Council from time to time. The Governing Council shall not be involved in the day-to-day operations of the school.
- o. The Governing Council will have primary responsibility for the development and review of all major School policies; be a resource for problem resolution according to policies, procedures and appropriate protocol; and review recommendations submitted by the Principal and other Governing Council Advisors. Examples would include, but not be limited to, curriculum, budget development, and final approval of contracts;

- p. Promote a cooperative relationship with its charter authorizer; to function in accordance with the New Mexico Charter School Act and take steps to resolve any dispute which may arise between the School and its charter authorizer or the Public Education Department, to the benefit of the operation of the Charter School;
- q. Such other powers and duties as provided for by law.

5. REPRESENTATIONS BY INDIVIDUAL MEMBERS.

The Governing Council will not be bound by any statement or action on the part of any individual Governing Council member, unless the Governing Council, by majority vote in a properly convened meeting, delegates authority to that individual member to speak for or represent the entire Council. Unless acting pursuant to said expressly-delegated authority from the Council, no Council member shall undertake any individual action to implement any plan or action of the Governing Council. In the event a Governing Council member is assisting the Principal to implement school policies, programs or other directives of the Principal, the Governing Council member shall be considered a volunteer and have no special authority beyond that of a volunteer.

6. AMENDING GOVERNING COUNCIL BYLAWS.

Any section or subsection of the Governing Council Bylaws may be added, altered, suspended or revoked only by a 2/3 (two-thirds) of a quorum vote of the Governing Council.

7. COUNCIL MEMBERSHIP.

A. Positions on Council.

The Governing Council shall have no fewer than 5 (five), but no more than nine (9) voting members. The voting members of the Council may include, but are not limited to area business owners, local community members and / or parents of students enrolled @ SV Prep. The Council shall determine annually whether the make-up of the Council shall be increased or otherwise changed. However, in no event shall the number of voting Council members be less than five (5).

The Principal and the SVPS Business Manager shall serve as advisory to the Council but shall have no vote. This advisory role will be an inherent responsibility of the Principal's employment.

B. Qualifications.

The candidates for positions on the Governing Council shall be considered based upon professional skills and areas of expertise, including but not limited to legal, financial, real estate, education, business, workforce development. Potential members must also demonstrate collaborative and problem-solving skills and attitudes, an ability and willingness to devote substantial time and energy to serving on the Council (including the requirement that each Council member shall chair and regularly participate in the activities of at least one Council or school committee), and a willingness and ability to devote their time and energy to acting in the best interests of SVPS as a whole, rather than the interests of any particular interest group.

Insofar as possible, Governing Council members shall reflect the ethnic diversity that makes up the state of New Mexico.

C. Staggered Terms.

Terms and Council seats shall be staggered so that the Governing Council will not lose more than 60% of its members at one time. Each member will be elected by the Council for a 3-year term. Council members may serve subsequent terms.

D. Leadership Positions within the Governing Council

There shall be two (2) leadership positions within the Governing Council: Chair and Vice Chair. These Leadership positions are elected positions from within the Governing Council members. Prospective Chair and Vice Chair candidates will be nominated and then elected by the governing council members. The term shall be one (1) year.

E. Nominating and Recruitment Committee.

The Council shall appoint a standing Nominating Committee, which shall solicit applications for Council positions, recruit potential candidates, and screen applicants and recruits for each of the positions on the Council to be filled.

F. Nominating Petitions.

Any person who desires to be considered for one of the positions on the Council, shall submit a letter of interest to the Nominating and Recruitment Committee of the Council. At a Council meeting to be decided by the Council, the Council shall interview and vote as a whole to approve or disapprove any candidates for any open position(s). Approved candidates shall be seated as members of the Council for the relevant terms. If candidates for an open position are disapproved, the Council shall direct the Nominating and Recruitment Committee to develop a new slate of candidates for the open positions and shall hold another vote at a subsequent meeting. Those members whose position has expired shall serve until their positions are filled.

G. Restrictions on Council Members.

In no event shall any of the members of the Council be employees of SVPS, which shall for this purpose includes persons receiving compensation from the School as an independent contractor, nor shall they be spouses or other immediate family of another Governing Council member or of a School employee. In addition, Council members shall abide by the conflict of interest provisions set forth in NMSA 1978 §22-8B-5.2. Any candidate for Council membership who may be otherwise qualified except for his/her status as an independent contractor to SVPS, must choose either to withdraw his/her candidacy, or terminate his/her contractor status.

H. Recall of Council Members.

If at any time the Council shall receive a recall petition with respect to any member serving in an Elective Position, signed by at least seventy-five percent of the school community that includes parents and employees, the Council shall arrange for a recall vote to be held within thirty (30) days thereafter. School community members shall vote by ballot whether to remove a Council

member, and such member shall be recalled and removed from office if more than fifty percent (50) of the votes cast are cast for removal.

I. Resignation

A member shall state his/her intent to resign and the effective date of the resignation in writing to the Council Chair. A member's resignation shall be effective upon the date stated in the letter of resignation.

J. Vacancies.

A vacancy on the Council caused by a member's resignation, removal by vote of the Council, a recall, death, refusal to serve, or incapacity, will be filled by the process described in F, above.

K. Attendance

Governing Council members are expected to regularly attend Council meetings. If a Council member anticipates that he or she will not be able to attend a meeting, the Council member shall notify the Chair or designee of the Council of his or her impending absence in advance of the meeting. If a Council member, as a result of an emergency or illness, is unable to notify the Chair or designee of the Council in advance that he or she will be unable to attend a meeting, the Council member shall notify the Council Chair or designee in a timely manner following the meeting of the reason for his or her absence.

On occasion, Council members may attend Council meetings by conference telephone or similar communication equipment and upon prior arrangement through the Chair, if it is difficult or impossible for that member to attend the meeting in person. Each member participating telephonically must be able to be identified when speaking, all members must be able to hear each other of the same time, and members of the public attending the meeting must be able to hear any member of the Council who speaks during the meeting.

L. Removal from Council by Council.

A Council member may be removed by a majority vote of the remaining Council members for the following reasons:

1. If a member of the Governing Council misses three consecutive regular meetings or three out of six consecutive regular meetings, the position of such member may be declared vacant by a vote of a majority of the remaining members of the Council.
2. If a member of the Governing Council knowingly violates any policy or procedure adopted by the Governing Council, and after consideration by the remaining members the Council determines that such knowing violation has occurred, the position of such member may be declared vacant by a vote of a majority of the remaining members of the Council.
3. If a member uses his or her position to gain personally from the school, financially or otherwise, and after consideration by the remaining members the Council determines that such violation has occurred, the position of such member may be declared vacant by a vote of a majority of the remaining members of the Council.

M. Filling Vacancy upon Removal.

Any vacancy of a position on the Governing Council created pursuant to this section shall be filled in the same manner as other vacancies on the Governing Council are filled. Any member of the Governing Council who has his or her position declared vacant or vacated pursuant to this section shall not be eligible for election to the Governing Council until the term for which he or she was originally elected has expired.

8. Officers of SCHOOL Council

The officers of the SCHOOL Council shall be a Chair, a past-Chair, and a secretary/treasurer. SCHOOL may, by a majority vote, create different categories of officers without requiring an amendment to these bylaws. The duties of certain officers are set forth herein. When the incumbent of an office is unable to perform the duties thereof or when there is no incumbent of an office (both such situations referred to hereafter as the “absence” of the officer), the duties of the office shall, unless otherwise provided by the Council, be performed by the next officer set forth in the following sequence: Chair, past Chair, secretary/treasurer.

1 Election and Tenure. All officers shall be elected by a majority vote of the Council. Officers shall serve for one (1) year terms; and be limited to a maximum of two (2) consecutive terms. Regular election of officers shall take place at the first regular meeting of the SCHOOL Council in February of each school year or until their successors have been duly elected and qualified, or until their death, resignation or removal. Officers’ terms shall begin at the meeting immediately following the meeting of the Council at which the officer is elected.

2 Resignations and Removal. An officer may resign at any time by giving written notice to the Chair or to the secretary, the acceptance of such resignation shall not be necessary to make it effective. An officer may be removed by the vote of the Council whenever in its judgment the officer fails to perform the duty of his/her office or such other duties as appointed by the Council, or when the best interests of the School would be served thereby.

3 Vacancies. A vacancy in any office may be filled by a majority vote of the Council for the unexpired portion of the term of the officer being replaced.

4 Chair. The Chair of the Council shall preside at all meetings. She/he shall have the right, as other members of the Council, to make or second motions, to discuss questions, and to vote. The Chair of the Council may not take any action on behalf of the Council or SCHOOL without prior specific authority from a majority of the Council to do so. All communications addressed to the Chair shall be considered by him or her for appropriate action, which consideration may include consulting with legal counsel, and consideration by the Council. The Chair shall sign legal documents as required by law and perform such other duties as may be prescribed by the Council. It is the Chair’s responsibility to ensure that Council members uphold their commitments/responsibilities to the school. The Chair is responsible for compiling the topics for business to be placed on the agenda.

5 Past-Chair. The office of past Chair is created to ensure institutional continuity. If the past-Chair resigns from the Council, the Council shall elect a vice-Chair. The officer in this position shall perform the duties of the Chair in the absence of the Chair or at the request of the Chair. In the event a vacancy occurs in the presidency, the past-Chair or vice-Chair will act in the capacity of the Chair until the office has been filled by a vote of the Council membership.

6 Secretary/Treasurer. The secretary/treasurer shall be familiar with the fiscal affairs of the School and keep the Council informed thereof in the event that the school’s

Business Manager is unable to so act. He/she will have knowledge of public school finance laws, rules and policies and shall serve as the chair of the SCHOOL's Finance Committee and Audit Committee. He/she shall attend the PED Spring Budget Workshop and/or any other financial regulatory training recommended by the Council, Principal or the Business Manager. As secretary to the Council, this office shall keep the minutes of the Council meetings, subject to the direction of the Chair, ensure that all notices are given in accordance with the provisions of the charter, Council policies and as required by law; shall countersign, when required, all authorized contracts, deeds, leases, or other legal instruments; and in general perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to the secretary by the Council. The Council may appoint a designee to assist with the responsibilities of the Secretary as described herein, including recording and transcribing the minutes of the meetings, posting notices and agendas and preparing packets for the Council's review. The secretary will review the minutes prior to presentation to the Council for approval. The secretary or the Council's designee shall be responsible for presenting the minutes to the Council at meetings.

7 Compensation. The officers shall not be compensated for their services; however, they may be compensated for reasonable expenses in accordance with the New Mexico Mileage and Per Diem Act.

8 Directors and Officers Insurance. The Council may secure officers and directors insurance in excess of the coverage provided by the New Mexico Public School Insurance Authority upon appropriate approval of the Council and if provided for in the school's approved budget.

9. CONFLICT OF INTEREST POLICY

A. General Principles

All Council members have a duty of loyalty and a duty of care towards SVPS charter school. It is the responsibility of all Governing Council members to conduct themselves in accordance with the highest standards of integrity, honesty, and fair dealing to preclude conflict between the interest of SVPS and the personal interests of the Governing Council member. Likewise, it is the responsibility of the school to conduct all its business and operations impartially in accordance with all laws and in conformity with the highest ethical and professional standards. All hiring and other transactions imposing financial and/or legal obligations on the school shall be made with the best interests of the school as the foremost consideration.

The Council also recognizes that the ultimate success of the School depends upon the active participation, cooperation and collaboration of parents, volunteers, employees, Governing Council members and students. Sometimes the best interests of SVPS charter school may involve the creation of relationships that might create an appearance of impropriety or potential for abuse of position, if not carefully evaluated by disinterested parties. The Council therefore has established this policy to guide Governing Council members in their actions or relationships, so that they will avoid the appearance of having their judgment or the performance of their duties compromised.

B. Conflict of Interest Definition

A conflict of interest occurs whenever a Governing Council member permits the prospect of direct or indirect personal gain (or gain to a relative or Related Entity) to influence improperly his or her judgment or actions in the conduct of SVPS. It is not practical to specify every action that might be considered to raise a conflict of interest. Consequently, Council members should immediately disclose to the Council any circumstance that may give rise to a conflict of interest, or the appearance of a conflict of interest. Potential or actual conflicts of interest must be avoided unless the Council member has brought the issue before the Council for consideration and the Council voted to approve it in an open meeting, with the affected member recusing him/herself.

The following are prohibited conflicts of interest and may not be overcome by Council consideration and vote:

Hiring a Governing Council member's immediate family member (as defined in NMSA 1978 22-8B-5.2 and -10) as an employee, whether full-time or part-time.

Acquiring, leasing, and selling any property, facilities, materials, or contract services (e.g., financial, legal, public relations, and computer) under circumstances in which there is direct or indirect compensation to a Governing Council member or his/her immediate family member or a Related Entity of the member.

Using confidential information acquired by virtue of a member's association with the School for their individual or another's private gain.

Requesting or receiving and accepting a gift or loan for themselves or another that tends to influence them or appear to influence them in the discharge of their duties as Council members.

Influencing or having the appearance of influencing business with suppliers to SVPS, which results in the financial benefit to a Governing Council member, his or her immediate family members or a Related Entity.

C. Deliberations and Voting on Conflict Issues:

In order to avoid conflicts of interest and the appearance of impropriety Council members shall not participate in open meeting or Closed Session deliberations or votes relating to the discipline of (i) himself or herself; (ii) any relative of the Council member; or (C) any transaction between SVPS and any Related Entity of the Governing Council member. "Closed Session" shall mean any portion of a Governing Council meeting that is properly closed to the public in accordance with the provisions of the state Open Meetings Act.

D. Violation of Conflict of Interest Policy.

Upon discovery of a possible infraction of the established SVPS conflict of interest policies, the discovering party is required to immediately notify the Governing Council Chair, Principal, and all Council Members. A Special Governing Council Meeting must be immediately scheduled to consider the matter. In the event the Governing Council decides that a SVPS employee, Governing Council member, or volunteer has violated the conflict of interest rules or otherwise

abused or attempted to abuse his or her position at SVPS, the shall review and recommend appropriate action.

E. Per Diem and Mileage Act Payments

Nothing in this procedure shall prevent SVPS from paying compensation to a Council member for reasonable expenses incurred. All such compensation shall be paid in compliance with the New Mexico Per Diem and Mileage Act.

F. Disqualifications/Nepotism Rule

In no event shall a Council member be a SVPS employee, spouse of another Council member, or have a contract for provision of services or property with SVPS. The Council will not initially employ as Principal a person who is a Council member (unless the offer of employment is contingent upon such member's resignation from the Council), the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, or daughter-in-law, sister, sister-in-law, brother, brother-in-law, or sibling (collectively "family members") of any Council member. Upon petition by the Principal, the Council may approve the Principal's hiring of the Principal's family members as School employees by majority vote at a public meeting. Prior to approving the Principal's request to hire said individual, the Council shall carefully consider the potential impact on the integrity, efficiency, discipline and public perception of SVPS in the employment of any person who is a family member of the Principal or the parent of a currently enrolled SVPS student.

10. MISUSE OF POSITION.

No Council member will use his/her position to attempt to influence any employee to grant special treatment to (a) the child or ward of such Council member, (b) any relative of such Governing Council member, or (c) any "Related Entity". For purposes of these Bylaws, a "Related Entity" is a business enterprise, nonprofit organization or other entity with respect to which such Governing Council member, or a relative of such Governing Council member (i) has a direct or indirect financial interest; (ii) is an officer or director; or (iii) is otherwise in a position to control the management or decision-making of such entity. Every Council member and every SVPS employee who is a parent or guardian of a SVPS student shall inform his or her child that he or she is required to follow all rules, policies and procedures applicable to SVPS students, that he or she is not entitled to special treatment by virtue of the relationship with a Council member or employee, and that any attempt to seek such special treatment may result in disciplinary action.

11. COUNCIL COMMITTEES.

The Council shall establish a standing Finance Committee and a standing Audit Committee. The Council may establish other standing committees, which may consist of Council members and non-Council members. Committee assignments and chairmanships will be determined by action of the entire Council, provided that at least one Council member shall serve on each committee. All Council members may attend any committee meeting if the meetings are properly noticed pursuant to the Open Meetings Act. In addition, the Principal is empowered to establish committees within the school that report to the Principal or, if necessary, report to the Governing Council. The function of committees will be fact-finding, deliberative, and advisory, rather than

legislative or administrative. Committee recommendations that require school-wide policy changes must be submitted to the Council. The responsibility of each committee shall be reflected in a memorandum approved by the Council and filed with these policies.

The Council may appoint ad hoc advisory committees when and as determined to be necessary or advisable by the Council. Ultimate authority to make decisions will continue to reside with the Council.

All committees shall keep written minutes of their meetings, and shall periodically present written reports to the Council containing committee recommendations. Any committees at which a quorum of Governing Council members is present shall comply with the Open Meetings Act. At no time shall a Governing Council Committee act or vote on behalf of the Governing Council as a whole without prior written approval by the full Council to do so; in such case, the committee meeting must be noticed and conducted pursuant to the Open Meetings Act.

a. Finance Committee

The Finance Committee shall at all times be a standing committee of the SVPS Governing Council, consisting of at least two (2) Governing Council Members (the Treasurer shall be one of the Members and shall serve as Chair), the Administrator, and the Business Manager. The Finance Committee make recommendations to the Governing Council in the following areas:

- financial planning, including reviews of the school district's revenue and expenditure projections;
- review of financial statements and periodic monitoring of revenues and expenses;
- annual budget preparation and oversight;
- procurement; and
- serve as an external monitoring on budget and other financial matters.

b. Audit Committee

The Audit Committee shall at all times be a standing committee of the SVPS Governing Council. Along with two (2) Governing Council Members, the committee will consist of: one (1) parent volunteer; and one (1) volunteer member with accounting or financial experience. The Administrator and Business Manager shall serve as ex-officio members of the committee. The Audit Committee shall:

- evaluate the request for proposal for annual financial audit services;
- recommend the selection of the financial auditor;
- attend the entrance and exit conferences for annual and special audits;
- meet with external financial auditors at least monthly after audit field work begins until the conclusion of the audit;
- be accessible to the external financial auditors as requested to facilitate communication with the Governing Council and the Administrator;

- track and report progress on the status of the most recent audit findings and advise the Governing Council on policy changes needed to address audit findings;
- provide other advice and assistance as requested by the Governing Council; and
- be subject to the same requirements regarding the confidentiality of audit information as those imposed upon the Governing Council by the Audit Act [[12-6-1](#) through [12-6-14](#) NMSA 1978] and rules of the state auditor.

12. COUNCIL ORGANIZATIONAL MEETING.

The Permanent Governing Council held its first annual organizational meeting during the first regular Council meeting in the Fall of 2009.

13. REGULAR COUNCIL MEETINGS.

Regular meetings of the Council will be scheduled for the Fourth Tuesday of each calendar month. The date and time of regular meeting may be changed by action of the Council, provided notice of the change has been properly published as required by the Open Meetings Act. Council meetings will be held at a location determined by the Council, pursuant to the Council's Open Meetings Act Annual Notice Resolution. A special Council meeting may be called by the Council Chair, or by a quorum of Council members. Advance notice of a special meeting will be given to all Council members in accordance with the Open Meetings Act (NMSA 1978, Section 10-15-1).

The Council shall consider at least once annually what constitutes reasonable notice for all regular, special and emergency meetings as contemplated by the New Mexico Open Meetings Act and, thereafter, pass an appropriate resolution adopting policies and procedures for complying with the Act. The Resolution shall be posted for public information.

Additional notification of meetings shall be sent to the Teacher's Representative, the PTA/PTO parent organization executive, and posted on the SVPS website for community access in accordance with the New Mexico Open Meetings Act.

14. COUNCIL AGENDA.

The Chair or Vice Chair designee sets council agendas. A request to have an item placed on the agenda must be submitted to the Chair at least 24 hours prior to the required time the agenda must be posted. The Chair shall have the discretion to add agenda items up to the time the agenda must be posted. A request to have an item placed on the agenda must be made in writing and include all documents and materials the person anticipates presenting. The Chair or designee shall provide a copy of the agenda and all documentation to be considered by the Council at the meeting to each Council member at least 72 hours prior to the meeting.

15. COUNCIL AND COMMITTEE DELIBERATIONS.

All Council members shall work collaboratively with each other, with the sole goal of achieving the SVPS educational mission. The Council has been constituted so as to include a broad spectrum of experience and perspectives, and every Council member shall be afforded the opportunity to express his or her opinion, in a professional manner, about matters before the

Council. Council members shall refrain from non-constructive or personality-based comments that do not advance SVPS mission. Because the Council makes decisions as a deliberative body, it is expected that, except in extraordinary circumstances, Council members will voice their opinions to other Council members about Council matters in the context of Council and/or committee meetings, rather than in private communications among Council members.

Council members shall be expected to keep confidential any deliberations or discussions that take place in the closed session meetings. It is expected that Council members will raise concerns or share information about closed session meetings within the context of Council and/or other committee meetings with other members of the Council and appropriate staff members only.

16. ADDRESSING THE COUNCIL.

An individual may speak at a Council meeting on any item(s) that appears on the adopted agenda after being recognized by the Chair, or in his or her absence, the acting chair, of the Council. All presentations should be brief and each individual speaking on an agenda item will be limited to three (3) minutes, unless otherwise instructed by the Chair

Complaints about individual employees will not be heard at Council meetings or at community meetings, but should be raised pursuant to the general complaint/grievance policy adopted by the Council.

17. COUNCIL MINUTES.

A record of all actions of the Council will be set forth in the official minutes of the Council and shall be kept in accordance with the Open Meetings Act. The minutes and recordings will be kept on file pursuant to New Mexico record retention requirements at a minimum. The Council will maintain a separate handbook of its minutes and resolutions passed by the Council.

The Principal, or administrative staff to whom the Principal shall delegate such responsibility, shall take the minutes of all Council meetings in accordance with the Open Meetings Act, and provide a written copy thereof for approval at the next Council meeting. The Principal shall also supervise the handbook of resolutions passed by the Council and the indexed record of action. A draft copy of the minutes shall be made available for public review by no later than 10 days after each meeting of the Council. Minutes shall be approved at the next regularly scheduled meeting of the Council.

19. PARLIAMENTARY AUTHORITY/QUORUM.

Roberts' Rules of Order, newly revised, will govern the Council, except when in conflict with applicable laws or regulations, which then prevail.

Unless otherwise specified by Council policy, procedure or resolution, a quorum shall consist of a simple majority of Council members in office, and any action may be taken upon the approval of a majority of those members present, provided a quorum is present. The Governing Council will adhere to all requirements of the Open Meetings Act.

20. ALTERNATIVE DISPUTE RESOLUTION PROGRAMS.

The Council recognizes the existence and effectiveness of alternative dispute resolution programs. Use of alternative dispute resolution programs can result in the early, fair, efficient,

cost effective, and informal resolution of disputes. Appropriate use of alternative dispute resolution methods is hereby determined to be in the best interest of the charter school. The Governing Council shall publish a thorough and concise set of dispute resolution policies and provide them in the appropriate school policy publications as they apply

21. POLICY ADOPTION.

Adoption of new policies or the revision or repeal of existing policies is solely the responsibility of the Council. Proposals regarding policies may only originate with a Council member, Council advisors, or committees formed by the Council for the purpose of investigating and developing policy. Staff members, students, civic groups, parents or other interested citizens may request that a Council member or the Principal sponsor a proposed policy.

The Council will adhere to the following described procedure in considering and adopting policy proposals to ensure that such proposals are thoroughly examined before final action. After review, the Governing council will make such proposed policies available for public comment by staff members, students, civic groups, parents or other interested citizens, for a period of at least seven (7) days. Notice of such proposed policies shall be included in SVPS newsletter and/or posted in a prominent location at the school. Upon request, the Principal shall make copies of the proposed policies available to interested parties. Comments on the proposed policies must be submitted in writing to the Principal by the deadline specified by the Council. Following such public comment period, the Council shall consider any comments received and determine whether changes to the initial draft policies should be implemented. After such consideration by the Council, and adoption of any recommended changes, the Council shall present its final recommended policies or revisions. The public comment process shall apply to all policies proposed by the Council after the date these Bylaws are first adopted by the Council.

22. SIGNATORY AUTHORITY

Unless otherwise revised by a Governing Council resolution, all contracts entered into by the Charter School shall be signed by the Council Chair and/or the Principal with the consent of a quorum of the Council members. The Council members shall from time to time establish the dollar limits of checks and contracts requiring the signatures of more than one authorized person. The Governing Council may by a majority vote, delegate authority to sign contracts within a certain dollar amount as described by resolution, to the Principal.

23. INSURANCE, BORROWING AUTHORITY, FUND DEPOSITS, MISCELLANEOUS

A. Insurance. The school shall purchase and maintain insurance for all past or present employees, volunteers, and Council members for their activities while acting on behalf of or in the service of SVPS.

B. Authority to Borrow, Encumber Assets. No governing council member, officer, agent or employee shall have any power or authority to borrow money on the school's behalf, to pledge its credit or to mortgage or pledge its real or personal property.

C. Deposit of Funds. All funds shall be deposited to the credit of the school in such banks, trust companies or other depositories as the governing council may approve or designate, and all such funds shall be withdrawn only in the manner or manners authorized by New Mexico Public School Finance Act, or other applicable law or regulation.

24. DISSOLUTION.

If deemed advisable by the Council that South Valley Preparatory School should be dissolved, the Charter School in collaboration with the Public Education Commission and the New Mexico Public Education Department shall devise an appropriate plan for closing the school and transferring assets as required by applicable statutes and regulations.

CERTIFICATE OF ADOPTION

The undersigned officers hereby certify that these Bylaws were duly adopted by South Valley Preparatory School Governing Council on _____, 2010.

By: _____
Chair

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