PUBLIC EDUCATION COMMISSION

RULES OF ORDER

I. COMMISSION: ESTABLISHMENT AND AUTHORITY

A. Constitutional Framework: The Public Education Commission (the "Commission" or "PEC") is an elected body established pursuant to Article XII, Section 6 of the New Mexico Constitution.

B. Creation Authority, Committees: The Commission may establish committees, standing or ad-hoc, as it shall from time to time deem necessary to carry on its work. Standing committees may only be created by the Commission as a whole upon a majority vote during a regularly scheduled meeting of the body. Ad-hoc committees may be formed at discretion of the Chairperson or by a majority vote of the Commission. Committee members shall be appointed by the Chairperson. The Chairperson shall be an ex officio member of all committees. If a quorum is reached, committee meetings shall be in compliance with the Open Meetings Act.

C. Effective Dates: These Rules shall become effective upon their adoption by the Commission. Rules of Order shall be presented to and adopted by the Commission at the annual meeting of each year. Rules of Order adopted by the Commission shall remain in effect unless suspended by a two-thirds vote of the Commission during a scheduled meeting or the adoption of new Rules at the annual meeting of the year or as otherwise amended at the discretion of the Commission during a properly noticed open meeting.

II. MEMBERS: DUTIES AND CONDUCT

A. Duties of Commission Members ("Commissioners"):

1. It is the policy of the Commission to encourage the active participation of all Commissioners in all aspects of the Commission's activities, including active service in the leadership. Commissioners are expected to attend all regular, special, and emergency Commission meetings.

2. Commissioners are expected to educate themselves regarding issues and requirements concerning education in New Mexico. Commissioners are further expected to avail themselves of educational opportunities to keep abreast of such issues, including training conducted by the Public Education Department (the "Department" or "PED") and trainings for local school board members.

3. It is expected that Commissioners will express themselves both as individuals and as representatives of the Commission. When a Commissioner expresses an opinion or articulates a position on an issue related to Commission business, the Commissioner shall clearly state whether he or she is speaking as an individual or as a representative of the Commission. Unless otherwise delegated by the Commission, the Chairperson shall act as the default representative of the Commission.

B. Code of Conduct:

1. The Commission, and each Commissioner, is expected to conduct business in a professional manner with respect between and among individual Commissioners. The expectation of respectful behavior extends to interactions with members of the public and with PED staff.

2. When appropriate, each Commissioner should use the services of the Department in answering questions from his or her constituents or in resolving problems arising within his or her district. Commissioners who receive inquiries from constituents other than their own shall refer the matter to the appropriate Commissioner. Responses to inquiries addressed to or affecting the Commission, as a whole, shall be coordinated by the Chairperson.

C. Conflict of Interest:

No Commissioner shall engage in any activity which gives rise to a conflict of interest or the appearance of a conflict of interest with the performance of his or her duties as a Commissioner. Commissioners are subject to the provisions of the Governmental Conduct Act (Section 10-16-1 et seq. NMSA 1978); and the Financial Disclosure Act (Section 10-16A-1 et seq. NMSA 1978). It is unlawful for a public officer or employee to take an official act for the primary purpose of directly enhancing his own financial interest or financial position, nor shall a Commissioner vote on a question in which the member has a direct personal or pecuniary interest not common to other members of the Commission.

III. OFFICERS: SELECTION AND DUTIES

A. Officers:

1. Chairperson.

a. The Chairperson shall call to order and preside at Commission meetings pursuant to the Commission's adopted parliamentary rules and all applicable regulations. To address the Commission, a Commissioner or member of the public must be recognized by the Chairperson. The

Chairperson shall rule on motions, control the floor of debate, and conduct meetings in a manner to maintain decorum and provide adequate debate.

b. The Chairperson may appoint ad hoc committees of the Commission pursuant to these Rules of Order.

2. Vice-Chairperson. The Vice-Chairperson, in the absence of the Chairperson or at the request of the Chairperson in his or her place, shall serve in the interim as Chairperson and assume such powers and duties thereof.

3. Secretary of the Commission ("Secretary").

a. The Secretary will call the role, including roll call votes, at each Commission meeting and perform other duties as otherwise established or agreed upon with the Chairperson.

b. The Secretary, in consultation with the Chairperson, is ultimately responsible for the production and maintenance of minutes from each Commission meeting. Production and maintenance of minutes may be delegated under the direction of the Secretary.

c. The Secretary, in the absence of the Chairperson and Vice-Chairperson or at the request of the Chairperson, shall serve in the interim as Chairperson and assume such powers and duties thereof.

B. Selection of Officers:

1. Officers shall be elected at the annual meeting of the calendar year. Officers shall be elected for a term of one (1) year and will serve until the annual election the subsequent calendar year, except in the case of resignation or removal from office. The acting Chairperson shall preside over the election unless the duty is delegated to another officer. In the event the acting Chairperson accepts a nomination, he or she shall delegate the duty to preside over the election of the position in which the acting Chairperson is being considered for.

2. The Chairperson shall be elected first, followed by the Vice-chairperson and Secretary. Nothing shall prohibit a member from running for more than one officer position so long as no member accepts or serves in more than one position at a given time.

3. Each position requires a nomination. Nominations may either be offered by another member of the commission or by self-nomination. The nominated Commissioner shall either accept or decline the nomination. No second is required for a nomination.

After nominations are closed, Commissioners shall record their votes in a manner consistent with the Open Meetings Act. Officers shall be elected by a majority vote. In the event that no candidate receives a majority, a runoff vote shall be conducted between the two (2) candidates receiving the greatest number of votes. In the event that a tie persists after three (3) ballot attempts to elect any officer, the winner shall be decided by an equal game of chance, such as a roll of dice, or card draw.

4. Officers elected at an annual meeting shall take office upon the conclusion of the meeting. Officers elected at any other meeting shall take office immediately upon election.

5. Any vacancies shall be filled pursuant to the rules above at the next regular commission meeting so long as such notice is provided pursuant to the Open Meetings Act.

IV. EXECUTIVE COMMITTEE:

A. Membership and Organization: The Executive Committee shall be composed of the officers of the Commission.

B. Responsibilities: The Executive Committee will perform the following:

1. Perform governmental relation functions on behalf of the Commission.

2. Assist the Commission in making policy recommendations to the Secretary of Public Education regarding legislative initiatives in support of public education.

3. Meet with the Commission's assigned legal counsel to request and receive legal advice on behalf of the Commission.

4. Any other function delegated to it by the Commission or Chairperson.

V. MEETINGS:

A. Annual Meeting: The annual meeting shall be the first regular meeting of each calendar year. The Commission shall adopt Rules of Order and conduct officer elections at the annual meeting. If the Commission is unable to adopt new Rules of Order the most recent Rules of Order shall carry effect until new rules are adopted at the Commission's earliest opportunity. If unable to conduct an election, the prior year's officers shall serve until an election can be conducted at the Commission's earliest opportunity.

B. Regular Meetings: The regular meetings of the Commission shall be held each month unless otherwise ordered by the Commission. The Commission should establish the dates of the regular meetings for the

year at or soon after the annual meeting. The Commission shall comply with minimum meeting requirements pursuant to NMSA 1978, Section 9-24-9 (2004).

C. Special Meetings: Special meetings may be called by the Chairperson or upon the written request or vote of a majority of the Commission.

D. Executive Session: The Commission may hold executive (closed) sessions as provided by the Open Meetings Act.

E. Quorum:

1. Per statute, a majority of the total membership of the Commission at the time of a meeting shall constitute a quorum.

2. Commissioners may attend meetings as voting members by conference telephone and their attendance shall count towards the quorum under the following circumstances:

a. Telephonic attendance must be requested and approved by the Chairperson.

b. Telephonic attendance must comply with the Open Meetings Act and shall only be permitted when circumstances have occurred that would make attendance in person difficult or impossible.

c. Even if permitted by the Chairperson, telephonic attendance cannot be permitted, per the Open Meetings Act, if each member participating by conference telephone cannot be identified when speaking, all other attending Commissioners are not able to hear each other at the same time, and members of the public attending the meeting are not able to hear the Commissioner(s) attending by telephone. If technological malfunctions prevent all members from hearing each other or from the public hearing the telephonically attending member(s), then the telephonically attending member(s) must be withdrawn from further participation until the malfunction is corrected. The record of the Commission will reflect these circumstances if they occur.

d. The Chairperson or designee shall provide PED with as much advance notice as possible of any Commissioners who will be attending an upcoming meeting by telecommunication equipment so that appropriate arrangements may be made.

F. Public Notice:

1. Open Meetings Act. The Commission shall comply with all requirements pursuant to the New Mexico Open Meetings Act, NMSA 1978, Sections 10-15-1 et. seq.

2. Agenda. Commissioners are encouraged to request and suggest agenda items and communicate such items directly to the Chair.

3. Minutes. Minutes shall be kept of all Commission meetings in accordance with the Open Meetings Act. The task of preparing the minutes may be delegated, but the Commission must formally approve all minutes before they become an official record of the body.

G. Public Comment:

1. An individual or representative of an organization seeking to address the Commission may make a written request to the Chairperson at least fifteen (15) business days prior to the start of the meeting. The decision to include the request on the meeting agenda shall be determined at the discretion of the Chairperson or by motion of a majority of the Commission. Scheduled public comments shall be allotted one (1) speaking period of five (5) minutes to address the Commission, unless otherwise determined by the Commission.

2. An individual or representative of an organization who desires to speak and is not included in the agenda may speak during the "Public Comment" period. The Commission will endeavor to include an opportunity for public comment during each regular meeting. Each unscheduled public comment shall be allotted one (1) speaking period of four (4) minutes to address the Commission, unless otherwise determined by the Commission or Chairperson.

3. The Chairperson shall allow for public comments under the following parameters:

a. establish and maintain consistent time limitations for presentation;

b. discourage, and, if necessary, rule multiple or repetitious presentations out of order; and

c. rule out of order presentations that are a matter of pending litigation, disruptive to the conduct of the meeting, outside the Commission's scope of business or authority, or contain information that is confidential under applicable law.

H. Action by the Commission; Voting:

1. Action. The Commission shall proceed by motion. Any Commissioner, including the Chairperson, may make a motion. Motions require a second by another Commissioner before debate or a vote, except as otherwise adopted by the Commission.

2. Debate.

a. After a motion is seconded, the Chairperson shall restate the motion and then open the floor for debate.

b. The Chairperson shall recognize all Commissioners who wish to engage in the debate in the order in which they indicate a desire to address the body.

c. The Chairperson is granted the discretion to continue debate and to disallow points off topic. Once recognized, any Commissioner may make a motion to "call the question", thereby ending debate. To carry, such motion must be passed by a two-thirds (2/3) majority of the members in attendance.

3. Voting.

a. The Chairperson shall call for the negative vote, no matter how unanimous the affirmative vote may appear.

b. It is the duty of each Commissioner who has an opinion to express it by vote. Each Commissioner is entitled to one (1) vote and may not delegate voting rights to any other person. Although a member cannot be compelled to vote, abstentions generally should be the exception.

i. No member should vote on an issue in which he or she has a direct personal or pecuniary interest not common to other members of the Commission.

ii. Any abstention shall be noted to the body.

iii. Abstentions shall not be counted in the tally of the vote unless the vote requires approval based on the number of the entire body.

c. Roll Call Votes. When required, roll shall be called by the Secretary or, in the absence of the Secretary, a Commissioner as designated by the Chairperson, and the vote of each Commissioner shall be announced and noted in the record.

d. With the exception of an abstention which must be noted before a vote, a Commissioner may explain their vote only

after the conclusion of voting and once the result has been announced.

e. Division. Any member may verify a voice vote or vote by a show of hands by calling "division" during or immediately thereafter a vote.

I. Inclement Weather Policy:

1. It shall be the policy of this Commission, with respect to inclement weather delays and closures, to follow the schedule of the local school district within which the meeting is being held. For example, should a meeting be held in Santa Fe and the Santa Fe Public School District be on a two hour delay due to inclement weather, the meeting of this Commission shall also be on a two hour delay or shall start at 10 a.m., whichever is later.

2. However, in the event of a closure in the local school district due to inclement weather the meeting of the Commission is deemed canceled, and shall be rescheduled and noticed in compliance with the Open Meetings Act.

VI. PARLIAMENTARY AUTHORITY

The Commission may adopt parliamentary procedures, policies, and practices. The Chairperson has the authority to employ parliamentary methods at his or her discretion, whether consistent with *Robert's Rules of Order* or otherwise, so long as not to conflict with applicable Rules or laws.

VII. PER DIEM AND MILEAGE

A. Each Commissioner shall be reimbursed for travel expenses incurred in the discharge of official duties as provided in the Per Diem and Mileage Act and regulations issued pursuant thereto.

B. Public funds shall be paid out under the Per Diem and Mileage Act only upon presentation of a duly executed voucher, together with any required receipts attached thereto.

C. Out-of-State Travel:

a. Extent of out-of-state travel will be subject to budgetary availability and approval of a simple majority of the Commission

VIII. EFFECTIVE DATE, AMENDMENTS, AND REVISIONS

A. The Executive Committee may initiate amendments or revisions to the Rules of Order by recommending placement of the item on the agenda. The text of such proposed amendments or revisions shall be provided in writing so as to inform the Commission of the changes proposed.

B. Amendments to the Rules of Order may be proposed by any Commissioner. Upon receipt of such proposal the Chairperson shall include notice of the proposed changes on the agenda.

C. Proposed amendments or revisions shall not be acted upon until a subsequent meeting of the Commission unless the Rules are suspended by an affirmative vote of six (6) Commissioners and notice has been given in accordance with the provisions of the Open Meetings Act.

D. These rules may be amended by a simple majority of the members attending the meeting at which the vote is conducted.

E. These Rules shall become effective upon adoption by the Commission.

F. Amendments shall become effective upon adoption by the Commission.