BEFORE THE PUBLIC EDUCATION COMMISSION
OF THE STATE OF NEW MEXICO

OPEN MEETINGS RESOLUTION

WHEREAS, the New Mexico Public Education Commission ("Commission") convened a regular meeting at the Indian Pueblo Cultural Center, located at 2401 12th St. NW, in Albuquerque, New Mexico on Friday, February 12, 2016; as required by law; and

WHEREAS, Section 10-15-1(B) of the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1 to -4) (1974, as amended through 2013) ("Open Meetings Act") requires that, except as otherwise provided in the New Mexico Constitution or the Open Meetings Act, all meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires that any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the Commission is in attendance, and any closed meetings, shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act further requires that the Commission determine what notice constitutes reasonable notice of its public meetings at least annually in a public meeting, and that such determination is to include broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for such notice;

NOW, THEREFORE, BE IT RESOLVED by the Commission that:

1. Regular meetings shall occur at 9:00 a.m. each month, at the Jerry Apodaca Education Building, located at 300 Don Gaspar in Santa Fe, New Mexico, or as otherwise indicated on the meeting notice. The agenda for a regular meeting shall be available to the public at least seventy-two (72) hours prior to the meeting through the Commission's Liaison, at the Jerry Apodaca Education Building, located at 300 Don Gaspar in Santa Fe, New Mexico, and online via the Commission's website. Meeting agendas can be accessed electronically at the address below:

   http://ped.state.nm.us/ped/PECIndex.html

2. All regular meetings shall be noticed as set forth in paragraphs 5 and 7, below.

3. Special meetings may be called by the Chairperson or a majority of Commission members upon seventy-two (72) hours notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two (72) hours before any special meeting commences through the Commission's Liaison, located at the Jerry Apodaca Education Building, located at 300 Don Gaspar in Santa Fe, New Mexico and online via the Commission's website, as indicated above.

4. Emergency meetings may be called only under unforeseen circumstances that, if not addressed immediately by the Commission, will likely result in injury or damage to persons or property or substantial financial loss to the Commission. The Commission will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairperson or a majority of Commission members upon twenty-four (24) hours notice, unless the threat of injury or damage to persons or property or substantial financial loss to the Commission requires less notice. Within ten (10) days of taking action on an emergency matter, the Commission shall report to the Office of the Attorney General the action taken and the circumstances creating the emergency; provided that the requirement to report to the Attorney General is waived upon the declaration of a state or national emergency.

5. For the purposes of regular meetings described in paragraph 1 of this resolution, notice requirements are satisfied if notice of the date, time, and place of the meeting: (1) is placed in newspapers of general circulation in the state; (2) is available at the Jerry Apodaca Education Building, located at 300 Don Gaspar in Santa Fe, New Mexico; and, (3) is posted on the Commission's website, as indicated above. A member of the Public Education Department staff shall also mail copies of the meeting notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of the Commission's meetings.

6. For the purpose of special meetings and emergency meetings described in paragraph 3 and 4 of this resolution, notice requirements shall be satisfied by: (1) posting notice of the date, time, place of the meeting at the Jerry Apodaca Education Building, located at 300 Don Gaspar in Santa Fe, New Mexico; (2) posting notice of the date, time and place of the meeting on the Commission's website, as indicated above; and, (3) by providing telephonic notice of the date, time, place of the meeting to newspapers of general circulation in the state. A member of the Public Education Department staff shall also provide telephonic notice of the date, time and place of the meeting to any broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of the Commission's meetings.

7. In addition to the information specified above, all notices shall include the following language:

Individuals with disabilities who need any form of auxiliary aid to attend or participate in this meeting, please contact the Public Education Commission Liaison at (505) 827-6661 by (eight days prior to regular meeting date). Upon request public documents will be provided in the accessible form necessary to the individual requesting the particular auxiliary aid.

8. A member of the Commission may participate in any Commission meeting by means of a conference telephone or other similar communications equipment only when it is otherwise difficult or impossible for the Commission member to attend the meeting in person. A Commission member may participate in a Commission meeting pursuant to this paragraph so long as: (1) the Commission member participating pursuant to this paragraph is identifiable when speaking; (2) all participants are be able to hear each other at the same time; and, (3) members of the public attending the meeting are able to hear any Commission member who speaks during the meeting.

9. The Commission may close a meeting to the public only if the subject matter of discussion or action to occur in the closed meeting is exempted from the open meeting requirement under Section 10-15-1(H). Procedures for closing a meeting to the public are as follows:

    a. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Commission taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.

    b. If the decision to hold a closed meeting is made when the Commission is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the Commission members and to the general public.

    c. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion for closure or the notice for the closed meeting.

d. Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Commission in an open public meeting.

Passed and adopted by the New Mexico Public Education Commission this 12th day of February, 2016.

NEW MEXICO PUBLIC EDUCATION COMMISSION

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Vince Bergman
Commission Chair