

**BEFORE THE PUBLIC EDUCATION COMMISSION  
OF THE STATE OF NEW MEXICO**

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**OPEN MEETINGS RESOLUTION**

**WHEREAS**, the New Mexico Public Education Commission (hereafter, “Commission”) convened a regular meeting virtually via Zoom Webinar in compliance with the NM COVID Public Health orders and New Mexico Office of Attorney General guidance <https://www.newmexico.gov/2020/03/17/open-government-division-advisory-during-covid-19-state-of-public-health-emergency/> on Friday, January 15, 2021; and

**WHEREAS**, The Open Meetings Act, Sections 10-15-1 to 10-15-4 NMSA 1978, (hereafter, “Open Meetings Act”) more specifically Section 10-15-1(B) NMSA 1978 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, in Mabry Hall at the Jerry Apodaca Education Building, located at 300 Don Gaspar in Santa Fe, New Mexico, or as otherwise may be 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 Secretary, Commission’s Liaison, and online via the Commission’s website. Meeting agendas can be accessed electronically at: <https://webnew.ped.state.nm.us/bureaus/public-education-commission/2021-public-education-commission-meeting-information/>.
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 Secretary, Commission's Liaison, located at the Jerry Apodaca Education Building, 300 Don Gaspar in Santa Fe, New Mexico and online via the Commission's website, <https://webnew.ped.state.nm.us/bureaus/public-education-commission/2021-public-education-commission-meeting-information/>.

4. Emergency meetings may be called 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 or Commission-authorized school. 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 or Commission-authorized school requires less notice. Within ten (10) days of taking action on an emergency matter, the Commission shall report to the Attorney General's Office 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, and an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of the agenda: (1) is sent electronically to newspapers of general circulation in the state; (2) is available from the Commission Secretary or Commission's Liaison 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, <https://webnew.ped.state.nm.us/bureaus/public-education-commission/2021-public-education-commission-meeting-information/>. Commission's Liaison shall also send electronic 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 Paragraphs 3 and 4 of this Resolution, notice requirements shall be satisfied by: (1) posting notice of the date, time, place of the meeting and an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda from the Commission Secretary or Commission's Liaison 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, <https://webnew.ped.state.nm.us/bureaus/public-education-commission/2021-public-education-commission-meeting-information/>; and, (3) by providing electronic notice

of the date, time, place of the meeting to newspapers of general circulation in the state. Commission's Liaison shall also provide electronic 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 (505-795-0180) 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. The Commission may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the public body specifies the date, time and place for continuation of the meeting and, immediately following the recessed meeting, posts notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held, posts notice of the date, time and place of the reconvened meeting on the Commission's website, <https://webnew.ped.state.nm.us/bureaus/public-education-commission/2021-public-education-commission-meeting-information>; and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.
9. A member of the Commission may participate in any Commission meeting by means of a conference telephone, video conference 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 able to hear each other at the same time; (3) members of the public attending the meeting are able to hear any Commission member who speaks during the meeting, and (4) pursuant to PEC Rules of Procedure, telephonic attendance is requested and approved by the Chairperson. Telephone or video conferencing may also be used during a Declared Health Emergency as long as it complies with New Mexico Attorney General Guidance.
10. 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) of the Open Meetings Act. 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.

Adopted by the New Mexico Public Education Commission on this 15<sup>h</sup> day of January, 2021.

**NEW MEXICO PUBLIC  
EDUCATION COMMISSION**

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PATRICIA E. GIPSON  
Chair, Public Education Commission