



Aldo Leopold Charter School

Live. Learn. Lead.

Governing Council Member's Packet

(Last Update 10/20/2022)

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ALCS Vision and Mission

ALCS Mission: At Aldo Leopold Charter School, the human and natural environments serve as text and lab for learning through direct experience, inquiry, and stewardship.

ALCS Vision: Aldo Leopold Charter School graduates will use the skills, perspectives, and information they gain at school to enhance their own lives and to advance social, economic, and environmental sustainability.

VII.B. DESCRIPTION OF THE GOVERNING BODY

VII.B.1. Governing Council Contact List

(See Updated list at end of this section)

VII.B.2. Responsibilities and Obligations of Members

B.2.a. Number

The ALCS Governing Council shall have no less than five (5) nor more than nine (9) voting members and collectively they shall be known as the Governing Council of Aldo Leopold Charter School. The Director shall serve as a non-voting member, and one (1) non-voting staff member and one (1) non-voting student member chosen by their respective constituencies.

B.2.b. Qualifications

Any member of the community who does not receive compensation from the school and does not violate the Nepotism Law of NMSA 1978, Section 22-5-6 or ALCS Nepotism rules is eligible to serve on the ALCS Governing Council. Membership of the Governing Council shall strive to reflect the entire ALCS community. Competencies considered will include educational administration, curriculum and instruction, business administration, finance, strategic planning, policy development, natural environment, law, community relations, and other areas of strategic expertise, resources, and perspective needed to achieve the mission and goals of the school.

B.2.c. Powers

Subject to the provisions of the laws of New Mexico and any limitations in the ALCS Charter or these Policies relating to action required or permitted to be taken or approved by the members, the activities and affairs of this Governing Council and ALCS shall be conducted and all powers shall be exercised by or under the direction of the Governing Council of Aldo Leopold Charter School.

B.2.d. Duties

It shall be the duty of Governing Council members to adhere to the roles and accountabilities contained in the Statement of Cooperation.

B.2.e. Term of Office

Council members shall hold offices for staggered terms of three (3) years to be determined and as elected by the Governing Council with the intent of ensuring continuity of purpose within the Governing Council. The terms shall begin the first of July and expire at the end of June. Each Council member shall serve until his or her successor is elected and is sworn in and seated. Each Council member shall be allowed to serve two (2) consecutive full terms of office (appointment to a seat vacated prior to expiration of term and less than three (3) years shall not consist of a full term). After one (1) year absence, a former Council member who had served two (2) consecutive terms may re-apply to serve on the Council through the procedures contained in accordance with the Council policies and procedures. All Council members will be sworn in and seated at the first regular meeting in July.

B.2.f. Compensation

Council members shall serve without compensation. However, they shall be allowed reasonable advancement or reimbursement of expenses incurred in the performance of their authorized duties.

B.2.g. Place of Meetings

Meetings shall be held at the school unless otherwise provided by the Governing Council or at such other place as may be designated from time-to-time by resolution of the Governing Council of ALCS.

B.2.h. Regular Meetings

Regular meetings of the Governing Council will occur at least eight (8) times/year and shall be held in accordance with the Governing Counsel's open resolution act annually adopted Open Meetings Act Resolution. Public or other notice of such meetings shall be timely and in accordance with that Resolution and the New Mexico Open Meetings Act. Any Council member may attend a meeting via teleconference if unable to attend in person. The purpose of the regular meetings shall be to hear reports, to consider and adopt policies, to act on committee recommendations and to hear requests and concerns from staff, parents, students and the community.

The Governing Council may, at its discretion, adopt a policy that some meetings will be working sessions at which no action shall be taken. These meetings shall be open to the public and announced in the local media pursuant to the Open Meetings Act Resolution.

The Council may recess any Open Meeting and reconvene, if prior to recessing the Council specifies for the minutes the date, time, and place for the continuation of the meeting, the reason for the recess, and immediately prior to recessing, posts notice of the date, time, place and agenda of the reconvened meeting on or near the door of the place where the meeting was held, or in accordance with the Open Meetings Act Resolution.

B.2.i. Special Meetings

Special meetings of the Governing Council may be called by the Chair of the Governing Council, the Vice-Chair, or by any two (2) Council members together. Such meetings shall be held at the principal office of ALCS or, if different, at the place designated by the person or persons calling the special meeting. All special meetings shall be noticed and held in accordance with the New Mexico Open Meetings Act and the Open Meetings Act Resolution. Any Council member may attend a meeting via teleconference if unable to attend in person.

B.2.j. Closed Meetings

Closed meetings of the Governing Council are limited to those subject matters allowed to be closed to the public under the New Mexico Open Meetings Act, NMSA 1978 § 10-15-1. A closed meeting may be called during an Open Meeting or when the Council is not meeting, according to the provisions of law. Any Council member may attend a meeting via teleconference if unable to attend in person. No business other than the business on the published agenda for a closed meeting may be covered in a closed meeting of the Governing Council, and no action shall be taken. At the next Open Meeting immediately following the closed meeting, the Council shall state on the record that a closed meeting was held, the date, time and place, and that nothing other than the published matter or matters were discussed. A reconvened meeting shall constitute the next Open Meeting for purposes of this requirement. This shall be done in accordance with NMSA 1978 § 10-15-1(I).

B.2.k. Notice of Meetings to Council Members

Unless otherwise provided by these Policies or the laws of this State, the following provisions shall govern the provision of notice for meetings of the Governing Council to Council Members:

Regular Meetings

If the regular meeting of the Governing Council is determined by the Governing Council to be held consistently, no notice to Council members need be given. However, if regular meetings are held only at the discretion of the Governing Council, then at least one-week prior notice shall be given by the Chair or the Secretary or an individual so authorized by the Chair to give such notice.

Special Meetings

The Chair or the Secretary of the Governing Council shall give at least three days prior notice to each Council member of each special meeting, and 24 hours prior notice of any emergency meeting of the Governing Council, unless the meeting is called on an emergency basis, when consistent with the New Mexico Open Meetings Act and the Open Meetings Act Resolution, 24 hours notice is not appropriate. Such notice may be oral, written, or electronic, may be given personally, by first class mail, by telephone, by e-mail, or by facsimile, and shall state the place, date and time of the meeting and the matters on the agenda for action or discussion at the meeting. In the case of facsimile or email notification, the Council member contacted shall acknowledge personal receipt of the facsimile or e-mail notice by a return message or telephone call within twenty-four (24) hours of the initial facsimile or e-mail transmission.

Closed Meetings

The Chairperson or the Secretary of the Governing Council shall give prior notice to each Council member of each closed meeting of the Governing Council in the same manner as for special meetings in sections 1 and 2 above.

Waiver of Notice

Whenever any notice of a meeting is required to be given to any Council member of this Governing Council under provisions of these Policies or the law of New Mexico, a waiver of notice in writing signed by the Council member, whether before or after the time of the meeting, shall be equivalent to the giving of such notice. Attendance at the meeting, recorded in the official minutes, shall be deemed to be a valid waiver by a member who was not noticed pursuant to these provisions.

B.2.1. Quorum for Meetings

A quorum shall consist of at least half of the voting members of the Governing Council. Except as otherwise provided under these Policies, or provisions of law, no business shall be considered by the Governing Council at any meeting at which the required quorum is not

present, and the only motion which the Chair shall entertain at such meeting is a motion to adjourn.

B.2.m. Majority Action as Governing Council Action

Every act or decision done or made by a majority of the Council members present at a meeting duly held at which a quorum is present shall be construed as an act of the entire Governing Council, unless Council policy requires a greater percentage or different voting rules for approval of a matter by the Governing Council.

B.2.n. Conduct of Meetings

Meetings of the Governing Council shall be presided over by the Chair of the Governing Council, or, if no such person has been so designated or, in his or her absence, by the Vice-Chair if in attendance or by a Chair chosen by a majority of the Council members present at the meeting. The Secretary of the Governing Council shall act as secretary of all meetings of the Governing Council, provided that, in his or her absence, the presiding officer shall appoint another person to act as Secretary of the Meeting. Robert's Rules of Order Revised shall govern the Governing Council meetings, except when other regulations prevail. When appropriate, the Chair may use discretion in the adherence to any procedural rule.

B.2.o. Extended Leave

When any governing Council member takes an extended leave (being inactive or absent for a period including 2 or more consecutive Regular meetings), then a quorum shall be described as at least half of the remaining/active Governing Council members.

B.2.p. Removal and Resignation

Any Council member may resign effective upon giving written notice to the Chair or the Secretary of the Governing Council, unless the notice specifies a later time for the effectiveness of such resignation. Unless specified therein, no acceptance of the resignation is necessary. Council members may be removed, with or without cause, by a vote of two-thirds (2/3) of the members of the Governing Council present at the meeting. Such removal must take place at a regularly scheduled meeting. If a Council member misses two (2) consecutive regular meetings, that position may be declared vacant by a majority vote of the remaining Council members, which will be done on motion by any other member of the Council. If a Council member misses three (3) consecutive regular meetings, that position shall be determined to be vacant. The Chair shall declare the position vacant at or by the next regular meeting and the position shall be filled in accordance with these Policies and the laws of this State.

B.2.q. Vacancies

Vacancies on the Governing Council shall exist:

- When a Council member's term of office is completed
- Upon the death, resignation or removal of any Council member
- Whenever the number of authorized Council members is increased for reasons determined by the Governing Council.

Council members shall be elected to staggered three-year terms beginning and expiring the first of July of each year.

No later than the end of March each year, the Council shall direct a committee to nominate candidates to fill expiring and/or vacant Council positions. The committee shall represent the school community, and should include representation from parents, staff, administration, community members, and former Council members. All members shall have been actively involved with ALCS for the year preceding service on the committee.

The candidate or candidates receiving the most votes of the members present shall be elected to serve the expiring or vacant terms. If the number of Council members then in office is less than a quorum, a vacancy on the Governing Council may be filled by approval of a majority of the Council members then in office or by a sole remaining Council member. A person elected to fill a vacancy on the Governing Council shall hold office for the remainder of a (3) year term. Unless otherwise prohibited by these Policies or provisions of law, vacancies on the Governing Council that occur prior to the ordinary expiration of a term may be filled by approval of the Governing Council.

B.2.r. Non-liability of Council Members

The Council members shall not be personally liable for the debts, liabilities, or other obligations of the ALCS.

B.2.s. Indemnification by Governing Council and Officers

The Governing Council, to the fullest extent permissible by law, shall indemnify the Council members and officers of the Governing Council under the laws of New Mexico.

B.2.t. Insurance for Governing Council Agents

Except as may otherwise be provided under provisions of law, the Governing Council may adopt a resolution authorizing the purchase and maintenance of insurance on behalf of any agent of the Governing Council (including a Council member, officer, employee or other agent

of the Governing Council) against liabilities asserted against or incurred by the agent in such capacity or arising out of the agent's status as such, whether or not the Governing Council would have the power to indemnify the agent against such liability under these Policies or provisions of law.

B.2.u. Conflict of Interest

Members of the Governing Council serve a public-interest role and have an obligation to conduct all affairs of the school in a manner consistent with that role. All decisions made by the Governing Council must be made solely on the basis of a desire to promote the best interests of ALCS. Council members shall, at the beginning of each term served, sign a form acknowledging he or she has read the Conflict of Interest (see [Appendix A](#)) statement, which is included in these Policies, and has disclosed all known potential or actual conflicts.

B.2.v. Nepotism Prohibited

The Council shall not employ or approve the employment in any capacity of a person who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter or daughter-in-law of any Council Member, in accordance with the New Mexico State laws. Neither shall the Council elect a member to the Council who is the spouse, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter or daughter-in-law of any ALCS employee.

VII.B.3. Officers

B.3.a. Designation of Officers

The officers of the Governing Council shall be: Chair, Vice-Chair, and Secretary. The Governing Council may also have other such officers with such titles as may be determined necessary from time-to-time by the Governing Council.

B.3.b. Qualifications

Any member of the Governing Council may serve as an officer of this Governing Council, at the discretion of the Governing Council, with all rights and responsibilities afforded those offices.

B.3.c. Election and Term of Office

Officers shall be elected by the Governing Council for a one-year term coinciding with the regular election of new board members. In the event of a vacancy prior to completion of the term, newly elected officers shall serve the remainder of the term.

B.3.d. Removal and Resignation

The Governing Council may remove any officer from office at any time, with or without cause by a vote of a quorum of the members of the Governing Council present at the meeting.

Any officer may resign from office at any time by giving written notice to the Governing Council or to the Chair or Secretary of the Governing Council. Any such resignation shall take effect on the date of receipt of such notice or at any later date specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. The above provisions of this Section shall be superseded by any conflicting terms of a contract that has been approved or ratified by the Governing Council relating to the employment of any officer of the Governing Council.

B.3.e. Vacancies

Any vacancy caused by the death, resignation, removal, disqualification, or otherwise (except for expiration of term), of any officer shall be filled by the Governing Council. In the event of a vacancy in any office other than that of Chair, such vacancy may be filled temporarily by appointment by the Chair until such time as the Governing Council shall fill the vacancy.

Vacancies occurring in offices of officers appointed at the discretion of the Governing Council may or may not be filled, as the Governing Council shall determine. No office shall remain vacant for longer than 30 days.

B.3.f. Duties of Chair

The Chairperson shall be the chief executive officer of the Governing Council and shall, subject to the control of the Governing Council, supervise and control the affairs of the Governing Council and the activities of the officers. He or she shall ensure adherence to these Policies. He or she shall perform all duties incidental to his or her office and such other duties as may be required by law, by the Charter, or by these Policies, or that may be prescribed from time-to-time by the Governing Council. The Chair shall preside at all meetings of the Governing Council. Except as otherwise expressly provided by law, by the Charter, or by these Policies, the Chair shall, in the name of the Governing Council, execute such deeds, contracts, checks, or other instruments that may from time-to-time be authorized by the Governing Council.

B.3.g. Duties of Vice Chair

In the absence of the Chair, or in the event of his or her inability or refusal to act, the Vice Chair shall perform all the duties of the Chair and when so acting shall have all the powers

of, and be subject to all the restrictions on, the Chair. Should the Chair leave the Council prior to the expiration of his or her term, the Vice Chair shall act as Chair until such time the Governing Council may elect a new Chair. The Vice Chair shall have other powers and perform such other duties as may be prescribed by law, by the ALCS Charter, by these Policies, or as may be prescribed by the Governing Council, or delegated by the Chair.

B.3.h. Duties of Secretary

The Secretary shall:

- Certify and keep at the principal office of the Governing Council the original, or a copy, of this Governing Council Policy Manual as amended or otherwise altered to date.
- Keep at the principal office of the Governing Council or at such other place as the Governing Council may determine, a book of minutes of all meetings of the Governing Council, and, if applicable, meetings of committees of Council members, recording therein the time and place of holding, whether regular or special, how called, how notice thereof was given, the names of those present or represented at the meeting, and the proceedings thereof.
- Draft minutes of every Governing Council meeting and circulating such draft within 10 working days of the meeting, except this duty may be designated to a nonmember of the Governing Council. See that all notices are duly given in accordance with the provisions of these policies or as required by the New Mexico Open Meetings Act and the Open Meetings Act Resolution.
- Be custodian of the records, which shall include, but not be limited to the Charter and any handbooks or policy and procedure manuals of ALCS.
- Keep at the principal office of the Governing Council a membership book containing the name and address of each and any members, the terms of the Council members and other officers, and, in the case where any membership has been terminated, he or she shall record such fact in the membership book together with the date on which such membership ceased and provide the reasons therefore.
- Exhibit at all reasonable times to any Council member of the Governing Council on request therefore, the Governing Council Policy Manual, the membership book, and the minutes of the proceedings of the Council members of the Governing Council.

- In general, perform all duties incident to the office of Secretary and such other duties as may be required by law, by the ALCS Charter, or by these Policies, or which may be assigned to him or her from time to time by the Governing Council.

VII.B.4. Governing Council Recruitment and Selection

The Council shall appoint an ad hoc Nominating Committee to recruit candidates to fill expiring and/or vacant Council positions. The committee shall represent the school community, and should include representation from parents, staff, administration, community members, and former Council members. All members shall have been actively involved with ALCS for the year preceding service on the committee.

Committee members will advertise the position available through the school newsletter, local press and community groups as well as by personal invitation. Applicants may be any member of the community who does not receive compensation from the school and does not violate Nepotism rules. Membership shall strive to reflect the entire ALCS community. Competencies considered will include educational administration, curriculum and instruction, business administration, finance, strategic planning, policy development, natural environment, law, community relations, and other areas of strategic expertise, resources, and perspective needed to achieve the mission and goals of the school.

Candidates will submit an application and resume. The Nominating Committee will review each submission for qualifications. At the committee's discretion some, none or all of the candidates may be interviewed. The Nominating Committee makes recommendations to the Governing Council at a regularly scheduled meeting for final consideration.

VII.B.5. Governing Council Orientation and Professional Development

As per SB-148, all ALCS Governing Council members will receive at least five hours of training annually. The training may cover topics such as; Department of Education rules, policies and procedures, powers and duties of governing councils, legal concepts, finance and budget. The trainings must be sponsored by either the New Mexico School Board Association or the New Mexico Coalition for Charter Schools.

Each new Council member will receive a personal orientation to the Council and school from the Director and Governing Council Chair. In addition, all new members will receive an orientation binder upon inauguration which will include: Contact list of all members, terms and officers, Governing Council Policies, Statement of Cooperation, Conflict of Interest Statement,

Recent minutes to include financial statements, School Charter, and Administrative and Student Policy Manuals.

VII.B.6. Staff, Family and Community Involvement in School Governance

The Director shall serve as a non-voting member, and there shall be one non-voting staff member and one non-voting student member chosen by their respective constituencies present at each Governing Council meeting. All meetings will be publicized to the community in accordance with the open meetings act. Notice requirements mandate that the date, time, and place is sent to newspapers of general circulation in the district, and to radio broadcast stations. A proposed agenda will be available 24 hours prior all meetings, including emergency meetings. Additionally, the Governing Council will publicize membership openings to the community at large via the press and community organizations. Parents are encouraged to participate through the school newsletter.

Aldo Leopold Charter School

Governing Council Conflict of Interest Statement

It is the policy of the Governing Council that all members must disclose any actual or potential conflicts of interest prior to joining the Council, or immediately after the conflict is discovered, should it be discovered after becoming a member. In addition, Council Members may not use any confidential information obtained by virtue of their association for their own individual or another's private gain.

The policy of the Governing Council requires that in the event the Council must consider any item of business that also involves:

- a. a member of the Council; or
- b. a member of his or her immediate family or close relative (includes spouse, parent, stepparent, guardian, brother, sister, parent-in-law, brother-in-law, sister-in-law, child, stepchild, grandparent, aunt, uncle, niece, nephew, first cousin and grandchildren); or
- c. an organization with which a member of the Council is affiliated, an organization of which the member is either the actual or beneficial owner of more than five percent (5%) of the voting stock or controlling interest; or
- d. an organization with which a Council member has any other direct or indirect dealings from which he or she knowingly benefited (i.e. through receipt of cash or other property, directly or indirectly, in excess of five hundred dollars (\$500.00) a year),

such Council member, at first knowledge of the business, must disclose the actual or potential conflict and refrain from taking any action with respect to such business. It is further required that disclosure must be made of all relationships and business affiliations that reasonably could give rise to a conflict of interest involving ALCS. For this purpose, affiliation is understood to exist if any Council member or a member of his or her family (as defined above) is: an officer, director, trustee, partner, employee, or agent of such organization.

Name

Date

Signature

Aldo Leopold Charter School Governing Council Statement of Cooperation

As a member of the Governing Council of ALCS, I understand that it is my duty to:

- Loyally support the mission, goals and objectives of the organization.
- Attend regular Governing Council meetings, which take place 8-10 times/year and are approximately two hours in duration.
- Provide proper financial oversight, assisting in development of the annual budget and ensuring that proper financial controls are in place.
- Ensure legal and ethical integrity and maintain accountability. The Council is ultimately responsible for ensuring adherence to legal standards and ethical norms.
- Support the school director and assess his or her performance. The Council should ensure that the chief executive has the moral and professional support he or she needs to further the goals of the organization.
- Provide leadership to Council Committees, serving as an active, ongoing member of at least one committee. This requires attending regular committee meetings and completing tasks between meetings.
- Commit time to developing financial resources for the school, assuring that the school has adequate financial resources for the organization to fulfill its mission.
- Responsibly review and vote on committee recommendations brought to the Council for action.
- Prepare in advance of Council meetings by reading provided materials and take responsibility for self-education on the major issues before the Council.
- Recruit and orient new Council members and assess Council performance, take responsibility to articulate prerequisites for candidates, orient new members, and periodically and comprehensively evaluate its own performance.
- Enhance the organization's public standing. The Council should clearly articulate the organization's mission, accomplishments, and goals to the public and garner support from the community.
- Actively participate in annual Council development and Strategic Planning activities, and assist the organization in reaching set goals and objectives throughout the year.
- Follow ALCS Bylaws and policies set by the Governing Council and work cooperatively and with the other members of the Council.

Additional information is contained in the school's by-laws, policies and board orientation materials, which I have read.

Name: _____ Date: _____

Open Meetings Act Resolution
RESOLUTION TO ESTABLISH REASONABLE
NOTICE TO THE PUBLIC OF ALL PUBLIC MEETINGS
OF THE GOVERNING COUNCIL OF THE
ALDO LEOPOLD CHARTER SCHOOL

WHEREAS, the Aldo Leopold Charter School Governing Council met in regular session at Aldo Leopold Charter School at 1422 Highway 180 East, Silver City, New Mexico on April 11, 2012³ at 6:00 p.m. as per law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission or other policy-making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Governing Council to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED BY the Governing Council that:

1. **Regular Meetings:** Shall be held each of at least 8 months per year on the second Thursday of the month, unless otherwise scheduled by the Governing Council at its previous meeting. Meetings will be held at Aldo Leopold Charter School at 1422 Highway 180 East, Silver City, New Mexico. Location will be indicated on the meeting notice. Meetings will begin at 5:45 p.m. A proposed agenda will be available 72 hours prior to the meeting at the school, or by calling the school office (575)538-2547. Notice of the regular meeting will be given ten (10) days in advance of the meeting date.
2. **Special Meetings:** May be called by the Chair or a majority of the members upon three (3) days notice.

3. **Emergency Meetings:** Will be called only under circumstances which demand immediate action to protect the school, its staff and/or students, and/or the community. The Governing Council will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or a majority of the members upon twenty-four (24) hours notice, unless threat of personal injury or property damage requires less notice.
4. For the purposes of regular meetings described in paragraph 1 of this resolution, notice requirements are met if notice of the date, time, and place is posted on the Aldo Leopold Charter School website (www.aldoleopoldcs.org) and sent to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings.
5. For the purposes of other special and emergency meetings described in paragraphs 2 and 3 of this resolution, notice requirements shall be met by posting on the Aldo Leopold Charter School website (www.aldoleopoldcs.org) and telephonic 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 public meetings.
6. The Governing Council may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirements under Section 10-15-1(H) of the Open Meetings Act.
 - a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Governing Council taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated 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; and
 - b) If the decision to hold a closed meeting is made when the Governing Council is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances and stating the specific provision of law authorizing the closed meeting and the subjects to be discussed, is given to the members and to the general public; and
 - c) Except as provided in Section 10-15-1(H), any action taken as a result of the discussion in a closed meeting shall be made by vote of the Governing Council in an open public meeting.

New Mexico Open Meetings Act

The “Open Meetings Act,” NMSA 1978, Sections 10-15-1 to 10-15-4, is known as essentially motivated by the belief that the democratic ideal is best served by a public business be conducted in full public view, that the actions of public bodies open to the public.



a “sunshine law.” All states have such laws, which are well-informed public. Sunshine laws generally require that be taken openly, and that the deliberations of public bodies be

If you would like additional copies of this Guide, or if you have any questions about the Guide or the applicability of the Act, please contact the Civil Division of the Office of the Attorney General, P.O. Drawer 1508, Santa Fe, New Mexico 87504-1508, or by telephone at (505) 827-6070. The Guide is also posted on the Attorney General Office’s website at <http://www.ago.state.nm.us>; after accessing the site, simply click on “Civil Division”.

Section 10-15-1. Formation of Public Policy

A. In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. The formation of public policy or the conduct of business by vote shall not be conducted in closed meetings. All meetings of any public body except the legislature and the courts shall be public meetings, and all persons desiring shall be permitted to attend and listen to the deliberations and proceedings. Reasonable efforts shall be made to accommodate the use of audio and video recording devices.

B. All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of 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, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act. No public meeting once convened that is otherwise required to be open pursuant to the Open Meetings Act shall be closed or dissolved into small groups or committees for the purpose of permitting the closing of the meeting.

C. If otherwise allowed by law or rule of the public body, a member of a public body may participate in a meeting of the public body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

D. 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 body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body. That notice shall include broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice.

E. A public body 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 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.

F. Meeting notices shall include 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. Except in the case of an emergency, the agenda shall be available to the public at least twenty-four hours prior to the meeting. Except for emergency matters, a public body shall take action only on items appearing on the agenda. For purposes of this Subsection, an “emergency” refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body.

G. The board, commission or other policymaking body shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body.

H. The provisions of Subsections A, B and G of this section do not apply to:

(1) Meetings pertaining to issuance, suspension, renewal or revocation of a license except that a hearing at which evidence is offered or rebutted shall be open. All final actions on the issuance, suspension, renewal or revocation of a license shall be taken at an open meeting;

(2) limited personnel matters; provided that for purposes of the Open Meetings Act, “limited personnel matters” means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; provided further that this Subsection is not to be construed as to exempt final actions on personnel from being taken at open public meetings; nor does it preclude an aggrieved public employee from demanding a public hearing. Judicial candidates interviewed by any commission shall have the right to demand an open interview;

(3) deliberations by a public body in connection with an administrative adjudicatory proceeding. For purposes of this paragraph, an “administrative adjudicatory proceeding” means a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be

determined by the public body after an opportunity for a trial-type hearing. Except as otherwise provided in this section, the actual administrative adjudicatory proceeding at which evidence is offered or rebutted and any final action taken as a result of the proceeding shall occur in an open meeting;

- (4) the discussion of personally identifiable information about any individual student, unless the student, his parent or guardian requests otherwise;
- (5) meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between the policy-making body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present;
- (6) that portion of meetings at which a decision concerning purchases in an amount exceeding two thousand hundred dollars (\$2,500) that can be made only from once source and that portion of meetings at which the contents of competitive sealed proposals solicited pursuant to the Procurement Code are discussed during the contract negotiation process. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting;
- (7) meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant;
- (8) meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body;
- (9) those portions of meetings of committees or boards of public hospitals where strategic and long-range business plans or trade secrets are discussed; and
- (10) that portion of a meeting of the gaming control board dealing with information made confidential pursuant to the provisions of the Gaming Control Act.

I. If any meeting is closed pursuant to the exclusions contained in Subsection H of this section, the closure:

- (1) If made in an open meeting, shall be approved by a majority vote of a quorum of the policymaking body; the authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the policymaking body may be discussed in a closed meeting; and
- (2) if called for when the policymaking body is not in an open meeting, shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed, is given to the members and to the general public.

J. 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 that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the public body under Subsection G of this section as part of the minutes.

Section 10-15-2. State Legislature; Meetings.

- A. All meetings of a quorum of members of any committee or policymaking body of the state legislature held for the purpose of discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such committee or body are declared to be public meetings open to the public at all times.
- B. The provisions of Subsection A of this section shall not apply to matters relating to personnel, or matters adjudicatory in nature, or any bill, resolution or other legislative matter not yet presented to either house of the legislature or general appropriation bills.
- C. For the purpose of this section, “meeting” means a gathering of the members called by the presiding officer of a standing committee.

10-15-3. Invalid Actions; Standing.

- A. No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of NMSA 1978, Section 10-15-1. Every resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be presumed to have been taken or made at a meeting held in accordance with the requirements of NMSA 1978, Section 10-15-1.
- B. All provisions of the Open Meetings Act shall be enforced by the attorney general or by the district attorney in the county of jurisdiction. However, nothing in that act shall prevent an individual from independently applying for enforcement through the district courts, provided that the individual first provides written notice of the claimed violation to the public body and that the public body has denied or not acted on the claim within fifteen days of receiving it. A public meeting held to address a claimed violation of the Open Meetings Act shall include a summary of comments made at the meeting at which the claimed violation occurred.
- C. The district courts of this state shall have jurisdiction, upon the application of any person to enforce the purpose of the Open Meetings Act, by injunction, mandamus or other appropriate order. The court shall award costs and reasonable attorney fees to any person who is successful in bringing a court action to enforce the provisions of the Open Meetings Act. If the prevailing party in a legal action brought under this section is a public body defendant, it shall be awarded court costs. A public body defendant that prevails in a court action brought under this section shall be awarded its reasonable attorney fees from the plaintiff if the plaintiff brought the action without sufficient information and belief that good grounds supported it.
- D. No section of the Open Meetings Act shall be construed to preclude other remedies or rights not relating to the question of open meetings.

10-15-4. Penalty.