

AMENDED
OPEN MEETINGS ACT NOTICE RESOLUTION

WHEREAS, the Las Cruces Board of Education met Virtually in work session at the Las Cruces Public Schools' Administration Building, 505 S. Main, Suite 249, on August 4, 2020 at 4:00 p.m. as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4) 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, administrative adjudicatory, body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, including the development of personnel policy, rules or regulations, 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 Las Cruces Board of Education to determine annually what constitutes reasonable notice of its public meetings.

NOW, THEREFORE, BE IT RESOLVED by the Las Cruces Board of Education that:

1. All regular meetings shall be held at the Las Cruces Public Schools' Administration Boardroom at 4:00 p.m. or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held each month on the third Tuesday of each month. An agenda will be made available at least seventy-two (72) hours prior to the meeting by the Superintendent, whose office is located at 505 S. Main, Suite 249, Loretto Towne Centre, in Las Cruces, New Mexico. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date. The notice shall include an agenda or indicate how a copy of the agenda may be obtained.
3. Unless otherwise specified, work session meetings shall be held on the first Tuesday of the month in the months of August, September, October, January, February, April, May, and June and will begin at 4:00 pm. and work session meetings for the months of November, December, and March will be held on the third Tuesday of the month and will begin at 3:00 pm. An agenda will be made available at least seventy-two (72) hours prior to the meeting by the Superintendent, whose office is located at 505 S. Main, Suite 249, Loretto Towne Centre, in Las Cruces, New Mexico. Notice of any other work session meetings will be given ten (10) days in advance of the meeting date. The notice shall include an agenda or indicate how a copy of the agenda may be obtained.
4. Special meetings may be called by the President or a majority of the members upon three (3) days' notice. The notice for a special meeting shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda.
5. Emergency meetings will be called only in the instance of unforeseen circumstances that, if not addressed immediately by the Board, will likely result in injury or damage to persons or property or substantial financial loss to the School District. The Las Cruces Board of Education will avoid emergency meetings whenever possible. Emergency meetings may be called by the President or a majority of the members upon twenty-four (24) hours' notice unless threat of personal injury, property damage or substantial financial loss to the District require less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten (10) days of taking action on an emergency matter, the Board 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.

6. For the purposes of regular meetings and work session meetings described in paragraphs 2 and 3 of this Resolution, notice requirements are met by posting notice of the date, time, place and agenda on the LCPS website, www.lcps.net, and in the LCPS Administration Building. The Las Cruces Board of Education Secretary shall also provide a facsimile or email copies of the written 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.
7. For the purposes of special meetings and emergency meetings described in paragraph 4 and 5 of this Resolution, notice requirements shall be met by posting notice of the date, time, place and agenda on the LCPS website www.lcps.net and in the LCPS Administration Building. The Las Cruces Board of Education Secretary shall also provide a facsimile or email copies of the written 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.
8. In addition to the information specified above, all notices shall include the following language:

Individuals in need of a Spanish interpreter or those with a disability who are in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Superintendent's Office at 575.527.5807, located in the LCPS Administration Building, at least one week prior to the meeting, or as soon as possible.
9. The Las Cruces Board of Education may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-151(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 Las Cruces Board of Education 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 on the agenda and stated in the motion may be discussed in a closed meeting.
 - (b) If the decision to hold a closed meeting is made when the Las Cruces Board of Education 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 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 or notice for closure.
 - (d) Where required by Section 10-15-1(H) of the Open Meetings Act, action taken as a result of discussions in a closed meeting shall be made by vote of the Las Cruces Board of Education in an open public meeting.
10. The Board of Education recognizes that, in a small community, Board members will occasionally attend social events, community functions, school activities or programs, athletic events or meetings of other groups or entities, or be present at local commercial establishments. In the event a quorum of the membership of the Board is present on such occasions, a violation of this Resolution and the Open Meetings Act does not occur so long as the board members do not discuss amongst themselves school business or prospective board actions as described in this Resolution. By adoption of this Resolution, each member represents and agrees to abide by these limitations and not to engage in such discussions outside the context of a properly called board meeting, which complies with the Open Meetings Act.

Passed by the Las Cruces Board of Education this 4th day of August 2020.



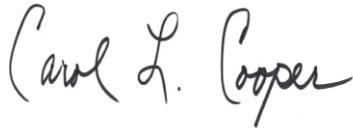
Ms. Terrie Dallman, President



Sra. Maria Flores, Vice President



Mr. Ray Jaramillo, Secretary



Ms. Carol Cooper, Member



Ms. Teresa Tenorio, Member