

**OPEN MEETINGS ACT NOTICE RESOLUTION  
SPECIFIC TO LAS CRUCES PUBLIC SCHOOLS BOARD OF EDUCATION  
FINANCE SUBCOMMITTEE AND AUDIT COMMITTEE**

WHEREAS, the Las Cruces Board of Education met Virtually in regular session on November 17, 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, according to the New Mexico Attorney General, any committee created by statute are public bodies subject to the Open Meetings Act because the legislature considered the committee's functions important enough to provide it with a separate existence as a public body, and because the committee is not simply created by a public body as a means to carry out that public body's business; 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 public body 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. For all statutory committee or subcommittee meetings of the Las Cruces Public Schools Board of Education including the Finance Subcommittee and Audit Committee, three days (72 hours) shall constitute reasonable notice of this type of meeting.
2. All meetings shall be held at the date, time and place as indicated in the meeting notice.
3. The notice shall include an agenda or indicate how a copy of the agenda may be obtained. 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.
4. Emergency meetings will be called only in the instance of unforeseen circumstances that, if not addressed immediately by the Finance Subcommittee or Audit Committee, 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 Finance Subcommittee and Audit Committee will avoid emergency meetings whenever possible. Emergency meetings may be called by the committee chair 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 committee through its Chair or the Superintendent 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 committee meetings described in paragraph 1 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. A facsimile or email copies of the written notice shall also be provided by the Office of the Superintendent 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. 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 575.527.5805, located in the LCPS Administration Building, at least two days, or as soon as possible.
7. The statutory committee like any public body 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 10-15-1(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 the statutory committee 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 statutory committee 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 statutory committee in an open public meeting.
  - (e) Where required under the Audit Act, NMSA 1978, § 12-6-1 through 12-6-14, and rules of the state auditor, the meetings of the Audit Committee will be held in closed session to preserve confidentiality of information protected by Section 12-6-5, as permitted by Section 10-15-1(H) of the Open Meetings Act.

Passed by the Las Cruces Board of Education this 17th day of November 2020.

DocuSigned by:



90CE2740EAA5403  
Ms. Terrie Dallman, President

DocuSigned by:



D64B5FF035E487  
Sra. Maria Flores, Vice President

DocuSigned by:



5F61766F8742481  
Mr. Ray Jaramillo, Secretary

DocuSigned by:



917C3286C8C47C  
Ms. Carol Cooper, Member

DocuSigned by:



768E977C475483  
Ms. Teresa Tenorio, Member