



# REGION 9

## EDUCATION COOPERATIVE

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### **Meetings of Region 9 Coordinating Council OMA Policy Open Meetings Act Requirement**

The Region 9 Coordinating Council (“Council”) shall hold regular meetings at least monthly and may hold special or emergency meetings. A majority of all members of the Council shall constitute a quorum.

All meetings of a quorum of the Council 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 the Council 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, NMSA 1978, §§ 10-15-1 to -4 (1974, as amended through 2013). Such meetings shall be held only after reasonable notice to the public.

Prior to or during the last regularly scheduled meeting in June, the Council shall establish an annual calendar of meetings and approve an Open Meetings Resolution that defines what is reasonable notice for public meetings.

Meeting Notice shall:

- Include the date, time and place of the meeting; and
- an agenda containing a list of specific items of business to be discussed or acted on at the meeting or information on how the public may obtain a copy of such an agenda; and
- except in the case of an emergency, the agenda shall be available to the public at least seventy-two (72) hours prior to the meeting and posted on the Region 9 website under Coordinating Council, and;
- This Resolution will be emailed 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. The agenda will be posted on the Council’s website at least seventy-two (72) hours prior to the meeting.

Regular Meetings: Regular meetings of the Council may be called by the Chairman or a majority of the members of the Council at such time and place as the Chairman or a majority of the members of the Council deem appropriate, consistent with the Open Meetings Act.

Special Meetings: Special meetings of the Council may be called by the Chairman or a majority of the members of the Council at such time and place as the Chairman or a majority of the members of the Council deem appropriate, consistent with the Open Meetings Act.

Emergency Meetings: Emergency meetings of the Council may be called by the Chairman or a majority of the members of the Council if less than 72 hours notice is required, under threat of personal injury or property damage, or to consider unforeseen circumstances that, if not addressed immediately by the Council, will likely result in injury or damage to persons or property or substantial financial loss to the Region 9 Coordinating Council, consistent with the requirements of the Open Meetings Act. The Council will avoid emergency meetings whenever possible.

Within ten days of taking action on an emergency matter, the Council 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.

Closed Meetings (Executive Session): Closed meetings of the Council may be called by the Chairman or a majority of the members of the Council at such time and place as the Chairman or a majority of the members of the Council deem appropriate, consistent with the Open Meetings Act.

In order to conduct a closed meeting (executive session), the Council shall adhere to the following procedure:

1. The Council has first been convened in open meeting, for which notice, stating the specific provision of law authorizing the executive session has been given and the subject to be discussed is stated with reasonable specificity, consistent with the exceptions authorized in the Open Meetings Act, NMSA 1978, § 10-15-1 (H) (1974, as amended through 2013);
2. A motion for convening into executive session has identified the section(s) of the Open Meetings Act that authorize the holding of the executive session and the permissible subject(s) to be discussed in executive session is/are stated with reasonable specificity; and
3. The executive session is authorized by a majority vote of a quorum in open session and the vote of each member is recorded in the minutes; or
4. If a closed meeting is to be convened when the Council is not otherwise in session, the Council shall give notice according to its public notice policy. Such notice shall identify the section(s) of the Open Meetings Act that authorize the holding of the executive session and the permissible subject(s) to be discussed is/are stated with reasonable specificity.
5. 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:
  - 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.

Except as provided in the Open Meetings Act, any action taken as a result of discussion in a closed meeting shall be made by vote of the Council in an open public meeting.

**NOTE:** NMSA 1978, § 12-6-5 (1969, as amended through 2009) of the Audit Act provides that an audit report does not become a public record subject to public inspection, until five (5) days after the auditor releases it to the public body. Therefore, the Attorney General's Compliance Guide (Eight Edition, page 19) provides that when a public body meets for an audit exit the meeting need not be discussed in Open Session in order to preserve the confidentiality of the information protected by NMSA 1978, § 12-6-5.

Recessed Meetings: The Council may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the Council 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. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

Final Council approval of any action item shall require an affirmative vote by the majority of the Council members. This vote, with the exception of the vote to enter a closed session, may be conducted either by a roll call or a voice vote of affirmation. The Council shall not conduct a vote by secret ballot.

Telephone or Similar Communication: Council members may participate in a meeting 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 Council members 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 Council who speaks during the meeting.

Meeting Minutes: The Council 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 agenda items 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 Council.

NMSA 1978, §§ 10-15-1 to -4 (1974, as amended through 2013)  
NMSA 1978, § 12-6-5 (1969, as amended through 2009)