

RESOLUTION – SY 2020-2021 # 2
OPEN MEETINGS ACT

WHEREAS, the Governing Council of ALBUQUERQUE BILINGUAL ACADEMY (“ABA”) met virtually via Zoom at:

<https://us04web.zoom.us/j/71237636125?pwd=VUloMzlmTEtHWFFGcitoUIJ3c2FxQT09>, on August 31, 2020, at 5:30 pm, 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, administrative adjudicatory body or other policymaking 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 of the ABA to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Governing Council of the ABA that:

1. All meetings shall be held at ABA, 7500 La Morada Place NW, Albuquerque, NM 87120, ***or as otherwise indicated in the meeting notice.***
2. Unless otherwise specified, regular meetings shall be held on the last Monday of each month, at 5:30 p.m. The agenda will be posted at least seventy-two hours prior to the meeting on the bulletin board inside of the reception area in the administrative offices (Building H) of ABA at 7500 La Morada Place, NW, Albuquerque, NM 87120, and on the ABA website at <http://www.aba-nm.com>. Notice of any other regular meetings will be given five days in advance of the meeting date.
3. Special meetings may be called by the President or a majority of the members upon 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 the administrative offices of ABA (7500 La Morada Place, NW, Albuquerque, NM 87120) and on the ABA website at least seventy-two hours before any special meeting.
4. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Governing Council of the ABA will avoid emergency meetings whenever possible. Emergency meetings may be called by the President or a majority of the members upon twenty-four hours’ notice, unless threat of personal injury or property damage requires 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,

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the public body shall report to the New Mexico Attorney General's office the action taken and the circumstances creating the emergency.

5. For the purposes of regular meetings described in paragraph two of this resolution, notice requirements are met if notice of the date, time, place and agenda are posted at the administrative offices of ABA and provided by email 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. In addition, a notice of the regular meeting schedule of the Governing Council will be placed on the website of the ABA (<http://www.ABA.com>).
6. For the purposes of special meetings and emergency meetings described in paragraphs three and four of this resolution, notice requirements are met if notice of the date, time, place and agenda is posted at the administrative offices of ABA and provided by email 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. In addition to the information specified above, notice shall indicate how a copy of the agenda may be obtained or include a hyperlink to the agenda. They shall also indicate how an individual with a disability who wishes to attend a meeting of the Governing Council and who might be in need of special accommodations, can obtain information and/or accommodation for their disability.
8. The Governing Council of the ABA may close a meeting to the public only if the subject matter of such discussion or action is accepted 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 a quorum of the Governing Council of the ABA taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be noted with reasonable specificity. Only those subjects specified in the motion may be discussed in the closed meeting.
 - b) If a closed meeting is conducted when the Governing Council of the ABA is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the 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 shall state whether the matters discussed in the closed meeting were limited only to those noted, when the meeting was closed.
 - 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 Governing Council of the ABA in an open public meeting.
9. Except to the extent otherwise provided by law, any meeting of the Governing Council may be attended by any of the Governing Council members by means of a conference telephone (or similar communications equipment) when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member

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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 other member of the Governing Council who speaks during the meeting. Such attendance shall constitute presence by the Council member as if in person at such meeting and for purposes of determining a quorum. Any action taken by the Governing Council at such meeting shall constitute a valid action of the Governing Council.

10. The Governing Council has determined that the following rules shall apply to comments made by the public during its public meetings:

- a) Comments will be limited to three (3) minutes or a period determined by the Governing Council.
- b) Comments will be delivered in a civil manner.
- c) If the comment speaks to an issue that can be addressed by another Governing Council policy (e.g. grievance policy), the speaker may be referred to the process outlined in the other policy.
- d) A Governing Council member's opinion is not necessarily that of the Governing Council or of the school staff.
- e) A speaker may be liable for statements made.

The Governing Council, at the beginning of any meeting, may amend, revise or supplement rule for public comment as it deems appropriate under the particular circumstances.

Adopted this August 31, 2020 at Albuquerque, New Mexico,



Brenda Baca (Sep 1, 2020 11:17 MDT)

, Chairman






OMA RESOLUTION SY 2020-2021 Final_

Final Audit Report

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