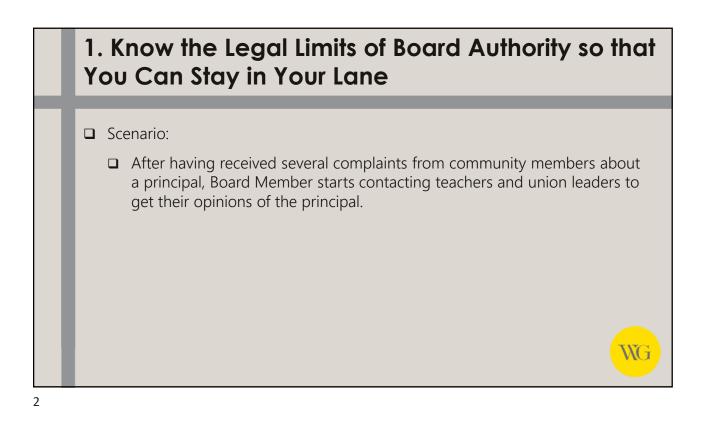
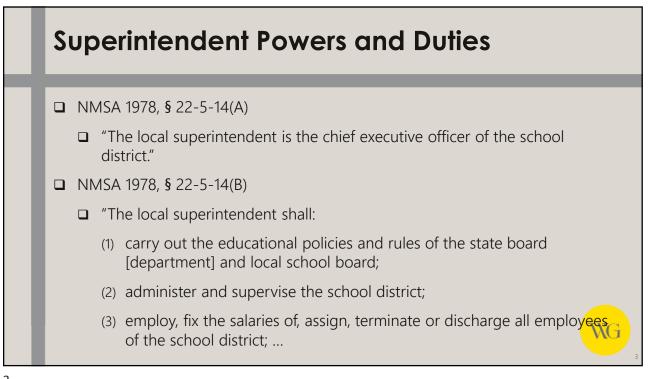
Top Ten Things New Board Members Need to Know

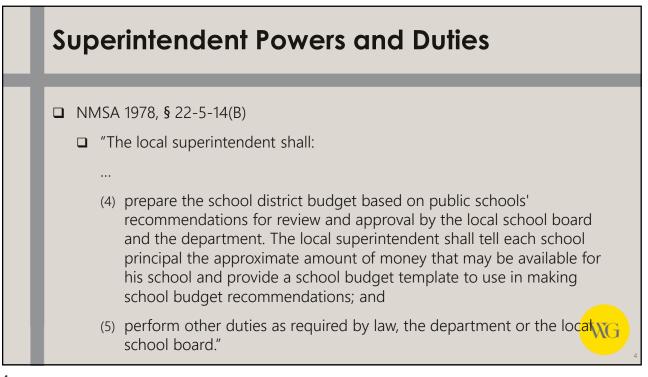
Elena M. Gallegos & Roxie De Santiago



WALSH GALLEGOS



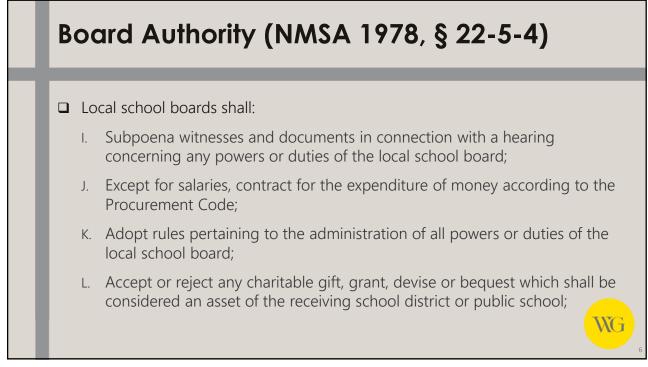


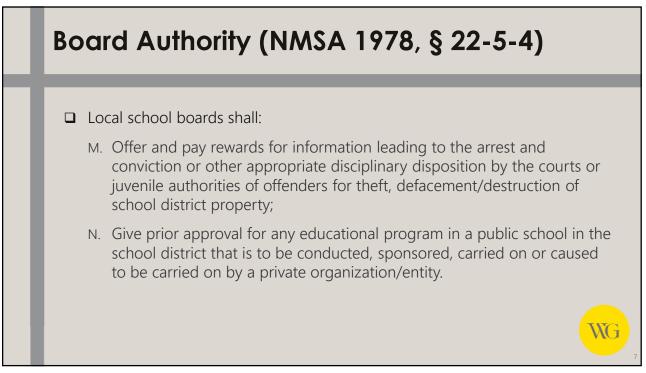


Board Authority (NMSA 1978, § 22-5-4)

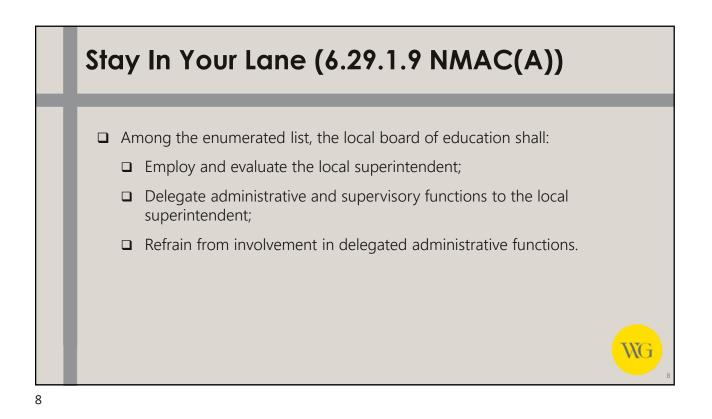
- □ Local school boards shall:
 - A. Develop educational policies for the school district;
 - B. Employ and set the salary for the superintendent;
 - C. Review and approve annual school district budget;
 - D. Acquire, lease and dispose of property;
 - E. Have capacity to sue and be sued;
 - F. Acquire property through eminent domain;
 - G. Issue general obligation (GO) bonds of the school district;
 - H. Provide for the repair of and maintain all property belonging to the school district;

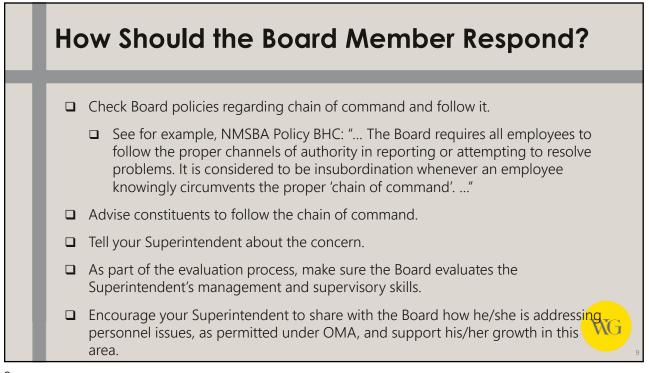
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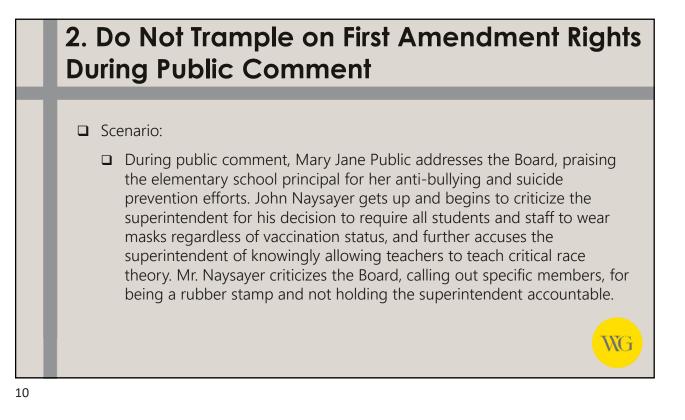


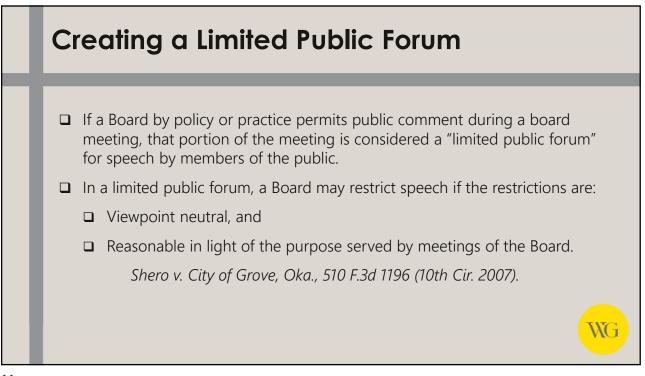


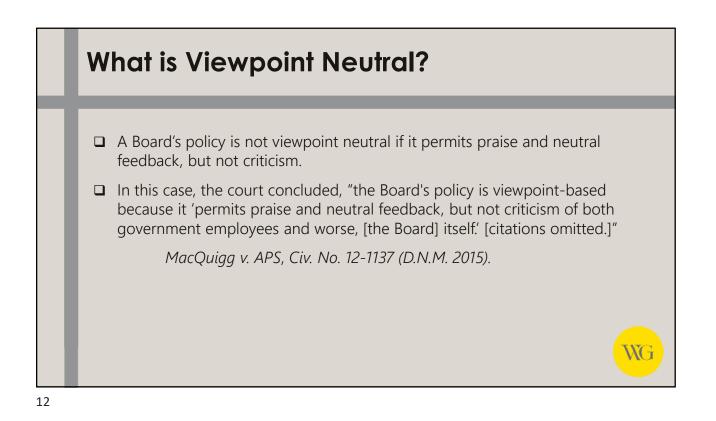








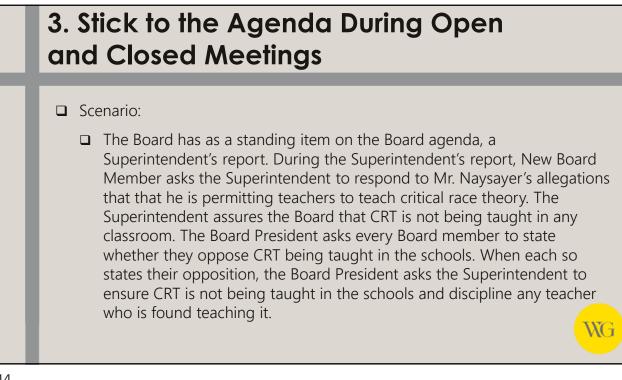




What is Reasonable in Light of the Purpose Served by Board Meetings?

- "The Court concludes as a matter of law that given the Board's limited direct authority over personnel issues, the prohibition on the discussion of personnel issues furthers a legitimate interest of the Board in confining matters addressed during the public comment segment to matters within the Board's purview."
- "[W]ith the exception of comments on the Superintendent's performance, the personnel issues policy operates as a reasonable, viewpoint-neutral restriction on speech, and therefore, is not facially invalid."

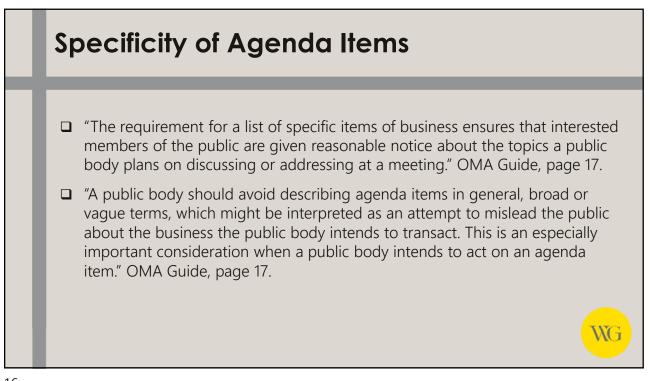
MacQuigg v. APS, Civ. No. 12-1137 (D.N.M. 2015).



The Open Meetings Act and Compliance Guide

- □ The Open Meetings Act is located at NMSA 1978, Sections 10-15-1 to 10-15-4.
- □ The New Mexico Open Meetings Act Compliance Guide is published by the NM Attorney General. The 2015 edition is available at:

http://www.nmag.gov/uploads/files/Publications/ComplianceGuides/Open%2 0Meetings%20Act%20Compliance%20Guide%202015.pdf.

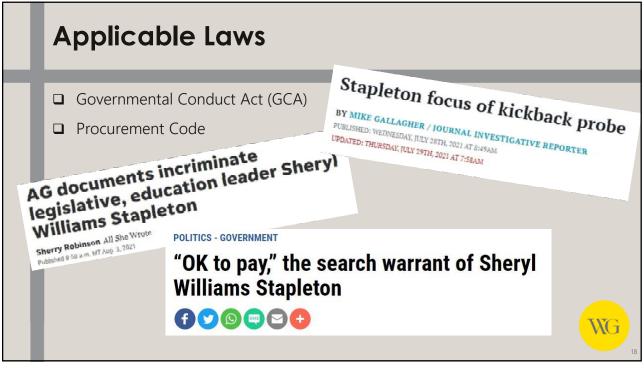


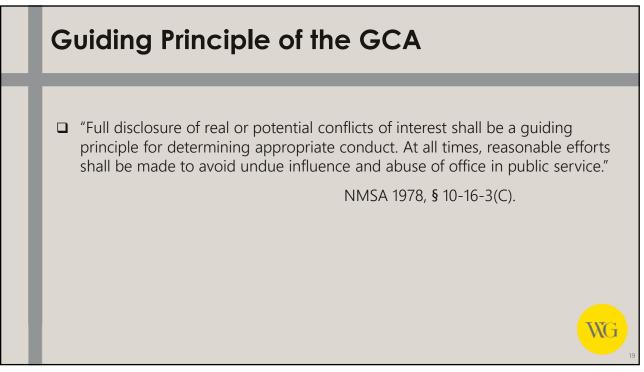
4. Know When to Disclose and Recuse Yourself

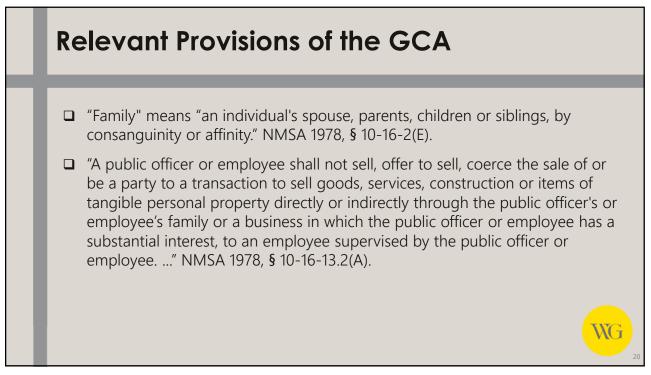
Scenario

New Board Member's sister owns a fencing company (Janet's Fencing). The district has several fences that need repairing. In the past, the district has used Janet's Fencing to do these kinds of repairs. Now that New Board Member has been elected to the Board, the district is wondering whether the district can still contract with Janet's Fencing.

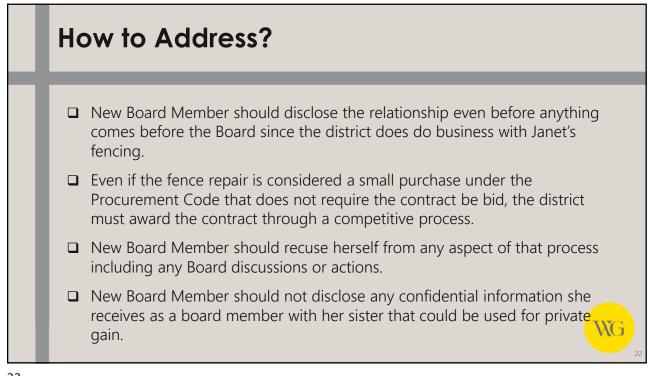
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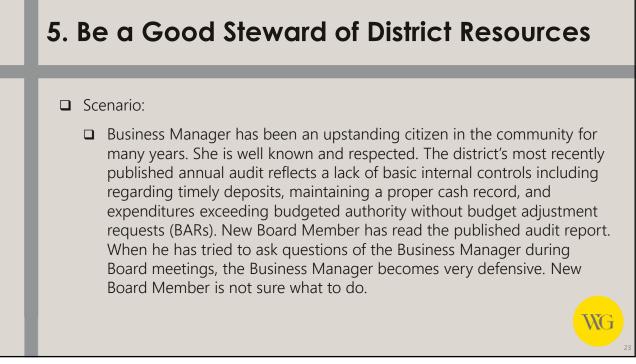


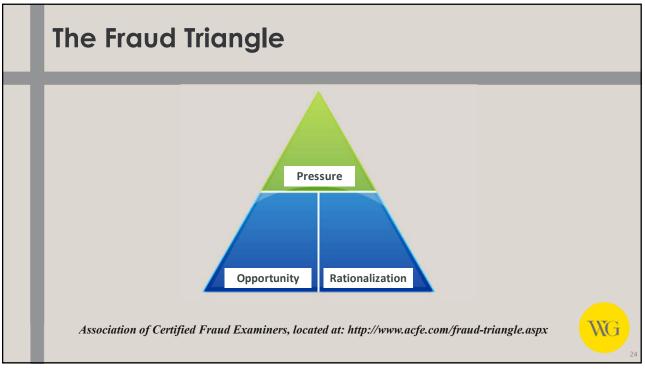


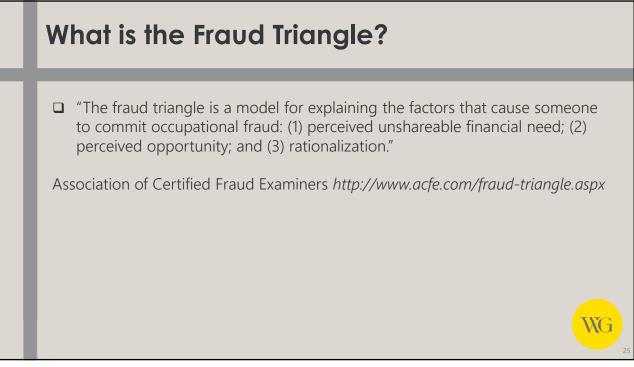


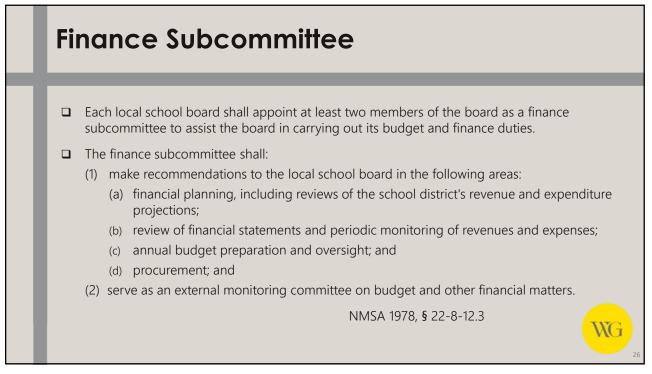
Character Dependencies of the Dependencies of the public officer's of employee's substantial interest through public notice and unless a contract is awarded pursuant to a competitive process, a local government agency shall not enter into a contract with a public officer or employee of that local government agency, with the family of the public officer or employee or with a business in which the public officer or employee or the family of the public officer or employee or with a business in which the public officer or employee or the family of the public officer or employee or with a business in which the public officer or employee or the family of the public officer or employee or employee or the family of the public officer or employee or the family of the public officer or employee or the family of the public officer or employee or the family of the public officer or employee or the family of the public officer or employee o

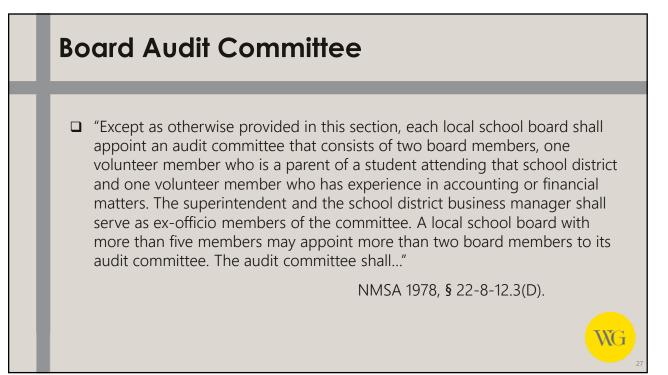


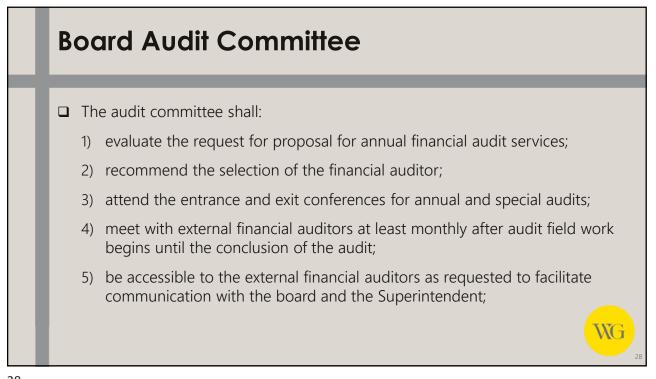


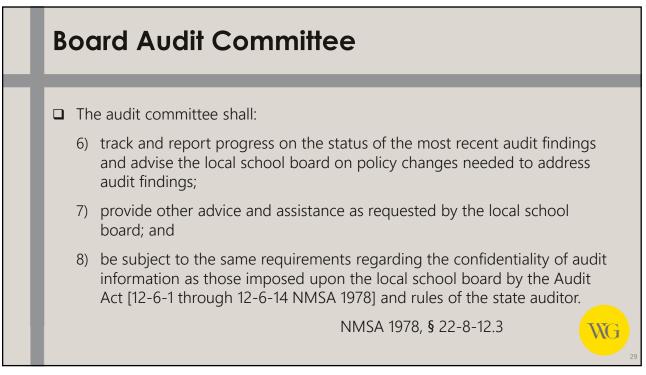




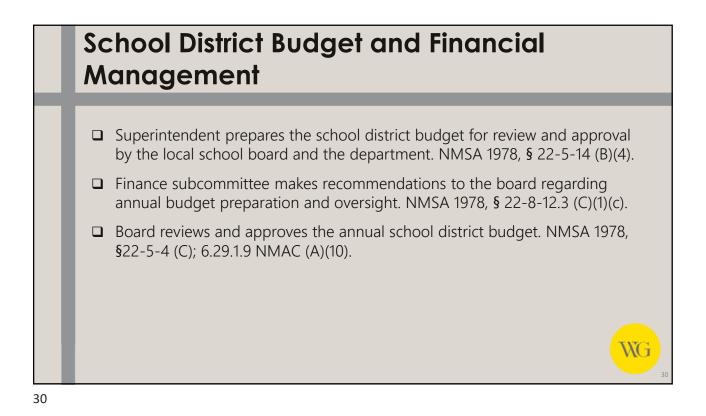








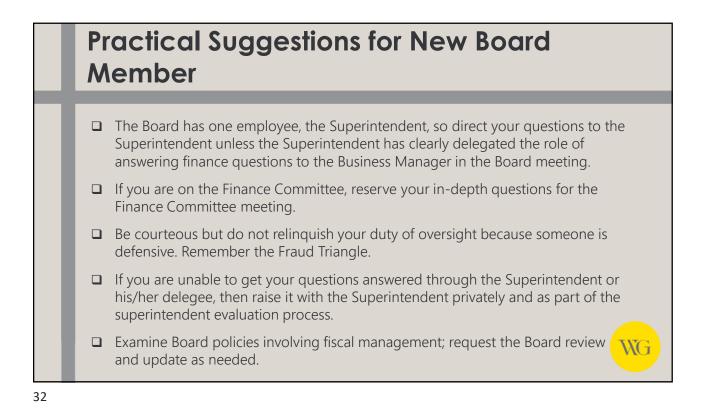


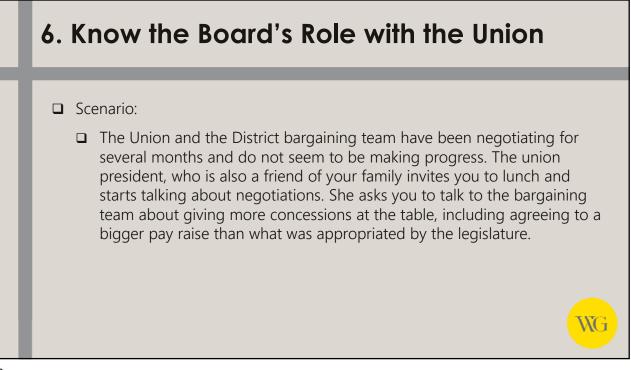


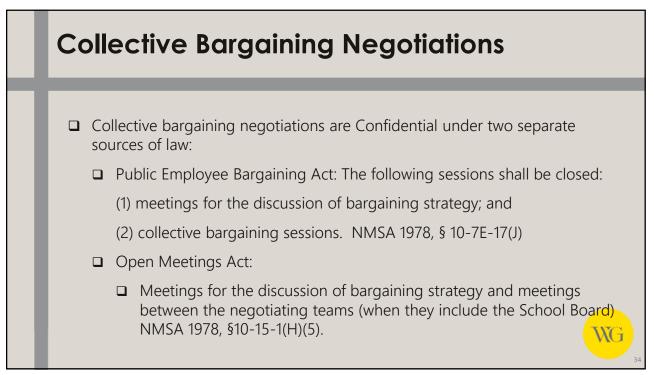
School District Budget and Financial Management

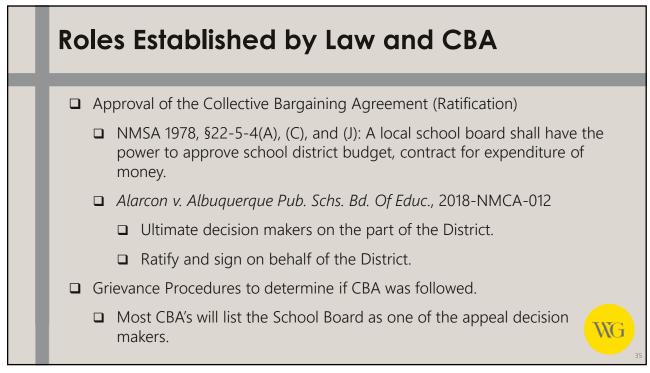
- □ Board provides oversight of revenue and expenditures within the district budget. 6.29.1.9 NMAC (A)(11).
- □ Board ensures that district funds are appropriately managed and disbursed in accordance with laws, regulations and terms of grants. 6.29.1.9 NMAC (A)(9).
 - Superintendent is accountable for budget management and expenditure of funds. 6.29.1.9 NMAC (C)(2).

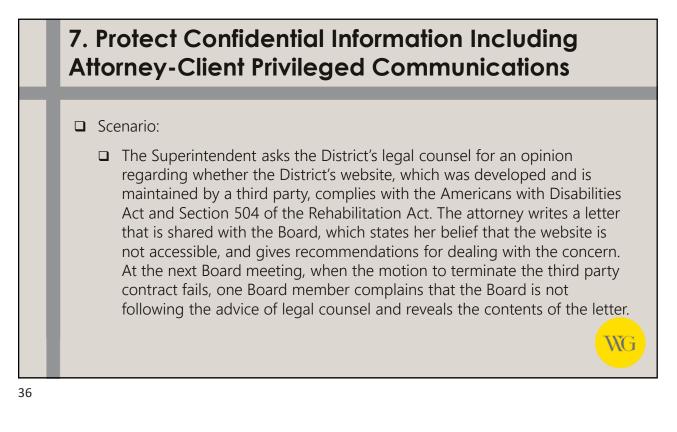
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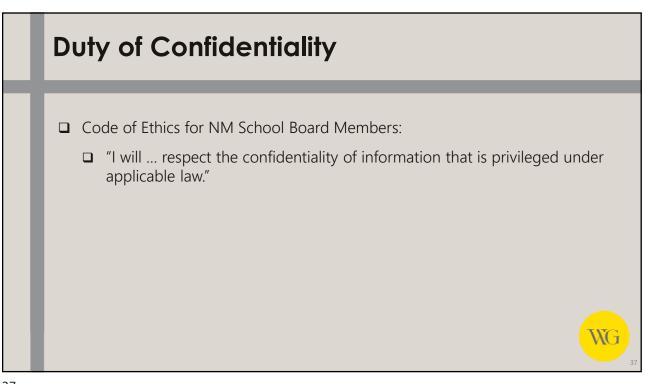


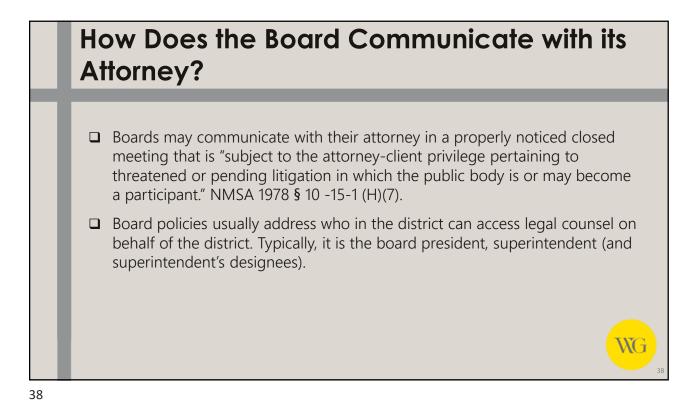












How Else Does the Board Communicate with Its Attorney?

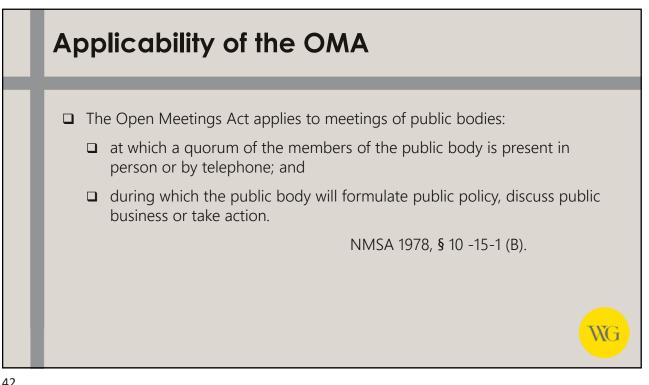
"Aside from discussions with its attorney that are otherwise excepted from the Act, the public body will either have to hold discussions with its attorney in an open meeting or rely on other means to protect its communications with its attorney that do not violate the Act. For example, the attorney might communicate with each member of the public body individually through one-on-one conversations or letters. Keep in mind, however, that if the attorney's advice is discussed among a quorum of the public body's members-in person, by e-mail, by telephone or otherwise-the discussion must be conducted in accordance with the Act, including the requirements for a public meeting, unless it falls within one of the Act's exceptions." OMA Guide, page 29.

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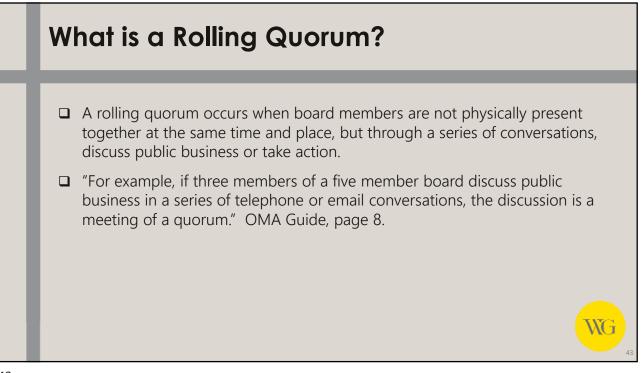
A Few Things for New Board Member to Keep in Mind

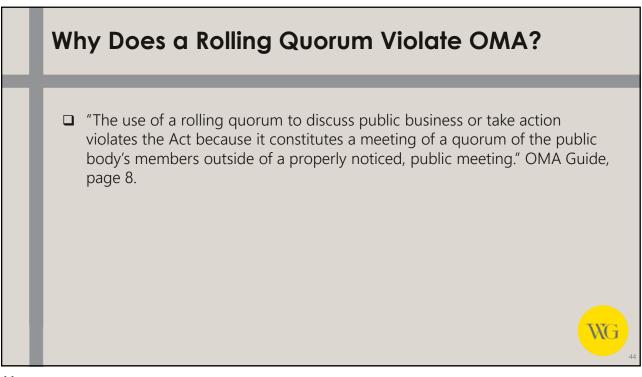
- "A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents." NMRA, Rule 16-113.
- Board policies usually address who in the district can access legal counsel on behalf of the district. Typically, it is the board president, superintendent and superintendent's designee(s). See for Example NMSBA Policy BDG.
- Ethically, your school attorney must act in the best interest of the district. See NMRA, Rule 16-113.
- Most board policies clarify that in the event of any dispute between the superintendent and the board, the district's attorney represents the board.

8. Guard Against Rolling Quorums □ Scenario from the Attorney General's OMA Guide: "Mr. Green and Ms. Thomas, two members of the five-member board of directors for the ZZZ Domestic Mutual Water Users Association (a public body established under the Sanitary Projects Act), have a telephone conversation during which they decide that the board should discharge the Association's executive director. Mr. Green writes a letter to the director terminating her employment, signs the letter and passes it on to Ms. Thomas. Ms. Thomas signs the letter and delivers it to a third board member, who signs it and delivers it to a fourth board member for his signature. The fifth board member does not participate in the termination action." OMA Guide, page 8. WG





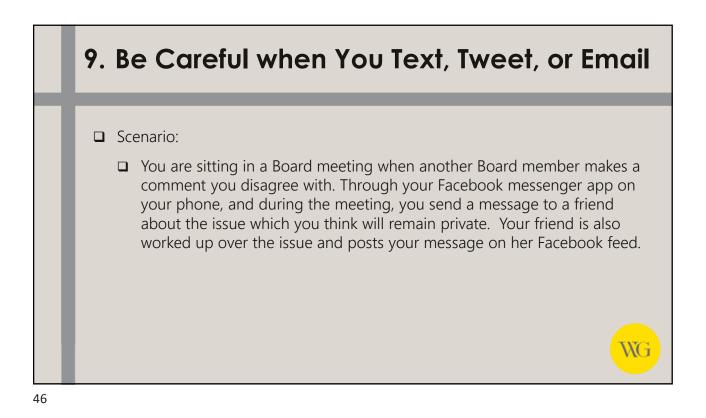


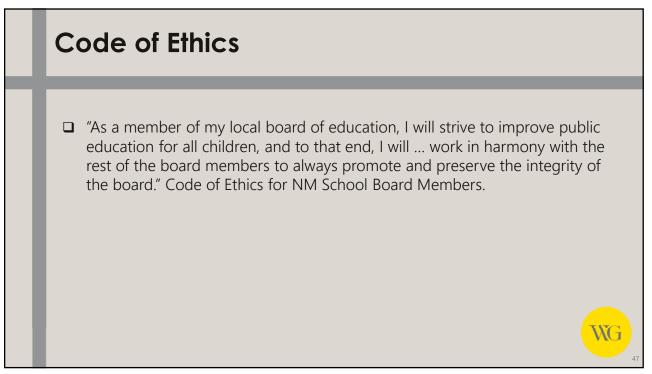


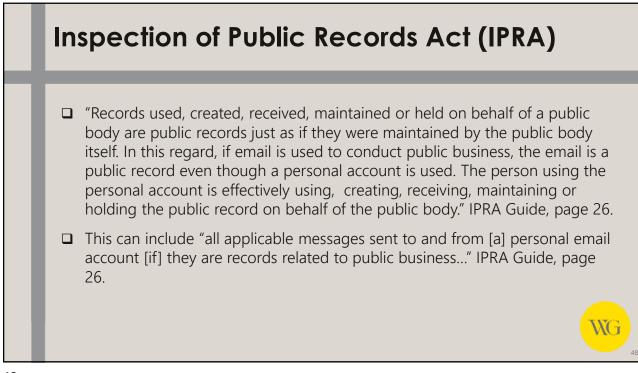
What did the AG Conclude Regarding the Example?

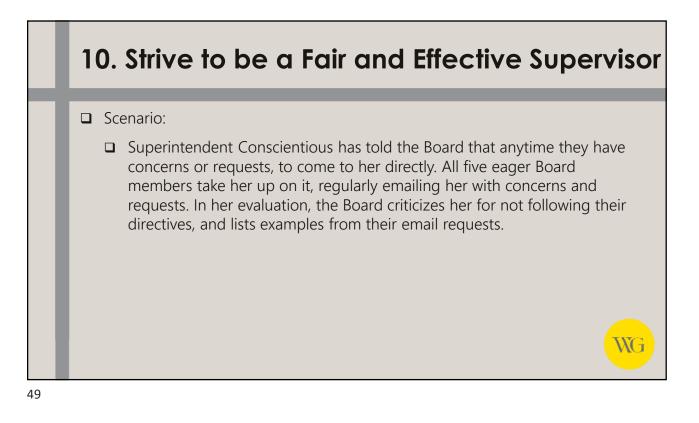
"The board's action violates the Act. The letter discharging the executive director and signed by four of the board members amounts to action by a quorum of the board outside of a properly noticed and conducted public meeting. It makes no difference for purposes of the Act that the four members who made up the quorum were not together in the same place when they discussed and signed the letter." OMA Guide, page 8.

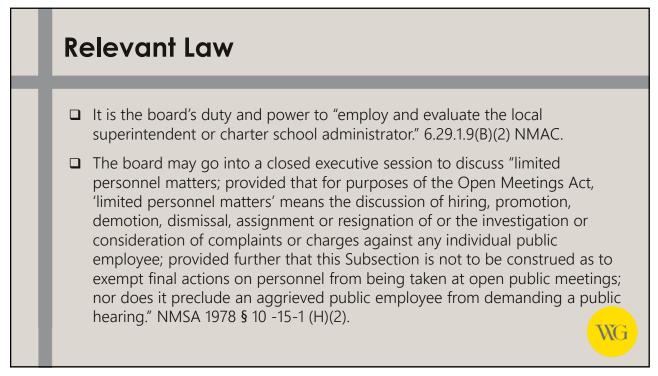
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Code of Ethics

"As a member of my local board of education, I will strive to improve public education for all children, and to that end, I will ... Recognize that I have no legal authority outside the board meetings, and that all decisions of the board will be made at a public meeting where a quorum of the board is present and only after a thorough review of the available information." Code of Ethics for NM School Board Members.

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