

**RESOLUTION OF THE  
ALAMOGORDO PUBLIC SCHOOLS  
LABOR MANAGEMENT RELATIONS BOARD**

RESOLUTION ADOPTING THE NEW MEXICO OPEN MEETING ACT

STATE OF NEW MEXICO                   §  
   §  
COUNTY OF OTERO                   §

Pursuant to the statutory powers set forth in Section 22-5-4 NMSA 1978, at 4:30 p.m. on the 24<sup>th</sup> day of September, 2020, the Alamogordo Public Schools Labor Management Relations Board met in regular session, as required by law, and adopted by vote the following resolution:

**WHEREAS**, the Labor Management Relations Board wishes to adopt the New Mexico Open Meetings Act (the “Act”), Sections 10-15-1 *et seq.* NMSA 1978, for the purpose of compliance with state law; and,

**WHEREAS**, Section 10-15-1(B) of the Act states that all meetings of a quorum of members of the Labor Management Relations Board held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of the Labor Management Relations Board, commission or other policymaking body 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; and,

**WHEREAS**, any meetings subject to the 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 Act requires that the Labor Management Relations Board shall determine at least annually in a public meeting what constitutes notice of its public meetings.

Be it therefore **RESOLVED** by the Labor Management Relations Board that:

1. All meetings of the Labor Management Relations Board shall be held virtually or at the Board Room of the Alamogordo Public Schools (“APS”) Administrative Complex (the “Administrative Complex”), located at 1211 Hawaii Avenue, Alamogordo, New Mexico, as indicated in the meeting notice.
2. Regular meetings, unless otherwise specified, shall be held as necessary to carry out the Board’s functions and duties. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date by posting at the Administrative Complex. The agenda will be available at least seventy-two (72) hours prior to the meeting at the Administrative Complex.
3. Special meetings of the Labor Management Relations Board may be called by the Board president or a majority of the members upon three (3) days’ notice. The special meeting notice and agenda

will be posted at least seventy-two (72) hours before any special meeting at the Administrative Complex.

4. Emergency meetings will be called only under unforeseen circumstances that if not addressed immediately will likely result in injury or damage to persons or property or substantial financial loss to APS. Emergency meetings may be called by the Labor Management Relations Board President or a majority of the members upon twenty-four (24) 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, the Alamogordo Public Schools Labor Management Relations Board shall report to the attorney general's office the action taken and the circumstances creating the emergency.

5. For the purposes of regular meetings described in paragraph 2 of this Resolution, notice requirements are met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and posted at the Administrative Complex. Copies of the written notice shall also be mailed, faxed or e-mailed 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. For the purposes of special meetings and emergency meetings described in paragraphs 3 and 4 of this Resolution, notice requirements are met if notice of the date, time, place and agenda is provided by fax or e-mail to newspapers of general circulation in the state and posted at the Administrative Complex. Fax or e-mail notice shall also be given to those broadcast stations licensed by the Federal Communications Commission that have made a written request for notice of public meetings.

7. In addition to the information specified above, all notices shall include the following language: "If you are an individual with a disability who is 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 Alamogordo Public Schools Superintendent at 575-812-6000 at least one (1) week prior to the hearing or meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Superintendent at 575-812-6000 if a summary or other type of format is needed."

8. The Labor Management Relations Board 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 Act.

9. The Labor Management Relations Board 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. The closure, if made during an open meeting, shall be approved by a majority vote of a quorum of the Labor Management Relations Board taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

- b. If a closure is called for when the Labor Management Relations Board 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. 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 Labor Management Relations Board in an open public meeting.

10. When it is otherwise difficult or impossible for a Board Member to attend a meeting in person, the Board authorizes the Board Member to participate in the meeting by means of a telephone conference call or other similar communications equipment. The Administration shall ensure that any equipment used for this purpose meets the conditions of 10-15-1(C) NMSA 1978 by allowing each member participating by conference telephone to 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 member of the Labor Management Relations Board who speaks during the meeting.

ADOPTED and SIGNED by the Alamogordo Public Schools Labor Management Relations this 24<sup>th</sup> day of September 2020.



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President, Labor Management Relations Board

**Edward N.  
Misquez**

Digitally signed by Edward N. Misquez  
DN: cn=Edward N. Misquez, o=Labor  
Management Relations Board,  
email=edmisquez@yahoo.com, c=US  
Date: 2020.09.28 15:23:38 -06'00'

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Secretary, Labor Management Relations Board

**Linda Gulley**

Digitally signed by Linda Gulley  
DN: cn=Linda Gulley, o=Labor  
Management Relations Board,  
email=linda.gulley.b9s1@statefarm.com, c=US  
Date: 2020.09.28 15:23:57 -06'00'

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Member, Labor Management Relations Board