

Do This Not That: Top Five Strategies for Orderly Board Meetings

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1. Understand the Process

- Board President
 - Runs the meeting, but equal vote
- Agenda
 - Sets the process for the meeting
- Robert's Rules of Order
 - Not required but helpful for maintaining order
- Board Packets
- Board Rules: NMSBA Policy Service Section B, B-1850



The diagram consists of four curved arrows forming a circle, pointing clockwise. The arrows are colored pink, blue, yellow, and green. The logo in the bottom right corner features a large yellow '4' with 'WG' inside it, and the text 'YEAR ANNIVERSARY' below it.

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Motions (Request for Action)

- ❑ General steps:
 1. Agenda item
 2. Presentation (by board member or other)
 3. Discussion
 4. Motion
 5. Second to Motion (agree with the Motion)
 6. More discussion if needed
 7. Vote



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Amending a Motion

- ❑ Board Member 1: makes a motion, seconded by Board Member 2
- ❑ Additional discussion
- ❑ Board member 3: "I would like to offer an amendment"
 - ❑ Does not need to be approved by Board Member 1 or 2 (but this is a typical practice)
 - ❑ If Board Member 1 says no to amendment:
 - ❑ 1st vote on accepting amendment to motion
 - ❑ 2nd vote on amended motion



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Other Actions

- Withdrawing a Motion
 - Only the Board Member who made the original motion can withdraw motion
- Motion fails – what now?
 - Another motion can be made, or
 - Action fails and next agenda item is discussed
- Discussion Items only
 - Reports/presentations
- Off Topic Discussion
 - Role of the Board President to bring discussion back to agenda



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2. Follow the Meeting Agenda

- Agenda is typically created by Board President and Superintendent
 - NMSBA Policy B-1750
- Guide for the meeting
 - Open Meetings Act, NMSA 1978, § 10-15-1(F)
 - A public body may discuss a matter, but cannot take action, unless the matter is listed as a specific item of business on the agenda
 - Avoid describing agenda items in general, broad or vague terms, which might be interpreted as an attempt to mislead the public about the business the public body intends to transact



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(Not So Great) Sample Agenda

- Roll Call
- Pledge of Allegiance
- Approval of previous meeting minutes
- Public Comment
- Old business
- New business
- Adjournment



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(Slightly Better) Sample Agenda

- Roll Call
- Pledge of Allegiance
- Approval of Previous Meeting Minutes
 - Dates
- Public Comment
- ~~Old business~~ Administrative Reports
- ~~New business~~ Discussion and approval of school calendar and service contract
- Adjournment



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Sample Agenda

- ~~Old business~~ Continuing Business
 - Policy Review # XXX, Second Reading, Action Item
 - Administrative Reports
 - Superintendent's Report, discussion only
 - Business and Finance Report
- ~~New business~~ Action Items
 - Discussion and approval of school calendar
 - Approval or disapproval of Memorandum/Contract with special education technical service provider
- Adjournment



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The More Detail, the Better

- Business and Finance Report
 1. Budget and Cash Reports
 2. Investment Update
 3. Budget Adjustment Requests (BARS)
 1. Transfer \$X from BB Line Item to CC Line Item (Action Item)
 4. Monthly expenses report and approval request (Action Item)



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3. Public Comment

- ❑ There is no right to give public comment under the Open Meetings Act
 - ❑ OMA provides that “all persons so desiring shall be permitted to **attend** and **listen** to the deliberations and proceedings.” NMSA 1978, § 10-15-1(A).
 - ❑ Except for those portions of a meeting that are closed under OMA, a Board meeting is a limited public forum for the receipt of information. *Mesa v. White*, 197 F.3d 1041 (10th Cir. 1999).
- ❑ There is no right to give public comment under the constitution



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Board Policy

- ❑ NMSBA Policy Service B-2150 BEDH
 - ❑ “The Board invites the viewpoints of citizens throughout the District”
 - ❑ Complete a form before the meeting
 - ❑ Board President recognizes speakers (with time limits)
 - ❑ “Questions of fact asked by the public shall, when appropriate be answered by the President or referred to the Superintendent for reply.”
 - ❑ No action, comment or discussion shall transpire among Board members regarding public comments.
 - ❑ Personal attacks upon Board members, staff or other persons are **discouraged**



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Public Comment Policy Options



- No public comment at all
- Comment on limited items only
 - Agenda items
- Limited Public Forum
 - Allows speaker to decide topic



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Limited Public Forum

- In a limited public forum, a Board may restrict speech if the restrictions are:
 - Viewpoint Neutral**, and
 - Reasonable in light of the purpose served by meetings of the Board.
 - See *Shero v. City of Grove, Oka.*, 510 F.3d 1196 (10th Cir. 2007).
- Board's policy of prohibiting personal attacks upon Board members and district personnel "is viewpoint-based because it permits praise and neutral feedback, but not criticism..." *MacQuigg v. APS*, Civ. No. 12-1137 (D.N.M. 2015).
- Board's policy of prohibiting discussion of personnel issues could be reasonable "given the Board's limited direct authority over personnel issues," except for "comments on the superintendent's performance." ..." *MacQuigg v. APS*, Civ. No. 12-1137 (D.N.M. 2015).



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4. Understand the Open Meetings Act

“In recognition of the fact that a **representative government** is dependent upon an informed electorate, it is declared to be public policy of this state that all persons are entitled to the greatest extent possible information regarding the affairs of government and the official acts of those officers and employees who represent them.” NMSA 10-15-1, Open Meetings Act



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Open Meeting's Act Basics

- Notice to the Public (72 hours)
 - This means you can't change the agenda at the meeting.
- Quorum
 - Need enough Board Members present to conduct business
- Rolling Quorum prohibited
 - Don't talk about District business outside the meeting with other Board members
- No resolution, rule, regulation, ordinance or action of any board shall be valid unless taken or made at a meeting held in accordance with the Open Meetings Act. NMSA 1978, § 10-15-3(A)



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Closed/Executive Sessions

- Open Meetings Act, NMSA 1978, § 10-15-1(H)
 - (H)(2): Hiring, promotion, demotion, dismissal, assignment or resignation of a district employee; investigations or considerations of complaints or charges against a district employee
 - (H)(3): Administrative adjudicatory proceeding
 - (H)(4): Discussion of personally identifiable information about an individual student
 - (H)(5): Collective bargaining strategy
 - (H)(6): Sole source purchase or competitive bids
 - (H)(7): Pending or threatened litigation
 - (H)(8): Discussion of purchase/acquisition/sale of real property



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Why Is It Closed and What Does That Mean?

- Confidential information
 - Should not be disclosed or discussed outside of executive session (generally)
- NO action items
 - Must have a related open meeting agenda item to take action
 - "I move that we authorize the Board President to take the actions discussed in executive session"
 - "I move we approve the new contract of the Superintendent at the annual salary rate of \$XXX to end June 30, 2025."
- Discuss only items on the closed agenda.



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Guidance

- ❑ New Mexico Open Meetings Act Compliance Guide
 - ❑ Office of the New Mexico Attorney General (2015 edition)
 - ❑ <https://www.nmag.gov/wp-content/uploads/2021/11/Open-Meetings-Act-Compliance-Guide-2015-Edit.pdf>
- ❑ Walsh Gallegos Board Meeting Quick Reference Guide
- ❑ Watch other Board Meetings



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5. Respect!

- ❑ Board Member Code of Ethics
 - ❑ NMSBA Policy B-0750
 - ❑ Remember who you represent
 - ❑ Not about you, but your constituents as whole
 - ❑ Remember the Governmental Conduct Act
 - ❑ Five individuals with five different perspectives
 - ❑ "to work with my fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debates on points at issue.



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*“To strive, step by step, toward ideal conditions for
most effective Board service to my community in a
spirit of teamwork and devotion to public education
as the greatest instrument for the preservation and
perpetuation of our representative democracy.”*

NMSBA Policy Service, B-0750

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