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SECTION: San Juan College Board

POLICY TOPIC: Board Meetings

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I. Introduction

In order to be in compliance with the "Open Meetings Act", Sections 10-15-1 to 10-15-4, NMSA 1978, the following definitions and procedures are detailed so that the conduct of all College Board business is in compliance with the spirit of the law.

II. Meetings

A. "Meetings" defined: "Meeting" is defined as any verbal exchange among a quorum of Board members attempting to arrive at a decision on any public business or public policy relating to the College over which the Board has supervision or control.

B. Types of meetings:

1. Regular Meetings: According to state statute, meetings of the Board shall be held not less than quarterly each calendar year. Special meetings may be held upon call of the Chairman or a majority of the Board. In a meeting of the San Juan College Board on January 6, 1982, a motion was adopted that regular meetings of the Board be held on a monthly basis. This exceeds what is required by law but is deemed necessary to accomplish College business in an orderly and timely manner. The regular meetings shall be held on the first Tuesday of every month at 7:00 p.m. in the San Juan College Board Room, Administrative Offices, 4601 College Boulevard, Farmington, New Mexico. The date or place of a regular meeting may be changed by action of the Board at any previous meeting. Every member shall be notified either by letter or personally by distribution of the minutes carrying a record of the change; or, at any other time by the Chairman after timely notice to all members and with the consent of a majority of said members. If the date or place of any regular meeting is changed, the public will be informed of the change by notice as required by law.
2. Special Meetings: Special meetings to conduct College business may be called by the Chairman of the Board, or by a majority of the members of the Board, or by the President with approval of the Board Chairman.

3. Work Sessions: Work Sessions may be called by the President, with the approval of the Board Chairman, to review and discuss College related information. No official Board action shall take place in a Work Session.
4. Emergency Meetings: A meeting may be called by the Board Chairman for the purpose of considering an emergency or other matter of urgent public necessity.
5. Closed Meetings: Closed meetings or executive sessions of the Board are those meetings which are allowed to be closed to the public, pursuant to state law.

III. Public Access

- A. Meetings Open to the Public: All meetings at which the Board shall formulate policy, discuss College business, or take any action within the authority of or delegated authority of the Board, shall be open to the public at all times, except as otherwise provided in the Constitution of the State of New Mexico or the provisions of the Open Meetings Act.
- B. Meetings Closed to the Public: To close a meeting, or to call an executive session at which the general public shall not be entitled to be present for purposes set out in the Open Meetings Act, the following conditions must be met and procedures followed:
  1. The Board shall first be convened in a public open meeting and during that meeting, the Chairman shall publicly announce that a closed or executive meeting or session will be held.

A motion to close the meeting shall be made and approved by a majority vote of a quorum of the Board. The motion shall include a statement of the subject to be discussed which gives the Board authority to close the meeting. The vote on the motion shall be recorded as required by law.
  2. If a closed meeting is called when the Board is not in open meeting, public notice, appropriate under the circumstance, shall be given. The notice shall include a statement of the purpose of the anticipated closed meeting, along with the identification of the section or sections under the statute authorizing the holding of such closed or executive session.

3. Closed meetings, according to the above requirements, may be called and voting may take place in accordance with the Open Meetings Act.
4. Whenever any deliberation or any portion of a meeting is closed to the public, no final action, decision, or vote with regard to any matter considered in the closed meeting shall be made, except in a meeting which is open to the public.

IV. Notice Requirements

- A. Regular Meetings, Special Meetings, or Work Sessions: In accordance with the Open Meetings Act, reasonable notice shall be given to the public announcing the date, time, place, and subject matter of each meeting. A record of the notice sent to all media sources shall be kept on file. The notice will also be posted in a place convenient to the public in the Educational Services Center of the College. The Board will adopt an annual resolution at a regularly scheduled open meeting stating its procedure for giving notice of meetings.
- B. Emergency Meetings: Emergency meetings may be called as permitted by law and College Policy, and such notice, as is reasonable within the time restrictions required by the emergency, shall be given to the public. Media shall be informed in writing, or orally, at the earliest practical time after the decision to meet in an emergency session is made. The information provided to the media shall include the date, time, and place of the emergency meeting, and the purpose of calling the meeting. A record of the media outlets contacted, and the information included in the message, whether written or orally made, shall be kept on file. Written notice of any emergency meeting shall also be posted in the Educational Services Center of the College.
- C. Informal Meetings: Functions which the Board members attend as a group, such as training workshops, social gatherings, conventions, community celebrations, and similar events (but at which no Board session is officially called and no College business is acted upon) shall not be considered to be a Board meeting within the terms of this section of Board policy, and no public notice need be given.

V. Citizen Participation

- A. Rationale: Interested persons, including faculty, staff and students, may communicate their concerns to the Board at a meeting if certain procedures are followed. Such procedures are intended to preserve and promote the constitutionally guaranteed rights of free speech and petition and to avoid unfair discrimination among citizens seeking expression.
- B. Procedure: In order that the business of the College may be conducted in an orderly and deliberative fashion, the Board sets forth the following procedures for citizens desiring to appear before the Board:
1. Citizens who wish to present an agenda item to the Board shall make the request to the Administrative Assistant to the President not less than ten (10) days prior to any Board meeting. Their request shall be in a format as determined by the College and shall include any and all supporting data to be considered. The decision to include an item on the agenda shall be made in accordance with Section VI (B) and communicated to the citizen not less than five (5) days prior to the meeting. If the item is not to be included in the agenda, the reasons for exclusion shall be communicated to the citizen. The citizen may petition the Board to include the item at a later date by presenting the same to the Board during the public comment section.
  2. Citizens desiring to be heard by the Board will notify the Administrative Assistant to the President prior to the commencement of the meeting and indicate the agenda item or subject matter of any public comment which they wish to address. The Board Chair, at that time, shall make the decision whether or not to permit that specific comment. The criteria to be utilized in determining whether or not to permit such public comment shall primarily be a determination of whether or not such public comment is appropriate under the New Mexico Open Meetings Act. Specifically, matters relating to consideration, complaints, or charges against any employee of the College shall not be heard, discussion of personally identifiable information concerning any other individual student, discussions regarding collective bargaining, procurement code, procurement code issues, discussions regarding the purchase, acquisition or disposal of real property or water rights, or meetings subject to the attorney/client privilege shall not be the subject of public comments. If a determination is made that the matter of public comment is not

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appropriate, the reason for that decision shall be communicated to the person requesting to make the comment. The Board may also request an individual to defer public comment and refer the matter to the appropriate administrator for possible resolution.

3. Individuals who have notified the Administrative Assistant to the President of their desire to address the Board on agenda items shall be recognized before the Board Chairman calls for a vote on the item or concludes the item. Speakers must limit their remarks to the agenda item.
4. Persons who have notified the Administrative Assistant to the President of their desire to address the Board on non-agenda items and have been so approved shall be recognized during that portion of the agenda entitled, "Citizen Comment." No action can be taken on a non-agenda item.
5. The Board shall refrain from hearing complaints or charges against employees of the College in open session but may, in its sole discretion, elect to consider the matter in Executive Session or may refer the party to the appropriate Dean or Vice President who shall hear the complaint or charge in accordance with established college policy.
6. The Board has the discretion to establish time limits on presentations under public comment as deemed appropriate to the occasion and may limit the number of speakers who appear before the Board on any given issue. Unless modified by a majority vote of the Board, individual speakers shall be limited to 3 minutes.
7. Only individuals officially recognized by the Chairman of the Board shall be allowed to speak.
8. The use of profanity, obscenity, and/or other offensive language threats of violence or exceeding the scope of the request to comment in such a way as to violate the Citizen Participation Policy shall be sufficient cause for the Chairman of the Board to withdraw a citizen's permission to address the Board.
9. Except in emergencies, the Board shall not attempt to decide upon any question before examining and evaluating information which any individual requests the Board to consider which may be submitted by such individual or which is otherwise reasonably available. The President shall be given an opportunity to examine and to evaluate all such information

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and to recommend action before the Board makes a decision.

10. These procedures are subject to the provisions of the Open Meetings Act.

- C. Written Communication: All written communications delivered to the Administrative Assistant to the President shall be delivered to the Board members. The Administrative Assistant shall have no obligation to provide sufficient copies for each Board member. The persons submitting written communication may be directed to provide sufficient copies.

## VI Meeting Procedures

- A. Prerequisites to Transact Business: In order to transact business which is binding to the College, the Board must meet in official session, keep minutes, and have a quorum of members present. All motions, duly seconded, require a majority of those voting.
- B. Agenda: The meeting agenda shall be prepared by College staff and faculty and coordinated by the President for Board presentation. Board members may also request that the President include an agenda item for Board presentation.
- C. Rules of Procedure: Unless otherwise determined by the Board or herein specified, all meetings will be conducted in accordance with Robert's Rules of Order Revised.
- D. Minutes: The minutes of each regular, special, emergency meeting, or any work session shall be recorded and include a minimum of the following:
1. The date, time, and place of the meeting.
  2. The names of all members of the Board in attendance and a list of those absent.
  3. A statement of what proposals were considered.
  4. A record of any decisions made by the Board and of how each member voted at each vote.

A draft of all minutes shall be prepared within ten (10) working days after the meeting and be available at that time for public inspection. However, these minutes will not become official until approved at the following

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regular meeting. All official records with original signatures of Board transactions of the regular meetings shall be set forth in a minute book, which shall be kept by the Board Recorder as a permanent official record the College and shall be open to inspection by the public. Minutes shall be succinct, but shall include both informational and action items. All special meetings and work sessions where College business is discussed shall be appropriately recorded and available for inspection. Board members may request inclusion of statements or data which they deem vital to an adequate understanding of the minutes.

- E. Voting: Voting on Board action items shall be by voice vote, except that a roll call vote may be requested by a Board member. A member voting against a motion may state his/her reasons and may have them recorded in the minutes, if he/she so requests at the time of voting. The minutes shall record the name of the person making the motion, the name of the person seconding it, and the vote with dissenting members being noted.
- F. Order of Business: The normal order of business on the agenda of regular Board meetings shall be as follows:
1. Call to Order
  2. Welcome of Guests and Visitors
  3. Adoption of Agenda
  4. Approval of Minutes
  5. Correspondence
  6. Staff Reports
  7. Old Business
  8. President's Report
  9. New Business
  10. Announcement of Next Meeting
  11. Adjournment

VII. Legal Opinions - Board Requests

All questions or inquiries of a member or members of the Board, involving the law and procedural matters pertaining to the College, may be reduced to writing by such member or members and transmitted to the President. Upon receipt of such questions or inquiries by the President, he/she may submit the same to the legal counsel of the College for the appropriate answer, which answer will be made in writing and transmitted through the President to the Board.

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BOARD AGENDA REQUEST

REQUEST MADE BY \_\_\_\_\_

TOPIC FOR  
PRESENTATION \_\_\_\_\_

SUMMARY OF  
PRESENTATION \_\_\_\_\_

\_\_\_\_\_

ACTION REQUESTED OF BOARD \_\_\_\_\_

\_\_\_\_\_

SUPPORTING DATA ATTACHED (list) \_\_\_\_\_

\_\_\_\_\_

REQUEST MADE BY \_\_\_\_\_

(Name)

\_\_\_\_\_

(Phone)

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**THIS SPACE FOR COLLEGE USE ONLY**

REQUEST REVIEWED BY \_\_\_\_\_

APPROVED FOR PLACEMENT ON AGENDA BY \_\_\_\_\_

REQUEST DENIED FOR FOLLOWING REASONS \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

(Signature)

\_\_\_\_\_

(Date)