

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 27 PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL
PART 1 GENERAL PROVISIONS

6.27.1.1 ISSUING AGENCY: Public School Capital Outlay Council
[6.27.1.1 NMAC - N, 11/14/2000]

6.27.1.2 SCOPE: Public school capital outlay council and public school districts
[6.27.1.2 NMAC - N, 11/14/2000]

6.27.1.3 STATUTORY AUTHORITY: The Public School Capital Outlay Act, Sections 22-24-1 to 22-24-11 NMSA 1978.
[6.27.1.3 NMAC - N, 11/14/2000; A, 07/15/2010]

6.27.1.4 DURATION: Permanent
[6.27.1.4 NMAC - N, 11/14/2000]

6.27.1.5 EFFECTIVE DATE: November 14, 2000, unless a later date is cited at the end of a section.
[6.27.1.5 NMAC - N, 11/14/2000]

6.27.1.6 OBJECTIVE: The objective of the rule is to establish the definitions for rules filed in this chapter and rules for the general operation of the public school capital outlay council.
[6.27.1.6 NMAC - N, 11/14/2000; A, 07/15/2010]

6.27.1.7 DEFINITIONS: As used in this chapter:

- A. “public school facilities authority (“authority”)” means that entity created under the public school capital outlay council pursuant to Subsection A of Section 22-24-9 NMSA 1978;
 - B. “council” means the public school capital outlay council;
 - C. “department” means the public education department;
 - D. “director” means the director of the public school facilities authority;
 - E. “secretary” means the secretary of public education; and
 - F. “school district” means an area of land established as a political subdivision of the state for the administration of public schools and segregated geographically for taxation and bonding purposes; for purposes of the rules within this chapter, references to “school district” or “district” shall also be applicable to state chartered charter schools, the New Mexico school for the blind and visually impaired (“NMSBVI”) and the New Mexico school for the deaf (“NMSD”).
- [6.27.1.7 NMAC - N, 11/14/2000; A, 06/15/2004; A, 07/15/2010]

6.27.1.8 NOTICE OF OPEN MEETINGS

- A. All meetings will be conducted pursuant to the provisions of the Open Meetings Act, Sections 10-15-1 to 10-15-4 NMSA 1978. At its first meeting of each fiscal year, the council will determine what notice to the public of its meetings is reasonable and will establish the schedule of its regular meetings.
- B. Notice of open meetings will be consistent with the open meetings resolution adopted by the council as follows.
 - (1) All meetings will be held in Santa Fe, New Mexico or as otherwise indicated on the meeting notice.
 - (2) At least ten (10) days notice will be given in advance of the meeting date. Notice requirements are met if notice of the date, time and place of the meeting and an agenda for the meeting, or information on how the public may obtain a copy of such an agenda, is placed in one newspaper of general circulation in the state. The council will also disseminate copies of the written notice to those broadcast stations licensed by the federal communications commission, newspapers of general circulation, local school district superintendents, and all others who have made a written request for notice of public meetings.
 - (3) Special meetings may be called by the chair or a majority of the members upon three (3) days notice. The council will disseminate copies of the written notice 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 by expedited mail, e-mail, FAX, or other expedited manner. The council will further disseminate

by e-mail or fax copies of the written notice to local school district superintendents and to others who have made a request for notice of public meetings.

(4) Emergency meetings will be called only under unforeseen circumstances that, if not addressed, will likely result in injury or damage to persons or property or substantial financial loss. Emergency meetings may be called by the chair or a majority of the members upon twenty-four (24) hours notice, unless threat of personal injury or property damage require less notice. The notice for all emergency meetings will include an agenda for the meeting or information on how the public may obtain a copy of the agenda. The council will disseminate copies of the written notice 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 by expedited mail, e-mail, FAX, or other expedited manner. The council will further disseminate by e-mail or fax copies of the written notice to local school district superintendents and to others who have made a request for notice of public meetings.

C. All notices will 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 meeting, please contact _____ at _____ at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact _____ at _____ if a summary or other type of accessible format is needed.

D. The council 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 Subsection H of Section 10-15-1 NMSA 1978 of the Open Meetings Act. If any meeting is closed pursuant to the exclusions contained in Subsection H of Section 10-15-1 NMSA 1978 of the Open Meetings Act, the following requirements will be adhered to:

(1) if made in an open meeting, closure shall be approved by a majority vote of a quorum of the council; the authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting, the vote shall be taken in an open meeting, and the vote of each individual member shall be recorded in the minutes; only those subjects announced or voted upon prior to closure by the policymaking body may be discussed in a closed meeting; and

(2) if called for when the council 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 the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed is given to the members and to the general public; and

(3) 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 that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting; this statement shall be approved by the council as part of the minutes.

[6.27.1.8 NMAC - N, 11/14/2000; A, 08/31/05]

6.27.1.9 COUNCIL ORGANIZATION

A. A majority of the membership of the council constitutes a quorum.

B. The council will elect a chair and vice-chair. The chair and vice-chair will serve two-year terms.

If an interim vacancy results in the office of chair or vice-chair, the council will select an officer or officers to serve in the interim.

C. The chair will preside at council meetings and will have powers and duties including, but not limited to, the following:

(1) to rule on matters of parliamentary procedure;

(2) to execute documents approved by the council on behalf of the council;

(3) to coordinate with council staff; and

(4) to appoint subcommittees of the council as the chair deems necessary and advisable to enable the council to conduct its business in an efficient manner. Subcommittees will be composed of fewer than a quorum of the council membership and will make recommendations to the council on issues and matters as directed by the chair. Subcommittees will act in an advisory capacity to the council. Subcommittees may not take any final or binding action.

D. The vice-chair will serve in the absence of the chair.

E. If a council member is unable to attend a council meeting, the member may provide a written designation to the chair authorizing a specified individual to act on behalf of the council member for the meeting.

[6.27.1.9 NMAC - N, 11/14/2000; A, 06/15/04]

6.27.1.10 APPEALS

A. A school district aggrieved by a decision or recommendation of the authority that is not otherwise subject to review and final decision by the council may appeal the matter to the council.

B. The following procedures will govern appeals.

(1) An aggrieved district must file an appeal to the council within thirty (30) days of the authority's decision or recommendation.

(2) The notice of appeal, including a statement of the grounds upon which the school district is aggrieved, must be filed with the authority. The authority will forward the notice of appeal to the chair within two (2) working days of receipt of the notice of appeal.

(3) The chairperson will inform the school district and the authority of the date, time and location of the hearing. No later than five (5) days prior to the hearing, the school district and the authority will exchange documents that will be relied upon in making presentations to the council. The authority will duplicate all documents and make copies available to council members.

(4) At the hearing, the school district, the authority and other interested parties may make informal presentations to the council in accordance with rules of order established by the chair.

C. Notwithstanding Subsections A and B of this section, if a charter school requests that the school district appeal a decision or recommendation of the authority that is not otherwise subject to review and final decision by the council and which relates to a charter school facility and the school district does not file the appeal, the charter school may submit its appeal directly to the council. The charter school must submit its appeal no later than thirty (30) days after the expiration of the time period established in Paragraph (1) of Subsection B of this section.

D. The council will decide the matter within ten (10) days after the hearing and notify the school district and the authority of its decision.

E. The filing of an appeal will suspend any decision or recommendation of the authority pending a decision by the council.

[6.27.1.10 NMAC - N, 06/15/04]

HISTORY OF 6.27.1 NMAC: [RESERVED]