

## **ADVISORY 240**

*Note:* This material is written by NMSBA for informational purposes only, and not as legal advice. You may wish to consult with your attorney for further explanation and advice as to the content of this advisory.

**EXECUTIVE SESSIONS / OPEN MEETINGS**

The Open Meetings Act requires all Board meetings to be open to the public at all times unless an exception found in the Act permits a closed executive meeting. A closed executive meeting may be held to discuss:

- Issuance, suspension, renewal, or revocation of a license. Final actions shall be taken at an open meeting.
- "Limited personnel matters" which means the discussion of hiring, promotion, demotion, dismissal, assignment, or resignation of or the investigation or consideration of complaints or charges against any individual public employee. Final actions on personnel which the Board is lawfully authorized to take shall be taken at an open public meeting.
- An "administrative adjudicatory proceeding" which means a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be determined by the public body after an opportunity for a trial-type hearing. Final action which the Board is lawfully authorized to take as a result of the proceeding shall occur in an open meeting.
- Personally identifiable information about any individual student, unless the student, his parent or guardian requests otherwise.
- Bargaining strategy preliminary to collective bargaining negotiations between the Board and a bargaining unit representing the employees of the District and collective bargaining sessions at which the Board and the representatives of the collective bargaining unit are present;
- Purchases exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source, and the contents of competitive sealed proposals solicited pursuant to the Procurement Code during the contract negotiation process. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting.
- Meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the Board is or may become a participant.
- The purchase, acquisition, or disposal of real property or water rights.

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