

**LOS LUNAS SCHOOLS BOARD OF EDUCATION
REGULAR MEETING
SEPTEMBER 12, 2023**

1. CALL TO ORDER

Ms. Garcia called the Los Lunas Schools Board of Education meeting to order at 5:59 pm and welcomed those who were participating in the board meeting in person and those who were watching the board meeting via livestream on YouTube. She asked that anyone addressing the Board to use the microphone at the podium and to be sure to identify themselves for the record. Ms. Garcia added that, as a reminder, the link to the meeting was on the District's web page, under the Board of Education page. She stated that the streaming would run through the end of the meeting. In the event there was a disruption in the audio portion, she would pause the meeting until it was reestablished.

LLS BOE Members Present:

Tina Garcia, President
P. David Vickers, Vice President
Bruce Bennett, Secretary
Bryan C. Smith, Member
Eloy Giron, Member

Administrators Present:

Dr. Ryan Kettler, Superintendent
Brian Baca, Deputy Superintendent
Susan Chavez, Chief Student Services Officer
Dr. Deborah Elder, Chief Academic Officer
Andrew Saiz, Chief Personnel Officer
Sandy Traczyk, Chief Finance Officer
Mike Good, Dir. of Network Operations
Jacqueline Kelly-Romero, Dir. of Special Projects
Mary McGowan, Dir. of Special Services
Michelle Romero, Dir. of Purchasing
Elena Trodden, Dir. of Language Learning Innovations
Joseph Barela, Custodial Supervisor
Carlos Castillo, Business Office Supervisor
Tiffany McMinn, Construction Management Supervisor

Administrators Present:

Eric Tiger, Principal, Principal, Los Lunas High School
Albert Aragon, Principal, Valencia High School

Dr. Nimrah Marquez, Principal, Los Lunas Middle School
Teri Gough, Principal, Katherine Gallegos Elementary
Matthew Pendrak, Principal Los Lunas Elementary
Venessa Tregembo, Principal, Sundance Elementary
Elias Casaus, Principal, Valencia Elementary
Jennifer Gaerlan, Asst. Principal, Los Lunas High School
Jeff Hartog, Asst. Principal, Los Lunas High School
Marsha Hubbell-Espinosa, Asst. Principal, Los Lunas High School
Michaela Coffin, Asst. Principal, Valencia Middle School
Regina Lucero, Principal, Ann Parish Elementary

Others Present:

Roxie De Santiago, Esq. Walsh Gallegos
Approximately Fifteen (15) additional individuals were in attendance.
A range of 30 - 38 individuals watched via live streaming.

2. ANNOUNCEMENT OF MEETING

Ms. Garcia asked Dr. Kettler to announce the meeting. Dr. Kettler reported the meeting had been announced in accordance with the LLS Open Meetings Resolution, and, was a legally constituted meeting of the Los Lunas Schools Board of Education.

3. PLEDGE OF ALLEGIANCE

Carlos Tellez, a student at Los Lunas High School, led the audience in the Pledge.

Dr. Kettler stated Carlos was a student at Los Lunas High School and one of the Tiger's biggest supporters. They could spot him on the football field wearing his number 45 Tiger Football Jersey through the pre-game warm-up. He loved not only Tigers Football but was a Dallas Cowboys fan as well. He liked playing outside with his brother. His love for animals, especially his two dogs, had motivated him to work in the field of animal science as a veterinary assistant once he completed his education. Pink was his favorite color and his favorite song was rock star. That was appropriate since he had become a star of his own at LLHS.

4. APPROVAL OF AGENDA

Ms. Garcia announced that took them to Item #4. She asked Dr. Kettler if there were any changes or deletions to the agenda. Dr. Kettler recommended one change to the agenda – that being to move Item #10, Superintendent's Report, to be discussed before Item #6, Public Comment, with the numeration to be left as it was and just the moving the order.

Ms. Garcia stated that they had a request to move Item #10 before Item #6, and asked if the board members has any issues with that and/ or would they like to make any changes to the agenda?

Mr. Smith said he would like for legal counsel to give a legal opinion on whether they were allowed to vote on the agenda or not, because at the last board meeting they were not.

Ms. Garcia asked legal counsel, Roxie De Santiago to go to the podium.

Ms. De Santiago stated that it was different from the last week. The issue last week on the agenda had specifically to do with an item for which under the Governmental Conduct Act he was prohibited from participating in. The request to move on the agenda today had nothing to do with Item #9, which, was once again on the agenda. She saw no prohibition in terms of Member Smith or Member Giron voting on the agenda in that instance.

Mr. Smith responded that in reference to #9, it was a different item on the previous two agendas, the 8th and the 22nd he believed.

Ms. De Santiago said that was correct.

Mr. Smith stated that the item was the discussion of the procedure for due care for reimbursement of legal fees on the 8th, and it didn't mention names. On the next board meeting, they mentioned his name because that was what they wanted. Then, on this meeting, he said it didn't even sound like the same agenda item. So was it the exact same agenda item? Because today, it said under Item #9 DISCUSSION AND APPROVAL ... and he just wanted clarification before he voted on the agenda.

4. APPROVAL OF AGENDA (Continued)

Mr. Smith stated that on Item #9, it was a discussion and approval of requests for reimbursement of legal fees by Board Member Bryan C Smith and Board Member Eloy G Giron (Removed from August 8 and 22, 2023, board meeting agenda). Since he was allowed to vote at this time, he was asking if there was any action that could be taken on Item # 9, and if there was, what action was that?

Ms. De Santiago responded that in fairness to him, Mr. Smith, the item on the agenda that day was not one that she was 100% sure what the action was. She said that he would recall that, in the former meeting, the action was already on the agenda that she was going to speak to them about, was first

removed entirely and then removed to become an action item. She thought that in order to understand what the proposed action was for the issue on the agenda, that they would need to hear from Member Bennett and Member Vickers as it was their determination that it become an action item.

Ms. Smith thanked her, and stated that being said, when did they get that clarification? At the item number, which they could not discuss, correct?

Ms. De Santiago responded that was correct – when it became a discussion item. She said she understood Mr. Smith’s complication but could not provide him the clarification that he was requesting. She didn’t ask for it either to be a discussion item or action item. She doesn’t prepare the agenda. She understood his concern. She could not provide the clarification that he was requesting at that time.

Mr. Smith thanked her for clarifying it, and added that was all the questions he had for her.

Mr. Smith with that being said, on the 8th meeting, the agenda was referenced as being not very specific. There wasn’t enough specificity in the item. Obviously, he, as a Board Member, who's voting on the agenda, did not understand what this was. In his opinion, there's not enough specificity in Item #9 because he had no idea on how to vote on the agenda based on something he couldn’t discuss. So, he would like it to be more specific than what was written right there.

4. APPROVAL OF AGENDA (Continued)

Mr. Smith stated that he would like to make a motion that they approve the agenda as presented by Dr. Kettler and his staff, with the rearranging of the order, and removing Item #9 for lack of specificity until an item was presented on an agenda that was more specific so he could be aware of what it was he was voting for as an agenda item.

Ms. Garcia stated that, first of all, the item had a different verbiage than what it did the prior meetings was based off a procedure that was going to be discussed and offered. Based off of , what two board members had requested, it became a discussion and an approval of request for reimbursement, and that was why the language changed. Basically, that was what it was.

They were going to talk about it, and then, if the board members chose to, those who were allowed to make a decision, if they wanted to vote, they would be allowed to vote. She thought they had

counsel present and she could guide them if there were some issues there. Ms. Garcia thought it was pretty clear that it was going to be a discussion for reimbursement of legal fees by the two board members mentioned by name. She added that she thought it was as clear as she could get it.

Mr. Smith replied Understood. On May 17th, they got a letter from legal counsel's law firm with procedure that was to take place. Ms. Garcia confirmed that.

Mr. Smith stated that it outlined what the Board's voting could possibly be, and whether to approve or disapprove it was not one of those stipulations.

It was for discussion only.

It was for discussion only according to the letter on May 17th. So, what he was trying to do, was to make sure they didn't take action on something they had no business taking action on and the guidance they got from legal counsel on May 17 stated that. He told Ms. De Santiago that he would appreciate it if she wanted to clarify it for him.

4. APPROVAL OF AGENDA (Continued)

Ms. De Santiago stated that she was concerned that the conversation was veering much into the area of the specifics of the item that should be discussed under Item #9 and not so much about the agenda. Again, she understood Member Smith's concerns. She did hear Madam President clearly say that they were discussing the same issue. It was changed, the phrasing was changed, only because Members Bennett and Vickers had requested an action item.

Ms. De Santiago added that she would also caution that while law firms were engaged to provide recommendations and an analysis of legal terms and legal processes, the Board, as a whole, was never required to follow the recommendations of any particular lawyer. They act as an independent body, whether they choose to accept the legal recommendations or not, was up to the body as a whole.

So to the extent Member Smith was referring to the research that was done by her office; specifically, by Ms. Gallegos, and was provided to each of them individually, again, each of them individually. They acted as a Board, and it was up to the Board then to decide how to proceed. If he (Mr. Smith) would like to hear, as a Board, what their office had researched and what the law said, the only place, as she'd said in the prior meeting, the only place for that full discussion was if the matter actually remained on the agenda. If it came off the agenda, they would have to figure out another way to put it on the agenda with language that everybody agreed to or not. But again, the simple fact that there's an attorney's opinion, did not mean that the Board had to follow it.

Mr. Smith said he understood and thanked her. Back to his point about specificity - it mentioned absolutely nothing about discussion of the procedure. In his opinion, it was not specific enough. So, he stood by his motion to approve the agenda as presented with the switching of order and the removal of this item until it was written in fairness to everyone on the Board because they had to deal with it being removed from an agenda that wasn't specific enough before. But in fairness to the Board as a whole, and he thought in order for everybody to understand what it was they were doing, they needed to make sure that they had it as specific as possible. Therefore, he stood by his motion to approve the agenda with those changes with the exception that Item #9 needed to be removed until it was more specific and outlined exactly what was going to happen in Item #9, not only for himself, but for the general public.

4. APPROVAL OF AGENDA (Continued)

Ms. De Santiago stated that normally, no not normally, but in the prior two meetings, he and Member Giron were not allowed to vote on the agenda item, specifically, as it related to this issue because it was an item that provided direct benefit to each of you. The same held true that day. The distinction being that the request was his and member Giron's. So if he was asking for the request to be withdrawn at this time or removed or tabled at this time, it was his request.

Mr. Smith stated that he requested that the item be removed from the agenda.

Ms. De Santiago stated it was the request of Member Smith for the attorney fees to be paid. If he asked for it to no longer be considered, there was nothing the Board needed to do at that time. Mr. Smith responded that before she (Ms. De Santiago) left, he was asking for it to be removed, then. He was not saying he would not asked for it to be brought back. Ms. De Santiago said that he always had the ability to make it his request.

Ms. Garcia stated that they had a motion on the table to accept the agenda with two changes: the request made by the Superintendent to move his portion and the request by Member Smith to remove Discussion and Approval of Item #9. She said she needed a second to that motion.

Mr. Giron seconded the motion.

Mr. Garcia stated that she had a motion by Mr. Smith and a second by Mr. Giron.

She asked if any other board members wanted to discuss it or did they want to call for the vote.

Mr. Giron stated that it needed discussion. They'd received direction from her law firm, and they'd done everything within their parameter.

Ms. Garcia interjected and said she was going to stop there and let Ms. De Santiago get to the podium. Again, they were on a very tight line.

4. APPROVAL OF AGENDA (Continued)

Mr. Giron stated that he understood, and he was going to be careful. But, nowhere in that Statute had they got outside the lines on this. He knew that. They'd been very patient since May trying to get it done and there'd been games being played. That was fine. He got it. It reflected what they'd done the last two years and that's cool. But, nowhere in that letter from her said approval, and that would state that.

Ms. De Santiago stated that, again, legal counsel could give advice until they were blue in the face. Nothing required the Board to accept it. That was true of the information that they'd received from their office. She said she would remind Mr. Giron, however that the request to remove it from that evening's agenda came from Member Smith.

Mr. Giron stated that he'd seconded it. OK. But the letter came from her, from her office and not once did it say approval. And it reflected, stated that.

Ms. De Santiago stated that again, with all due respect, she was not going to discuss the specifics of the legal advice they'd provided. That was for the discussion that would occur should the matter ever remain on the agenda, which it had not remained on the agenda for three meetings in a row.

Ms. Garcia stated that she was going to go back to try to get them online again. Board members could request it to be removed, they could request it to be changed, they could request the verbiage to be changed. This was what she'd done.

They had a motion and they could change it again if that was what the Board so desired. For right now, she needed to call for the vote as to whether or not Item #9 would be removed, and whether or not the Superintendent's Report would be moved up. She didn't want to get them into an area of discussing things that a couple of board members might not be able to discuss. Again, she thought

they were on a fine line.

Mr. Smith said he appreciated everything she was doing, but he was to understand if he asked for it to be on the agenda, and he asked it to be removed, it was removed. Was that not what legally happened? He just wanted to make sure.

4. APPROVAL OF AGENDA (Continued)

Ms. Garcia responded by a vote of the whole Board. They got to vote on it. The item was for the approval of the agenda. There was a vote required on the approval of the agenda. Assuming that the item did not remain on the agenda, when the item came up for discussion, there was no item to discuss because the request would have been removed at that point.

Mr. Giron stated that at that time he was going to withdraw his second.

Ms. Garcia stated that it then went back to Mr. Smith, and asked if he was he staying with his motion?

He responded yes, and it was to remove #9.

Ms. Garcia asked if she got a second on Mr. Smith's motion?

There being none, she stated that the motion would die.

Ms. Garcia stated that she needed another motion for the agenda.

Mr. Bennett moved to approve the agenda as is, moving up the Superintendent's Report before Public Comment. Mr. Vickers seconded the motion. There being no further comment, Ms. Garcia called for a vote with the following results: Eloy Giron - yes ; P. David Vickers - yes; Bruce Bennett – yes; Bryan C. Smith - no; and Tina Garcia – yes. The motion to approve the agenda as amended passed: 4/1

Ms. Garcia asked if there were other motions. There being none, she said that took them to Item #5. Report on the CLOSED EXECUTIVE SESSION.

5. REPORT ON CLOSED SESSION: Attorney/Client Privilege Regarding updates pertaining to threatened and/or pending litigation: specifically, discussion with legal counsel regarding the status of pending or threatened litigation involving students, staff, and OCR complaints. *[Pursuant to Section 10-15-1(H)(7) of the NM Open Meetings Act] (Quorum in Attendance)*

Ms. Garcia stated that, as, announced and posted in accordance with the NM Open Meetings Act and the LLS Board of Education's Open Meetings Resolution, a quorum of the Los Lunas Schools Board of Education, had participated in a Closed Executive Session held September 12, 2023 at 4:00 pm. The Closed Executive Session was for discussion of Attorney/Client Privilege Matters regarding updates pertaining to threatened and/or pending litigation: specifically, discussion with legal counsel regarding the status of pending or threatened litigation involving students, staff, and OCR complaints. [*Pursuant to Section 10-15-1(H)(7) of the NM Open Meetings Act*] (*Quorum in Attendance*)

Ms. Garcia affirmed that no other topics were discussed, nor was any action taken while in the Closed Executive Session.

Note: *The numeration remained the same. Item #6 Public Comment was discussed after the Superintendent's Report. -ksw*

6. PUBLIC COMMENT (*In Accordance with Board Policy B-2150 Public Address to the Board*)

Ms. Garcia asked if there were any requests for public comment.

Dr. Kettler responded that they had received one request for public comment.

Ms. Garcia stated that before she moved to the public comment, she'd like to remind the audience of the Board's procedures for handling public comment, which were found in Board Policy B-2150, BEDH. Public comment was limited to 5 minutes per person. However, the Board President may further restrict or waive these time limits based on the number of speakers. Based off of there being just one speaker, Ms. Garcia stated she would allow Ms. Sanders five minutes.

6. PUBLIC COMMENT (*In Accordance with Board Policy B-2150 Public Address to the Board*) (Continued)

Ms. Garcia stated that the Board welcomed public input. The Board did not prohibit public criticism or comment upon personnel matters, but did discourage personal attacks on board members, on staff, on personnel, or other persons. Presenters were cautioned that statements concerning others that may convey an unjustified, unfavorable impression may subject the presenter to a civil action. Any persons making public comments would be solely responsible for the content of his or her comments. The Board neither adopted, nor assumed responsibility for, any comments made by individuals during the public comment section of the board meeting.

Ms. Sanders thanked the Board and Dr. Kettler. She said she was there once again to discuss Item #9 on their agenda - DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT

OF LEGAL FEES FOR BOARD MEMBER BRYAN C. SMITH AND ELOY G GIRON.

She said she'd preface her entire public comment by saying all information was based on her own humble opinion and last time her humble, humble opinion and easily accessible information. She said she would repeat some of what she'd said in her last public comment and there were several inherent reasons that had already been established that point to the reimbursement of an individual Board Member's legal fees as an inappropriate, improper, illegal use of public funds.

In New Mexico Attorney General's Decision 07-03, discussed at the last board meeting by Mr. Smith and Ms. Garcia, outlined criteria that must be met before the question of paying those fees was sent to an impartial entity to rule on the legitimacy of the request.

However on the page 4, second paragraph, of the exact same 07-03 Attorney General's Opinion, it stated the following: This office has concluded that a school board could not hire an attorney to defend one of its members in a quo warranto proceeding - an action determined or to contest an officer's right to hold or exercise his office - because such a proceeding was purely personal. As was clearly outlined in the New Mexico Attorney General's Opinion 65-233 it clearly stated they could not do such a thing. That statement paralleled the circumstances that were before the School Board that night. She asked how they could pick out one section of the AG's opinion and ignore that specific statement? How much clearer did it have to get? There wasn't even a gray area there. They could insert the circumstances before them. It was the same question, and should have the same answer.

6. PUBLIC COMMENT (In Accordance with Board Policy B-2150 Public Address to the Board) (Continued)

The exact same 07-03 Attorney General's Opinion, also stated the use of public money to pay an employee's personal legal fees was specifically prohibited by the anti-donation clause of Article IX, Section 14 of the New Mexico Constitution. Now they had Opinions, they had Statute, they had Constitution and now they had Administrative Code. No District fund should be used for payment of personal legal fees, including attorney fees, and costs for any local school board member, including, but not limited to, the legal fees expended in obtaining or retaining an elected position. She said she was sure that language could be any more specific or direct. She added that they should not ignore the letter that warned all Los Lunas Schools Board Members, given by Secretary Stewart, when he told them that if they found legal representation, it could not be charged to, and could not be paid by the School District.

At the time they would have retained an attorney to represent them in their suspension from the Board, Mr. Smith and Mr. Giron were no longer have been school board members. They would have been private citizens, making a request to pay their attorney fees a moot point. At the time, they chose to go out as private citizens and hire an attorney; they had no authority to do so as Los Lunas Schools Board Members. Even as a board member, they would have no authority to retain an attorney and ask for reimbursement later.

Their choice to continue to defend their case had been theirs and theirs alone. Ms. Sanders said she also going to assume that the costs represented by Ms. De Santiago or any other attorney would be charged as the impartial person or entity would cost the district tens of thousands of dollars. Why would they allow the expenditure of any more money to accommodate that request?

Ms. Sanders asked the Board to carefully consider the action they took, to use common sense and to make the most fiscally responsible decision in the situation. She asked whether the action before the Board was on solid legal ground and considered the opinions and directives already given by oversight entities.

6. PUBLIC COMMENT (In Accordance with Board Policy B-2150 Public Address to the Board) (Continued)

Ms. Sanders stated that she would use the words of Mr. Smith during the February 2023 Board Meeting when he adamantly stated that he did not want to give up any decision-making power as a Board Member. She asked why that decision was any different, and why it was okay to ask three board members to give up their decision-making power to accommodate his request. She asked that the three board members, who could vote, to put their proverbial foot down and deny the request as it was at the very least, an unethical use of public funds. The power of making fiscal decisions was one duty of the School Board. Giving up their responsibility to someone else so they didn't have to make a tough decision was cowardly. She asked them to be courageous that night stand up for what was right.

Ms. Sanders stated that she would submit her comments to Ms. Wolfe for the official record.

Ms. Sanders was thanked for her comments.

Note: The comments submitted were added to the minute book - ksw

7. APPROVAL OF CONSENT ITEMS (*Items for Consideration for Consent)

Ms. Garcia stated that the next item on the agenda was going to be Item #7. APPROVAL OF CONSENT ITEMS. They had each previously reviewed and filled out the consent sheet. She then called for a motion.

Mr. Bennett moved, and Mr. Vickers seconded, to approve all of the action items on the consent agenda as presented. There being no discussion, Ms. Garcia called for a vote regarding the consent items with the following results: Eloy Giron – yes; Bruce Bennett – yes; P. David Vickers – yes; Bryan C. Smith - yes; and Tina Garcia – yes. Motion regarding the consent items passed: 5/0.

8. APPROVAL OF MINUTES*

- A. August 22, 2023 Closed Executive Session (Approved by Consent)**
- B. August 22, 2023 Regular Board Meeting (Approved by Consent)**

9. DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON (Removed from August 8 and 22, 2023 Board Meeting Agendas)

Ms. Garcia asked Ms. De Santiago to please go the podium.

Ms. De Santiago stated she would just begin the discussion with two items for their consideration. First, she would remind the Board that Member Smith had asked that it be tabled at this time, basically withdrawing his request for today. That left member Giron's request as there were two individuals separately, but that was the first thing for their consideration. Second, she wanted to explain her role and how the request even came forward. Her role as an attorney for Los Lunas Schools was to represent the District, to do and present information that their office, after due diligence and research, believed was in the best interest of the District overall. That being said, they were individuals. They couldn't require this Board to do anything. They simply took the information that as presented to them, given the context in which it was presented and then presented to this Board, as it had already been done, what they believed may be one of what may be very different ways to address this matter. Her role in that entire process and the role of their office had always been to keep in mind, and at the forefront, the best interests of the District. The last thing that they wanted to occur was to put forward a procedure or process or any explanation of the law that would result in extended litigation for a district that had already had way too much litigation. There were more important things for this Board to be doing than discussing issues that could lead to litigation or having Executive Sessions that involved additional litigation. Their goal was, and would continue to be, to provide the best advice possible to this Board to avoid those circumstances.

That being said, that was not only one opinion. There might be many different ways to address this particular issue tonight because there was no case law that said that was the process. There was no statute that said this was the specific process. Dana Sanders was correct. There was New Mexico Administrative Code. There were at least five Attorney General Decisions. None of them that spoke directly to the issues there. It was not what she would think was a clear-cut case.

9. DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON (Removed from August 8 and 22, 2023 Board Meeting Agendas) (Continued)

Nonetheless, her job was to assist them in the best way possible, given the decision that they, as a Board, wanted to follow, and to provide the best possible advice to keep them from having some more extended executive sessions in the back to talk about threatened or pending litigation.

Just some background in terms of the request. The request was made by Board Member Giron and Board Member Smith. It was advanced to the office of Attorney Elena Gallegos, as one of the attorneys for the District. She did do research. As Member Smith said earlier and each of them knew, they each have received an email with her outline of the proposed process.

Following that, it had come on to this agenda on multiple occasions. The first time it was removed because there were concerns from the public and from board members that there was not sufficient specificity. To avoid the continued drama and issues that resulted around this matter, it was removed from the agenda. Ms. De Santiago said she believed that the agenda item as originally listed was specific enough. It was then removed again because board members wanted it to be an action item. Again today there was another request.

In fairness, today, and in keeping with her advice in the prior meetings, it was entirely likely that Member Smith and Member Giron should not have voted. That would have known consistent with what was done in prior meetings. Nonetheless, the vote didn't pass so there was no violation of the act in that regard.

She said she was concerned; however, that the agenda item had become a proxy for addressing the legitimate issue that was before this Board. There was a request. There was a requirement that this Board decide how to address the request. There were many ways to address the request. Again, there's no statute, no regulation that outlined a particular procedure. What should happen, however, was that when this Board decided how they were going to address this request. They should include some issues, some procedures, some protections for itself, as well as for the District at large.

Ms. De Santiago asked that let her outline first a little bit of the controlling provisions there. The controlling provisions included their district policies that had been adopted. They also included some regulations and some Attorney General opinions.

9. DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON (Removed from August 8 and 22, 2023 Board Meeting Agendas) (Continued)

First, their payment procedures, Policy D 2950 said that when a request was made for payment, it was then the superintendent who shall direct how that payment was made after due care was followed. The question that was not defined in their policy was what was that due care. That due care request was a question that was advanced to their office to review. Taking into consideration the following, they made their decision. First, they decided that there were some circumstances in which public schools could pay legal fees. The most common was whenever there's a tort action filed against a public employee for something they did while on the job. Under those circumstances, legal fees could be paid.

The next thing they looked at was the regulations. The regulation said clearly legal fees, it addressed legal fees, and then it inserted a phrase called legal fees must serve a clearly identifiable public interest. That phrase 'clearly identifiable public interest' was not defined either in the Code or in the Attorney General's Decisions. Then they were left with the open question. Was it personal or was it a clearly identifiable public interest? While it may seem that the Statute, the regulation itself, 6.20.2.3, makes it very clear what needed to be done, she would tell them that she had been an attorney for many, many years, and no Statute, no Regulation, was ever very clear, and this one was no exception.

There were Attorney General's Opinions that addressed the payment of legal fees. As she'd said before, those Attorney General's Opinions did not cover the exact same circumstance as the circumstance before this Board. The circumstance before this Board was that Member Giron and Member Smith were removed by the Public Education Department and they objected to the removal through a series of legal actions, starting with their defense in the Public Education Hearing and then filing an appeal to the District Court and then, when the District Court agreed with them, the Public Education Department filed an appeal to the Court of Appeals. The matter remained pending at the Court of Appeals today. Briefing was completed by all the parties in July and the matter would likely not be decided for another six months. That was the timeframe for the Court of Appeal's Decision. The request of Member Smith and Member Giron was based on the District Court's Decision, which was an appeal of the Public Education Department 's decision. That District Court Decision was what was appealed by the Public Education Department, so essentially the case remained ongoing.

9. DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON (Removed from August 8 and 22, 2023 Board Meeting Agendas) (Continued)

Ms. De Santiago stated that none of what she'd just described were the circumstances that were present in any of the Attorney General's Decisions that had been reviewed by her office or that were cited to by Ms. Sanders just a few minutes ago. The Attorney General's Opinions typically referred to either criminal conduct when an employee was asking for reimbursement of their legal fees for a criminal case or more misconduct generally. There was some ability to determine that and the case pending before the Court of Appeals was related to misconduct, but the misconduct that was referred to in the Attorney General's Opinion was not the same as the misconduct that was alleged in this particular case. In the law they call that a blue cow case. If they could find a case that was square on all fours, they had the same facts, they had the same circumstances, they had the same procedure and they were looking for the same outcome, then they had a blue cow.

They did not have a blue cow there. They had something that was going to require the members of this Board to look at the particular circumstances in this case, to look at the law, to look at the facts, and to determine what was the best procedure moving forward under the circumstances. It also would require this Board to determine what was the best way to receive information.

Members Giron and Member Smith both had the ability to submit some or should have the ability to submit some information in some format that they believed that they were relying on to present their request. For example, the decision of the District Court was not in their official records. They would probably want to have that in the official records. She was sure that there were requests abounding as to the amount of the fees, how to pay the fees, did they pay all the fees, did they pay the fees for the District Court or just the decision? All of those requests were requests this Board would need to discuss and decide how they were going to accept this information. Because of all of that complexity and to protect this Board and because this Board in some fashion was involved in the underlying action, their office created a process through use of an individual other than the three board members who could vote who could take all of the information, have access to all the pleadings, could requests from the Members Giron and Smith whatever information deemed necessary. The impartial official they had reached out to, and it could be the person they reached out to or another individual, it didn't really matter. Again, it's up to this Board.

9. DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON (Removed from August 8 and 22, 2023 Board Meeting Agendas) (Continued)

The individual they'd reached out to was retired Court of Appeals Justice Michael Bustamante. He was a renowned, well- respected member of the Bar. His integrity was always above reproach and

his legal acumen unquestioned. He would be able, more able than she, more able than most attorneys that she knew, to take all these Attorney General's Decisions, to take the Regulations, to take any other decision that he deemed necessary, including the Court of Appeal Decisions, if it came out, including the District Court's Decision, the PED documents, including whatever else he believed was necessary to make a decision.

Ms. De. Santiago stated that she would caution, however, that was not the only approach. There were no, as she'd said before, there was no clear outline of an approach that this Board was required to follow, and if this Board decided not to follow, and not to use, an impartial official, that's OK and it would be her job then to help them through establishing the rest of the procedure that they would need to follow to make sure that their decision as a Board remained above reproach.

She said she would take any questions that they had. She said she knew it was difficult for Members Giron and Smith. They could not participate in this conversation. Ms. De Santiago said she would throw in one last thing as they discussed and considered. Members Giron and Smith had legal counsel. So their legal counsel, she was sure, had an opinion on this issue as well. Their legal counsel had not objected to the use of an impartial official. With that, she said she would stand for any questions that you might have.

Mr. Bennett led discussion about the fees. He asked Ms. De Santiago if they knew the dollar amount. Ms. De Santiago said they did not. He responded so it could be continuing fees? Ms. De Santiago said they didn't know the dollar figure. In her opinion, and again it was just one of many, there were thousands of lawyers out there. In her opinion, the dollar amount was the least relevant issue because the most important issue was the continuation of the protection of this District and this Board as it determined the correct procedure, the correct process to address it. This Board had a duty to address it. It could be \$5,000, it could be \$500,000. The procedure was more important. She would imagine, however, that as the Board created or decided how the process would proceed, that information would become relevant to whoever, whether it be this Board or an impartial official, and that would be one of the things that would need to be disclosed by Member Smith and Member Giron.

9. DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON (Removed from August 8 and 22, 2023 Board Meeting Agendas) (Continued)

Mr. Bennett said that according to Board Policy it stated that in order to get reimbursed they had to have prior authorization from the District, and asked if they had that. Ms. De Santiago said that to her knowledge, they didn't, and that was what the discussion was about.

Mr. Bennett asked if the selection of the person had come from here office. Ms. De Santiago stated that it did come from their office in terms of selecting the impartial official. They had two choices

in front of them. The language in the Attorney General's opinion 07-03 said that the decision to pay the fees must be made by an impartial official or official body. This Board was an official body that could make that decision. They focused on the impartial official for two reasons. One, the issue clearly was fraught with a lot of emotion, a lot of tension. It was important to the community. There very well could be a lot of money at stake and they didn't want to get that decision wrong.

Second, for the protection of the Board, whatever decision the Board made one way or the other could result in additional litigation. Their goal was to minimize the litigation as much as possible. When there was an impartial official who was selected and there's no objection to that selection, then it minimized the likelihood of additional litigation, which was the goal of her office at this point.

Mr. Bennett stated that she was talking about the Attorney General, and asked if it was possible to get a current Attorney General's opinion? Ms. De Santiago stated that she did look at that specific question and she believed, as she was looking for that information, that a Board could request a new Attorney General's Opinion.

Mr. Bennett asked about also getting the opinion from the State Auditor to make sure they're not violating any anti-donation laws? Ms. De Santiago stated that they would need to ask the auditor, but she would hesitate because one of the issues that resulted in the removal of the Board the last time was an improper request for an audit. So before she answered that question, she would like to read how that other audit came about. She'd just remembered it off the top of her head. She remembered that the prior Board was removed for improperly requesting an audit without following the proper procedures. She knew there were specific procedures that need to be followed. If those were followed, they could possibly ask for a new audit. However, she would say that an audit addressed procedures that had already been done to be sure that they were done correctly. In this case, there was not yet anything to audit as no procedure had been done.

9. DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON (Removed from August 8 and 22, 2023 Board Meeting Agendas) (Continued)

Mr. Bennett stated that he was talking about the auditor themselves, the state auditor. Was it even like legal for them to do it or was it an anti-donation violation? Ms. De Santiago stated that she could research it if that was something he was concerned about; he said it was.

Mr. Vickers led discussion as to the purpose of putting it on the agenda if they're not asked to vote on it? Why was it there at all if it's not an action item? Ms. De Santiago responded that Policy D 2950 said that when a request was received for payment and in order to maintain good vendor

relations, this typically applies to another vendors, then only after due care had been taken should that payment be made. Then Policy C 2220 said when there's no official policy in place to address the type of payment that was to be made, then the Superintendent's Office tried to figure it out and then provided notice to this Board. This was on notice to the Board under those policy provisions. Mr. Vickers led discussion as to if they had approved that when it originally came onto their agenda, would they be basically authorizing this arbiter to make the decision regarding expenditures and then bypass them basically? Ms. De Santiago said it would have essentially bypassed the board members. There was no policy that explained how that type of payment was to be made. It would have put in place the impartial official in the place of the official body and then his decision would have come back to the board for review. She said that eventually, it would have come back to the Board, yes. The impartial official had no authority other than to look at the law, determine and answer the questions in the law and give this Board its opinion of whether or not the attorney fees should be paid and how much of the fees should be paid under a lodestar method.

Mr. Vickers asked if there was to be a hearing before this arbiter, first of all ... he asked for clarification of her role – was she the board's attorney or the district's attorney? She responded she the Board' attorney. Mr. Vickers asked it had been done by Elena as the district's attorney? Ms. De Santiago clarified that they represented the district and the board, which usually were one and the same. They were the policy-setting entity for the district, they always took into consideration what was in the best interest of the District as a whole. In this particular case, what they believed would be the best interests of the District and would protect this Board was to use an impartial official to make a decision that was fraught with all kinds of concerns over additional litigation and past litigation and even pending litigation. In that instance, then what was in the best interest of the District was also in the best interest of this Board.

9. DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON (Removed from August 8 and 22, 2023 Board Meeting Agendas) (Continued)

Mr. Vickers led discussion regarding the arbitrator. Ms. Garcia interjected that she just wanted to clarify for her verbiage. There wasn't going to be a hearing. The arbitrator was just going to go through the documents. She didn't want that to go further down the road.

Ms. De Santiago said she would explain the process. He was not an arbitrator nor a mediator. He was impartial official. He just happened to be someone who was highly respected and knew the law and was a retired Court of Appeal Justice. His role would be to take the information that he believed necessary under the outline that was provided. He could ask Member Smith, he could ask Member Giron, he could ask Los Lunas Schools for whatever information he thought was necessary to make this legal decision. He would have access to all of the pleadings. He would have access to

the Public Education Department, to the entire transcript that's on record with the District Court, including the entire transcript that's on record with the Court of Appeals. If he thought he needed any additional information from Los Lunas, he could ask that through President Garcia or he could ask that to Counsel for Member Smith and Member Giron.

It was not anticipated to be a hearing. However, if this Board believed that it should be an outright hearing, that was part of the discussion here. Having a hearing would be more costly for the district than having an impartial official simply look at what was already on the record. Ms. De Santiago stated that she had reviewed the records and there were thousands of pages of exhibits and documents and testimonies and pleadings and briefs in chief and counter briefs in chiefs and cross-claims and responses in replies. He, or whoever was the decision maker, would have a significant amount of information and it was unlikely that anything that a hearing could provide would provide anything new other than what had already been presented on at least two other occasions and now was on brief with the Court of Appeals. Given the extensive underlying litigation that was already there, it didn't seem necessary to have a hearing where the two sides presented any kind of legal argument. Those legal arguments that could possibly be created have already had been put forward, with the exception of how the Attorney General Opinions should be applied to the legal fees. That was new. That was the new question of law, and because it was a unique and new question of law, again, that supported their initial determination that perhaps an impartial official who had some experience in the law would be well-suited. She reiterated that it was not the only way to do it. It was just the way that they thought would best protect the district.

9. DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON (Removed from August 8 and 22, 2023 Board Meeting Agendas) (Continued)

Mr. Vickers led discussion on several areas. He noted that they'd already expended a lot of money with her advice and Elena's work on this project. This person, this official, were they being paid or are they doing this voluntarily. Ms. De Santiago stated that the Justice was requesting payment, \$350 an hour. Mr. Vickers replied that was a bargain, and she said it was cheaper than a hearing, she would say that, and that it was also cheaper than defending another lawsuit for doing the wrong process. Mr. Vickers stated that she had stated before that she didn't know how much money is being requested? She said that she'd specifically and intentionally not asked for that information.

Mr. Vickers stated that when they were asked to approve a contract or some other expenditure, there were certain limits. The administration could spend money up to a certain level without board approval, etc. But they're asked to approve this not knowing anything about this - where they're at as far as a level of expenditure. Ms. Santiago said to be clear, they were not asking the board to approve anything in particular. They had a request in front of us that was sort of like, but not actually,

a sole source request in the procurement code. They couldn't go out and do an RFP for this, so the procurement code was difficult to follow. She realized that there were expenditure limits under the Procurement Code and she was aware of the policies. That again only explained why this particular request merited a different process and handling in a different way. She understood his concern. She was aware that this board and the procurement code and all of the laws placed limits upon the spending of school districts. She was not oblivious to that at all. In fact, it was one of the things they had to consider here. What happened when the arbitrator -- I use the arbitrator. That's the wrong word - the official came back and said the fees needed to be paid? What happened then? What portion of the procurement code did they follow? Was it sole source? How do they define the sole source. There's no RFP that can be followed. It's too late for that. What other provisions could they put in place? That's when it would come back in front of this board.

Mr. Vickers said the other thought was how they could justify spending public money to pay for an individual's attorney fees that in no way benefitted the school district. She was asking them to do that, to authorize that. Ms. De Santiago stated she was not authorizing this Board or the impartial official to pay or not pay based only on that comment. She believed that the Attorney General's Opinions, that were in place, specifically addressed his concern. There was already language in these Attorney General's Guidance that said that payment for personal legal fees was a violation of the anti-donation clause. That was correct.

9. DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON (Removed from August 8 and 22, 2023 Board Meeting Agendas) (Continued)

If the impartial official determined that the fees that were being requested were personal legal fees, then in that case the decision would be no and there would be nothing else. If the impartial official determined they were not personal legal fees, the next provision would be to follow the five determinations that were outlined in the Attorney General's Opinion 07-03 which required that the charges arise from a discharge of an official's duty, that the public employee must have been acting in good faith, that the employing government entity must have expressed or implied legal authority to pay the legal expenses, that the employee was exonerated of the charges and that the decision to pay the fees was made by an impartial official or official body. All of those provisions were what the Attorney General had outlined specifically to address his concern, and that concern was that public funds should not be used to pay personal legal fees in specific circumstances. However, the Attorney General's opinion did allow for the payment of legal fees if, and when, the individuals requesting the fees could prove all of these things. One, that they are not personal legal fees and two that all of the five opinions in the AG as opinion. The burden was on, to use a legal phrase, the burden was then on the individual who was making the request to overcome all of those

things, all of the provisions outlined in the New Mexico Administrative Code and all the provisions that lie in the AG's Opinion. That was what protected this District from paying legal fees that it should not pay. That was what prevented an unauthorized expenditure of money and prevented them from a violation of the anti-donation clause.

He asked is her office, in looking at all that she'd just outlined, could not make a determination as to moving forward with this? Ms. De Santiago stated that they were neither an official body nor an impartial official. They did not have the authority to make that decision. It was not for them to decide if those standards were met or not met. It was for the decision-maker to make those determinations. Their job was not to decide for this Board. Their job was to advise this board, to ensure that, as much as possible, given the determinations that they wanted to make, that they helped them follow the law as much as possible. They were not asked to, and they would not, render an opinion about whether or not, in this particular circumstance, those provisions had all been met.

9. DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON (Removed from August 8 and 22, 2023 Board Meeting Agendas) (Continued)

Mr. Vickers stated that, theoretically, if it was disposed of by this Board and not dealt with and the parties involved sued, in her opinion, would the insurance pay for the cost of that? Ms. Santiago said that was actually a very good question. She said she had been in discussions with NMSIA over that very issue. They had exchanged many, many emails and there's still no final answer. It remained pending. When she had an answer, she would assure him that she would that she forward the response from NMPSIA to the entire board. At that time, they had not said yes or no.

Ms. Garcia stated that she didn't have any further questions. She was pretty clear on the options that the Board had been laid out as for how they should proceed. She thought that there's a process and procedures that they could choose from. She thought there's options that this Board could take. The language of how it's put on the agenda or not, I understand proved itself how touchy this subject can be. Whether or not it was going to be placed on the agenda and the words they used and how they used it and the names they put on it, was exactly the reason why it was such a touchy subject. Knowing a little bit about the courts and the law and the process, it's all about having a fair discussion as to whether or not it should or should not happen. What she believed was that it was not the best use of the District's money. That's what she believed. It's not a question of that. She thought they all knew that's probably not the best use of this District's money. Did it help the kids, the classroom, the teachers? It's not budgeted. All those things, that as a Board, they had to decide. No, it wasn't in there. However, there's a process that they're supposed to follow and that's what she wanted to make sure they got right. What she cared about was the courage of making the best decision for this District and for them, as a Board. That's what mattered. So having said that, gentlemen, they'd

called for this item as a discussion and a vote. What did they want to see happen?

Mr. Vickers said he moved that they did not Approve Item # 9 on the agenda, especially given the wording that's there, and the fact that he was not going to vote based on the worry of being sued. He was going to vote based on what was, and what he believed was the right thing to do.

Ms. Garcia called for a second.

9. **DISCUSSION AND APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON (Removed from August 8 and 22, 2023 Board Meeting Agendas) (Continued)**

Mr. Bennett seconded the motion.

The Executive Assistant asked for the motion to be repeated.

Mr. Vickers moved that they did not Approve Item #9. REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON.

Ms. De Santiago asked Mr. Vickers, for clarification purposes, was his motion to deny the request, or was his motion to remove it, to take it off the agenda today? Could he help her understand that?

Mr. Vickers responded – to deny the approval. She said - to deny the request that had been made? He confirmed that was his motion.

Ms. Garcia if any further clarification was needed.

There being no further discussion, Ms. Garcia called for a vote regarding Item #9 with the following results: Bruce Bennett – yes; P. David Vickers – yes. Ms. Garcia stated that she was sorry it had come to this. And said she voted no. Ms. Garcia stated that she thought our district has suffered enough through this process and she didn't want to see any more legal action and was sorry it had come to that.

Motion to deny Item #9 APPROVAL OF REQUESTS FOR REIMBURSEMENT OF LEGAL FEES BY BOARD MEMBER BRYAN C. SMITH AND BOARD MEMBER ELOY G. GIRON. (Removed from August 8 and 22, 2023 Board Meeting Agendas) passed 2/1.

Note: Mr. Smith and Mr. Giron did not participate in the discussion and vote per discussion – ksw

The following item was discussed prior to Item #6 per action taken under Item #4 APPROVAL OF AGENDA.

10. SUPERINTENDENT'S REPORT

A. Student Representative Report: Mia Rian Carabajal Hartog, Los Lunas High School

Dr. Kettler welcomed the LLHS Student Representative, Mia Rian Carabajal Hartog. Dr. Kettler then invited Mia to give her report.

Mia Carabajal-Hartog thanked the board members and Dr. Kettler for allowing her to speak to them about Los Lunas High School. She said she was a student athlete, a senior, a creator, and a friend from Los Lunas High School. She then gave the following report:

Mia said if they were wondering what was happening at Los Lunas High School, which they should because they were super cool and doing great things, she was going to give them a run down.

She said she was going to start from the beginning. Now, to be honest, she was a little fretful going into this school year. One because of the idea of her high school career coming to an end, and the idea of making life altering decisions was not far from terrifying. And number two because of the new assistant principal, aka Jeffery Hartog, aka her father. So yeah, there was a bit of pressure.

Mia said that her dad recruited her to help him set up his big boy office in the high school, and the moment she knew this year was going to be different and better from the others was the first real conversation she had with the new head principal, Mr. Tiger. First of all, his last name is Tiger...come on, he was made for Los Lunas High. But Mr. Tiger had a bright and booming personality, and he did not hesitate to communicate the idea of improving school spirit.

And finishing this first grading period, she could guarantee them that it had had already grown tenfold. Some examples would be, HOCO spirit week. She said she had never seen so many little freshmen wear their assigned colors for the pep rally.

10. SUPERINTENDENT'S REPORT (Continued)

A. Student Representative Report: Mia Rian Carabajal Hartog, Los Lunas High School (Continued)

Mia added that she had never seen so many of her peers lose their pride and dress up, period. Heck, she witnessed her principal in a mullet wig. She'd witnessed a video of a teacher doing somersaults on the gym floor at the pep rally, and a crazy amount of people volunteering to be in competition for the spirit stick. As a senior she was 100% responsible for making it known that the seniors won said spirit stick.

Mia stated that she believed the faculty and new admin was playing a huge role in this effort to practically change our culture to a proud one. NHS sponsor Jonelle Thompson-Armijo helped coordinate the first annual "Paint Your Parking Spot" for seniors. The amount of color and creativity she'd seen in that parking lot this past Sunday was beautiful.

Her class council sponsor, Jesse Moya, has arranged for the senior sunrise on the 22nd, where she heard there will be burritos, YEAH!! Andrea Tenorio and Chris Garcia, sponsors of student council, did not fail to deliver an outstanding homecoming. They did not even falter when they had to completely move the homecoming location due to weather conditions. From what she'd heard, all the students who went had a blast dancing to Pitbull.

Mia said the reason she said 'from what I hear', was because she didn't make it to her senior homecoming. Her homecoming was spent winning a championship game at the Aztec Soccer Tournament. She said she might be a little biased but this was one of her favorite homecomings, and her soccer team was 5-0.

To continue talking about sports, the Volleyball Team was 4-1, and recently came in 2nd at the Las Cruces Volleyball Tournament. Oh, and she could not forget to mention how they smacked Cleveland not only once, but twice. Boys' Soccer had unfortunately faced a number of injuries but continued to compete with unwavering efforts. Cross Country was doing their daunting runner things and killing the courses at Valencia and Jemez.

10. SUPERINTENDENT'S REPORT

A. Student Representative Report: Mia Rian Carabajal Hartog, Los Lunas High School (Continued)

The Football Team's record was 3-1, and they continued to work hard not only on the field but in the classroom following their motto "Elevate". Some of her closest friends were football players and they're some of the nicest people they would ever meet.

Speaking of football... she asked if anyone in the room had been to a game recently? If they had, they'd probably noticed our dance and cheer teams killing it. There was also a mascot killing not only killing the dance moves but killing the hearts of all the adored fans (FYI Mia added – she was the mascot).

The environment was also changing in the classroom as they worked with new and progressive technology. One very personal experience with the amazing growth was through the student mentorship program. And, if they didn't know what the student mentorship program was, it was when high school students go out and help students with special needs throughout the district. She was a student mentor and her mentee was in the class Film and Digital Media with her. She had been able to observe the opportunity he had through the videos they make together, and how he expresses himself. He's a character, he's a personality, he's a flirt. She was so happy that she'd gotten this opportunity to understand and befriend someone, some people wouldn't really be ready to get to know on a deeper level.

Mia reported that they had some very cool stuff planned for the future. There was going to be a college tailgate party where colleges would show up to recruit the best that Los Lunas had to offer. They were also partnering up with an organization called "Young Blood" to bring one of the biggest Trade Fair's that Valencia County had ever seen right here to Los Lunas High School. They would invite students from Valencia, Century, and Belen High schools to join LLHS students to come and see the variety of different trades and career opportunities that were available to hard-working high school graduates.

10. SUPERINTENDENT'S REPORT (Continued)

A. Student Representative Report: Mia Rian Carabajal Hartog, Los Lunas High School (Continued)

Mia stated that the year had just begun, there was much to learn, much to experience, much to conquer, pass, and graduate. But, the teachers, and administrators only enhanced the

excitement and joy that she felt she was going to have this year as a student, athlete, and mentor.

Mia finished with a video created by her and her mentee; she told the members not to forget to peep their principals at the end of the video.

The board members individually commended Mia on her report, her many accomplishments, including wrestling, soccer, NHS, being the school mascot, being ranked third in her class, as well as, her volunteer work, her future plans, that included going into the Coast Guard, and specializing in the medical field with hopes to become a physician or physical therapist. They discussed her dream would be to open a clinic in New Mexico, practicing yoga and massage therapy. They loved the video of her and her mentee, her positive and uplifting attitude, and her incredible public speaking abilities. Mia was wished the best in her future and thanked again for her report.

B. School Report: Eric Tiger, Principal, Los Lunas High School

Mr. Tiger thanked the board members and Dr. Kettler for the opportunity to speak to them about the Los Lunas High School. He introduced his Assistant Principals Marsha Hubbell – Espinosa Jennifer Gaerlan, Jeff Hartog, and, as well as the staff, parents, and students in attendance.

He and his assistants then gave a PowerPoint Presentation during which they discussed in depth the following areas:

10. SUPERINTENDENT’S REPORT (Continued)

B. School Report: Eric Tiger, Principal, Los Lunas High School (Continued)

Every student deserves access to a robust, rigorous, and complete curriculum at their grade level.

- Winning recipe and essential standards.
- Teachers collaborate on lesson plans.
- Administrative walkthroughs and face to face feedback sessions.

Every student is capable of engaging with grade-level standards and rigorous content and deserves world class instruction and materials to support them.

- Walkthroughs: Assuring that grade level standards theyre posted and aligned with learning targets.

- Administrator presence in PLC's

Every student deserves to use technology as a tool for learning AND a tool to express their learning in creative ways.

- Teachers were implementing lessons to educate students on how to use technology tools (e.g., the realities and truths about AI), using social media positively, incorporating use of multimedia in the lessons.

Every student deserves to have the opportunity to learn in multiple languages, just as their global peers.

- They offer, Spanish I and II dual credit through UNM Valencia.
- Spanish I, II, III, AP Spanish Language and Culture, AP Spanish Literature, Spanish for Spanish Speakers I and II.
- Bilingual seal. Working on perhaps eight students who may qualify for this
- TIWA for Native American students. Opportunity for Dual Credit as well.

10. SUPERINTENDENT'S REPORT (Continued)

B. School Report: Eric Tiger, Principal, Los Lunas High School

Every student deserves to connect the relevance of learning as they explore future career opportunities.

Outcomes Data

- They were not seeing significant growth in ELA or Math
- Concern: Amount of students being reclassified
- Plan: Continue supporting teachers in Tier 1 instruction. Make sure that students who need credit recovery get enrolled in those classes.
- Provide intervention for students before they get to the point where they are too far behind and need to get into credit recovery classes.
- Career Preparation (mock interviews, TOSA's)
- English Department (build resume)
- Beable
- Counseling Department Links
- Future Goal: College, Military and Trades Night, Partnership with Young Blood.

Every student deserves a classroom experience that acknowledges their integrated cognitive, social, and emotional development.

- School-wide SEL
- Sensory Room for students and staff
- SOS (Signs of Suicide Prevention Program)
- All staff trained as “Trusted Adult”

Every employee deserves to be supported in staying current in the most effective practices in their field, implementing new initiatives, and perfecting their ability to improve student learning.

- Mentor/Mentee to assist new teachers
- Staff meetings
- All Learners Day
- Walkthrough/Feedback
- Rippleworx full blown inviting VHS CHS SODA and Belen Giant Trade fair

10. SUPERINTENDENT’S REPORT (Continued)

B. School Report: Eric Tiger, Principal, Los Lunas High School (Continued)

Family Engagement

- Class Nights: Counselors present information to students and parents
- Open House: Open House was held in August
- Athletic events, band concerts, drama presentations
- Recognition of students, staff and administration.

Safety and Security

- Safety Team Meets monthly
- Administration and Security walk campus
- Student and staff ID’S

Discussion ensued regarding the presentation, including their welcoming environment, how often grades were implemented, the use of Parent Portal, where parents can go in there at any time through their computer or phone and look at their kids' grades pretty much in real time, contacting parents, and their positive reinforcement,

Mr. Tiger thanked them for allowing him the opportunity to be a part of Los Lunas High School. He enjoyed their team, and couldn’t do it without them. He wanted to make school fun again. He wanted their staff to have fun coming to work because when they did, the kids

would enjoy coming to school. He added that he didn't want to work somewhere where he didn't have fun. That's the kind of environment they tried to create.

10. SUPERINTENDENT'S REPORT (Continued)

C. Other Comments

Dr. Kettler said there were a few things he'd like to report to them that evening. The first being that the board policies that were approved last spring were now viewable online. That means anyone could search or find our website could locate those policies. They're on the Los Lunas Schools Web Site under the LLS Board of Education tab. The link took them to the policy page for the manual, where they would find a statement that said policies were subject to ongoing revisions and adopting by the Board of Education.

He noted that at a meeting they'd had recently with Executive Director of the NMSBA, Joe Gillian, he had informed them that as policies were approved by the Board, the policy service, who that works under Mr. Gillian, would update and post them online. However, the timeline for such a replacement was not clearly defined in that meeting, but there were policies there that everybody could see and were approved last spring.

Second, he was in the process of scheduling a Board of Education Candidate Orientation. The purpose of that orientation was to focus on the role and responsibilities of the School Board, as well as, the role and responsibilities of him, as superintendent, while providing potential board members with an over overview of what to expect. That should be taking place in the next few weeks - hopefully, by the end of the first week in October.

Finally, there were a lot of great things happening in Los Lunas Schools, and he hesitated to share with them that evening one great thing because he worried that he'd miss somebody in our schools who were doing amazing things. However, he couldn't pass after attending the Rotary Meeting that day. At that meeting there were three Los Lunas Schools employees, Cecilia Atkins and Jessica Baldonado (LLHS teachers) and Linda Ohle, who were recognized because of their exceptional work with Lending A Paw, which is a service organization at Los Lunas High School. Due to their leadership and dedication in working with youth, as well as, the many positive affects their club had on the community, they were awarded a Paul Harris Fellow Recognition For Outstanding Leadership And Community Involvement.

10. SUPERINTENDENT’S REPORT (Continued)

C. Other Comments

They were an example of the many amazing things happening in this district and the amazing things that impressed him and made him proud to be the Superintendent in this district every day.

Ms. Garcia announced that the reports were for information purposes only; no action was needed or warranted.

Ms. Garcia thanked Dr. Kettler. She said that took them to Public Comment. She knew that a couple of their staff and community members were there with young kids, and told them if they’d like, they could be excused at time. She thanked them for being part of the meeting.

BREAK

Ms. Garcia called for a Break at 6:52pm.

REGULAR SESSION

The meeting was called back in to Regular Session at 6:55pm.

11. DISCUSSION AND ACTION TO AMEND POLICIES

**A. Sections D Fiscal Management and E. Support Services
(As discussed at July 11, 2023 Board Meeting)**

Dr. Kettler stated that they did not have any requests for changes. However, he noted that Policies E3900 and E 4250 that Mr. Bennett had requested be sent to Mr. Kennedy for comment, had not been finalized.

He said those two policies would be brought back to the October 10th meeting.

Mr. Bennett moved, and Mr. Vickers seconded, to approve all of section D and E with the exception of E 3900 and E 4250, which would be brought back for approval at the October 10th meeting. There being no further discussion, Ms. Garcia called for a vote regarding Item #11 with the following results: Eloy Giron – yes; Bruce Bennett – yes; P. David Vickers – yes; Bryan C. Smith - yes; and Tina Garcia – yes. Motion regarding Item #11 passed: 5/0

Dr. Kettler announced that there had only been recommendations by staff, none from the community. He then gave a comprehensive overview of the policies and the comments that were suggested.

B. Section G Personnel

- | Policy Reference | Comment |
|-------------------------|---|
| • G-0050 | Second bullet, strike “appraisal system” and replace with “evaluation system” |
| • G-0750 | Standard I, Seventh bullet, fourth sub-bullet, strike “unless absolutely unavoidable as where a student has missed his/her usual transportation and is unable to make reasonable substitute arrangements;” and replace with “with the exception of an SRO with approval of school administration” |

11. DISCUSSION AND ACTION TO AMEND POLICIES (Continued)

B. Section G Personnel (Continued)

- | Policy Reference | Comment |
|-------------------------|--|
| • G-1000 | Ninth and tenth bullet, strike “Supervisory staff members will receive orientation on methods of constructive confrontation”, and “Opportunities for self-referral will be provided” |
| • G-1350 | Second paragraph under Employee Assistance Program heading, strike “will” and replace with “may”; strike “Board” |
| • G-1790 | Strike the entire section with heading Rules Regarding Employment |

References and Recommendations

- | | |
|----------|---|
| • G-1800 | Strike second paragraph, “Such procedure shall provide for Board review of any grievance that cannot be resolved at the administrative level. In such instances, the affected individual may request that the Board review the situation. Such request shall be in writing and shall contain the basis for the appeal, including the act or acts out of which the grievance arose, identification of the Board policies and/or administrative regulations involved, and the remedy sought. Within five (5) working days following notification of the Superintendent's decision, any written request for appeal shall be submitted to the Superintendent for transmittal to the Board. The Board, at a time of its choosing, shall review the grievance and issue a response within fifteen (15) working days following such review” and replace with “Since it is important that grievances be processed as rapidly as possible, the timelines detailed in the Los Lunas Schools/NEA Los Lunas Collective Bargaining Agreement at each |
|----------|---|

level should be considered as a maximum and every effort made to expedite the process. The timelines specified may, however, be modified by mutual written agreement. In the event that the employer representative fails to meet the specified time limit, the grievance will advance to the next level as detailed in the Los Lunas Schools/NEA Los Lunas Collective Bargaining Agreement.

11. DISCUSSION AND ACTION TO AMEND POLICIES (Continued)

B. Section G Personnel Policy Reference

Comment

This policy shall not be construed to create new or additional rights beyond those granted in other Board policies or state or federal law. This policy should not be confused with the grievance procedure applicable to qualified employees, which is detailed in the Los Lunas Schools/NEA Los Lunas Collective Bargaining Agreement”

- G-1950 Recommend Counsel look at this policy; specifically, second paragraph and associated bullets pertaining to voluntary submittal by employees to drug and alcohol testing.
- G-2050 Third paragraph, strike “present” and replace with “establish”; add the word “new” between “the” and “position”
- G-2150 Fifth paragraph, strike “recommendations” and replace with “information”; Sixth paragraph, strike “recommendations” and replace with “information”, and strike “establish” and replace with “approve”
- G-2400 First paragraph, strike “recommend to the Board” and replace with “approve”
- G-2550 Strike fourth and fifth paragraphs, “Each staff member shall...”, and replace with “Sick leave will be accrued each pay period. Employees who terminate employment prior to the completion of the contract year will have deducted from their last paycheck any hours taken that were not earned. There shall be no maximum on sick leave accrual. Leave may be granted on a half hour basis. However, substitutes will not be available for less than 3.5 hours. Leave may be granted for personal injury or illness, health needs, exposure to disease, care for

members of the immediate family, or doctor or dental appointments.

11. **DISCUSSION AND ACTION TO AMEND POLICIES** (Continued)

B. **Section G Personnel**
Policy Reference **Comment**

If a pattern of sick leave usage or late request for sick leave is established of which the pattern is one of sick leave usage on the days before or after holidays or weekends, or another identifiable pattern of days, such usage or late requests may be considered an abuse of sick leave and cause for disciplinary action. A pattern is defined as more than three (3) occurrences. If there is an abuse of taking more leave than has been accrued, disciplinary measures will be taken, from a verbal warning to termination of employment. Employees, who take sick leave on the day before or after a holiday, on a staff development day, or on an early release day, will be required to provide a note from a licensed professional practitioner to the site supervisor. To gain attendance during Professional Learning/Training Days personal days will be monitored by site administrators”

Paragraph seven, strike “at the rate of one (1) day per month” and replace with “based on the number of contract days worked”

If an employee applies for sick leave, and no such leave is available, any personal leave available will be docked the appropriate number of hours. 29

Accumulated sick leave will not be reduced or lost, nor will it be earned by the employee during an officially approved extended leave of absence without pay, while on temporary disability or on layoff status.

- G-2600 Strike the entire section before Victims Domestic Abuse Leave and replace with “Four (4) days may be granted per year for personal, legal, business, household, or family matters, The four days of personal leave will be given to each employee up front at the beginning of the school year.

11. DISCUSSION AND ACTION TO AMEND POLICIES

(Continued)

**B. Section G Personnel
Policy Reference**

Comment

Notice to the employee’s principal or other immediate supervisor that personal leave is to be taken shall be given at least forty-eight (48) hours before taking such leave (except in the case of unforeseen circumstances). Unused days may be accumulated from year to year as sick leave.

The district recognizes that adequate classroom coverage is essential; therefore, Personal Leave will be approved on a first come, first served basis, based on the number of substitutes available. Employees who have converted sick leave to personal leave will have priority in the approval process.

On professional development days, taking of Personal Leave must have prior approval and granting of such leave will be left up to the discretion of the site administrator.”

First paragraph under Victims Domestic Abuse Leave, strike “intermittent paid leave” and replace with “to use accrued leave”; third paragraph strike “any and all leave, compensatory time or any other paid for time off available to the employee” and replace with “accrued leave”

- G-2900 Third paragraph, strike second bullet “Recommended by the Superintendent and approved by the Governing Board if the leave period exceeds twelve (12) weeks”

- G-3000 Strike “CONFERENCES/VISITATIONS/WORKSHOPS” in the title with “PROFESSIONAL LEAVE”

11. DISCUSSION AND ACTION TO AMEND POLICIES

(Continued)

**B. Section G. Personnel
Policy Reference**

Comment

- G-3050 Add “AND EXTENDED LEAVE OF ABSENCE” to the title and add to the policy “EXTENDED LEAVES OF ABSENCE

Leaves of sixty calendar days or more Employees returning from extended leave of absence will be afforded the conditions provided in Board policies related to extended leaves of absence. Any break in service for a contract year or longer will result in loss of seniority. 34

A leave of absence without pay for up to one (1) year may be granted to any employee who accepts a Fulbright Scholarship or is pursuing planned professional growth opportunities relating to the employee's job.

A permanent employee may be granted a leave of absence without pay for up to two (2) years to teach in a college or university.

A leave of absence without pay for up to one (1) year may be granted to any employee with five (5) or more years of consecutive service in the District to pursue a personal growth/renewal opportunity that does not exist in the District. The employee will pursue Personal Growth/Renewal leave with the understanding that a position may not be available upon return at the same pay rate or title.”

- G-3100 Strike all of G-3100 with the exception of the last paragraph, replace with language as indicated on the edited Policy G document.

11. DISCUSSION AND ACTION TO AMEND POLICIES (Continued)

B. Section G Personnel (Continued)

- | Policy Reference | Comment |
|-------------------------|---|
| • G-3150 | Strike all language from the policy service and replace with “Two (2) days will be granted without leave charged as sick leave in case of a death in the immediate family. Immediate family for this purpose is defined as the employee’s spouse or spousal equivalent (includes fiancé/es), children, parents, grandparents, grandchildren, son-in-law, daughter-in-law, father- in-law, mother-in-law, brother, sister, or an individual under legal guardianship. (Step relations in the aforementioned categories also qualify) Leave granted beyond the two-day limit shall be charged against accumulated sick leave. |

Leave for the attendance of the funeral or memorial of students,

employees, relatives outside the immediate family or friends may be granted by the hour up to one (1) full day. Such leave shall be charged to sick leave unless other arrangements are approved by the District.”

- G-3200 Under heading Vacations, Strike “Twelve (12)-month licensed administrators earn _____ () twelve of vacation, which shall be taken when school is not in session. Vacation may accumulate to a maximum of _____ days, at which time no more vacation can be earned. As accumulated vacation days are used and drop below _____ days, an eligible employee may again accumulate vacation up to the maximum limit”; under heading Holidays strike “may be” and replace with “are”
- G-3550 First paragraph, strike who have not been initially licensed within twenty-four (24) months of applying for employment” and “fingerprint cards or”; strike “The public school shall pay the cost of obtaining fingerprint or criminal history records for the licensed personnel.”, replace with “The cost of obtaining electronic fingerprints shall be paid by applicant offered employment.”; strike “fingerprint cards or”; strike “may” and replace with “will”; add certification and credentialing requirements section to the end (see edited document) graduate credits and degree must be presented.

11. DISCUSSION AND ACTION TO AMEND POLICIES (Continued)

B. Section G Personnel (Continued)

- | Policy Reference | Comment |
|-------------------------|--|
| • G-3750 | First Paragraph under heading Substitute Teachers, strike “The selection of a substitute teacher will be made by the principal only from a list of approved substitute teachers provided to each principal by the Superintendent, or designee” |
| • G-3950 | Eighth bullet, strike “and name(s) of evaluator(s) |
| • G-4500 | Add to heading Transfers “/Reassignments”; Strike all of transfers section and replace with language on transfers, lateral transfers, and involuntary transfers from the Collective Bargaining Agreement |
| • G-5800 | Strike all bullet points under paragraph one and replace with language |

consistent in the Collective Bargaining Agreement; strike paragraph three

- G-5900 Second paragraph, strike “Governing Authority” and replace with “Superintendent”
- G-6100 Strike entire section under heading Minor Discipline and replace with progressive discipline as defined in the Collective Bargaining Agreement
- G-6350 Strike the entire first paragraph and bullets, replace with language as indicated in Policy G edited document
- G-6800 Under heading Compensation strike “recommendations on the” and strike the entire last sentence of the paragraph.
- G-6950 First paragraph, strike “recommend to the Board” and replace with “approve”
- G-7500 Strike entire first paragraph and replace with language that matches Policy G-3200, Professional Staff Vacations and Holidays

11. DISCUSSION AND ACTION TO AMEND POLICIES (Continued)

**B. Section G Personnel
Policy Reference Comment**

- G-7700 Add heading “New Hires”; in the first paragraph, strike “public school” and replace with “cost of the electronic fingerprints”, strike “pay” and replace with “be paid by”, strike “the cost of”, strike “may” replace with “will”
- G-8250 Add to heading Transfers “/Reassignments”; Strike all of transfers section and replace with language on transfers, lateral transfers, and involuntary transfers from the Collective Bargaining Agreement
- G-8450 First paragraph, last sentence add “When possible” at the beginning of the sentence
- G-9300 Strike entire section under heading Minor Discipline and replace with progressive discipline as defined in the Collective Bargaining Agreement

Discussion ensued regarding the recommended changes, including input from Ms. De Santiago

regarding CBAs and that they didn't cover administrators, as the policy referenced termination requirements. Dr. Kettler noted that he would send the suggestions to Mr. Kennedy.

Ms. Garcia stated that no action was needed on this section.

12. WORK PLAN FOR POLICY REVIEW

Dr. Kettler presented the following proposal for the work plan for policy review:

Policy	Community/Staff Review	Board Review & Finalize	
Section H, Negotiations (BLANK)		September	October 10
Section I, Instructional Program		September	October 10
Section J, Students	October	November 14	
Section K, School-Community Relations		November	December 19
Section L, Education Agency Relations		November	December 19

He noted that in addition, they had received an email from Mr. Gillian regarding policies that would need to be updated due to legislation that had been passed. Those policies would be forthcoming in November.

Ms. Garcia announced that the item was for discussion only; no action was needed or warranted.

13. PRESENTATION REGARDING UPCOMING ELECTION - 3 Mil:

Mike Good, Dir. of Network Operations

Dr. Kettler invited Mike Good, Director of Network Operations to come to the podium to speak about the upcoming election, in particular, the 3 mill.

Mr. Good thanked the Board and Dr. Kettler and thanked his esteemed technology colleagues, including John Schaaf, Brian Chavez, and Jacob Unger who worked tirelessly to ensure that the board meetings went smoothly.

13. PRESENTATION REGARDING UPCOMING ELECTION - 3 Mil:

Mike Good, Dir. of Network Operations (Continued)

Mr. Good stated that it was difficult to separate everything his department did, because it was

integrated into all that we did in the District. He noted that it was critical that the bonds passed, and reminded them there would be no increase. He added that the District had been extremely blessed to have the community's support over the years.

Mr. Good gave a PowerPoint Presentation during which he discussed the following:

TECHNOLOGY PROJECTS COMPLETED SINCE 2019

1-1 Device to Student & Staff Program

- Program extended to all students virtually “overnight” as a result of the COVID-19 Pandemic
- Optimized and centralized mobile device and fees tracking on single platform
- Dramatically increased student & staff reliance on technology devices and online applications
- Zoom is still being utilized with Digital Academy, as well as, for other school and staff functions

General Technology Projects

- Migrated to a new district-funded VoIP phone system provider
- Broad-ranging server and system upgrades
- Network upgrades in WiFi Infrastructure
- School fiber backbones all upgraded to 10Gbps speeds / 10Gbps fiber WAN completed
- Internet access has gone from 1Gbps to 5Gbps
- Upgraded network core to support high speeds across the network
- Regular MacBook, iPad, and PC refreshes for staff and students

13. PRESENTATION REGARDING UPCOMING ELECTION - 3 Mil: Mike Good, Dir. of Network Operations (Continued)

Security-Related Projects

- Technology supports new IP/network-based intercom, access control, and IP security camera systems
- Robust data backups for servers and data, both within the district and internet-based backup
- Anti-virus, anti-spam, and cyber security platform for decreasing phishing, cyber threats, and increasing staff awareness

- Updated and maintain and adequate and robust district firewall at the network edge
- PDQ and iiQ inventory tools for asset tracking and more efficient software deployment

General Technology Maintenance & Optimization

- Wired Apple TVs and Interactive Smart Boards with Projectors in every classroom
- Parallel security network implementation across school sites
- Battery backup overhaul and monitoring implemented
- iiQ Ticketing system for tracking tech work orders, device asset and fees tracking
- Optimized systems management like JAMF and PDQ for inventory & software deployment
- Funding support for PowerSchool SIS (student information system)

UPCOMING PROJECTS

5-Year Project Horizon

- Replace ALL existing SMART Boards and Projectors in the district with Interactive Flat Panels (IFPs)
- Cloud-based, certificate-based WiFi device authentication
- Optimize digital onboarding for staff and students to work increasingly efficiently
- Staff & Student Password Recovery and Reset Portal
- Maintain and provide support for all existing and new technology hardware and application platforms

13. PRESENTATION REGARDING UPCOMING ELECTION - 3 Mil: Mike Good, Dir. of Network Operations (Continued)

UPCOMING PROJECTS (Continued)

General Maintenance and Optimization

- Upgrade District Firewall and various network components district-wide in order to support more robust WiFi protocols - keeping up with the times
- Security training and improvements in user security
- Maintain all aspects of existing 1-1 device to student program
- Continued support for access control, IP cameras, network-based intercom, classroom audio and video enhancements

Discussion ensued regarding the presentation, and each of the board members individually commended Mr. Good and his department for the incredible job they did. They discussed how this district had been the first to ensure learning continuing during COVID, their professionalism, knowledge, and were told they were the best in the state.

Ms. Garcia announced that the item was for information only; no action was needed or warranted.

14. NEW BUSINESS: Board Member Requests for Topics for Upcoming Board Work Sessions and/or Board Meetings

Ms. Garcia noted that this item was for items board members would like to see on upcoming meetings or work sessions. She asked the board members if they had anything they'd like to be added. There being none, Ms. Garcia told the board members to let her know if they had other topics as soon as possible.

15. ANNOUNCEMENT OF MEETINGS

Ms. Garcia stated that took them to Item # 15. ANNOUNCEMENT OF MEETINGS. She added that, as allowed by the NM Open Meetings Act and the District's Open Meetings Resolution, on occasion, a quorum of the board members would attend the same function, including those held at school sites, as well as, sports functions, conferences, workshops, and trainings, including site activities and ceremonies. Board members would refrain from discussing and/or acting on LLS Board issues in those settings. In addition, only official meetings were published, and if other meetings were scheduled, they would be announced in accordance with the Open Meetings Act.

Dr. Kettler added a special meeting on September 19th beginning at 5:00 directly following the Audit Committee Meeting. There were two BAR that were needed by the 26th of September.

Ms. Garcia then announced the following meetings:

- September 19, 2023 Finance Committee Meeting CO Board Room 3:00 pm
- September 19, 2023 Audit Committee Meeting CO Board Room 4:00 pm
(Attendance by Invitation Only)
- September 19, 2023 Special Board Meeting 5:00 pm Approval of BARs needed prior

to Sept. 26th Meeting

- September 26, 2023 Board Work Session CO Board Room 2:00 pm
Discussion Topics: 1. Board Priorities and 2. Tools/Process for Supt.'s
Evaluation (*Quorum in Attendance*)
- September 26, 2023 Regular Board Meeting CO Board Room 6:00 pm

16. ADJOURNMENT

Ms. Garcia stated that brought them to Item # 16. ADJOURNMENT. She then called for a motion to adjourn the meeting. She asked the board members to remain after the board meeting in case they were any documents that needed to be signed.

Mr. Bennett moved, and Mr. Vickers seconded, to adjourn the meeting. There being no discussion, Ms. Garcia called for a vote with the following results: Bruce Bennett – yes; Eloy Giron – yes; Bryan C. Smith – yes; P. David Vickers – yes; and Tina Garcia – yes. Motion to adjourn the meeting passed: 5/0.

The meeting was adjourned at 8:45 pm.

Approved this 26th day of September 2023.

Tina Garcia, Board President

Bruce Bennett, Board Secretary

ksw