

**JOINT POWERS AGREEMENT TO ESTABLISH THE
NEW MEXICO CHARTER SCHOOL EDUCATIONAL SERVICE ASSOCIATION**

Amendment 3

This Joint Powers Agreement to Establish the New Mexico Charter School Educational Service Association (hereinafter referred to as the “Joint Powers Agreement”) was entered into by and among the signatory parties, hereinafter referred to as the “member” or “members” and approved by the Secretary of Finance and Administration on July 3rd, 2013. Amendment One was approved August 3, 2018. Amendment Two was approved July 10, 2020. Now amended a third time for the items as follows per approval of a majority vote of the JPA Membership Board on December 7, 2020:

THIS AMENDMENT NO. 3 to the Joint Powers Agreement, upon a majority vote of the JPA Membership Board, is hereby amended by the JPA Membership Board for the four items as follows:

1. SECTION 4(b.) shall be and is hereby amended in its entirety to read as follows:

(b.) JPA Membership Board The JPA Membership Board is the legal body through which the functions governing the New Mexico Charter School Educational Service Association are exercised. It shall retain full authority over the New Mexico Charter School Educational Service Association. The JPA Membership Board shall be composed of the chief executive officer or the designee of each member and shall assign the administrative function of the New Mexico Charter School Educational Service Association to the Executive Director. Certain duties may be delegated by the JPA Membership Board through resolution to the Executive Committee. Among those duties which shall not be delegated are election of the President and Vice President, final approval of employment and termination of the Executive Director, approval of Bylaws and Policy, and dissolution of the New Mexico Charter School Educational Service Association.

2. SECTION 4(d.) shall be and is hereby amended in its entirety to read as follows:

(d.) Executive Committee The Executive Committee shall function in the tradition of a board of directors and shall retain control of the management decision common to a board of directors including but not limited to strategic planning, Association evaluation, financial oversight, and setting of staff salaries. The Executive Committee shall also exercise such other functions as may be delegated to it by the JPA Membership Board. The Executive Committee shall be composed of the Association

president and vice-president, seven at large Joint Powers Agreement members selected by the JPA Membership Board, an ex-officio representative the Public Education Department selected by the Secretary of Education and not to exceed two ex-officio representatives from the Public Charter Schools of New Mexico which is a private non-profit corporation as selected by its Executive Director.

3. SECTION 4(e.) shall be and his hereby amended in its entirety to read as follows:

(e.) Meetings Meetings shall be held in accordance with the New Mexico Open Meetings Act. Notice of all meetings of the participating members shall be sent at least ten days in advance of the meeting date to all participating members. Meetings may be conducted in person or electronically. The JPA Membership Board shall meet at least annually. The Executive Committee shall meet at least quarterly.

4. SECTION 7 shall be and his hereby amended in its entirety to read as follows:

ACCOUNTING AND BILLING: The Association shall invoice each participating member for the cost of services or property which has been provided to the member according to the Procurement Code. Also included will be an administrative fee as determined by the JPA Membership Board. Each year each participating member shall be furnished with a certified audit report of the previous year's fiscal operations. Copies of such reports shall also be furnished to such agencies as required by law.

All other articles of the Joint Powers Agreement, as previously amended, remain the same.

IN WITNESS WHEREOF, the parties have entered into this AMENDMENT NO. 3 on the dates indicated, being effective as of the date of the approval signature of the Secretary of the Department of Finance and Administration:

APPROVED:

Department of Finance and Administration

DocuSigned by:
Deborah K Ramera
DCA2B2A1284C454

Cabinet Secretary

8/16/2021

Date