

SBOF Policy 21-01

January 20, 2021

Open Meetings Resolution

WHEREAS, the State Board of Finance met in regular session on January 20, 2021, at 9:00 a.m. pursuant to statute; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (Sections 10-15-1 through 10-15-4 NMSA 1978) states that, except as may be otherwise provided in the constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policy making body of any state agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy, discussing public business or taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act states that any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the State Board of Finance to determine at least annually in a public meeting what constitutes reasonable notice of its public meetings.

NOW, THEREFORE, BE IT RESOLVED by the State Board of Finance that:

1. All meetings shall be held at the Capitol of the State of New Mexico in Santa Fe, New Mexico at 9:00 a.m. or as indicated on the meeting notice. In the event a delay is put into effect for all state offices located in Santa Fe due to severe weather conditions on the day of the meeting, the start time for the scheduled meeting will also be delayed by the same amount of time as for state offices located in Santa Fe. In the event all state offices located in Santa Fe are closed due to severe weather conditions on the date of the meeting, the meeting will be canceled and rescheduled for the earliest possible day in which a quorum can be established, consistent with the procedures for noticing an emergency or special meeting.

2. Regular meetings shall be held each month, except August, on the dates indicated on the attached Exhibit A or at the call of the President, as indicated on the meeting notice. All meetings will be held in the Governor's Cabinet Room on the fourth floor of the State Capitol Building unless notice of another location has been given. During the pendency of the public health emergency created by COVID-19, meetings may be conducted virtually. The agenda will be available at least seventy-two (72) hours prior to the meeting from the State Board of Finance, whose office is located in Santa Fe, New Mexico and whose website is <https://www.nmdfa.state.nm.us/board-of-finance/> Notice of any other regular meetings held at the call of the President will be given at least ten (10) days in advance of the meeting date. Notice shall indicate how a copy of the agenda may be obtained.

3. Special meetings may be called by the President or a majority of the members upon seventy-two (72) hours' notice. Notice shall include the agenda or information on how the agenda may be obtained. The agenda must be available to the public at least seventy-two (72) hours before any special meeting.

4. Emergency meetings will be called only under unforeseen circumstances, which demand immediate action to prevent injury or damage to persons or property or substantial loss to a public body. The State Board of Finance will avoid emergency meetings whenever possible. Emergency meetings may be called by the President or a majority of the members upon twenty-four (24) hours' notice unless threat of personal injury or property damage require less notice. Notice shall include the agenda or information on how the public may obtain a copy of the agenda. Within ten (10) days of taking action on an emergency matter, the Board of Finance shall report to the attorney general's office the action taken and the circumstances creating the emergency, unless the requirement to report to the attorney general's office is waived by declaration of a state or national emergency.

5. For the purpose of the 2021 regular monthly meetings, notice requirements were met upon publication in December, 2020 following the State Board of Finance's adoption at its December 15, 2020 meeting of the schedule attached hereto and incorporated herein as Exhibit A, which publication provided notice of the date, time and place and was published in three (3) newspapers of general circulation within three (3) regions of the state. Staff of the State Board of Finance shall also disseminate copies of the schedule via email to those broadcast stations licensed by the Federal Communications Commission, newspapers of general circulation and all others who make a written request for notice of State Board of Finance meetings.

For the purposes of any other regular meetings, notice requirements are met if notice of the date, time, and place is published in three (3) newspapers of general circulation in three (3) regions of the state. Regular meetings may be rescheduled by meeting the notice requirements of regular meetings in the foregoing paragraph. Staff of the State Board of Finance shall also disseminate copies of the notice via email to those broadcast stations licensed by the Federal Communications Commission, newspapers of general circulation, and all others who have made a written request for notice of public meetings.

6. For the purposes of special meetings described in paragraph three (3) of this resolution, notice requirements shall be met if notice of the date, time, place and agenda or information on how an agenda may be obtained is posted at the office of the State Board of Finance and is disseminated via email to three (3) newspapers of general circulation within three (3) regions of the state and all others who have made a written request for notice, and all affected entities.

7. For the purposes of emergency meetings described in paragraph four (4) of this resolution, notice requirements are met if posted at the Governor's office or the office of the State Board of Finance and oral or written notice of the date, time, place and general subject matter to be discussed at the meeting is given via email to the news media described in paragraph six (6) and to all affected entities as soon as practical.

8. In addition to the information specified above, all notices issued following the adoption of this Resolution shall include the following language:

Please contact the State Board of Finance administrator at (505) 827-4980, if you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in a meeting, at least one week prior to the meeting or as soon as possible; or for public documents, including the agenda and minutes in summary or other type of accessible format.

9. If it is otherwise difficult or impossible for a member of the Board of Finance to attend any meeting in person, the member(s) may participate in a meeting by means of a conference telephone or other similar communications equipment, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member who speaks during the meeting.

10. The State Board of Finance may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1(H) NMSA 1978 of the Open Meetings Act.

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the State Board of Finance taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting;

(b) If the decision to hold a closed meeting is made when the State Board of Finance is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed in reasonable specificity, is given to the members and to the general public;

(c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure; and

(d) Except as provided in Section 10-15-1(H) NMSA 1978, any action taken as a result of discussions in a closed meeting shall be made by vote of the State Board of Finance in an open public meeting.

Passed by the State Board of Finance this 20th day of January, 2021.

Ashley Leach, Director

Board of Finance 2021 Regular Meeting Schedule

All meetings are held on the third Tuesday of each month at 9:00 a.m, unless otherwise noted. Prevailing Mountain Standard Time. Meetings will be held virtually until further notice, with attendance instructions and agendas available at <http://nmdfa.state.nm.us/Meetings.aspx>. Once in-person meetings resume, those will be held in the Governor’s Cabinet Room, unless otherwise noted.

Please contact the State Board of Finance administrator at (505) 827-4980, if you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in a meeting, at least one week prior to the meeting or as soon as possible; or for public documents, including the agenda and minutes in summary or other type of accessible format.

In the event a delay is put into effect for all state offices located in Santa Fe due to severe weather conditions on the day of the meeting, the start time for the scheduled meeting will also be delayed by the same amount of time as for the state offices located in Santa Fe. In the event all state offices located in Santa Fe are closed due to severe weather conditions on the date of the meeting, the meeting will be canceled and rescheduled for the earliest possible day on which a quorum can be established, consistent with the procedures for noticing a special meeting.

MEETING DATE	REQUEST DEADLINE
January 20, 2021 (Third Wednesday)	December 22, 2020
February 16, 2021	January 26, 2021
March 16, 2021	February 23, 2021
April 20, 2021	March 23, 2021
May 18, 2021	April 27, 2021
June 15, 2021	May 25, 2021
July 20, 2021	June 22, 2021
August (NO MEETING)	(NO MEETING)
September 21, 2021	August 24, 2021
October 19, 2021	September 28, 2021
November 16, 2021	October 26, 2021
December 21, 2021	November 23, 2021