

Chief Hearing Officer Selection Committee
Department of Finance and Administration
180 Bataan Memorial Building
Santa Fe NM 87501
<http://nmdfa.state.nm.us>

Policy 21-01

December 16, 2021

Open Meetings Resolution

WHEREAS, the Chief Hearing Officer Selection Committee met in special session, at 2:00 p.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 Chief Hearing Officer Selection Committee to determine at least annually in a public meeting what constitutes reasonable notice of its public meetings.

NOW, THEREFORE, BE IT RESOLVED by the Chief Hearing Officer Selection Committee that:

1. All meetings shall be held at the Capitol of the State of New Mexico in Santa Fe, New Mexico at 2:00 p.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 at the call of the Chairperson, as indicated on the meeting notice. All meetings will be held in the State Capitol Building in the room provided in the meeting notice unless notice of another location has been given. During the pendency of the public health emergency created by COVID-19, as initially declared under Executive Order 2020-004 and most recently renewed in Executive Order 2021-063 and consistent with the Officer of the Attorney General's Open Government Division Advisory During COVID-19 State of Public Health Emergency, meetings may be conducted virtually. The agenda will be available at least seventy-two

(72) hours prior to the meeting from the Department of Finance and Administration, whose office is located in Santa Fe, New Mexico and whose website is <http://nmdfa.state.nm.us/latest-news/>. Notice of any other regular meetings held at the call of the Chairperson 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 Chairperson or a majority of the members upon seventy-two (72) hours' notice. Notice shall include agenda or information on how 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 Chief Hearing Officer Selection Committee will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairperson 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 Chief Hearing Officer Selection Committee shall report to the attorney general's office the action taken and the circumstances creating the emergency, provided that the requirement to report to the attorney general's office is waived upon the declaration of a state or national emergency.

5. For the purposes of regular meetings, notice requirements are met if notice of the date, time, and place is posted on the Department of Finance and Administration's website and physically in its office in Santa Fe. Regular meetings may be rescheduled by meeting the notice requirements of regular meetings in the foregoing paragraph. Copies of the notice shall also be disseminated 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 purpose of the special meeting held on December 16, 2021, notice requirements were met upon publication of the meeting notice and agenda on the Department of Finance and Administration's website on December 13, 2021 and publication of the meeting notice in the Albuquerque Journal on December 13, 2021.

For the purposes of other 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 on the website of the Department of Finance and Administration and is disseminated via email to a newspaper of general circulation and to those 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 Department of Finance and Administration 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 Chief Legal Counsel of the Department of Finance and Administration at

(505) 670-2285, 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 Chief Hearing Officer Selection Committee to attend any meeting in person, 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 Chief Hearing Officer Selection Committee 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 Chief Hearing Officer Selection Committee 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 Chief Hearing Officer Selection Committee 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 Chief Hearing Officer Selection Committee in an open public meeting.

Passed by the Chief Hearing Officer Selection Committee this 16th day of December, 2021.

DocuSigned by:

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Chairperson