

NEW MEXICO STATE WORKFORCE DEVELOPMENT BOARD
OPEN MEETINGS RESOLUTION

August 13, 2020

WHEREAS, the Open Meetings Act, Section 10-15-1 thru 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 policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of 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, 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 New Mexico State Workforce Development Board to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the New Mexico State Workforce Development Board gathered in special meeting this 13th day of August, 2020 that:

1. All meetings shall be held as indicated in the meeting notice, except that meetings may be canceled due to a lack of a quorum, due to inclement weather, or for other appropriate reasons.
2. Regular Meetings: Notice of regular meetings shall be given at least ten (10) days in advance of the meeting.
3. Special Meetings: Notice shall be given at least seventy-two (72) hours in advance of any special meeting.
4. Emergency Meetings: Emergency meetings may be called by the Chair upon at least twenty-four hours' notice, or by the Vice Chair should the Chair be unavailable, unless threat of personal injury or property damage requires less notice. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens, or of the State of New Mexico, or of local public bodies from substantial financial loss.
5. For purposes of regular meetings described in Paragraph 2, notice requirements are met if notice of the date, time, place, and how to obtain a copy of the agenda is published in a newspaper of general circulation at least ten (10) days prior to the meeting. Notice shall also be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

The meeting agenda shall also be made available and placed on the web page of the New Mexico Department of Workforce Solutions at least 72 hours prior to the meeting.

6. For purposes of special meetings described in Paragraph 3, notice shall be placed on the web page of the New Mexico Department of Workforce Solutions, and notice shall also be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings. The meeting agenda shall be made available and placed on the web page of the New Mexico Department of Workforce Solutions at least seventy-two hours prior to the meeting.

7. For purposes of emergency meetings described in Paragraph 4, notice requirements are met if notice of the date, time, place, and a copy of the agenda is made reasonably available under the circumstances, which may include posting at the office or on the web page of the New Mexico Department of Workforce Solutions, and using other methods that may be appropriate under the circumstances. Notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

8. In addition to the foregoing requirements, all notices shall include information on how persons with disabilities may request a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service in order to attend or participate in the meeting as may be required by the Americans with Disabilities Act.

9. A member of the New Mexico State Workforce Development Board may attend by conference telephone or other similar communications equipment, including Internet-based technologies. However, such attendance is allowed only when it is otherwise difficult or impossible for the member to attend in person. Such attendance is allowed at the discretion of the Chair, or of the Vice-Chair in the absence of the Chair. In addition, each member thus participating must be identified when speaking, all participants must be able to hear each other at the same time, and the public must be able to hear any member who speaks during the meeting.

10. The New Mexico State Workforce Development Board may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under 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 board taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close. The vote of each member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

(b) If a closed meeting is to be conducted when the Board is not in an open meeting, the closed meeting shall not be held until appropriate public notice is given.

(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.

11. Meetings Held During Times of State Emergencies: In the event that the Governor declares a state of emergency due to the spread of an infectious disease, due to the spread of chemical, biological, or radiological hazards, or due to some other comparable disaster or emergency, and if postponing one or more items of business until the conclusion of the state of emergency would be inconsistent with the proper and efficient operation of the State Workforce Development Board, the Board may hold a meeting designed to preserve the health and safety of the public while also adhering to the purposes of the Open Meetings Act. This shall consist, where possible, of the members of the Board appearing telephonically or by video webcast, with the public able to observe the proceedings at both a physical location and a video webcast or telephonic location. However, where such arrangements are not possible due to public health or safety concerns, and at the election of the Chair, or of the Vice Chair should the Chair be unavailable, the Board may hold a video and/or telephonic meeting, subject to all of the following conditions and limitations:

(a) Each member participating must be identified when speaking, all participants must be able to hear each other at the same time, and the public must be able to hear any member who speaks during the meeting.

(b) A video webcast or telephonic meeting may only be held if the members of the Board are unable to meet in a physical location due to the state of emergency, including when an order is in place limiting or prohibiting public gatherings.

(c) Both the notice and the agenda of any video webcast or telephonic meeting shall provide information to the public on how the meeting may be accessed remotely, either through the video webcast, telephone, or similar technology. All meeting documents, except those which are exempt from disclosure as a public record, shall be available on the website of the Department of Workforce Solutions before and during the meeting for public access and review, or shall be available during the meeting for downloading through whatever video webcasting service may be used for the meeting.

(d) At any video webcast or telephonic meeting, all votes shall be cast through a roll-call vote. The Chair shall suspend all discussion in the event that the audio is interrupted or becomes unintelligible.

(e) The Board shall make an audio recording of any video or telephonic meeting and, within five business days of the meeting, post the recording on the website of the Department of Workforce Solutions for a period of not less than thirty days. The Department of Workforce Solutions shall maintain a copy of the recording in compliance with the retention requirements at 2 CFR 200.333, or as may otherwise be required by state records retention laws, and make the recording available as may be required by the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019).

(f) Following the conclusion of a state of emergency as declared by the Governor, and should limits on public gathering remain in place or should public health officials otherwise recommend that social distancing be maintained, the Board may, in the interests of public health and safety, and if determined necessary by the Chair, place reasonable limits on in-person attendance at meetings. The Board shall enable public access to any meeting at which such limitations are imposed through telephonic or video webcast means. The Board shall, in both the

notice and the agenda of such a meeting, provide the public with information as to any in-person limitations as well as information on how the meeting may be accessed remotely. The Board shall also make and process an audio recording of such a meeting in the same manner as required by subsection (e).

Passed by the New Mexico State Workforce Development Board this 13th day of August, 2020.

Tracey Bryan, Chair
New Mexico State Workforce Development Board