

RESOLUTION NUMBER FY 2016-02
Amendment to 2016-1

WHEREAS, the Commission of Public Records met in regular session at 1205 Camino Carlos Rey, Santa Fe, New Mexico on November 17, 2015, at 9:30 a.m. as required by law; and

WHEREAS, Subsection B of Section 10-15-1 of the Open Meetings Act (Chapter 10, Article 15 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, council, 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, Subsection D of Section 10-15-1 of the Open Meetings Act (Chapter 10, Article 15 NMSA 1978) requires the Commission of Public Records to determine annually what constitutes reasonable notice of its public meetings; and

WHEREAS, Subsection B of Section 14-4-7.1 of the State Rules Act (Chapter 14, Article 4 NMSA 1978) identifies the New Mexico register as the official publication for all notices of rulemaking.

NOW, THEREFORE, BE IT RESOLVED by the Commission of Public Records that:

MEETINGS:

- A. Regular meetings of the Commission shall be held at least four times a year.
- B. Special meetings of the Commission may be called by the chair or when requested in writing by any two members of the Commission with a minimum of a three day notice.
- C. Emergency meetings may only be called under unforeseen circumstances, which demand immediate action to protect the health, safety and property of citizens of New Mexico, including the staff of the Commission or the collections the Commission holds in trust, or to protect the public body from substantial financial loss.
 - (1) The Commission shall avoid emergency meetings whenever possible.
 - (2) Emergency meetings may be called by the chair or when requested in writing by any two members of the Commission.
 - (3) Within ten days of taking action on an emergency matter, the Commission 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 is waived upon the declaration of a state or national emergency.
- D. Rulemaking hearings may be called by the chair or when requested in writing by any two members of the Commission.

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Robert J. Tórréz
Historian/Chair

Hon. Hector Balderas
Attorney General

Hon. Tim Keller
State Auditor

Secretary of State

Jeff Pappas
Department of Cultural Affairs

Edwynn Burckle
General Services Department

Lynne S. Rhys
State Law Librarian

E. Pursuant to 14-3-3 NMSA 1978 the Commission shall elect one of its members to be chair and another to be secretary. In the absence of the chair, the secretary shall serve as chair during a Commission meeting or rule hearing.

F. The Commission may designate a hearing officer for any hearing who shall exercise all powers and duties prescribed or delegated under these guidelines. The hearing officer may be a member of the Commission. The hearing officer shall conduct a fair and impartial hearing, assure that the facts are fully elicited, and avoid delay. The hearing officer shall have authority to take all measures necessary for the maintenance of order and for the efficient, fair and impartial consideration of issues arising in hearings governed by these guidelines including, but not limited to:

1. conducting hearings under these guidelines;
2. taking, admitting or excluding evidence, examining witnesses and allowing post hearing submissions;
3. making such orders as may be necessary to preserve decorum and to protect the orderly hearing process; and
4. preparing and filing a report of the hearing, with recommendations for action.

NOTICE REQUIREMENTS: All meetings and rulemaking hearings shall be held at the times and places indicated in the notice.

A. Regular meetings. Notice requirements for any regular meeting shall be met if notice is given at least ten days in advance of the meeting. The notice shall include the date, time and place of the meeting and information about how to obtain a copy of the agenda.

(1) Notices of regular meetings shall be posted on the New Mexico Commission of Public Records website.

(2) Notices shall also be sent to those broadcast stations licensed by the federal communications commission and those newspapers of general circulation that have made a written request within the last 12 month for notices of public meetings.

B. Special and emergency meetings. Notice requirements for any special or emergency meeting shall be met if notice is given at least three days in advance of any special, non-emergency meeting and 24 hours in advance of any emergency meeting, unless in the case of an emergency meeting, threat of personal injury or property damage requires less notice. The notice shall include the date, time and place of the meeting and the agenda.

(1) Notices of special meetings shall be posted on the Commission of Public Records website and posted on the entrance door of the State Records Center and Archives in Santa Fe, New Mexico.

(2) Notices of emergency meetings shall be posted on the Commission of Public Records website if possible and posted on the entrance door of the State Records Center and Archives in Santa Fe, New Mexico.

(3) Notices shall also be provided to those broadcast stations licensed by the federal communications commission and those newspapers of general circulation that have made a written request for notices of public meetings. Within ten days of taking action on an emergency matter, the Commission shall report to the attorney general's office the action taken and the circumstances creating the emergency.

C. Rulemaking hearings. Notice requirements for any rulemaking hearing shall be met if notice is given at least 30 days in advance of a rulemaking hearing. The notice shall include the date, time and place of the hearing, rules to be considered for adoption, amendment or repeal and information about how to obtain a copy of the agenda.

(1) Notices of Rulemaking Hearings shall be posted on the Commission of Public Records website.

(2) Notices of Rulemaking Hearings shall be published in the New Mexico Register.

(3) Notices shall also be provided to those broadcast stations licensed by the federal communications commission and those newspapers of general circulation that have made a written request for notices of public meetings.

D. In addition to the other information specified in this section, all notices shall include language providing information about whom an individual in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service may contact to obtain such aid or service. The notices shall further direct the individual to contact the named person at least one week prior to the meeting or as soon as possible. The notice shall also state that public documents, including the agenda and minutes, can be provided in various accessible formats and shall provide the name and telephone number of the person to contact for a summary or other accessible format.

AGENDA: The agenda for any regular or special meeting shall be available in the office of the State Records Administrator, located in the State Records Center and Archives in Santa Fe, New Mexico, at least 72 hours in advance of the meeting.

The agenda for an emergency meeting shall be available in the office of the State Records Administrator 24 hours in advance of the meeting, except in the case when threat of personal injury or property damage requires less notice. When possible, the agenda shall also be posted on the Commission of Public Records website.

The agenda for a rulemaking hearing shall be available in the office of the State Records Administrator 72 hours in advance of the hearing.

PARTICIPATION BY TELEPHONE: A member of the Commission may participate in a meeting by means of a conference telephone or other similar communications device when it is otherwise impossible or difficult for the member to attend the meeting in person, provided that the member participating by telephone can be identified when speaking and all meeting participants and members of the public attending the meetings are able to hear each other at the same time.

CLOSED MEETINGS: The Commission may close a meeting to the public only if the subject matter of the discussion or action is exempted from the open meeting requirement under Subsection H of Section 10-15-1 of the Open Meetings Act (Chapter 10, Article 15 NMSA 1978).

A. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Commission. 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 the closed meeting.

B. If the decision to hold a closed meeting is made when the Commission 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 with 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.

D. Except as provided in Subsection H of Section 10-15-1 of the Open Meetings Act (Chapter 10, Article 15 NMSA 1978), any action taken as a result of discussions in a closed meeting shall be made by a vote of the Commission in an open public meeting.


REASONABLE NOTICE DETERMINATION: Pursuant to Subsection D of Section 10-15-1 of the Open Meetings Act (Chapter 10, Article 15 NMSA 1978), the Commission shall review annually the notice provisions of this Resolution and determine whether they constitute reasonable public notice. The review and determination shall be conducted at the last regular meeting in the fiscal year.

ADOPTED this 17th day of November, 2015

Attested by:



Robert J. Torrez, Chair
Commission of Public Records



Linda M. Trujillo, Administrator
Commission of Public Records