

NEW MEXICO ETHICS COMMISSION
Resolution No. 1

WHEREAS, THE NEW MEXICO ETHICS COMMISSION met in regular session at the Public Employees Retirement Association Building, Apodaca Hall, in Santa Fe on August 9, 2019, 2019, at 9:00 a.m., as required by law; and WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) 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, Section 10-15-1(D) of the Open Meetings Act requires the New Mexico Ethics Commission to determine annually what the Office of the Attorney General State of New Mexico regards as reasonable notice of public meetings;

NOW, THEREFORE, BE IT RESOLVED by New Mexico Ethics Commission that:

1. All meetings shall be held at the place and time as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings may be held each month subject to the call of the Chair of the Ethics Commission.. The agenda will be available at least seventy-two hours prior to the meeting from the Office of the Executive Director of the New Mexico Ethics Commission or, if that position is not filled, the New Mexico Department of Finance and Administration (DFA), whose office is located in Santa Fe, New Mexico. The agenda will also be posted at the offices of the New Mexico Ethics Commission and on the New Mexico Ethics Commission's website or, if that website is not operative, on DFA's website at <http://www.nmdfa.state.nm.us/>.
3. Notice of regular meetings other than those described in Paragraph 2 will be given ten days in advance of the meeting date. The notice will include a copy of the agenda or information on how a copy of the agenda may be obtained. If not included in the notice, the agenda will be available at least seventy-two hours before the meeting and posted on the Ethics Commission's website or, if the Ethics Commission's website is not available, on DFA's website.
4. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The New Mexico Ethics Commission will avoid emergency meetings whenever possible. Emergency meetings may be called by the

Chair or a majority of the members with twenty-four hours prior notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of taking action on an emergency matter, the New Mexico Ethics Commission will notify the Attorney General's Office.

5. For the purposes of regular meetings described in Paragraph 3 of this resolution, notice requirements are met if notice of the date, time, place and agenda is posted at the offices and on the website of the New Mexico Ethics Commission or, if such offices or website is not available, at the offices and on the website of the DFA. Copies of the written notice shall also be mailed 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.


6. For the purposes of emergency meetings described in Paragraph 4, notice requirements are met if notice of the date, time, place and agenda is posted at the offices and on the website of the New Mexico Ethics Commission or, if such offices or website is not available, at the offices and on the website of the DFA. Telephone 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.

7. In addition to the information specified above, all notices shall include the following language: 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 the hearing or meeting, please contact the New Mexico Ethics Commission at Ethics.Commission@state.nm.us at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the New Mexico Ethics Commission at Ethics.Commission@state.nm.us if a summary or other type of accessible format is needed.

8. The New Mexico Ethics Commission 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 Section 10-15-1 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 Ethics Commission 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 and the vote of each individual 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 conducted when the Ethics 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 Section 10-15-1 of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Ethics Commissioners in an open public meeting.

Adopted by the New Mexico Ethics Commission this 9th day of August, 2019.



The Hon. William F. Lang
New Mexico Ethics Commission, Chair