

NEW MEXICO PUBLIC REGULATION COMMISSION
NOMINATING COMMITTEE

RESOLUTION 2022-08-11

***RESOLUTION ADOPTING ANNUAL OPEN
MEETINGS POLICY***

WHEREAS, the New Mexico Public Regulation Commission Nominating Committee hereby adopts the following Amended Open Meetings Policy for the period of August 11, 2022 through August 11, 2023:

**OPEN MEETINGS POLICY OF THE NEW MEXICO PUBLIC REGULATION
COMMISSION NOMINATING COMMITTEE**

Pursuant to NMSA 1978, Section 62-19-4 of the ~~Public Regulation Commission Act~~ and Section 10-15-1(A) and (B) of the New Mexico Open Meetings Act, all meetings of a quorum of the members of the New Mexico Public Regulation Commission Nominating Committee (“Committee”) held for the purpose of formulating public policy, discussing public business, or for the purpose of taking any action within the authority delegated to the Committee, shall be open to the public, except as otherwise provided by law, including NMSA 1978, Section 10-15-1(H) of the Open Meetings Act.

A. Notice to the Public of Open Meetings

Committee meetings shall be held in Room 307 of the State Capitol building unless otherwise noticed in a meeting’s final Notice. The Committee will post a Draft Meeting Schedule on its website at <https://www.nm-prc.org/nominating-committee> with the anticipated time, date and place of each meeting. Except in the case of an emergency as defined in NMSA 1978, Section 10-15-1(F), the Committee will post final notice of the specific date, time and place of each meeting and a meeting agenda on the Committee website at least 72 hours prior to the meeting. Except in the case of an emergency, the Committee will take action only on the specific items of business appearing on the agenda

A copy of the notice and agenda for each meeting shall be provided to the public upon request. Any broadcast stations licensed by the Federal Communications Commission and any newspapers of general circulation in this State that have provided a written request for notices of regularly scheduled or other open meetings shall be furnished such notice by mail or as otherwise provided in this Open Meetings Policy. Written requests for notices of open meetings should be directed to the Office of the Chief of Staff, New Mexico Public Regulation Commission, P.O. Box 1269, Santa Fe, New Mexico, 87504-1269. (505) 470-8984.

Any member of the public may attend any open meeting or listen to the proceedings of the Committee subject to any physical space limitations of the location in which the meeting is held. A majority of the members of the Committee constitutes a quorum for the transaction of business.

If during the course of a Committee open meeting, the Committee determines that the meeting should be recessed and reconvened to a date subsequent to that stated in the meeting notice, the Committee will not adjourn and will specify the date, time and place for the continuation of the meeting prior to recessing and will conspicuously post notice of the date, time and place for the reconvened meeting on the Committee's website and, if the meeting was held in-person, near the door of the location where the meeting was originally held.

Any person who wishes to attend any Open Meeting of the Committee which has not been closed pursuant to NMSA 1978, Sections 10-15-1(H), shall be allowed to attend and listen to the discussions and proceedings when the meeting is held in person. If a meeting is held remotely via virtual communications platform, a webcast of the meeting will be available to the public. Information on obtaining access to the webcast will be published on the Committee's website. Where appropriate, any request to participate in the meeting telephonically or via virtual communications platform shall be directed to the Committee at (505) 470-8984 no later than two (2) hours prior to the start of the meeting. If another contact is listed on the agenda for a specific meeting that means of contact shall be used instead.

Unless another time is necessary, meetings shall begin at 9:00 a.m. except on days when the State of New Mexico has announced a delay in, or the cancellation of, the opening of State offices located in Santa Fe on or before 8:00 a.m. on the day of such delay or closing, or as may be otherwise scheduled. On any day when the State has announced a delay in the opening of State offices located in Santa Fe, the Committee will post notice on its website at <https://www.nm-prc.org/nominating-committee> of the delayed or rescheduled time when such meeting will begin.

Except in instances where the commencement of an Open Meeting has been delayed or cancelled as the result of the State announcing a delay in, or the cancellation of, the opening of State offices before 8:00 a.m., the Committee shall provide sufficient notice of all other postponements or cancellations of an Open Meeting by posting notice in the same manner, and as nearly as practicable within the same time frame, as it gives notice of its Open Meetings as set forth in this Policy.

In the case of an emergency meeting, notice and an agenda will be posted and distributed as provided in this Policy at the earliest feasible time. An "emergency" refers to unforeseen circumstances that, if not addressed immediately by the Committee, will likely result in injury or damage to persons or property or substantial financial loss to the Committee.

B. Closed Meetings

Pursuant to NMSA 1978, Sections 10-15-1(H) and (I), the Committee upon its own motion may close a meeting or part of a meeting to the public if the subject matter of such discussion or action is included in Subsection H of the Open Meetings Act, NMSA 1978, Section 10-15-1 or the Constitution of New Mexico permits closure. If any meeting or part of a meeting is closed pursuant to the exclusions contained in Subsection H of NMSA 1978, Section 10-15-1, such closure: (1) if made in an open meeting, shall be approved by a majority vote of the quorum of the Committee

members and the specific statutory or other authority for such closure, and the subject to be discussed, shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting, and such vote shall be taken in an open meeting and the vote of each Committee member shall be recorded in the minutes; (2) if called for when the Committee member is not in an open meeting, such closed meeting or closed part of a meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting, and stating with reasonable specificity the subject to be discussed, is given to members of the general public. Only those subjects announced or voted upon prior to closure by the Committee shall be discussed in a closed meeting.

If a closed meeting is called for when the Committee is not in an open meeting, the Committee will provide notice of closed meetings by conspicuously posting a notice and agenda of the date, time, location and items of business of each such meeting on the Committee's website at <https://www.nm-prc.org/nominating-committee> At any time during an open meeting, the Committee may close the meeting to the public as permitted under NMSA 1978, Sections 10-15-1(H) and (I) even if a closed session is not specifically listed on the posted agenda.

C. Minutes

Pursuant to NMSA 1978, Sections 10-15-1(G) and (J), the Committee shall keep written minutes of all its open meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of Committee members in attendance and those absent, the proposals or other matters considered, if any, and a record, where appropriate, of any decisions and votes taken which show how each Committee member voted. All minutes shall be open to public inspection.

Draft minutes shall be prepared within 10 working days after the meeting and shall be approved, amended or disapproved at the next open meeting where a quorum is present. Recordings of open meetings available to the public are deemed draft minutes. Minutes shall not become official until approved by the Committee.

Pursuant to NMSA 1978, Section 10-15-1(J), the minutes of an open meeting that was closed, or the minutes of the next open meeting if a closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the Committee under NMSA 1978, Section 10-15-1(G), as part of the minutes.

D. Notice to the Public of the Open Meetings Policy

This Open Meetings Policy shall also be posted on the Committee's web site at <https://www.nm-prc.org/nominating-committee> and shall be made available to the public upon request.

E. Use of Conference Telephones and Virtual Platforms

Pursuant to NMSA 1978, Section 10-15-1(C), a Committee member may participate in any open meeting by means of a conference telephone, virtual communication platform, or other similar communications equipment when it is difficult or impossible for the Committee member to attend the meeting in person; provided that each Committee member attending and participating by conference telephone or virtual communications platform 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 Committee member who speaks during the meeting.

F. Virtual Meetings

If due to a public health emergency or any other reason the Committee is unable to hold an Open Meeting in person, the Open Meeting may be held via virtual communication platform. Access to virtual meetings will be made available to the public through an online webcast, or, if a webcast is not possible, members of the public will be permitted to join the meeting directly. All policies contained within this Open Meeting Policy document shall apply to remote Open Meetings but may be modified when necessary to allow for proper meeting functioning. When at a virtual Open Meeting, or when an individual Committee member attends virtually an otherwise in-person Open Meeting, by voting “yes” on the adoption of any other item requiring their signature, their electronic signature shall be added to the item on their behalf.

G. Public Comment

The Committee encourages public input on pertinent issues subject to the jurisdiction of the Committee. In order to ensure Committee meetings are efficient and productive, individuals providing public comment shall do so subject to the following provisions.

Public comment will be scheduled for each meeting. All members of the public wishing to provide public comment shall identify their name and the name of the organization they represent (if any), and the topic or issue on which they desire to comment. When a meeting is noticed to be held solely or partially through a virtual communications platform, specific instructions for how to sign up to provide public comment will be included on that meeting’s agenda.

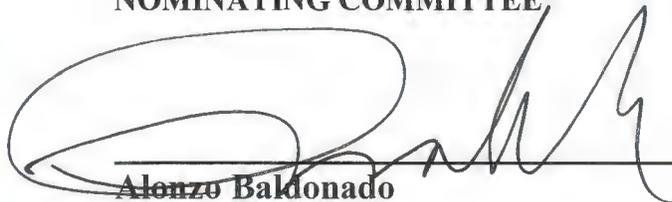
The portion of the agenda allocated for public comment at any one open meeting may be limited to a maximum amount of time for all persons wishing to provide comment. The order of speakers will be based on the order in which speakers sign up, but comments may be taken out of order if the Chair deems appropriate and non-discriminatory. If a speaker is not present at the time when they are called to provide comment, that speaker may forfeit their opportunity to speak. Public comment by an individual or an entity shall be limited to no more than **three (3) minutes** unless the Chair deems it appropriate to decrease or extend the time period. If the Committee believes the number of individuals desiring to provide comment would impede the Committee’s ability to address the business set forth on the meeting agenda, the Chair may limit individual remarks to a shorter time period, including but not limited to, one (1) minute or less. Individuals represented by or representing a common organization or association may be asked to select one individual to act as spokesperson to speak for the group. Individuals who sign up to comment, but either fail to do so or choose to speak for less than their allotted time, may not cede or yield their time to another speaker. Written comments of individuals who cannot be physically present may not be read aloud at the meeting but may be submitted to the Committee.

The subject matter of public comments shall be relevant to the business matters within the Committee’s jurisdiction. Complaints concerning the performance of individual employees of the agency should be directed to the attention of the Chief of Staff outside of the public meeting. The Chair shall retain the right to stop any speaker who raises an issue that is not under the Committee’s jurisdiction or is subject to the restrictions above.

Speakers providing comment shall at all times conduct themselves in accordance with

ISSUED by the Public Regulation Commission Nominating Committee at Santa Fe,
New Mexico, this 11th day of August, 2022.

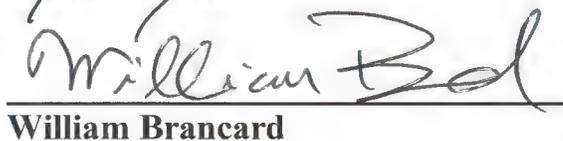
NEW MEXICO PUBLIC REGULATION COMMISSION
NOMINATING COMMITTEE



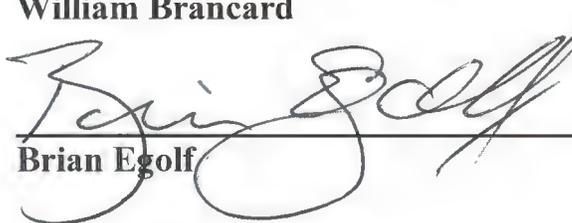
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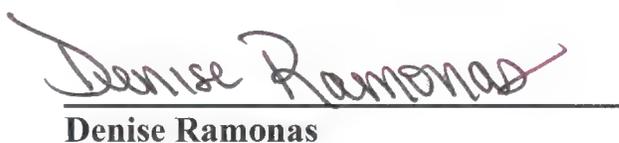


William Brancard



Brian Egolf

Ron Lovato



Denise Ramonas



Rikki Seguin

proper decorum. Profane or vulgar language or gestures will not be tolerated. Audience members shall not disrupt an open meeting by speaking without being recognized by the Chair and shall not incite others to do so. The Chair retains the right to remove disruptive attendees and individuals who fail to conduct themselves in accordance with these provisions from the Committee meeting.

Public comment may be received without Committee comment or response. However, individual Committee members may at their option seek clarification or additional information from speakers through the Chair. No speakers will be accommodated after the public comment portion of the agenda has closed. The Chair retains the right to exercise discretion in the implementation of this policy and may override the above rules in case of emergency or other unforeseen circumstances.

H. Notice to Individuals with a Disability

Individuals with disabilities who are in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in any open meeting or adjudicatory hearing may contact the Office of the Chief of Staff at (505) 470-8984 or such alternate contact person as may be designated in any specific open meeting notice and agenda. Public documents associated with the meetings can be provided in various accessible forms for disabled individuals. Requests for summaries or other types of accessible forms also should be addressed to the Office of the Chief of Staff or the alternate contact person.

I. Annual Redetermination of Open Meetings Policy

In accordance with NMSA 1978, Section 10-15-1(D), the Committee shall redetermine not less than annually, in an Open Meeting, what Open Meetings Policy and Notice is reasonable and should be adopted by the Committee.