

NEW MEXICO COMMISSION FOR THE BLIND

OPEN MEETINGS RESOLUTION

June 24, 2020

WHEREAS, Section 10-15-1(B) of the Open Meetings Act, NMSA 1978, Sections 10-15-1 to -4 (1974, as amended through 2013), 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, a public body subject to the Open Meetings Act may hold a meeting to discuss, formulate, or act on public business only after providing reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires all public bodies, including the Commission for the Blind, to determine annually what constitutes reasonable notice for their public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Commission for the Blind, gathered in regular meeting this 24th day of June, 2020, that:

1. All meetings shall be held as indicated in the meeting notice, except that meetings may be canceled due to lack of quorum, inclement weather, or other appropriate reasons.
2. Regular Meetings: Notice of regular meetings shall be given at least ten days in advance of any regular meeting.
3. Special Meetings: Notice shall be given at least 3 Days in advance of any special meeting.
4. Emergency Meetings: Emergency meetings may be called by the Chairman or a majority of the members upon at least 24 hours notice, 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 to protect the Commission for the Blind from substantial financial loss.

5. Rule Hearings: Rulemaking proceedings shall be conducted pursuant to the State Rules Act, NMSA 1978, Sections 14-4-1 to -11 (1967, as amended through 2017), and its implementing rules.

6. For regular meetings, 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, placed on Newsline for the Blind, and placed on the Commission for the Blind web page at www.cfb.state.nm.us. 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. Meeting agendas shall be made available and posted on the Commission web page at least 72 hours prior to the meeting, except in the case of an emergency meeting in which case the agenda shall be made available as soon as reasonably possible under the circumstances.

8. For special meetings, notice shall be posted at the Commission's administrative office in Santa Fe and in the Albuquerque Field office, placed on Newsline for the Blind, and posted on the Commission web page. When possible, notice shall also be published in a newspaper of general circulation. 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.

9. For emergency meetings, 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 Commission's administrative office in Santa Fe and in the Albuquerque Field office, placing on Newsline for the Blind, posting on the web page of the Commission for the Blind, and placement using other appropriate methods. 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.

10. 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 as may be required by the Americans with Disabilities Act.

11. Should technical problems occur that prevent placement of notice on entities such as Newsline for the Blind or the Commission's web page, the Commission for the Blind shall engage in activities to provide additional notice through other available and appropriate methods, such as through email distribution and posting on social media.

12. To further provide the public with notice of meetings, the Commission for the Blind shall post a Meeting Calendar on the Commission's web page that provides the dates, times, and locations of scheduled meetings, public meetings, and rule making hearings.

13. A member of the Commission for the Blind 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. Such attendance is allowed at the discretion 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.

14. Conducting public meetings prior to the adoption of substantive policies or procedures governing the provision of vocational rehabilitation services.

(a) Prior to the adoption of any substantive policies or procedures governing the provision of vocational rehabilitation services under the Combined State Plan, including making any substantive amendments to policies and procedures, the Commission for the Blind will conduct public meetings throughout the state to provide the public, including individuals with disabilities, an opportunity to comment on the policies or procedures.

(b) At least 72 hours prior to any public meeting, the public meeting shall be advertised in a newspaper of general circulation, posted to the commission web page, placed on Newline, provided to disability advocacy groups representing individuals who are blind, and distributed as may otherwise be appropriate. The public meetings may include town forums, town halls, or other public meetings organized by the commission.

(c) Should limits on public gathering be in place due to a declaration by the Governor of a state of emergency, the public meetings may also include meetings that take place telephonically or by video webcast, provided that each such meeting is specifically directed to and associated with a particular geographic area of the state. The Commission shall enable public access to any meeting at which such limitations are imposed through telephonic or video webcast means. The Commission shall, in the notice of such a meeting, provide the public with information as to how the meeting may be accessed remotely. The notice shall specifically state that the purpose of the public meeting is to provide persons who reside in the area with an opportunity to comment on the proposed policies or procedures. In addition to the notice requirements set forth in subsection (b), the Commission shall also advertise the public meeting in a newspaper that is located in the area, provide the notice to affiliates or chapters located in the area of disability advocacy groups representing individuals who are blind, provide the meeting notice to the center for independent living that serves the area, post the meeting notice in the Commission office that is in the area, provide the notice to any American Indian Vocational Rehabilitation Projects that serve the area,

and conduct such outreach as would otherwise be appropriate if the public meeting was being held in a physical location in the area.

(d) 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 discourage public gatherings or otherwise recommend that social distancing be maintained, the Commission may place reasonable limits on the manner in which the public attends public meetings, provided that all interested individuals are afforded a reasonable opportunity to attend or participate. This may include requiring persons attending the public meeting to maintain a specified distance from others present at the meeting. The Commission shall enable public access through telephonic or video webcast for any meeting at which such limitations are imposed. The Commission shall, in the meeting notice, provide the public with information as to any in-person limitations as well as information on how the meeting may be accessed remotely.

15. For the purpose of rule hearings described in paragraph five of this resolution, notice requirements shall be met if notice of the date, time, place, subject of the hearing, the manner in which interested persons may present their views, and where copies of the proposed regulations may be obtained, is published in a newspaper of general circulation and the New Mexico Register. In addition, the notice of hearing shall be posted at the Santa Fe and Albuquerque offices of the Commission for the Blind, posted on the web page of the Commission for the Blind, placed on Newline, and placed using other appropriate methods. 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.

16. The 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 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 Commission for the Blind 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 Commission for the Blind 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.

(d) Except as provided by the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote in an open public meeting.

17. 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 essential or time-sensitive items of business until the conclusion of the state of emergency would be inconsistent with the proper and efficient operation of the council, the Commission for the Blind 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 Commission 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 and Executive Director, the Commission 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 non-essential employees of the Commission for the Blind have been directed to work from home, or are otherwise unable to meet in a physical location due to the state of emergency.

(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 Commission's website 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 Commission for the Blind shall make an audio recording of any video or telephonic meeting and, within five business days of the meeting, post the recording on its website for a period of not less than thirty days. The Commission shall maintain a copy of the recording for a period in compliance with the Federal regulations at 2 CFR 200.333, and as may otherwise be required by state record 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 discourage public gatherings or otherwise recommend that social distancing be maintained, the Commission may place reasonable limits on the manner in which the public attends public meetings, provided that all interested individuals are afforded a reasonable opportunity to attend or participate. This may include requiring persons attending the public meeting to maintain a specified distance from others present at the meeting. The Commission shall enable public access through telephonic or video webcast for any meeting at which such limitations are imposed. The Commission shall, in the meeting notice, provide the public with information as to any in-person limitations as well as information on how the meeting may be accessed remotely.

Passed by the Commission for the Blind this 24th day of June, 2020.



Arthur A. Schreiber, Chairman
Commission for the Blind