

NEW MEXICO COUNCIL FOR
PURCHASING FROM PERSONS WITH DISABILITIES

OPEN MEETINGS RESOLUTION

November 8, 2023

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 New Mexico Council for Purchasing from Persons with Disabilities, to determine annually what constitutes reasonable notice for their public meetings;

NOW, THEREFORE, be it resolved by the New Mexico Council for Purchasing from Persons with Disabilities, gathered in regular meeting this 8th day of November, 2023 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 10 days in advance of the meeting
3. Special Meetings: Notice shall be given at least 72 hours in advance of any special meeting.
4. Emergency Meetings: Emergency meetings may be called by the Chair upon at least 24 hours' notice, or by the Vice Chair should the Chair be unavailable, or by a majority request of at least 7 members, 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. Rule Hearings: Notice of rulemaking proceedings shall be given at least 30 days prior to the hearing date.
6. For purposes of 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

at least 10 days prior to the meeting. Notice shall also be placed on the web page of the designated central nonprofit agency, Horizons of New Mexico, at least 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.

7. For purposes of special meetings, notice shall be placed on the web page of the designated central nonprofit agency, Horizons of New Mexico, at least 72 hours before 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.

8. For purposes of regular and special meetings, meeting agendas shall be placed on the web page of the designated central nonprofit agency at least 72 hours prior to the meeting.

9. For purposes of 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 office of the designated central nonprofit agency, placement on the web page of the designated central nonprofit agency, and 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. For the purpose of rule hearings, 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 office of the designated central nonprofit agency, posted on the web page of the designated central nonprofit agency, 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.

11. 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.

12. A member of the New Mexico Council for Purchasing from Persons with Disabilities 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. 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.

13. The Council 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 Council 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 Council 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.

14. Meetings Held During States of Emergencies: In the event declared states 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 Council, the New Mexico Council for Purchasing from Persons with Disabilities 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 Council 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 Council 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 Council 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 Central Nonprofit Agency before and during the meeting for public access and review, or shall be made available during the meeting for downloading.

(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 Council 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 Central Nonprofit Agency for a period of not less than thirty days. The Council shall maintain a copy of the recording for a period of at least three years, or as may otherwise be required by state or federal 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).

Passed by the New Mexico Council for Purchasing from Persons with Disabilities this 8th day of November, 2023.

Kathleen Pinyan

Kathleen Pinyan, Chair
New Mexico Council for Purchasing from Persons with Disabilities