

**NEW MEXICO OCCUPATIONAL HEALTH AND SAFETY REVIEW COMMISSION
OPEN MEETINGS ACT RESOLUTION**

WHEREAS, the **New Mexico Occupational Health and Safety Review Commission** (“Commission”) met in open session in Santa Fe, New Mexico, on June 20, 2019, at 9 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 (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, 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 Board to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Commission that:

1. All meetings shall be held as indicated in the meeting notice;
2. The agenda will be available at least seventy-two (72) hours prior to the meetings from the Commission administrator whose office is located in the Harold Runnels Building, 1190 St. Francis Drive, S-2103, Santa Fe, New Mexico 87502. Notice of any other regular meetings will be given ten days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. Special meetings may be called by the Chairman or a majority of the members upon three (3) days’ notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two (72) hours before any special meeting.
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 Commission will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon seventy-two (72) hours’ 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 Board will notify the Attorney General's Office.

5. Notice of regular meetings will be given ten days in advance of the meeting date. The notice requirements are satisfied if the Commission administrator posts the notice onto the Commission's website, currently located at <https://www.env.nm.gov/general/occupational-health-and-safety-review-commission/>, and mails copies of the written notice to those broadcast stations, newspapers, and other parties who have requested advance notice of meetings and whose names and addresses are on a mailing list maintained by the New Mexico Environment Department.
6. For the purposes of special meetings and emergency meetings described in Paragraphs 3 and 4, notice requirements shall be met by posting notices in the main office of the constituent agencies of the Commission and by delivering copies of the notice to the press boxes located at the Governor's office. The Commission administrator also shall provide telephonic notice to those broadcast stations and newspapers of general circulation that have made a written request for notice of public meetings. The notice shall contain the date, time, and place of the meeting.
7. Provisions for Americans With Disabilities Act (ADA): 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 a meeting or participate in a hearing, please contact the Commission Administrator at (505) 827-2425 at least one 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 Commission Administrator if a summary or other type of accessible format is needed.
8. The Commission may close a meeting to the public only if authorized by Section 10-15-1(H) 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 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) The Commission may hold a closed meeting, separate from an open meeting, provided that appropriate and timely notice is given to the public, consistent with the OMA requirements for regular, special or emergency meetings. The notice shall

include the specific provision of law authorizing the closed meeting and shall list, with reasonable specificity, the subjects to be discussed.

- 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(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Board members in an open public meeting.

PASSED by the **New Mexico Occupational Health and Safety Review Commission** this 20th day of June, 2019.



William Brock Carter, Acting Chairman

New Mexico Occupational Health and Safety Review Commission