

STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD
RESOLUTION 2023 - 2024 – OPEN MEETINGS

WHEREAS, the New Mexico Environmental Improvement Board (the “Board” or “EIB”) met in open session during a regularly scheduled meeting via the WebEx online platform¹ on January 27, 2023, and

WHEREAS, Section 10-15-1 (B) of the Open Meetings Act (“OMA”) (NMSA 1978, Sections 10-15-1 to -4) requires that, except as may be otherwise provided in the New Mexico Constitution or the provisions of the OMA, 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 public meetings open to the public at all times; and

WHEREAS, the Board is a public board subject to the provisions of OMA; and

WHEREAS, under Section 10-15-1 (D), any meetings subject to the OMA 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) requires the Board to determine annually what constitutes reasonable notice of its public meetings.

NOW, THEREFORE, BE IT RESOLVED by the Environmental Improvement Board that:

1. **Regular Meetings.** Unless otherwise specified, regular meetings of the Board shall be held on the fourth Friday of each month, starting in February, in Santa Fe, New Mexico at 9:00a.m. Regular meetings may be canceled for lack of business. Meeting agendas will be available at least seventy-two (72) hours prior to the meeting on the EIB website maintained by the New Mexico Environment Department at <https://www.env.nm.gov/opf/environmental-improvement-board/> or from the Board Administrator, whose office is located at 1190 S. St. Francis Drive, S-2100 in Santa Fe and can be contacted at (505) 660-4305.
2. **Special Meetings.** Special meetings may be called if business requires by the Chair or a majority of the members upon seventy-two (72) hours’ notice. The agenda for the meeting shall be posted on the EIB website at least seventy-two (72) hours in advance of any special meeting.
3. **Emergency Meetings.** Emergency meetings may be called under unforeseen circumstances that demand immediate action to protect the health, safety, and property of citizens or to protect the Board from substantial financial loss. The Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or a majority of the members upon

¹ The online meeting was necessitated by the ongoing COVID-19 public health emergency as declared by the Governor.

twenty-four (24) hours' prior notice, unless threat of personal injury, property damage, or substantial financial loss 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 (10) days of taking action on an emergency matter, the Board will notify the Office of the Attorney General.

4. For the purpose of regular meetings described in Paragraph 1, notice requirements are met if notice of the date, time, place and either a copy of the agenda or information on how the agenda can be obtained is sent to the EIB electronic mailing list maintained by the Board's administrator and to the Governor's Office, and also posted in a visible location at the office of the Board administrator and on the EIB website. Written notice shall also be sent to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of meetings.
5. For the purposes of special meetings and emergency meetings described in Paragraphs 2 and 3, notice requirements are met if notice of the date, time, place and either a copy of the agenda or information on how the agenda can be obtained is sent to the Board's electronic mailing list maintained by the Board's administrator and to the Governor's Office, and also posted in a visible location at the office of the Board administrator and on the EIB website. Telephone notice 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 such notice. Within ten (10) days of taking action on an emergency matter, the Board shall report the action to the Office of the Attorney General pursuant to Section 10-15-1(F) of the OMA.
6. In addition to the information specified above, notices or agendas should include the following language:

If you are an individual with a disability who needs 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 EIB Administrator, Pamela Jones, at least ten (10) days prior to the meeting or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. Public documents can be provided in various accessible formats. Please contact the EIB Administrator if accessible format is needed.
7. The Board may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under the Section 10-15-1(H) of the OMA.
 - a) If any portion of an open meeting of the Board is closed, such closure shall be approved by a majority vote of a quorum of the Board taken during open session. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close. Only matters already noticed in the agenda may be considered in closed session. 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 session.

- b) If a separate closed meeting is called outside of 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 provided 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(H) of the OMA, any action taken as a result of discussions in a closed meeting shall be made by a vote of the Board in an open, public meeting that has been properly noticed.
8. Board members may participate in a meeting by conference telephone or other similar communications equipment as permitted by the OMA when it is otherwise difficult or impossible for the member to attend in person, provided that all participants are able hear and communicate clearly with one another and that the members of the public in attendance are able to hear any member who speaks during the meeting.
9. 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 items of business until the conclusion of the state of emergency would be inconsistent with the proper and efficient operation of the Board, the Board 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 Board 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 Board 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 Board 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 Board'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 Board shall make an audio recording of any video or telephonic meeting and, within five business days of the meeting, post the recording on the Board's website for a period of not less than thirty days. The Board 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).

This Resolution is hereby ADOPTED by a quorum of the Environmental Improvement Board this 27th day of January 2023.

_____, CHAIR
ON BEHALF OF THE NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD