

RESOLUTION NO. 2019-01

THE EDUCATIONAL RETIREMENT BOARD OF TRUSTEES' OPEN MEETINGS ACT RESOLUTION FOR 2020

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, § 10-15-1 *et seq.* (2013)) states that, except as may be otherwise provided in the New Mexico Constitution or the Open Meetings Act, all meetings of a quorum of members of any board, commission or other policy-making body of any state agency, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations, discussing public business or taking any action within the authority of or the delegated authority of such board, commission or other policy-making body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meeting 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 Educational Retirement Board to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED that in 2020:

1. All meetings of the Educational Retirement Board shall be held at the conference room located at the Educational Retirement Board's Albuquerque office, 8500 Menaul Blvd NE, Suite B-450, Albuquerque, New Mexico or such other location identified in the meeting notice. A tentative agenda will be available at least eight days prior to each meeting. A final agenda shall be available from the Educational Retirement Board's Santa Fe office located at 701 Camino de los Marquez, Santa Fe, New Mexico, and shall be posted on the NMERB website at www.nmerb.org not less than 72 hours before the meeting. Notice of regular meetings will be given eight days in advance of the meeting date.
2. Special meetings of the Educational Retirement Board may be called by the Chairperson of the Board or any three members of the Board upon three days' notice.
3. Emergency meetings of the Educational Retirement Board will be called only under unforeseen circumstances that, if not addressed immediately by the Board, will likely result in injury or damage to persons or property or substantial financial loss to NMERB. The Board will avoid emergency meetings whenever possible. Emergency meetings of the Educational Retirement Board may be called by the Chairperson or any three board members upon 24 hours' prior notice, unless threat of personal injury, property damage or substantial financial loss to NMERB 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 shall notify the Attorney General's office in accordance with the Section 10-15-1(F) of the Open Meetings Act.

4. For purposes of regular or special meetings described in paragraphs 1 and 2 of this resolution, notice requirements are met if notice of the date, time, place and agenda are posted to www.nmerb.org and disseminated to all local administrative units and to newspapers of general circulation and broadcast stations licensed by the Federal Communications Commission that have made a written request to the Educational Retirement Board for notice of public meetings.
5. For purposes of an emergency meeting described in Paragraph 3 of this resolution, notice requirements are met if notice of the date, time, place and agenda are posted in the Santa Fe office of the Educational Retirement Board and to www.nmerb.org and disseminated to newspapers of general circulation and broadcast stations licensed by the Federal Communications Commission that have made a written request to the Educational Retirement Board for notice of public meetings.
6. The Educational Retirement Board may close a meeting to the public only if the subject matter of such discussion is excepted from the open meeting requirement under 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 Board 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 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 conducted when the Educational Retirement Board is not in 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 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 Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Educational Retirement Board in an open public meeting.

7. Public notice for Board committee meetings shall be provided at least eight days in advance of the meeting and shall meet the notice requirements of Paragraph 4 above.

PASSED, ADOPTED AND APPROVED THIS 6TH DAY OF DECEMBER 2019.

By: Mary Lou Cameron
Mary Lou Cameron, Chairperson
Educational Retirement Board

ATTEST:

Larry Magid
Larry Magid, Secretary
Educational Retirement Board