New Mexico Commission for the Blind

State Rehabilitation Council

Minutes (Draft)

Special Meeting

Commission for the Blind

2200 Yale Blvd. SE

Albuquerque, NM 87106

August 31, 2023 - 9:00 AM

1. Call to Order

Chairperson Hayes called the meeting to order at 9:20AM.

2. Roll Call

Ms. Kelly Burma took roll. Present were James Babb, Jeff Blair, Peggy Hayes, Mario Hooee, Paul Luttrell, Paula Seanez, Greg Trapp and Daphne Mitchell. Veronica Alonzo, Bernadine Chavez, and Katharine Chavez attended by Zoom. Lila Martinez attended later by Zoom. Deborah Dominguez-Clark was absent.

3. Introduction of Guests and Staff

Staff present were Jim Salas, Deputy Director for Vocational Rehabilitation and Independent Living; Kelly Burma, Skills Center Coordinator and SRC Liaison; Patricia Savage, Executive Secretary; and Daphne Mitchell, Vocational Rehabilitation Counselor Manager. Staff present over Zoom were Kevin Romero, Deputy Director for Finance and Administration; Audrey Trujillo, IT Technology Manager; and Jamie Sibson, Orientation Center Director. Commissioner Urja Lansing also attended by Zoom.

4. Approval of Possible Changes to the Agenda Order and Tabling of Agenda Items

There were no changes to the agenda.

5. Approval of Minutes for the Meeting of July 20, 2023

Mr. Babb made a motion to approve the minutes, and Ms. Katharine Chavez seconded the motion. A vote was taken, and the minutes were unanimously approved.

6. Chairperson’s Report, Peggy Hayes

Ms. Hayes said she did not have a report.

7. Director's Report, Greg Trapp

Mr. Trapp said this is a special meeting focusing on the State Plan, saying a draft of the State Plan is due to the Department of Workforce Solutions by September 30.

Mr. Trapp made a personal announcement about his wife Tonia, saying she was diagnosed with cancer. He said he may be less available during the State Plan process as a result.

Mr. Trapp said he was pleased to announce that the Commission is signing a Memorandum of Understanding with the Navajo vocational rehabilitation program. Mr. Trapp then signed the MOU, thanking Ms. Seanez for her help with the MOU. He said Ms. Seanez could now take it back for the Navajo Nation President to sign. He said the Commission is proud to continue its partnership with the Navajo Nation.

Ms. Seanez said the MOU allows the Navajo Nation to share resources and expand services, and Mr. Trapp said the MOU is good through December 31, 2026.

Mr. Trapp said this is the time of year when the Commission is submitting its state request budget and also working on its audit. He said the Commission has also been working in partnership with the Workforce Solutions Department on how their case management systems can be better aligned. He said the Commission uses a system called AWARE, and has used it for almost 25 years. He said it is incredibly beneficial for the Commission, saying it is accessible for the users who are blind or visually impaired and has a report writing function that is a real labor savings. He said AWARE also has an independent living module. He said New Mexico initiated the IL component through an RSA grant. He said AWARE is used by 41 VR agencies and 36 states.

Ms. Mitchell said counselors enter the data about each consumer, and the data ties to the data elements that are in the 911 report, which has over 400 different data points. She said the Commission’s AWARE reports run through an edit checker and then are checked one more time by staff for accuracy.

Mr. Trapp reported on the new Las Cruces office location, and Mr. Salas described how it would be beneficial to the agency and for working with other Workforce agencies.

Ms. Sibson updated the Council on the apartments, saying the apartments were currently housing one student, and that a second student would be entering the apartments shortly. She said there is workout equipment in the common room, and that it is being used by the other students at night and on the weekends.

Ms. Burma said the Skills Center would be sponsoring a two-day forensics camp in September as a part of its Pre-Employment Transition Services programming. She said the agency is contracting with Independence Science for the forensics camp, and that Independence Science is a company operated by Dr. Cary Supalo, a blind chemist. She said the focus is not just on students interested in science, but also those who might be interested in writing for mysteries or CSI type programs.

Ms. Martinez joined the meeting at this time.

Mr. Salas reported on the Commission purchasing desktop video magnifiers for IL and Older Blind consumers, saying they would have a 21-inch screen and would be a real benefit for consumers. He said the agency was also looking at purchasing a video magnifier that was somewhere between a desktop and hand-held magnifier.

Mr. Trapp said Governor Lujan Grisham has declared October 15 as White Cane Awareness Day. He said this is a change from the traditional White Cane safety Day proclamation, and that awareness is a more inclusive and less custodial term. Ms. Burma read the proclamation, which is attached to the minutes.

Mr. Trapp reported on the Dear colleague letter issued by the Rehabilitation Services Administration, saying it redefined the interpretation of the word recipient, and meant that the agency might no longer be able to carry over unspent federal funds to the second year of the period of performance. He said that the DCL requires the state as a whole to have met the match requirement. Mr. Trapp said that RSA has clarified that any funds that were relinquished would reset the state match requirement.

Mr. Romero reported on finances, saying the Commission met on August 23, and approved the Request Budget. He said the agency is seeking an 8.3 percent General Fund increase, and an overall 4.3 percent increase. He said the bulk of the increase was due to increased BEP activity. He said the agency is working closely with DVR on the statewide match issue. He said the General Fund increase was $210,000 for SFY25, and that Contracts increased by $64,000.

8. Unfinished Business

a. Report on Pre-ETS Annual Review Finding, Greg Trapp and Kevin Romero

Mr. Trapp said the Commission and DVR asked RSA to not require the state to submit a corrective action plan. He said the rationale was that the pandemic was an extraordinary circumstance that impaired the ability of the state to spend the Pre-ETS funds, and once DVR amended their fiscal report the state actually came much closer to meeting the Pre-ETS reserve for FY20. He said RSA rejected the request, and is requiring the state to submit a corrective action plan.

Mr. Romero said the response provided by the Commission and DVR included information on how the Commission and DVR are working to meet the 15 percent Pre-ETS requirement. He said the Commission provided worksheets for FFY22 and FFY23 that showed the Commission’s spending of VR and Pre-ETS funds. He said the Commission was able to spend $518,892 in Pre-ETS funds in FY22, leaving an unspent balance of $269,004. He said he consulted with DVR, and DVR believes they will meet their own Pre-ETS spending requirement for FFY22, and will also spend enough to compensate for the $269,004 that the Commission was not able to spend.

Reporting on FFY23 spending, Mr. Romero said the Commission did not relinquish any VR funds for reallotment. He said the Commission believes it can expend its entire 15 percent Pre-ETS reserve for FFY23. He said the Commission has current obligations that would allow the Commission to meet its portion of the 15 percent reserve, and DVR believes they can meet their reserve. He said DVR reduced their Pre-ETS reserve by relinquishing $3,901,000 through the reallotment process. He said this relinquishment has the benefit of lowering the statewide Pre-ETS requirement. Mr. Romero said based on the Commission’s analysis, if the agency has an attrition rate for Pre-ETS obligations of 20 to 25 percent, the Commission would still have sufficient obligation and expenses to meet the 15 percent reserve. He said the Commission has a Pre-ETS reserve and expend amount of $837,344 for FFY23. He said the Commission has so far expended $575,600 of that amount, which is 58.12 percent of the total Pre-ETS reserve. He said this means the Commission is on track to spend its entire 15 percent reserve. He said DVR also feels confident on their ability to spend their reserve amount for FFY23.

Mr. Trapp said when Mr. Romero uses the word attrition, he is referring to the fact that the Commission has obligated Pre-ETS funding through contracts and purchase orders, and the Commission expects that obligated spending to materialize, but the spending that does not materialize is the attrition rate.

Chairperson Hayes asked if the spending requirement ends on September 30 or June 30, and Mr. Trapp responded that it ends on September 30.

Ms. Burma said the Pre-ETS spending also includes staff time, and Mr. Trapp said that about 36 percent of the Commission’s Pre-ETS spending is due to employees providing Pre-ETS services.

Mr. Trapp said RSA is now giving state agencies the option to decline Supported Employment funding, and that the agency has decided to decline Supported Employment funding given the lack of benefit relative to the effort required to identify, track, and report Supported Employment funding.

b. Update on Submission of the Combined State Plan, Jim Salas

Mr. Salas said the Commission has been working on the state plan in partnership with the Department of Workforce Solutions. He said this includes consideration of how the Workforce partners can align their case management systems. Mr. Salas said DWS has also been working with Deloitte and the National Association of State Workforce Agencies on the State Plan and case alignment. He said there will be public meetings to get the public’s input on the state plan. He said there will also be a regional conference in the middle of October, and a public comment period will also take place in November. He said the Workforce Development Board will approve the State Plan at a meeting on December 7. He said the state plan is due in March. He said he expects that RSA will work with the state VR agencies to negotiate new performance measures in April, and make needed changes to the State Plan in May. He said it will take effect with program year 2024 that starts on July 1, 2024.

Mr. Trapp said the Commission has some significant work ahead to meet the State Plan schedule. He said the Commission will be working with Workforce Solutions and the State Workforce Development Board on the State Plan.

Mr. Trapp said the agency held public meetings last week and the week before to collect public comments on the State Plan. He said the agency circulated the information to the Council, and that it was also sent out through the National Federation of the Blind Listserv. He said public input is a critical part of the State Plan process, and the Commission will be conducting additional public meetings in September.

Ms. Burma said a public meeting will be held during the National Federation of the Blind Convention, and that the Council may want to encourage people to attend. She said it will be at the Embassy Suites Hotel in Albuquerque from 11:00 AM to 12:00 PM on Saturday, September 23. She said notices will be going out as soon as a room is confirmed, and she asked the Council to spread the word.

Mr. Trapp said the Commission will likely have additional public meetings in Albuquerque and Santa Fe. He said there would be Zoom options available to make sure the agency is covering the state.

c. Review of Statewide Comprehensive Assessment Results, Greg Trapp, Jim Salas, and Kelly Burma

Mr. Trapp said the demographic data was discussed at the July 20 meeting. He said the Comprehensive Statewide Needs Assessment was approved by the council, and that it provided additional notice to the client assistance program, the 121 projects, and workforce boards. He said the changes also included the recommendation from Ms. Bernadine Chavez related to transition, specifically using the word youth as a part of the transition services demographic data collection. He said he believes the term youth captures the broader range of youth who might not be a student, and includes youth through the age of 24.

Mr. Trapp said he would like the Council to discuss all kinds of thoughts with respect to the Comprehensive Statewide Needs Assessment, and the needs that might be considered. He asked Ms. Seanez for her help in reaching out to the Jemez, Laguna Acoma programs, and if they have any feedback that they wish to provide. He asked Ms. Bernadine Chavez from the Client Assistance Program if there was anything she wished to provide here today.

Mr. Trapp asked the Council if anyone had input that they wished to provide regarding the demographic data presented last time or any other areas of need with respect to the state and how the Commission can best meet the needs of the population it serves. He said this includes the pandemic, and the fact that students did not get Braille instruction or Orientation and Mobility.

Mr. Blair asked how long the State Plan was for, and Mr. Salas said the State Plan was for four years. Mr. Trapp said the needs assessment was done every three years. Mr. Blair said the agency may see more persons diagnosed with diabetic retinopathy due to the pandemic, and Mr. Trapp said he did not expect a large increase of persons with diabetic retinopathy over the next four years, but that the number would be larger over the next 8, 12, or 16 years. Mr. Trapp said studies have shown that having diabetes negatively impacts every area of ocular health, including glaucoma, and that there is likely to be a compounding effect.

Ms. Burma noted that children with autism are less likely to be evaluated for vision loss, and Mr. Trapp said that children with autism are about 60 percent less likely to have an eye screening exam. He said there could be a population out there who have been diagnosed with autism who also have vision loss. He said he and Ms. Burma will mention this during their upcoming presentation to the Academy of Ophthalmology, and that he wants to be sure that children with autism are not actually children with ONH in hiding.

d. Approval of Goals and Priorities, Kelly Burma

Mr. Trapp said this item was an opportunity to give input on where the agency should be heading, and what the Council thinks is important. He said the Council approved changes to the Goals and Priorities during the Alamogordo meeting, and that this was an opportunity to add new Goals and Priorities.

Mr. Trapp asked Commission Chair Lansing for any thoughts she might have, and Ms. Lansing said that the role of the SRC is important, and she asked the Council to consider where revisions to the Goals and Priorities are necessary. She said the board will be interested in their results.

Mr. Trapp asked Mr. Romero to read the portion of the July 20 SRC minutes that showed the changes the Council made to the Goals and Priorities. Mr. Romero read the minutes, and Ms. Burma read the remaining Goals and Priorities.

Mr. Blair discussed Boal and Priority I, suggesting it include charter schools, and there was discussion around the issue of charter schools.

Ms. Seanez said she thought Goal and Priority I should include the Bureau of Indian Education operated schools.

Mr. Trapp discussed potential Council Goals and Priorities, saying the Council might for instance have a Goal and Priority that disagrees with the decision to decline the $55,000 in Supported Employment funds. He said the agency and Council do not have to agree on all of the Goals and Priorities. He said the agency believes the administrative burden is far disproportionately high given the benefit to the agency. The Council agreed with the decision.

Mr. Blair said he thinks the Goals and Priorities are a comprehensive list, and that he does not have any additional Goals and Priorities.

Ms. Burma read Goal and Priority T, which regarded benefits counseling and guidance. Ms. Mitchell said the agency is working to provide increased training to counselors on benefits.

Mr. Blair moved to approve the Goals and Priorities as discussed, allowing for typographical errors and the wording suggested by Ms. Seanez for Goal and Priority I, and Mr. Babb seconded the motion. A vote was taken, and the motion was unanimously approved.

e. Approval of Council Comments on State Plan, Jim Salas and Kelly Burma

Mr. Salas reviewed the comments submitted in the last State Plan,

The Council approved a comment complementing the agency on meeting the goal of having at least 75 percent of VR counselor positions filled. Mr. Salas noted that all VR counselor positions are filled.

Mr. Trapp noted that the healthy living comment was all the more important coming out of the pandemic, and especially given the impact of diabetes.

Mr. Salas discussed the comment related to working with community colleges, and Mr. Trapp said this item reminded him if the Comprehensive Statewide Needs assessment included consideration of the need to develop and improve community rehabilitation programs, and that the New Mexico Council for Purchasing from Persons with Disabilities had a discussion around this item during their August Meeting. Mr. Trapp thanked Mr. Luttrell and Ms. Hayes for attending that meeting. He said there was no identification of a need to establish a new CRP, but that He said that the Council for purchasing was looking at ways to expand the state use program, including the provision of temporary services. He said this would expand employment opportunities for persons with disabilities.

The Council revised the comment on the apartments to reflect that the apartments are completed, revising to support and maintain the use of the apartments.

The Council approved a Skills Center comment saying that the Skills Center would be appropriately used.

The comment on outreach activities to schools was revised to include Indian Education operated schools.

Mr. Blair asked to strengthen the comment on the pandemic, referencing the long-term effects of the pandemic and the imperative need to provide necessary services.

Ms. Seanez recommended a change to use the word provision instead of concept in the informed choice comment.

Mr. Blair asked about the comment on NFB Newsline, and Mr. Salas said the comment captured both local and national Newsline.

On the comment related to the pandemic creating opportunities for telework, telework was changed to remote work.

The comment concerning BEP was changed to reflect the Chicago Lighthouse providing the training.

 Mr. Blair suggested dropping either mitigate or ameliorate in the comment on the impact of blindness, and Mr. Trapp suggested going with Mitigate.

Mr. Babb made a motion to approve the Council comments on the State Plan as discussed, authorizing the executive committee to make minor modifications, and Mr. Blair seconded the motion. A vote was taken, and the motion was unanimously approved.

9. New Business

a. Discussion of Council FFY23 Annual Report, Peggy Hayes and Greg Trapp

Mr. Trapp suggested moving the annual report to a future meeting. He said the agency sent out the current report to get the Council thinking about this item. He said he wants the Council members to be thinking about the report and to consider if they want any changes.

b. Approval of Council Open Meetings Act Resolution, Peggy Hayes

Ms. Hayes said that serving on the SILC has impressed on her the importance of compliance with the Open Meetings Act. She asked Mr. Trapp to describe the changes to the Open Meetings Act Resolution.

 Mr. Trapp summarized the Open Meetings Act, talking about what entities are covered. He said there are a couple of proposed changes to the resolution. He said there was a gap with the emergency declared by the Governor ending in March, and the emergency declared by the President ending in May. Mr. Trapp said that the proposed changes replace state of emergency declared by the Governor with declaration of a state of emergency. He said this allows for virtual meetings during declared emergencies, regardless of whether it is an emergency declared by the Governor or the President.

Mr. Trapp said the proposed changes remove repeated references to Commission for the Blind and use Commission instead. He said the changes also remove the long legal citations and just refer to the Open Meetings Act.

Mr. Trapp described public meetings held pursuant to 34 CFR 361.20, saying a public meeting must be held if a VR agency makes substantive changes to policies or procedures. He said this kind of public meeting could be called a town forum. He said the Council adopts procedures since the state does not have a law governing the conducting of agency town forums.

Mr. Trapp proposed that the resolution be changed to allow for remote attendance when public meetings are held. He said that virtual public meetings are allowed under the OMA Resolution during times of emergency, but not allowed when there is not a public emergency. Mr. Trapp said he was proposing that there be a physical location for public meetings, with a remote option being allowed. The Council strongly agreed there should be a remote option.

Mr. Blair asked for further clarification of public meetings, and Mr. Trapp said that the agency must conduct public meetings under 34 CFR 361.20 whenever the agency makes substantive changes to policies or procedures. He said that these public meetings are not the same as the meetings conducted by the SRC or Commission board. Mr. Trapp said that Mr. Blair’s point about increasing participation at SRC meetings is entirely valid, and that the Council wants to encourage public participation, but actual members must attend meetings in person unless it is otherwise difficult or impossible for them to attend. He said this means it has to be something in addition to the ordinary inconvenience of attending a meeting.

Mr. Trapp asked whether the Council wanted to encourage remote participation at public meetings, and Ms. Hayes said it is important to encourage public participation. Mr. Trapp said it allows for greater public participation. Mr. Trapp said that technically the Council is not allowed to have a hybrid meeting because members can only attend remotely when it is difficult or impossible for them to attend the meeting in person.

Mr. Babb made a motion to approve the Open Meetings Act Resolution, authorizing the Executive Committee to add hybrid language for public meetings, and to make any final minor revisions. Mr. Blair seconded the motion. A vote was taken, and the Open Meetings Act Resolution was unanimously approved.

Ms. Bernadine Chavez said this is new territory, and that the National Coalition of State Rehabilitation Councils is encouraging agencies to allow remote public participation.

10. Council Open Discussion

There was no open discussion.

11. Comments from the Audience

There were no audience comments.

12. Date and Location of Next Meeting

The next meeting will start at 9:30 AM on September 25, and will be at the Commission’s Albuquerque office.

13. Adjourn

The meeting was adjourned at 12:30 PM.

Approved and Electronically Signed this 25th Day of September, 2023.

Chairperson Peggy Hayes

State Rehabilitation Council

New Mexico Commission for the Blind

Attachment: White Cane Awareness Day Proclamation

WHEREAS, New Mexico enacted the white cane law in 1967, becoming the first state in the nation to adopt the model white cane law; and

WHEREAS, The White Cane Law, 28-7-1 NMSA (1978), declares that it is the policy of the State to encourage and enable persons who are blind or visually impaired to participate fully in the social and economic life of the state, and to engage in remunerative employment; and

WHEREAS, The White Cane Law gives persons who are blind or visually impaired the same rights as all citizens to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places; and

WHEREAS, The White Cane Law gives persons who are blind or visually impaired full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and any other places to which the public is invited; and

WHEREAS, The White Cane Law requires that drivers shall take all necessary precautions to avoid injury to pedestrians who are using a white cane or a guide dog; and

WHEREAS, it is important for all New Mexicans to be aware of The White Cane Law; to be aware that persons who are blind or visually impaired use the white cane to travel on public streets, roads, and at places of public accommodation; to be aware that persons with disabilities have much to offer and that their energy, creativity, and hard work greatly strengthens our state and our economy; and to recognize that the white cane is an instrument of safety and independence for persons who are blind or visually impaired.

NOW THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, do hereby proclaim October 15, 2023 as:

"White Cane Awareness Day"

throughout the state of New Mexico. Attest:

Maggie Toulouse Oliver

Secretary of State

Done at the Executive Office this 21st day of August 2023.

Witness my hand and the Great Seal of the State of New Mexico.

Michelle Lujan Grisham

Governor

Attachment: SRC OMA Resolution

New Mexico Commission for the Blind

State Rehabilitation Council

Open Meetings Resolution

August 31, 2023

WHEREAS, SECTION 10-15-1(B) OF THE OPEN MEETINGS ACT, 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 State Rehabilitation Council to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the State Rehabilitation Council (Council), meeting this 31st day of August, 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 3 days in advance of any special meeting.

4. Emergency meetings: Emergency meetings may be called by the chair 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. For purposes of regular meetings described in paragraph (2) of this resolution, 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 and placed on the Commission for the Blind web page, www.cfb.state.nm.us. Notice shall also be placed on Newsline for the Blind. 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. The meeting agenda shall be made available and posted on the Commission web page at least 72 hours prior to the meeting.

6. For purposes of special meetings described in paragraph (3) of this resolution, notice shall be posted at the Commission for the Blind administrative office in Santa Fe, posted in the Albuquerque field office, placed on Newsline for the Blind, posted on the Commission web page, and 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. The meeting agenda shall be made available and posted on the Commission web page at least 72 hours prior to the meeting. When possible due to publication deadlines, notice shall also be published in a newspaper of general circulation.

7. For purposes of emergency meetings described in paragraph (4) of this resolution, 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 for the Blind administrative office in Santa Fe, posting at the Albuquerque field office, placement 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.

8. 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 (ADA).

9. A member of the Council 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.

10. To further provide the public with notice of meetings, the council shall post a meeting calendar on the Commission’s web page that provides the dates, times, and locations of scheduled council meetings.

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 Council 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. 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.

(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.

13. Conduct of 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 Newsline, 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. The public meetings may also include an option for remote participation.

(c) Should limits on public gathering be in place due to a declaration 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 region of the state. The Commission shall enable remote public access to any meeting at which such limitations are imposed through means of telephonic or video webcast. 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 declared state of emergency, 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 remote 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.

14. Meetings Held During Times of State Emergencies: In the event that a state of emergency is declared 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 Council 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 Commission for the Blind before and during the meeting for public access and review, shall be available through methods set forth in the meeting notice, 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 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 Commission for the Blind 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 declared state of emergency, and should limits on public gathering remain in place or should public health officials otherwise recommend that social distancing be maintained, the Council may, in the interests of public health and safety, and if determined necessary by the Chair, place reasonable limits on in-person attendance at meetings, provided that all interested individuals are afforded a reasonable opportunity to attend or participate. The Council shall enable public access through telephonic or video webcast for any meeting at which such limitations are imposed. The Council shall, in both the notice and the agenda of such a meeting, provide the public with information as to any in-person limitations as well as information on how the meeting may be accessed remotely. The Council shall also make and process an audio recording of such a meeting in the same manner as required by subsection (e).

Passed and electronically signed by the Chairperson of the State Rehabilitation Council of the New Mexico Commission for the Blind this 31st day of August, 2023.

Peggy Hayes, Chair

State Rehabilitation Council

New Mexico Commission for the Blind