

New Mexico Commission for the Blind

State Rehabilitation Council

Open Meetings Resolution

February 14, 2025

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 in the city of Santa Fe this 14th day of February, 2025, 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 notice of 24 hours, 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 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. 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 reasonably 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 through video conferencing platforms. 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. 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.

12. 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 Newslines, 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 through video conferencing.

(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 conference, 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 conferencing. 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 conferencing 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.

13. Meetings Held During Times of 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 conferencing platforms, with the public able to observe the proceedings at both a physical location and a video conferencing platform 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 conferencing platform 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 conference 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 conference or telephonic meeting shall provide information to the public on how the meeting may be accessed remotely, either

through the video conference, 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 the video conference platform used for the meeting.

(d) At any video conference or telephonic meeting, all votes shall be cast through a roll-call vote, and 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 conference 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 conference means 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 14th day of February, 2025.

Peggy Hayes, Chair
State Rehabilitation Council
New Mexico Commission for the Blind