

Jos Lesscher
Chair
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**NEW MEXICO
STATE EMERGENCY RESPONSE COMMISSION**

2024 Policy for Compliance with the Open Meetings Act

Effective: September 27th, 2024

Policy Statement:

This policy establishes the rules and procedures the State Emergency Response Commission will follow to ensure compliance with the New Mexico Open Meetings Act.

WHEREAS, the State Emergency Response Commission (the "Commission" or "SERC") met in open session during a regularly scheduled meeting in Albuquerque on September 27th, 2024; 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 Commission is a public body subject to the provisions of the Open Meetings Act; and

WHEREAS, under Section 10-15-1 (D), any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, or other formal action occurs shall be held only after reasonable notice to the public; and

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

NOW, THEREFORE, BE IT RESOLVED by the State Emergency Response Commission that:

1. Regular Meetings. Notice of regular meetings shall be given at least ten (10) calendar days in advance of the meeting with a final agenda posted at least seventy-two (72) hours prior to the meeting.

2. **Special Meetings.** Special meetings may be called if business requires by the Chair or a majority of the members upon at least seventy-two (72) hours' notice, at which time the agenda must be posted as well.
3. **Emergency Meetings.** Emergency meetings may be called pursuant to the OMA and only to address unforeseen circumstances that, if not addressed immediately by the Commission, will likely result in injury or damage to persons or property or substantial financial loss to the public body or agency. The Commission will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or a majority of the members upon twenty-four (24) hours' notice, unless the threat of personal injury or property damage requires less notice.
4. **Notices and Agendas.** All notices and agendas will be posted to the New Mexico Department of Homeland Security and Emergency Management (DHSEM) website at dhsem.nm.gov. Notices must include the date, time, place, and either a copy of the agenda or information on how the agenda can be obtained included in the notice. Such 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 the Commission's meetings.
5. For the purposes of emergency meetings described in Paragraph 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 included in the notice. Such notice shall be sent to the Governor's Office and posted on the DHSEM website. Written 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 notice of such meetings. Within ten (10) days after taking action on an emergency matter, the Commission shall report the action to the Office of the Attorney General pursuant to OMA Section 10-15-1(F).
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 Commission administrator at least ten days prior to the meeting or as soon as possible at DHSEM.localprepared@dhsem.nm.gov. Public documents can be provided in various accessible formats. Please contact the administrator if an accessible format is needed."
7. The Commission may hold a closed meeting under certain limited circumstances as provided by the Open Meetings Act Section 10-15-1(H).

a) If any portion of an open meeting of the Commission is closed, such closure shall be approved by a majority vote of a quorum of the Commission 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 noticed in the

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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.

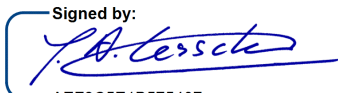
b) If a separate closed meeting is called outside of an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and properly noticed pursuant to this resolution.

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 follow the requirements of the OMA and state the subject of the closed session and record the votes of each member.

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 Commission in an open, public meeting that has been properly noticed.

- 8. Commission members may participate in a meeting by conference telephone or other similar communications equipment as permitted by OMA when it is otherwise difficult or impossible for the member to attend in person, provided that all participants are able to 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.

This Resolution is hereby ADOPTED by a quorum of the State Emergency Response Commission this 27th day of September, 2024.

Signed by:

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 Jos A. Lesscher
 Chair of the New Mexico SERC

12/4/2024

Signed by:

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 Jess Lewis
 Vice Chair of the New Mexico SERC

12/4/2024

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