



**CAPITAL OUTLAY COMMITTEE
OPEN MEETINGS ACT 2023 POLICY RESOLUTION**

WHEREAS, the Higher Education Capital Outlay Committee met in regular session on this 11th day of January, 2023 at 9:30 a.m.; and

WHEREAS, (Section 10-15-1B) of the New Mexico Open Meetings Act (NMSA 1978, Section 10-15-1 to -4) 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 or other policymaking body of any state or local public agency, held 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 Capital Outlay Committee to determine annually what constitutes reasonable notice of its public meetings:

NOW, THEREFORE, BE IT RESOLVED that:

1. All meetings shall be held at the New Mexico Higher Education Department offices located at 2044 Galisteo Street, Suite 4, Santa Fe, New Mexico beginning at 9:30 a.m. or as indicated on the meeting notice.
2. A member of the Board or persons scheduled to present may participate in a meeting by means of a telephone conference or web conferencing when it is otherwise difficult or impossible for the member to attend the meeting in person or when all attendance is by remote access only. Any member participating by telephone or web conference shall be identified when speaking.
3. Unless otherwise specified, regular meetings shall be held monthly on the second Wednesday of each month with the exception that no meeting shall be held during the New Mexico Legislative session or on the month in which Capital Outlay Summer Hearings are held. The agenda shall be available to the public at least seventy-two (72) hours in advance of a meeting from the New Mexico Higher Education Department's Capital Projects Director, whose office is located at 2044 Galisteo Street, Suite 4 Santa Fe, New Mexico. The agenda shall also be posted at the offices of the New Mexico

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Higher Education Department and on the New Mexico Higher Education Department's website at www.hed.nm.gov.

4. Notice of regular meetings other than those described in paragraph 2 shall be given ten days in advance of the meeting date. The notice shall include a copy of the agenda or information on how a copy of the agenda may be obtained. IF not included in the notice, the agenda shall be available at least seventy-two (72) hours before the meeting and posted on the New Mexico Higher Education Department's website at www.hed.nm.gov.
5. Special meetings may be called by the Chairman or a majority of the members upon three (3) days' notice. The notice for a special meeting shall include an agenda for the meeting or how a copy of the agenda may be obtained. The agenda shall be available at least seventy-two (72) hours before the meeting and posted on the New Mexico Higher Education Department's website at www.hed.nm.gov.
6. Emergency meetings shall be called only under circumstances that demand immediate action to protect health, safety and property or of citizens or to protect the public body from substantial financial loss. The Capital Outlay Committee shall avoid emergency meetings whenever possible. Emergency meetings may be called upon twenty-four (24) hours' notice, unless the threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda 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 Capital Outlay Committee shall notify the Attorney General's Office.
7. For purposes of regular meetings described in Paragraph 3 of this resolution, notice requirements are met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and posted in the following locations: New Mexico Higher Education Department's website. Copies of the Written notice shall also be mailed 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. For purposes of special meetings and emergency meetings described in Paragraphs 4 and 5, notice requirements are met if notice of the date, time, place and agenda is provided by telephone to newspapers of general circulation in the state and posted in the offices of the New Mexico Higher Education Department. Telephone 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.

9. In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of 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, the Higher Education Capital Outlay Committee can be contacted by phone at (505) 476-8434 or by email at Gerald.Hoehne@hed.nm.gov at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact Gerald Hoehne, Capital Projects Director if a summary or other type of accessible format is needed.

10. The Capital Outlay Committee 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 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 Committee taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.
 - b. If the decision to hold a closed meeting is made when the Committee 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 members and 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.

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- 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 Committee in an open public meeting.

Passed by the New Mexico Higher Education Department Capital Outlay Committee this 11th day of January 2023.

DocuSigned by:

By

Gerald Burke

1/20/2023

Dr. Gerald Burke, 31057B719E475...

Date