

New Mexico Higher Education Advisory Board

Open Meetings Act Resolution

WHEREAS, the New Mexico Higher Education Advisory Council met in regular session on this 18th day of September, 2019 at Central New Mexico Community College Smith Brasher Hall, Room 102 in Albuquerque, New Mexico; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 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, 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 Higher Education Advisory Board to determine annually what constitutes reasonable notice of its public meetings:

NOW, THEREFORE, BE IT RESOLVED BY THE HIGHER EDUCATION ADVISORY BOARD THAT:

1. All meetings shall be held at the New Mexico Higher Education Department Albuquerque office located at 7400 Tiburon Street, NE New Mexico beginning at 12:00 PM or as indicated on the meeting notice. The notice shall indicate how a copy of the agenda may be obtained. The agenda shall be available to the public at least seventy-two (72) hours in advance of a meeting from the Higher Education Department (HED), 2044 Galisteo St., Santa Fe, New Mexico. The agenda will also be posted at the HED offices and on the HED's website at
2. Regular meetings shall be held quarterly on the dates indicated on the attached Schedule A.
3. Notice of regular meetings other than those described in Paragraph 2 will be given ten days in advance of the meeting date. The notice will 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 will be available at least seventy-two hours before the meeting and posted on the New Mexico Higher Education Department's website
4. Special meetings may be called by the Chair or a majority of the members upon three days' notice. The notice for a special meeting shall include an agenda for the meeting or information on how a copy of the agenda may be obtained. The agenda will be available

at least seventy two hours before the meeting and posted on the New Mexico Higher Education Department's website

5. 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 public body from substantial financial loss. The Higher Education Advisory Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or a majority of the members with twenty-four hours prior notice, unless threat of personal injury or property damage 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 Higher Education Advisory Board will notify the Attorney General's Office.
6. For the 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 posted at the New Mexico Higher Education Department website and at the Higher Education Department office .
7. For the 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 posted on the New Mexico Higher Education Department website and in the office.. 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.
8. In addition to the information specified above, all notices shall include the following language:
9. 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, please contact the Office of the Secretary of the New Mexico Higher Education Department at 505-469-8400 at least one (1) 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 the Office of the Secretary of the New Mexico Higher Education Department at 505-469-8400 if a summary or other type of accessible format is needed.
10. The Higher Education Advisory Board 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 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 Higher Education Advisory 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 to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
 - (b) 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

(c) 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 Higher Education Advisory Board in an open public meeting.

Passed by the New Mexico Higher Education Advisory Board this 10th day of December, 2019.

Chair
New Mexico Higher Education Advisory Board

SCHEDULE A

Regular meetings of the Higher Education Advisory Board shall be held on:

December 10, 2019

March 11, 2020

June 10, 2020



SECRETARY