NEW MEXICO RENEWABLE ENERGY TRANSMISSION AUTHORITY
Resolution Number 2023-007
Open Meetings

WHEREAS, the Renewable Energy Transmission Authority ("Authority") Board met on September 20, 2023; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 through 10-15-4) 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 policy-making body of any state 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 a 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, although the Open Meetings Act does not apply to the Authority under NMSA 1978, § 62-16A-4(I), the Authority resolves to generally comply with the Open Meetings Act; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires a determination annually of what constitutes reasonable notice of public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Authority that:

1. Until such time as a regular schedule of meetings is established, meetings of the Authority shall occur on an as-needed basis from time to time as set forth in any notice. A notice of any meeting shall state the time and place of the meeting to which it pertains. The notice shall indicate where the public may obtain a copy of the proposed agenda.

2. A proposed agenda will be available and posted on the Authority's website at least seventy-two (72) hours before the meeting, except for emergency meetings. Authority members may add items requiring Authority action to the agenda by notifying the Authority Chair in writing not less than seventy-two (72) prior to the meeting.

3. Notice of regular meetings will be given ten (10) calendar days in advance of the meeting date. Notice requirements are met by publishing notice of the date, time, place and availability of the agenda in at least one (1) newspaper of general circulation in the state, posting notice on the website maintained by the Authority, sending notice by mail, facsimile, or email to newspapers and broadcast stations that have made a written request for notice, and sending notice by mail, facsimile or email to others who have made a written request for notice.

4. Special meetings may be called by the Chair or by four (4) of the members upon at least three (3) days' notice. Notice requirements are met by publishing notice of the date, time, place and availability of the agenda in at least one (1) newspaper of general circulation in the state, posting notice on the website maintained by the Authority, sending notice by mail, facsimile, or email to newspapers and broadcast stations that have made a written request for notice, and sending notice by mail, facsimile or email to others who have made a written request for notice.

5. Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the Authority from substantial financial loss. The Authority will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or by four (4) of the members upon twenty-four (24) hours' notice, unless threat of personal injury or property damage requires less notice. Notice requirements are met if a notice of the time and place of the Emergency Meeting is posted on the website maintained by the Authority, and if at least two radio stations by telephone of the time and place of the meeting at least one (1) hour prior to the meeting. If action is taken at an emergency meeting, the Authority shall, within five (5) working days of the meeting, report to the Attorney General's Office the action taken and the circumstances giving rise to the emergency.

6. In addition to the information specified above, all notices will include the following language with contact information included:

> 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 Authority at (505) 699-0599 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 the Authority at (505) 699-0599 if a summary or other type of accessible format is needed.

7. Pursuant to Open Meetings Act, Section 10-15-1(C), any or all members of the Authority may participate in a meeting of the Authority by means of a conference telephone, video streaming service, or other similar communications equipment when it is otherwise difficult or impossible for the members to attend the meeting in person, provided that each member participating remotely can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the Authority who speaks during the meetings.

8. The Authority 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, if the Authority must consider confidential or proprietary business or technical information in the possession of the Authority as provided under § 62-16A-16, or if the Authority must consider confidential or proprietary business or technical information pertaining to the Authority or its board.

a. If the decision to hold a closed meeting is made when the Authority is in an open meeting, the motion calling for a closed meeting shall state the authority for the closure and the subject to be discussed shall be stated with reasonable specificity, and the votes of each individual member shall be recorded in the minutes. If the motion is approved by a majority of a quorum of the Authority, the Authority may enter closed session only on those subjects announced or voted upon prior to closure.

b. If the decision to hold a closed meeting is made when the authority 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, 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 that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or notice of separate closed meeting.

d. Except as provided in Section 10-15-1(H), any action taken as a result of discussions in a closed meeting shall be made by vote of the Authority in an open public meeting.

Passed by the New Mexico Renewable Energy Transmission Authority on September 20, 2023.

Robert E. Busch, Chair
New Mexico Renewable Energy Transmission Authority

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