

**NEW MEXICO**  
**PUBLIC EMPLOYEES RETIREMENT ASSOCIATION**  
**Rules & Administration Committee Meeting**  
**September 8, 2020**

1. This monthly meeting of the Rules & Administration Committee Meeting was held on the date cited above via Zoom tele/videoconferencing. Lawrence Davis, Chair, called the meeting to order at approximately 10:20 a.m. and adjourned at 10:46 a.m.

2. **Roll Call**

Trish Winter, Executive Assistant, undertook the roll call. Meeting attendance met quorum, with the following members present:

**Members Present:**

Lawrence Davis, Chair  
Dan Mayfield  
Steve Neel

**Member(s) Absent:**

Maggie Toulouse Oliver  
Shirley Ragin

**Additional Board Members:**

Paula Fisher

**Staff Members Present:**

Wayne Propst, Executive Director  
Greg Trujillo, Deputy Director  
Susan Pittard, General Counsel  
Misty Schoeppner, Deputy General Counsel  
Kristin Varela, Deputy CIO  
Anna Williams, Administrative Services Director/CFO

3. **Approval of Agenda**

Mr. Dan Mayfield moved to approve the Agenda. Mr. Steve Neel seconded. The motion to approve the Agenda was passed by unanimous consent.

4. **Approval of Consent Agenda**

Mr. Steve Neel moved the motion to approve the Consent Agenda, seconded by Mr. Dan Mayfield. The Consent Agenda was approved by unanimous consent.

5. **Unfinished Business**

***5(A) Executive Director Resolution***

Chair Davis advised that in a previous board meeting, it was advised that the Rules and Administration Committee review the Executive Director Resolution, which properly assigns the specific duties and authority the Executive Director should have under the PERA Board, and delegates all the authorities and responsibilities typically held in the past to the Executive Director. Chair Davis reminded everybody it was strongly encouraged by the State Auditor's Office and the State Attorney General to

implement such a document outlining everything required, similar to a Charter, an Addendum to policies and procedures for the Executive Director which properly outline responsibilities and authority.

Chair Davis quoted the State Auditor "The OPSA recommends that PERA's Board clarify the Administrative Code, which we have no authority over, or their Board policies and procedures to clearly define what the duties and responsibilities of the Executive Director are."

Chair Davis opened the floor for further discussion and/or revisions, and affirmed his belief that the document in question clearly captures the responsibilities and duties that the Board would like the Executive Director to have to discharge his duties appropriately.

Mr. Mayfield concurred with Chair Davis' review and moved to approve Item 5(A), Executive Director Resolution, seconded by Mr. Neel. Motion passed by unanimous consent.

### ***5(B) Public Comment Section and Board Policies and Procedures***

Chair Davis gave credit and thanks to PERA's staff for their background research which he largely concurred with. Chair Davis highlighted the only area to address was how to receive public comment submissions given the COVID pandemic restrictions, and passed on Ms. Naranjo Lopez's support for this being inserted into Board Policies and Procedures. Chair Davis reiterated how vital members' input was, and the importance of adapting and changing based on the members' needs. Chair Davis opened the floor for discussion.

Mr. Mayfield noted Item 5, which states "the Chair may use discretion to establish a time limit." And asked if a procedural consideration of a time limit should be established. Mr. Mayfield cited an example of two minutes for public input if things go too long, and presented the options of turning off the microphone after two minutes or a timekeeper who could notify when the time limit was up.

Chair Davis noted the popularity of the two-minute time limit for public input at the municipal level. Mr. Mayfield cited examples of issues such as a pet ordinance which generated a great deal of public interest. Even at two minutes, it took several hours to hear all comments. Mr. Mayfield indicated noise ordinance issues also generate such a response, and expressed that cost of living issues or any major changes to PERA payments might necessitate many people attending to voice comments. Mr. Mayfield also presented the option to establish time restraints on a per-minute basis.

Chair Davis concurred with Mr. Mayfield, and presented the option of limiting public commentators to 30 at two-minute a piece, citing hot button issues could drag proceedings out for hours or days, and the need to listen to input while still conducting business in a timely manner. Chair Davis proposed setting both a time limit a maximum number of individuals heard per Board meeting. Chair Davis noted the efficiency of email input over in-person input.

Mr. Mayfield noted the example of a public meeting for a City Transfer Station in his neighborhood which limited presenters to 15, and also asked the audience meet in groups to decide on a spokesperson.

Chair Davis suggested a refinement of each member will get a minimum of two minutes, depending on the number of members present who wish to speak.

Mr. Mayfield suggested a time limit within a maximum scheduled time of one hour, leaving the Chair to determine if it is 60 people at one minute or four people at 15 minutes. Chair Davis concurred. Mr. Mayfield suggested the inclusion of a 10-minute recess to allow for groups of members to nominate a speaker, in order to reduce the number of presenters.

Mr. Neel posed a question of where public commentary was segued into the PERA Agenda, noting it was frequent of many Boards to have the public portion at the end of the Agenda as opposed to the beginning. Chair Davis noted it was at his direction, but indicated he had no preference. Mr. Mayfield indicated that this positioning on the agenda was so the audience did not feel disenfranchised by having to wait until the end of the meeting, given the varying lengths of meetings.

Chair Davis invited Ms. Fisher to extend comments. Ms. Fisher agreed there should be some type of time limit, as she understood there would be many people to speak on this particular topic. Ms. Fisher also agreed that the time limits in place should also consider the members email Board Members if need be, stressing the importance of Board Members being heard. Ms. Fisher also expressed support for a group speaker in certain instances, while underlying the importance of everyone being heard, directly in person, through email or via a representative. Chair Davis concurred. Ms. Fisher expressed her view that two or three minutes was the de facto norm for such presentations.

Motion to Amend Item 5(B)

Motion to Amend Item 5(B) by Mr. Dan Mayfield, seconded by Mr. Steve Neel, to add a time limit of one hour for all comments, and Chair would determine individual length. Discussion requested by Ms. Fisher.

Discussion to Amend Item 5(B)

Ms. Fisher requested the inclusion that the Chair reserves the opportunity for members to email to send their viewpoints or concerns. Mr. Mayfield concerned, indicating it could be posted on the website with a specific email address that the Chair could use to read comments from. After consultation with staff, Chair Davis, Mr. Mayfield, Mr. Neel and Ms. Fisher concurred.

Modified Motion to Amend Item 5(B)

Mr. Mayfield modified Motion to Amend Item 5(B) to include contact functionality on the website for PERA members to send questions or concerns or public comments to. Mr. Mayfield suggested notification that public comments sent via email regarding current agenda items would be read by Chair or shown on screen. Chair Davis expressed concerns over reading lengthy submissions being read into the record. Mr. Mayfield modified this notification with the statement it would be made public. Chair Davis suggested they be included as an appendix to the minutes. Staff suggested inclusion in the public Board packet. Motion amended with the text of "Staff will create functionality on the PERA website for public comment to be directed to Board Members, and any comment will be included in the public Board packet.

Mr. Greg Trujillo, Deputy Director, suggested the following wording: "We will add functionality to the website for public comment to be addressed toward Board Members." Mr. Mayfield suggested making that 5(A). Chair Davis concurred.

Modified Motion to Item 5(A) As Amended

Mr. Mayfield moved approval if Item 5 as amended, including 5(A), to include a time limit and functionality to accept comments electronically. Seconded by Mr. Neel. Roll call vote called, passed 3-0.

Lawrence Davis, Chair Yes.  
Dan Mayfield Yes.  
Steve Neel Yes.

Motion to Item 5(B) As Amended

Mr. Mayfield moved to approve item 5(B) as amended. Seconded by Mr. Neel. Roll call vote called, passed 3-0.

Lawrence Davis, Chair Yes.  
Dan Mayfield Yes.  
Steve Neel Yes.

**6. Adjournment**

Having completed the Agenda and with no further business to come before the Board, Chair Davis thanked the staff for their excellent work and declared the meeting adjourned.

Approved by:



Lawrence Davis  
Chair, Rules & Administration Committee

ATTEST:



Wayne Propst  
Executive Director

Exhibits attached