

**New Mexico
Public Employees Retirement Association
Rules & Administration Committee Meeting
March 8, 2022**

1. Call to Order

This meeting of the New Mexico PERA Rules & Administration Committee was held on the date cited above via Zoom tele/video conferencing. Committee Chair, Paula Fisher, called the meeting to order at approximately 9:00am.

2. Roll Call

The meeting attendance did not meet quorum. Chair Fisher appointed Francis Page as the substitute member.

The following members were present;

Committee Members Present

Paula Fisher, Chair
Loretta Naranjo Lopez
Diana Rosales Ortiz
Francis Page (Substitute)

Committee Members Absent

Tim Eichenberg
Steve Neel
Roberto Ramirez

Staff

Greg Trujillo, Executive Director
Trish Winter, Executive Assistant
Anna Williams, Deputy Director
Kristin Varela, Interim CIO
Misty Schoeppner, Deputy General Counsel
LeAnne Larrañaga Ruffy, Acting Deputy CIO
Jessica Trujillo, HR Manager
Geraldine Garduno, Assistant General Counsel
Karyn Lujan, SmartSave Plan Manager
Angela Romero, Albuquerque Manager
Frank Mihail, Investments
Loretta Lopez, Assistant Legal Counsel
Sara Hume, Investments
Jovanna Archuleta, Investments

Others in Attendance

Paul Cowie, Meketa
Chip Burciaga, VOYA

3. Approval of Agenda

Diana Rosales Ortiz moved to approve the agenda. Loretta Naranjo Lopez seconded the motion. The motion passed by a unanimous roll call vote as follows;

Paula Fisher	Yes
Loretta Naranjo Lopez	Yes
Diana Rosales Ortiz	Yes
Francis Page	Yes

4. New Business

A. Hybrid Meeting Discussion

Chair Fisher explained this item pertained to having both Zoom participants and in-person participants at meetings. She stated that the Rules Committee was looking into ways to increase participation in the meetings from active and retired members.

Ms. Naranjo Lopez was in favor of the in-person meetings but also wondered if the Open Meetings Act would still have to be followed. She stated that restrictions had been relaxed and no one had to wear a mask. She further stated that people would like to attend in-person meetings, particularly those who do not have online access.

Chair Fisher explained that masks were still a requirement in state buildings. Mr. Trujillo confirmed that the Emergency Order had not been lifted yet so the Board was still acting under its requirement. He also stated that each agency had the discretion to decide on face masks.

Ms. Rosales Ortiz was also in support of the hybrid meetings to encourage participation across members from all over the state. She stated that she was aware of members in other parts of the state who had health issues and disabilities and could not go all the way to Santa Fe for a meeting. Ms. Rosales Ortiz also stated that since PERA has two offices, one in Santa Fe and another in Albuquerque, members could choose to attend in either building and the meetings could be connected. Tools should be put in place to make all this possible.

Chair Fisher echoed Ms. Rosales Ortiz sentiments that some members in long distances might not have accessibility. She also expressed support for the hybrid meetings.

Ms. Naranjo Lopez agreed with Ms. Rosales Ortiz's idea of having some of the meetings in Albuquerque because most of the members live there. She inquired if it would be a requirement for all members to attend meeting in person if the Emergency Order is lifted. She pointed out that according to the Open Meetings Act, members had to attend in person in order to vote.

Mr. Trujillo informed the Board that prior to COVID and Zoom, the meetings were webcast to allow the general public to view the meetings if they could not attend in person. However, those members could not participate in the meetings. He clarified that with the hybrid meetings, members could choose to participate online.

Chair Fisher noted that the use of Zoom is better than webcast because can utilize the hand tool when they want to make a comment.

She acknowledged the Open Meetings Act but reiterated that the hybrid structure would enable many others to attend. Ms. Rosales Ortiz also recognized that some meetings, like the annual Board meeting and the first meeting of the year, must always be attended in person. However, the rest should be flexible.

Ms. Naranjo Lopez stated that she had no issue with the hybrid meetings. She however, emphasized that the Open Meetings Act required the Board members to be physically present in order to vote. She asked whether both online and in-person voting can be done.

Ms. Naranjo Lopez stated right now under the Emergency Order we are allowed to get on Zoom and have our meetings. At a NMPERA meeting in Santa Fe, if the member wasn't present, they couldn't vote under the Emergency Order. Before the board meeting is scheduled, you have to decide if you are going to have the meeting in person and vote or on Zoom and vote. When the Emergency Order is lifted, we can only vote in person.

Ms. Naranjo Lopez stated Ms. Schoeppner explained that the board will have to change the Rules to allow the board hybrid (online or in person votes) for board meetings.

Ms. Naranjo Lopez said the NMPERA State requirements overrule the board Rules. Ms. Naranjo Lopez asked that the board understand all the Rules and State requirements before we make a decision.

Ms. Naranjo Lopez recommended for members, the board have hybrid meetings. For board members, she questioned if it is efficient to have half board members online and half board members in person at the meetings. Will this work out for the board?

Mr. Trujillo stated that the Board Policies and Procedures could dictate the issue of voting, but he would look at the Open Meetings Act to confirm. Mr. Trujillo clarified that currently, members could choose to participate remotely.

Interim General Counsel, Misty Schoeppner, explained there is a provision in the Open Meetings Act stating members of a public body can participate telephonically if permitted by rule. Therefore, when the Emergency Order expires, the Board will not have adequate legal authority to continue to have Board members participate virtually.

Ms. Schoeppner pointed out that PERA members had no legal prohibition to continuing in a hybrid model since they are not of the public body and they do not vote. She added that once the public health order is lifted, if the Board wanted to pursue the hybrid model, they would need a rule change to authorize Board members to participate and to vote remotely. She further stated the executive order issued the beginning of the pandemic was still in effect. The mask mandate was a separate thing.

Mr. Trujillo suggested continuing with the hybrid model until the Executive Order is lifted.

Ms. Naranjo Lopez recommended doing a hybrid now for other members to participate. Chair Fisher stated that only discussions are being done at this point.

Mr. Page pointed out that the Board cannot go to a hybrid format yet until a rule change is done. Mr. Trujillo explained that the Executive Order only allows either or, not both.

Mr. Page indicated that a Board member who misses four meetings is considered to have abandoned their Board positions. Installing the hybrid processes would reduce that number to two meetings and would consider committee meetings too. If a committee member misses two meetings, they will be considered to have abandoned their position.

Ms. Rosales Ortiz asked if PERA is the only Board that had members all over the State. She reiterated that the Board should facilitate making meetings possible for members from far places. Mr. Trujillo stated that there are about two hundred Boards with statewide membership.

Ms. Rosales Ortiz pointed out with that many Boards having statewide membership, the issue of hybrid meetings should be looked at a higher level. She also requested Ms. Schoepner to look into how other Boards were approaching the issue.

Chair Fisher requested Mr. Trujillo to research more and present the information at the next meeting.

B. Potential Changes and Modifications to Board Policies & Procedures

Chair Fisher stated that one potential change she was considering was to have nominations and elections of committees during the January special meeting, as it had been done in the previous years. This will enable the committee members to move on smoothly into the next months while knowing their positions.

Ms. Rosales Ortiz proposed waiting until the June meeting to determine what had been accomplished so that the Board can then consider if they would want to go back to the way things were being done before.

Chair Fisher clarified was referring only to the process of having the nominations and elections on the same day in January rather than wasting a whole month.

Ms. Naranjo Lopez reiterated that all Board Policies should be reviewed to ensure that it follows the State law and instill accountability. This would avert any potential crimes and ensure that the Board's authority was well addressed.

Chair Fisher pointed out that Board Policies and Procedures are in the Library in BoardEffect for review. She added the hybrid meeting discussion will continue next month and will go hand in hand with Items B and C on today's agenda.

Ms. Rosales Ortiz agreed that the Board Policies and Procedures should be reviewed with regards to the meetings, and for the purposes of transparency and compliance.

C. Board Election Options Discussion

Chair Fisher stated that this discussion pertained to elections in terms of looking into election changes and ensuring they can work before making the changes. She proposed having a trial run but recognized that it would take time on the particular election change being pursued.

Mr. Trujillo stated for this election cycle, online voting should not be pursued since the Automated Election Systems did not have the technology to facilitate it. He also noted that the nominating petitions were only a month away, so there was not enough time to facilitate an online election.

Mr. Trujillo explained that PERA used Automate Election Systems because they are the only vendor on the statewide price agreements and are therefore easy to procure. He added if they would not be able to provide online elections next year, the Board could decide to RFP for other national vendors. He further stated that this discussion should continue at the next meeting.

Deputy Director, Anna Williams, pointed out that election services are considered general services, so an RFP would have to run through GSD, the State General Department and probably take a little bit longer.

Ms. Naranjo Lopez reiterated that the Board does not have robust policies and procedures to give accurate information. She insisted on a complete policy review.

Chair Fisher stated the discussion will continue in April. She requested Mr. Trujillo ask for more information from Mr. Ernie Marquez and other vendors in the State. Mr. Trujillo reiterated that the time would not be enough but staff will do due diligence and provide the Committee with that information at the next meeting.

Ms. Rosales Ortiz requested staff to provide a summary on the options for elections, such as phone, ballot, and online elections. She stated that the online elections need to be efficient with a secure portal for the members to submit their votes. She also recognized that the opportunities were endless, it was just a matter of finding the right recommendation and approach.

Ms. Rosales Ortiz agreed with Mr. Trujillo that this might not be the best cycle to run an online election. The process should be better prepared for the next cycle.

Mr. Trujillo said that the Board Policies and Procedures were available in the portal and on the PERA website. He inquired if the Committee wished to have a meeting and review each section of the policies and procedures.

Chair Fisher stated that the Committee members could each review the policies and procedures on their own and then discuss the potential changes at the next meeting.

5. Adjournment

With no further business to discuss, Chair Fisher adjourned the meeting at approximately 12:00pm.

Approved by:

RATIFIED ON SEPTEMBER 13, 2022

Paula Fisher, Committee Chair

ATTEST:



Greg Trujillo, Executive Director