

**New Mexico  
Public Employees Retirement Association  
Rules & Administration Committee Meeting  
September 13, 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. Chair, Paula Fisher, called the meeting to order at approximately 10:00am.

**2. Roll call**

The meeting attendance met quorum with the following members present;

**Committee Members Present**

Paula Fisher, Chair  
Roberto Ramirez  
Diana Rosales Ortiz

**Committee Members Absent**

Tim Eichenberg  
Steve Neel

**Other Board Members Present**

Loretta Naranjo Lopez  
Claudia Armijo

**Staff**

Greg Trujillo, Executive Director  
Trish Winter, Executive Assistant  
Anna Williams, Deputy Director  
Michael Shackelford, CIO  
Kristin Varela, Interim CIO  
Misty Schoeppner, Deputy General Counsel  
Karyn Lujan, SmartSave Plan Manager  
Jessica Trujillo, HR Manager  
Geraldine Garduno, Assistant General Counsel  
Ron Gallegos, CTO

**Others in Attendance**

Chris Burciaga, VOYA  
Paul Cowie, Meketa

**3. Approval of Agenda**

Roberto Ramirez moved to approve the Agenda. Diana Rosales Ortiz seconded. The motion passed by a unanimous roll call vote as follows;

Paula Fisher	Yes
Roberto Ramirez	Yes
Diana Rosales Ortiz	Yes

**4. Approval of Committee Meeting Minutes**

**A. March 8, 2022, Rules & Administration Meeting Minutes**

Roberto Ramirez moved to approve the March 8, 2022, Rules & Administration Meeting Minutes. Diana Rosales Ortiz seconded. The motion passed by a unanimous roll call vote as follows;

Paula Fisher	Yes
Roberto Ramirez	Yes
Diana Rosales Ortiz	Yes

**B. May 10, 2022, Rules & Administration Meeting Minutes**

Diana Rosales Ortiz moved to approve the March 8, 2022, Rules & Administration Meeting Minutes. Roberto Ramirez seconded. The motion passed by a unanimous roll call vote as follows;

Paula Fisher	Yes
Roberto Ramirez	Yes
Diana Rosales Ortiz	Yes

**5. New Business**

**A. Hybrid Meeting Discussion**

Chair Fisher stated that the Committee was looking into the possibility of having hybrid meetings and the possible schedule of in-person and hybrid meetings in the future.

Mr. Trujillo clarified that the rules for the hybrid meetings will be applicable after the COVID-19 state of emergency is lifted.

Chair Fisher inquired as to whether the executive order had been lifted. Mr. Trujillo stated it had not. He mentioned that there is the executive order and there is also the order from the AG's office on how they will administer the Open Meetings Act during the executive order. Neither had been lifted so far.

Chair Fisher also asked if Mr. Trujillo had researched how other boards were handling the hybrid model. Mr. Trujillo stated that the NM Board and Commissions were all operating with different rules. Some boards had gone back to full in person and then pulled back. Others were dictated by where their board members were located during meetings.

Board Chair Armijo requested Deputy General Counsel, Ms. Misty Schoeppner, give a brief overview of the analysis that staff performed on the AG's opinion on how virtual attendance can be provided for special situations.

Ms. Schoeppner stated that the AG's Open Meetings Act compliance guide had a brief commentary on virtual appearance. The Open Meetings Act does not authorize telephonic attendance at public meetings, but it says that if a board or committee or public entity has that authority by statute or rule, then it must be done in compliance with the requirements of the Open Meetings Act.

Virtual attendance under the Open Meetings Act is only allowed under the statute when attendance in person would be difficult or impossible. The AG's compliance guide makes it very clear that it cannot be for reasons of convenience, economics, or other efficiencies. It must be unduly burdensome for the member to attend in person. The preference under the statute is therefore attendance in person. If it's not complied with, then any actions taken by virtual attendance might be found invalid.

Chair Armijo mentioned that even though many people were still reluctant to go in groups, the new rules would not take effect until the lifting of the executive order. Additionally, no one would be precluded from wearing a mask in any of the meetings.

Mr. Davis stated that the rules should be equitable for individuals who want to be on the Board but they live far away from Santa Fe. It would be hard for some of them to travel for about four or five hours just to attend a meeting and then travel back. He added that virtual attendance would encourage board participation for such members. He further requested Ms. Schoepner clarify if the Open Meetings Act allowed that flexibility for such members.

Ms. Schoepner stated that unless the legislature amends the Open Meetings Act as it's currently written, it's not intended to allow people to attend virtually for reasons of convenience. She mentioned that other boards and commissions, like the Water Quality Control Commission, are comprised of members from all over the state and they meet in person. She added that even though each board had the authority to define difficult or impossible under the Open Meetings Act, it was prudent to be careful of avoiding the risk of having any actions found to be invalid. She further reiterated that the Committee cannot have a blanket rule that allows for virtual attendance.

Chair Fisher stated that once the executive order is lifted, every Board member will have to make changes and go back to in-person attendance for scheduled meetings in a year.

There were no more discussions on the matter. The Committee moved it forward for action at the next meeting.

## 6. Adjournment

With no other business to discuss, Chair Fisher adjourned the meeting at approximately 10:16am.

Approved by:

RATIFIED by Committee on October 11, 2022

Paula Fisher, Committee Chair

ATTEST:

  
Greg Trujillo, Executive Director