



PERA

Public Employees
Retirement Association
of New Mexico

INVESTED IN TOMORROW.

RESOLUTION NO. 22-01

**OPEN MEETINGS RESOLUTION OF THE
PUBLIC EMPLOYEES RETIREMENT BOARD**

WHEREAS, Section 10-11-130 (G) of the Public Employees Retirement Act (NMSA 1978, Chapter 10, Article 11) states that all meetings of the Public Employees Retirement Board (hereinafter the "Board") shall comply with the Open Meetings Act; and

WHEREAS, Section 10-15-1 of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 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, 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 such body, are declared to be public meetings open to the public at all times; and

WHEREAS, under Section 10-15-1 (D) of the Open Meetings Act any meetings 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 Board to determine at least annually what constitutes reasonable notice of its public meetings;

WHEREAS, Section 10-15-1 (C) of the Open Meetings Act states "If otherwise allowed by law or rule of the public body, a member of a public body may participate in a meeting of the public body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person..."

WHEREAS, pursuant to the Governor of New Mexico's Executive Order 2020-04 issued on March 11, 2020 declaring a public health emergency, and the *Guidance to Public Entities Regarding OMA and IPRA Compliance During COVID-19 State of Emergency* issued by the New Mexico Office of the Attorney General's Open Government Division concerning virtual meetings the PERA Board and Committees have been meeting virtually since April 2020;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD THAT:

1. Inasmuch as NMSA Section 10-11-130 (G) requires the PERA Board to schedule at least four "regular" meetings a year and allows the Board to schedule further "special" meetings of the Board, the Board determines that its volume of business warrants additional regularly scheduled monthly Board meetings. Unless otherwise specified in the public notice or a Board Meeting is canceled, monthly meetings of the PERA Board shall be held at 9:00 a.m. on the last Thursday of each month. Moreover, the Board may schedule such additional special Board meetings as may be warranted upon the call of the Board Chair or any three Board members.

Public notice of any other regular Board meetings or additional special Board meetings shall be given at least five (5) days in advance of the meeting date in accordance with Paragraph 4, below.

If the State of New Mexico announces the delay in the opening of state offices located in Santa Fe on or before 8:00 a.m. on the day of such delay, any regular Board meeting or additional special Board meeting scheduled for that day shall commence at the time specified in the public notice or the time for the delayed opening of State offices located in Santa Fe, whichever is later. If the State announces the closure of State offices located in Santa Fe, any regular Board meeting or additional special Board meeting scheduled for that day shall automatically be cancelled or postponed until further notice.

2. Public notice shall be given at least twenty-four (24) hours in advance of any emergency meetings of the Board, except where the nature of the emergency renders twenty-four (24) hour notice impractical. In such instances, public notice of less than twenty-four (24) hours is permitted for emergency meetings provided as much advance notice as is possible under the circumstances is given. An "emergency meeting" is as defined at Section 10-15-l(F) of the Open Meetings Act.

3. Public notice for Board committee meetings (including meetings of any standing Committee of the PERA Board or any ad hoc Committee, at which a quorum of the entire Board may be present or at which a recommendation may be made to a quorum of the Board) shall be provided at least seventy-two (72) hours in advance of the meetings in accordance with Paragraph 4, below. Unless otherwise specified in the public notice or a standing Board committee meeting is canceled, meetings of the standing Board committees (the Disability Review Committee, the Rules and Administration Committee, the Audit and Budget Committee, the Legislative Committee, Governance Committee, and the deferred compensation SmartSave Committee) shall be held on the second Tuesday of each month. Unless otherwise specified in the public notice or it is canceled, the Investment Committee shall be held in conjunction with the monthly Board meetings in accordance with Paragraph 1.

4. The public notice requirements set forth in Paragraphs 1, 2 and 3, above, are satisfied if:

(A) Written notice of the date, time and place of the meeting is posted on the PERA website www.nmpera.org and posted on the bulletin board located in the reception area of PERA at 33 Plaza a Prensa, Santa Fe, NM.

(B) The written notice referred to in Paragraph 4(A) also shall be mailed to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for such notice, except that in the case of emergency meetings or Board committee meetings described in Paragraphs 2 and 3 hereof, notice shall be given by facsimile mail or e-mail.

5. In addition to giving such public Notice as may be applicable under Paragraphs 1, 2 or 3 hereof, Notice of Hearings on proposed rule changes shall be given by publication of a notice of the hearing in compliance with the State Rules Act, §14-4-1 et seq. and PERA Rule 2.80.200.10(B) NMAC.

6. Notices of public meetings and Board committee meetings will include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. A final agenda will be available from PERA at least seventy-two (72) hours prior to the public meeting or Board Committee meeting or, in the case of emergency meetings for which less than twenty-four hours' notice is given under Paragraphs 2 and 4 hereof, at the time the public notice is delivered under Paragraph 4(A). Copies of an agenda may be obtained by contacting Trish Winter at (505) 476-9305 or patriciab.winter@state.nm.us.

7. Individuals with a disability who are in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in meetings or hearings of the PERA Board, should contact Trish Winter at (505) 476-9305 or patriciab.winter@state.nm.us 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. If a summary or other type of accessible format is needed, please contact Trish Winter at (505) 476-9305 or patriciab.winter@state.nm.us. Each public notice issued pursuant to this Open Meetings Resolution will contain a paragraph substantially the same as the one contained in this Paragraph 7.

8. The Board may close all or a portion of a meeting to the public as authorized by Section 10-15-1(H), (I), and (J) of the Open Meetings Act. 9. The Board may determine that a virtual meeting is prudent and will provide notice of the virtual meeting as may be required under Paragraphs 1, 2, 3 and 4 hereof. In addition, notices of virtual regular Board meetings, additional special Board meetings, emergency Board meetings or Board committee meetings will include detailed information concerning how members of the public may virtually attend or listen via telephone, live stream or other technology. The individual chairing the meeting will announce the names of Board members participating remotely, and each Board member will identify themselves whenever they speak. All votes of a virtual meeting will be taken by roll call vote, unless the individual chairing the meeting determines otherwise.

10. PERA shall cause a copy of this Open Meetings Act Resolution to: (A) be posted on the bulletin board in the reception area of the PERA Santa Fe office, which shall also be the official location for the posting of PERA Board and Committee open meetings notices and agendas; and (B) be mailed to the entities described in Paragraph 4(B), above, if any.

ADOPTED AND APPROVED THIS 11TH DAY OF JANUARY, 2022.

**RETIREMENT BOARD OF THE
PUBLIC EMPLOYEES RETIREMENT
ASSOCIATION OF NEW MEXICO**

BY: _____


PERA Board Chair

ATTEST: _____


Greg Trujillo, Executive Director