



INVESTED IN TOMORROW.

PERA Special Board Meeting
PERA Building • Senator Fabian Chavez, Jr. Board Room
33 Plaza La Prensa • Santa Fe, NM 87507

Tuesday, June 13, 2023
9:00am

AGENDA

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of Agenda**
- 5. Board Educational Travel**
 - A. Augustine Romero** - IFEBP CAPPP Parts I & II; July 24-27, 2023; Chicago. IL; Registration and expenses to be paid by PERA
 - B. Laura Montoya** - IFEBP CAPPP Parts I & II; July 24-27, 2023; Chicago. IL; Registration and expenses to be paid by PERA
- 6. New Business**

Board will Recess to Executive Session NMSA 1978, §10-15-1 (H) (3)

Administrative Appeal

- 1. Gary Urtiaga**

Delilah Tenorio;
Attorney General's Office

Board will Convene to Regular Session

- A. Final Decision on Administrative Appeal**
 - 1. Gary Urtiaga (PID 138712)** Action
 - B. Approval of Resolution No. 23-07 Regarding Vacant State Position** Action Diana Rosales Ortiz
 - C. 2023 Board Vice-Chair Election** Action Diana Rosales Ortiz
- 7. Adjournment**

Any person 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 Trish Winter at 505-795-0712 or patriciab.winter@pera.nm.gov 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 Ms. Winter if a summary or other type of accessible format is needed.



PERA

Public Employees
Retirement Association
of New Mexico

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RESOLUTION NO. 23-07

**RESOLUTION DECLARING A VACANCY
ON THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION BOARD**

WHEREAS, Claudia Armijo, a State member of the Retirement Board of the Public Employees Retirement Association of New Mexico, resigned on or before June 13, 2023 and

WHEREAS, PERA Rule 2.80.200.30 (A) NMAC requires that, in the event any elected member of the PERA Board resigns from the Board, the Board shall, by resolution, declare that Board position vacant;

NOW, THEREFORE, BE IT RESOLVED BY THE RETIREMENT BOARD OF THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION that:

1. The State member position on the Retirement Board of the Public Employees Retirement Association held by Claudia Armijo is hereby declared vacant.
2. The term for this vacant position expires December 31, 2025.
3. This resolution shall be publicized immediately in conjunction with a notice inviting eligible individuals to submit original signed letters of interest for appointment to the position within thirty (30) days of the publication of notice of vacancy.
4. The member appointed by the Board to fill the vacancy shall serve the remainder of the term of the vacant position.

ADOPTED AND APPROVED THIS 13TH DAY OF JUNE, 2023.

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

BY: _____
PERA Board Chair

ATTEST: _____
Greg Trujillo, Executive Director





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INVITATION TO APPLY FOR APPOINTMENT TO FILL PERA BOARD STATE MEMBER VACANCY

On June 13, 2023, the PERA Board adopted Resolution No. 23-07, declaring a vacancy for a State member position on the Board. The vacancy resulted from the retirement of State Board member Claudia Armijo. The PERA Board is seeking applicants to fill this vacancy for the remainder of the term, which expires on December 31, 2025.

PERA Board members are fiduciaries to the various PERA funds and must prudently administer these retirement systems for the sole and exclusive benefit of PERA members, retirees and beneficiaries.

If you are a **vested state member** and would like to apply, send a signed letter of interest with your qualifications to: Patricia Winter, Executive Assistant to the Executive Director, Public Employees Retirement Association, patriciab.winter@pera.nm.gov **To be considered, the letter must be received via email by 5:00 p.m. on Thursday, July 13, 2023.**

Finalists will be invited to interview with the Board at a Board meeting on Thursday, August 31, 2023. If you have any questions about the appointment or the Board, please contact Ms. Winter at (505) 795-0712 or via email at patriciaB.winter@pera.nm.gov

PERA BOARD VACANCY TIMELINE*

May 18, 2023	State Member Armijo's resignation	
Tuesday, June 13, 2023 Special Board Meeting	Adoption of Resolution Declaring Vacancy, publication of Resolution; and call for applications	Resolution must be adopted within 30 days of resignation
Thursday, July 13, 2023	Deadline to receive original signed letters of interest	Applications must be received within 30 days of Resolution
Friday, July 14, 2023	Letters of interest provided to Board Members	
Friday, August 11, 2023	Deadline for Board Members to provide the names of their top 3 applicants to Trish Winter, Executive Assistant	
Thursday, August 31, 2023 Board Meeting	Applicant interviews/selection and Board appoints new State member who will serve for the remainder of the vacated term (i.e. Dec. 31, 2025)	Board vacancy must be filled at a regularly scheduled board meeting within 90 days after adoption of Resolution declaring vacancy.

***2.80.200.30 VACANCY ON THE BOARD**

A. In the event any member of the PERA board retires from his or her job, resigns from the board or dies, except the ex-officio members of the board, that member shall be considered to have resigned from the board and the board shall, by resolution, declare that office vacant as of the date of the adoption of such resolution. Such resolution shall be adopted within 30 days after the board member's retirement, resignation or death. Members of the retirement board shall serve until their successors have qualified.

B. In the event any member of the PERA board, except the ex-officio members of the board, ceases employment with an affiliated public employer, and is not reemployed by an affiliated public employer from the same membership (state, county or non-county municipal) group from which that member was elected within 30 days, that member shall be considered to have resigned from the board. For purposes of 2.80.200.30 NMAC, the term "ceases employment" shall include leave without pay status that extends for more than 12 weeks.

C. The resolution declaring the vacancy shall be publicized immediately in conjunction with a notice inviting eligible individuals to apply for appointment to the position within 30 days of the publication of notice of vacancy. Publication shall be, at the minimum, by special notice to employees in the affected membership group through their employers. The board shall select the new member from among the interested persons who apply pursuant to the publication of the notice of vacancy. If no applications are received, the board shall entertain nominations by the members present.

D. Any vacancy of member, except ex-officio member, occurring on the board shall be filled by the remaining board members, even though a quorum not be present, at a regularly scheduled board meeting within 90 days after the adoption of the resolution declaring the vacancy. The member selected to fill the vacancy shall be selected from the membership group, whether state, county or non-county municipal or retired member, which experienced the vacancy. If a vacancy in the municipal membership group is that of a county member, the replacement member shall be a county employee. The selected member shall be appointed to serve for the remainder of the vacated term.



PERA

Public Employees
Retirement Association
of New Mexico

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BOARD MEMORANDUM

To: Board of the Public Employees Retirement Association
From: Anthony Montoya, General Counsel
Date: June 9, 2023
Re: PERA Board Policies and Procedures Regarding Chair Succession

Due to the recent resignation of Member Claudia Armijo, who was serving a term as Board Chair, the following memorandum is provided as a brief reminder regarding the current Board Policies and Procedures relating to chair succession.

Board Policies and Procedures 2.64 and 2.65 are explicit and clear in the process relating to the succession of the Board Chair and Vice Chair. Policy 2.64, titled *Resignation of Board Chair*, states in full:

“When the Board Chair resigns prior to the expiration of the Chair’s elected term, the Vice Chair shall become the Board Chair to complete the unexpired term and shall have the duties and responsibilities delegated and established by Board policy in conformance with the authority delegated to the Board Chair.”

There is no ambiguity in this policy. Application to the current situation requires that Vice Chair Diana Rosales-Ortiz “shall become the Board Chair to complete the unexpired term...” After applying this policy, a vacancy in the position of Vice-Chair is created. This specific scenario is discussed in Policy 2.65, title *Resignation or Succession of Board Vice-Chair*. That policy states in full:

“When the Board Vice Chair resigns or succeeds to the position of Board Chair, the Board shall hold an election for a new Board Vice-Chair to complete the unexpired term.”

It is required by this policy that the Board elect from among its members a new Board Vice-Chair. The term for both Board Chair Rosales-Ortiz and the newly elected Board Vice-Chair shall be for the remainder of the unexpired terms of those offices; December 31, 2023.

