

Procedures for Public Comment at Board Meetings

The Board values and encourages input from the Association membership on issues under the Public Employees Retirement Association (PERA) Board's purview. The purpose of these procedures is to inform and provide a process for the public to effectively participate in Board meetings. In order to ensure Board meetings are efficient and productive, individuals providing public comment shall do so subject to the following:

1. Public comment will be scheduled for each regular Board meeting, which generally are scheduled on the last Thursday of the month, preferably at the beginning of each meeting agenda.
2. All members of the public wishing to provide public comment must sign a sign-up sheet prior to the start of the meeting and identify their name and the name of the organization they represent, if any, and the topic or issue on which they desire to comment.
3. The order of the speakers will be based on the order in which speakers sign-up, but comment may be taken out of order based on the discretion of the Board Chair. A speaker must wait to be recognized by the Board Chair before speaking. If a speaker is not present at the time he or she is called to provide comment that speaker forfeits their opportunity to speak. No speakers will be accommodated after the public comment portion of the agenda.
4. Public comment concerning a published agenda item is limited to the portion of the agenda item designated, unless otherwise authorized by the Board Chair.
5. Statements by members of the public should be brief and concise. The Board chair may use discretion to establish a time limit based on the number of requests to address the Board at any given meeting. A spokesperson should be designated to represent a group with a common purpose.
6. The Chair shall retain the right to stop any speaker who raises an issue that is not under the purview of the Board or on matters that should be addressed appropriately as the subject of an informal or formal complaint. The Board will not hear comments regarding any individual PERA staff members. Public comment by parties to a proceeding or adjudication pending before the Board will not be permitted where the comment concerns matters at issue in such proceeding.
7. Questions asked by the public, when possible, will be answered by the Board Chair or referred to the Executive Director or appropriate staff member for response. Questions requiring further research may, at the discretion of the Board Chair, be referred to the Executive Director for response at a later time.
8. Public comment will be received without Board comment or response. Individual Board members may seek clarification or additional information from speakers through the Board Chair.
9. Speakers providing comments shall at all times conduct themselves in accordance with proper decorum. Profane, vulgar, threatening language or gestures will not be tolerated. Audience members shall not disrupt an open meeting by speaking without being recognized by the Chair and shall not incite others to do so. If any individual is being disruptive the Board Chair will warn that individual that their speaking time may be cancelled, or that the speaker may be asked to leave the Board meeting if the disruption continues. The Board retains the right to remove disruptive attendees and individuals who fail to conduct themselves in accordance with these provisions from the Board meeting.

The Board secretary should be alert to see that all visitors have been acknowledged and thanked for their presence and for any contributed comments on Agenda issues.

A copy of these procedures will be placed next to the sign-in sheet and made available through the PERA website at www.nmpera.org

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 Schoepner, 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 concurred, 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:

Paula Fisher
Chair, Rules & Administration Committee

ATTEST:

Greg Trujillo, Acting Executive Director

Exhibits attached

DRAFT

**Public Employees Retirement
Association of New Mexico
Board Policies and Procedures Revision
“Public Comment”**

2.00 Board’s Roles and Duties

2.80 Meeting Procedures

2.89 Public Comment

Procedures for Public Comment at Meetings

The Public Employees Retirement Association (PERA) Board values and encourages input from PERA Members on any issue under the Board’s purview. The purpose of these procedures is to set up a process to allow public comment at PERA Board meetings which will include Regular, Special and Annual Board Meetings, but not Committee Meetings. Also, the meeting agenda will include an agenda item labeled “Public Comment.”

- 1. Based on the schedule of the meeting, the Chair will allow a time limit of 3 – 5 minutes for each speaker to address the Board on any issue under the Board’s purview.**

- 2. If the meeting is in person, anyone wishing to speak will sign-in on the Public Comment form that will be located at the back of the room. The form will include name of the individual, organizations they represent and contact number. If the meeting is virtual (i.e., Zoom or other), the person wishing to speak will click on the “raise hand” button during the appropriate time the Board is on the “Public Comment” section of the meeting.**

- 3. If the meeting is in person, the Chair will call for the Public Comment form and when recognized by the Chair, the speaker will come to the podium, introduce themselves, the organizations they represent and make their comments based on the time limit established by the Chair who will maintain the clock. Once the speaker’s time is up, the Chair will thank the speaker and they will return to their seats. If the meeting is virtual (i.e., Zoom or other), the Chair will have staff bring the speaker into the meeting and then the Chair will recognize the speaker and they will introduce themselves, the organizations they represent, their contact number and make their comments based on the time limit established by the Chair who will maintain the clock. Once the speaker’s time is up, the Chair will thank the speaker and have staff take them back out of the virtual meeting.**

- 4. Speakers will always act in a professional and civil manner and will not use profanity or threatening language in any way. If in person, if speaker uses profanity or threatening language, they will be asked to stop their comments and to sit**

**Public Employees Retirement
Association of New Mexico
Board Policies and Procedures Revision
“Public Comment”**

down. If a speaker becomes unruly, they will be asked to leave the premises, if they do not, local authorities will be contacted to remove the individual or individuals. If the meeting is virtual (i.e., Zoom or other), the Chair will ask staff to take them back out of the virtual meeting.

- 5. Staff will take notes on any issues that need to be followed up on and will contact the speaker on solutions to any issue, if applicable.**

Public Employees Retirement Association

Executive Director Job Description

Job Description:

Note: SPO Advertisement and National Advertisement will conform to this description.

DEFINITION

This is a full-time job requiring not less than 40 hours per week. Incumbent supervises the administration of Board policies and assigned programs and activities of NMPERA; provides leadership to PERA employees in terms of collegiality, initiative, and ethical conduct; coordinates assigned activities with other state divisions, the legislature, and outside agencies; and provides responsible and complex administrative support to the NMPERA Board.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Board.

Exercises direct supervision over supervisory, professional, technical, and clerical staff.

ESSENTIAL FUNCTION STATEMENTS – *Essential responsibilities and duties may include, but are not limited to the following:*

1. Plan, direct, coordinate, evaluate work of assigned staff; assign work activities, projects, and programs; review and evaluate work products, methods, and procedures; meet with staff to resolve problems.
2. Establish and maintain plans for senior management succession.
3. Achieve the long-term policies and strategic objectives established for PERA by the Board, including:
 - a. Determine appropriate methods for attaining the Board-established policies and strategic objectives,
 - b. Direct PERA employees in the furtherance of those objectives, and
 - c. Ensure the management activities and decisions are within Board-approved policies.
4. Facilitate the efficient operation of PERA and the Board's committees.
5. Regularly advise and consult with outside organizations, membership constituency groups, employers and the legislature, ensuring effective external communications.
6. Manage essential public relations for PERA, maintaining a positive public image.
7. Maintain records for active and retired members.
8. Maintain performance records as specified by the Board.
9. Oversee the pension administration system.
10. Implement and oversee annuitant payroll system.
11. Adhere to a professional code of ethics and standards of professional conduct as may be prescribed by the Board.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training, and performance.

Operational characteristics, services, and activities of a pension program.

Actuarial principles and their statistical application.
Fundamentals of the securities industry.
Principles and practices of budget preparation and administration.
Legislative process, NM experience preferred.
Pertinent Federal, State, and local laws, codes, and regulations.

Ability to:

Establish and maintain effective working relationships with those contacted in the course of work.
Make sound decisions and/or recommendations.
Communicate clearly and concisely, both orally and in writing.
Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
Research, analyze and evaluate new service delivery methods and techniques.
Oversee and participate in the management of PERA's operations, services, and activities.
Oversee, direct, and coordinate the work of staff.
Delegate effectively.
Select, supervise, train, and evaluate staff while providing equal employment opportunities to all PERA employees.
Develop and administer operational goals, objectives, and procedures.
Prepare and administer large and complex budgets.
Prepare clear and concise administrative financial reports.
Interpret, explain and/or apply Federal, State, and local policies, laws, regulations, court decisions and proposed legislation.
Initiate recommendations to the Board.

Experience and Education Guidelines

Experience:

Ten years of increasing responsible management experience, including five years of administration and supervisory responsibility, including demonstrated strength in fiscal management and budgeting skills.
Experience working with a Board of directors.
Experience in the legislative process.
Experience working with member services organizations.

Education:

Bachelor's degree from an accredited college or university with major course work in management and technical disciplines related to pension management. Advanced professional degree preferred.

License or Certificate:

Possession of or demonstrated ability to obtain certification as Certified Pension Professional, CFA, CPA, JD, etc.

Work Conditions

Normal office environment with limited, but regular, in-state, and out-of-state travel.

[Amended: 3/29/2012]

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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:

Paula Fisher
Chair, Rules & Administration Committee

ATTEST:

Greg Trujillo, Acting Executive Director

Exhibits attached