



INVESTED IN TOMORROW.

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

Tuesday, March 10, 2020
following Audit & Budget Committee

Committee Members

Lawrence Davis, *Chair*

Maggie Toulouse Oliver, *Vice Chair*

Dan Mayfield

Steve Neel

Shirley Ragin

AGENDA

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Consent Agenda

5. Current Business

A. Approval of 2020 Work Plan

Action

Lawrence Davis,
Rules & Administration
Committee Chair

B. Report on Election Process Recommendations
Implementation

Informational

Greg Trujillo, Deputy
Director

C. Discussion Regarding Public Comment Section in Board
Policies and Procedures

Informational

Lawrence Davis

6. Adjournment

Consent Agenda

Approval of Minutes of December 10, 2019, Rules & Administration Committee Meeting

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 476-9305 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 Board Of Trustees
Rules & Administration Committee
2020 Committee WorkPlan**

MARCH	10	Committee	<p style="color: red; margin: 0;">ACTION: Approval of Draft Work Plan</p> <p style="margin: 0;">Discussion Public Comment Policy</p> <p style="margin: 0;">Discussion 2020 Election Timeline</p>
	26	Board	<p style="color: red; margin: 0;">ACTION: Approval of Work Plan</p>

JUNE	9	Committee	<p style="color: red; margin: 0;">ACTION : Review and Adopt Committee Charter</p> <p style="color: red; margin: 0;">ACTION: Approval of Public Comment Policy</p> <p style="margin: 0;">Review Board Policies & Procedures</p>
	25	Board	<p style="color: red; margin: 0;">ACTION : Review and Adopt Committee Charter</p> <p style="color: red; margin: 0;">ACTION: Approval of Public Comment Policy</p>

SEPTEMBER	8	Committee	<p style="color: red; margin: 0;">Action: Board Policies and Procedures*</p>
	24	Board	<p style="color: red; margin: 0;">Action: Approve Board Policies and Procedures*</p>

DECEMBER	8	Committee	<p style="color: red; margin: 0;">Action: Board Policies and Procedures*</p>
	8	Special Board	<p style="color: red; margin: 0;">Action: Approve Board Policies and Procedures*</p>

* Subject to the pleasure of the Committee



PERA

Public Employees
Retirement Association
of New Mexico

P: (505) 476-9300

F: (505) 476-9401

Toll Free:

1 (800) 342-3422

INVESTED IN TOMORROW.

To: Lawrence Davis, Rules & Administration Committee Chair
From: Greg Trujillo, Deputy Director
CC: Rules & Administration Committee Members
Re: Updated Election Procedures

At the December 10, 2020 PERA Board Meeting the Board voted to adopt recommendations from Automated Election Services (AES) for the Board election process. The changes adopted by the Board are as follows:

- Add a signature and printed name line on the return envelope for members and/or retirees to certify they are eligible to cast the vote.
- When providing candidates information regarding the elections such as nominating petitions, election timelines and other requirements, those materials be sent via certified mail with return receipt.

The recommendations were passed by the Board unanimously. The minutes were approved at the January 30, 2020 meeting. A copy of the minutes is included in your packet.



PUBLIC EMPLOYEES RETIREMENT ASSOCIATION OF NEW MEXICO
2020 Board Election Timeline
 Nominee/Candidate Checklist

Nominating Petitions

Date	Item
Wed., January 15, 2020	Nominating petitions available from Automated Election Services, 7000 Zenith Ct., Rio Rancho, NM 87144-6467
Mon., May 4, 2020	<i>Deadline for nominating petitions with original signatures to be received at Automated Election Services by 5 p.m.</i>
Fri., May 15, 2020	<ul style="list-style-type: none"> • PERA Board receives Report on Nominating Petitions from Automated Election Services and approves nominees • Nominees notified of results
Fri., May 29, 2020	<i>Deadline for candidate biographies and photographs in designated formats to be received at Automated Election Services, 7000 Zenith Ct., Rio Rancho, NM 87144-6467 by 5 p.m.</i>

Election Ballots

Date	Item
June 2020	Biographies and photos posted on PERA website
July 2020	Biographies and photos published in Round-the-Roundhouse and summer edition of <i>La Voz</i>
Fri., August 7, 2020	Ballots mailed out by Automated Election Services
Fri., Sept.,18, 2020	<ul style="list-style-type: none"> • Deadline for ballots to be received at Automated Election Services' designated Post Office locked box by 12:00 p.m. • Ballot count completed by Automated Election Services
Thurs., Oct. 29, 2020	<ul style="list-style-type: none"> • Certification of election results by PERA Board at 2019 PERA Annual Meeting • Newly elected Board Members notified



Automated Election Services

7000 ZENITH COURT NE
RIO RANCHO, NEW MEXICO 87144
(505) 891-0525
FAX (505) 891-6500

TO: PERA Board of Trustees

FROM: Ernie Marquez, Election Director
Automated Election Services

SUBJECT: Election Recommendations for 2020

DATE: November 8, 2019

The Election process used by PERA works well but I still believe that allowing PERA members the option of voting either on-line or the traditional way, by paper ballot, would increase participation. Other organizations, such as credit unions, are making this type of voting available to their members is something that our company offers. PERA can continue to mail ballots to all members and should a member return the voted paper ballot, the online method would be unavailable to that member. If a member was to vote online then his/her record would be flagged as voted and the paper ballot (if returned) would not be accepted.

PERA currently uses a certification that is printed on the ballot which reads “**By voting this ballot, I certify that I am a current member of the PERA through a state/municipal affiliate and that I am eligible to vote in this election.**” If PERA chooses to go with only mail ballots, I would suggest adding a signature line on the return envelope with the same certification you currently use on the ballot. With a certification below the signature line there would be more accountability and could deter voting by a non-member if this is happening.

I know this would require a rule change, but I would suggest that you mail the ballots out later, closer to the election. In my experience, it seems that if you mail the ballot two or maybe three weeks before the election, people tend to complete them and return them quickly. When you give them too much time, they place it with other mail and totally forget about mailing the ballot back.

Due to the allegation made concerning Candidate Bios being written by someone other than the candidates and the allegation of candidates not receiving emails, I strongly suggest that any important packets such as the Election Calendar, Election information, and Nominating Petitions be sent by email and Certified Mail “Return Receipt Requested” sent by the United States Post office.

I would like to thank the PERA Board of Directors and management for giving Automated Election Services the opportunity to work with them in the conduct of their election.

I remain available at any time for questions, comments, and/or election planning meetings. I extend the invitation to the board of directors and to the PERA staff to visit us in Rio Rancho to come see firsthand what we do.

NEW MEXICO
PUBLIC EMPLOYEES RETIREMENT ASSOCIATION
BOARD MEETING
December 10, 2019

1. This monthly meeting of the Public Employees Retirement Board was called to order by John Melia, Vice Chair, at approximately 10:20 a.m. on the above-cited date in the Senator Fabian Chavez, Jr. Board Room, at the PERA Building, 33 Plaza la Prensa, Santa Fe, New Mexico.

2. Roll call indicated a quorum with the following members present:

Members Present:

John Melia - Municipal, Vice Chair
Lawrence Davis - Municipal
Dan Mayfield - Retiree
Steve Neel - State
Loretta Naranjo Lopez - Retiree [departs at 10:30]
Shirley Ragin - County
David Roybal – State
Maggie Toulouse Oliver - *Ex-officio* [arrives after 10:50]

Member(s) Excused:

Jackie Kohlasch - State, Chair
Claudia Armijo - State
Tim Eichenberg - *Ex-officio*
Patricia French - Municipal

Staff Members Present:

Wayne Propst, Executive Director
Susan Pittard, Chief of Staff/General Counsel
Dominic Garcia, Chief Investment Officer
Greg Trujillo, Deputy Director/Chief Information Officer
Renada Peery-Galon, Administrator Services Director
Trish Winter, Executive Assistant
Karyn Lujan, SmartSave Plan Manager
Anna Williams, Chief Financial Officer
Misty Schoeppner, Deputy General Counsel
Geraldine Garduño, Assistant General Counsel

Others Present:

Harvey Leiderman, Reed Smith
Lenora Chavez, Retiree
Tom Toth, Wilshire
Joseph E. Montoya, Retired
Jake Salazar, Retired
Ernest Marquez, AES

3. **Approval of Agenda**

Mr. Roybal moved approval and Mr. Mayfield seconded.

Ms. Naranjo Lopez requested the removal of agenda items 5. A. “Approval of Revised Board Policies and Procedures” and 5.B. “Approval of Election Process Recommendations.”

Ms. Naranjo Lopez made a statement that she said was “covered by the State Whistleblowers law” and protected by the state’s Anti-Retaliation law. [A copy of the statement was not provided for the record]. She provided information under the following points: crimes attributable to Reed Smith, IPRA request violations, Board violence, violence against women, avoidable costs, and state law regarding IPRA.

She said the Board cannot take action on items 5A and B because they have abetted and aided in crimes.

Following her statement and without support on her agenda amendments, Ms. Naranjo Lopez stood and said that, “I will not be allowing a quorum” because voting on 5A and B would be a violation of state law and she left the meeting.

Board business was temporarily suspended. Ms. Toulouse Oliver arrived at 10:50 and a quorum was established.

The motion to approve the agenda passed by unanimous voice vote.

In response to Ms. Naranjo Lopez’s allegation regarding Board violence, Mr. Neel was given an opportunity to speak. He provided the police report [*Exhibit 1*] that she referenced in her statement. The police report states that “no crime was committed and no need for police involvement.”

Mr. Neel said he received five sworn notarized statements from Board members [*Exhibit 2*] attesting that there was neither an assault nor an attempt of robbery.

Harvey Leiderman, Reed Smith law firm, said, “lest silence be deemed to be assent” to the statements that were made about himself and his law firm, they were materially false and misleading and if the Board requires a line by line refutation of Ms. Naranjo Lopez’ statement he offered to do so.

Vice Chair Melia said Ms. Naranjo Lopez’s reference to crimes against women struck a chord with him as a father. He was present during the closed session, and never saw a physical threat. Further, it is wrong for people to make false allegations, and mentioned that Ms. Naranjo Lopez filed similar allegations against former Board member James Maxon. He noted that he had provided a signed statement on Mr. Neel’s behalf.

Mr. Davis said he too signed an affidavit, and there was neither assault nor robbery. These false allegations will hinder the Board and its ability to function. Mr. Mayfield said he also signed an affidavit and apologized to Mr. Neel for this unfortunate occurrence. He mentioned that Mr. Maxon was deeply disturbed by the false allegations.

Ms. Ragin said she was present during the closed session referred to by Ms. Naranjo Lopez and did not witness the incident as she described it. She said that she provided a sworn affidavit in support of Mr. Neel. These allegations do a disservice to the members, state Ms. Ragin.

Mr. Roybal said he too was in support of Mr. Neel.

4. Approval of Consent Agenda [*Exhibit 3: Consent Agenda*]

Mr. Mayfield moved to approve the Consent Agenda. Mr. Davis seconded and the motion passed without opposition.

5. Unfinished Business

A. Approval of Revised Board Policies and Procedures

[*Exhibit 4: A table of comments with reference to the page; Exhibit 5: Redline line copy*]

Rules & Administration Committee Chair Davis said the Board has had the revised policies and procedures to review for over six months. The State Auditor and Attorney General have both expressed concern that the PERA Board revise and approve the policies and procedures. The intention of the changes are to bring the Board into alignment with the state's recommendations and Board best practices.

Ms. Toulouse Oliver recommended changing the date at the bottom of the document to reflect 2019 and its adoption date.

Mr. Leiderman said a clean current redline version of the policies was posted on the BoardPortal. At the previous meeting, Board members were invited to send comments to him in advance of today's meeting. Member French forwarded comments and they talked on the phone. She was unable to attend today's meeting, and he brought forward her comments.

Mr. Leiderman reminded the Board of three changes, although not voted on last time, appeared to have consensus and were incorporated into the red lined copy. He reviewed Ms. French's concerns and invited other comments.

Regarding the election of Board Chair and Vice Chair, General Counsel Pittard pointed out that in February 2019, the Board modified the Policies & Procedures regarding nominations for Board Officers, which provided for a two-prong process, where nominations will be made at the first meeting of the Board for the calendar year, and then the vote taken at the first regular meeting. The provision also allows for additional nominations to be made from the floor on the day of the election.

Ms. Toulouse Oliver supported the policy as outlined by Ms. Pittard.

There was consensus to retain the language as outlined by Ms. Pittard. There was also agreement to remove the reference to "different groups" on page 12.

Regarding the executive director's compensation or authority Mr. Leiderman said there were comments regarding "appearance of impropriety" and "education and travel" approvals. Currently, the Board chair provides approval of travel. Mr. Leiderman said a number of other state fund boards rely on the executive director and staff to gather information and make approvals. The director is considered the top administrator position, and administrative acts are

completed by the director and reported back to the board. Ms. French has suggested the Board chair retain that authority, not the director.

Mr. Davis recommended focusing on the three concerns raised by Ms. French regarding the executive director's authority versus the Board chair. Other issues may be more appropriate for discussion in January with new members and a new chair.

The policies and procedures will not be perfect, but can be implemented and then tweaked throughout the year.

Mr. Leiderman requested clerical approval to ensure the NM statute references are correct and to renumber the document.

Vice Chair Melia expressed concern that it is unrealistic that the Board schedule emergency meetings, and it would be difficult to call if it were not the Chair's call. Ms. Pittard said the section referring to modifying meeting dates requires tightening. As per the Open Meeting's Resolution, which the Board approves the first meeting in January, Board meetings are established as the last Thursday of the month.

There was consensus to retain the language that the Board Chair could change the published adopted schedule, and to schedule special and emergency meetings without approval of the full Board.

Mr. Roybal asked whether there were any conflicting sections within the policies, and Mr. Leiderman responded that he was unaware of any.

Mr. Davis moved to adopt the Board Policies & Procedures [numbered 136756128.6, redlined] as presented with the following changes:

- Page 11, removal of "balancing the views"
- Page 15, Chair can remove "non-Board"
- Retain the current nomination process
- Retain the ED's authority
- Authorize staff to renumber, verify NM statutes and fix any typos and the date.

Ms. Toulouse Oliver seconded and the motion passed by unanimous [7-0] voice vote.

B. Approval of Election Process Recommendations

Ernie Marquez, Automated Election Services, offered that, in the event the Board continues to be elected, a few suggestions to the election process:

- Certification with a signature on return envelope
- A signature line on all ballots
- Consider implementation of electronic voting or telephonic. Only one ballot whether electronic, hard copy or telephonic will be accepted.
- Send candidate correspondence (notices, calendars, expenditure reports, etc.) by certified mail requiring the candidate's signature, as well as email. This suggestion was made in light of a candidate's allegation that the bio as shown on the ballot was not candidate produced, which Mr. Marquez said is not true.

Mr. Marquez explained that AES converts the PERA ID and assigns an ID number that is on the return envelope. If the Board is interested in electronic voting he would have AES's IT expert attend a meeting.

Ms. Toulouse Oliver said the big concern is to make sure votes are not hacked or tampered. If online voting is implemented, she recommended an audit of it to ensure votes were correctly cast. In addition to the unique ID (which is not the PERA ID) require the last four digits of the individual's social security to further validate the voter.

Ms. Pittard said that currently, each ballot requires certification that the voter is eligible to vote in the election. The elections are conducted by regulation, not statute, and can be changed.

Ms. Toulouse Oliver said it was important that online voters understand that their ballot is not secret. Essentially, there would be two classes of voters: those with ballot secrecy and those without. Adding a signature would create an additional validation that would be beneficial.

Stating that she was not opposed to online voting, Ms. Ragin said additional research and a greater understanding of the process was needed. Mr. Marquez invited the Board to visit his business.

Deputy Director Trujillo confirmed that there was an issue in the past when a printer mailed the ballots a week before they were scheduled to be sent. It resulted in no voting repercussions but since then, the voting process has been outsourced.

Mr. Davis moved to accept the suggestion to include a signature and print name lines on the return-envelope. Ms. Ragin seconded and the motion passed by unanimous voice vote.

Ms. Toulouse Oliver recommended adopting the certified mail/return receipt requested and email for candidates' packets and so moved. Mr. Davis seconded and the motion passed by unanimous [7-0] voice vote.

On the Board's behalf, Vice Chair Melia thanked Mr. Marquez for his services to PERA.

C. Trustees Report on Educational Travel

1. Tim Eichenberg – Absent

2. Lawrence Davis – CAPPP Part II

Mr. Davis said that this training is really valuable and provides an in-depth dive over financial transitions, analyses, terminology, etc. He encouraged the other Board members to attend the CAPPP trainings.

3. Loretta Naranjo Lopez – Absent

4. Patricia French – Absent

5. Claudia Armijo – Absent

Board will recess to Executive Session NMSA 1978 Section 10-15-1 (H)(7)

A. Discussion with Counsel regarding pending litigation: *The Retired Public Employees of New Mexico, Inc. v. The Public Employees Retirement Association of New Mexico Board; Wayne Propst, in his individual capacity, and Susan Pittard, in her individual capacity, United States District Court for the District of New Mexico, Case No. 1:19-cv-00891*

Roll call vote the Board recessed to executive session:

Jackie Kohlasch	Absent
Claudia Armijo	Absent
John Melia	Yes
Lawrence Davis	Yes
Patricia French	Absent
Dan Mayfield	Yes
Steve Neel	Yes
Loretta Naranjo Lopez	Absent
Shirley Ragin	Yes
David Roybal	Yes
Tim Eichenberg	Absent
Maggie Toulouse Oliver	Yes

[The Board met in executive session from 12:09 to 12:25]

Mr. Mayfield moved to return to open session and Ms. Ragin seconded. Vice Chair Melia announced that the only items discussed were those listed in the agenda and requested a roll call vote:

Jackie Kohlasch	Absent
Claudia Armijo	Absent
John Melia	Yes
Lawrence Davis	Yes
Patricia French	Absent
Dan Mayfield	Yes
Steve Neel	Yes
Loretta Naranjo Lopez	Absent
Shirley Ragin	Yes
David Roybal	Yes
Tim Eichenberg	Absent
Maggie Toulouse Oliver	Yes

At this point, the Board lost its quorum and the remaining items were offered for information.

6. New Business

A. Executive Director's Report - report was included on the BoardPortal

B. Update on IPOC Sponsored Legislation

Regarding IPOC, Mr. Propst said the December 4th meeting was the last for the interim. IPOC considered and endorsed a number of PERA-related bills. The bills and any other legislation related to PERA will be brought back to the Board at its January 14th meeting to

determine a position. The pre-filing period begins December 16th and runs until January 17th.

Mr. Propst said that he expected the bills which were endorsed by IPOC will be pre-filed. The bills include the PERA Solvency legislation which is an outgrowth of the Governor's task force, and provides for a number of carve-outs for those receiving less than \$25,000 in pension and/or salary, and protects retirees 75 or over from any changes to their COLA – which is approximately one-third of PERA's retirees' population; another significant change is a delay in the 4 percent contribution increases (2 percent for employee and 2 percent for employer) in order to address concerns regarding the need to budget for the increases and address the disparities between state general division and some of the municipal divisions. Another change restores the 5-year vesting period for Tier 2 members. The legislation also removes the earnings cap of 90 percent.

The BoardPortal includes a report on the asset liability and cash flow impact of the Governor's legislation and Mr. Propst provided a review highlighting the COLA adjustments that occur with different returns. Regardless of returns, there is a floor of 0.5 percent COLA and it could be as high as 3 percent until there is 100 percent funding.

Mr. Propst reported that as of June 30, 2019, there were 40,550 retirees and 11,229 will be 75 or older as of July 1, 2020, and there are also 1,344 retirees who are under the exemption of disability or pensions less than \$25,000.

The legislation also includes a one-time \$76 million general fund appropriation to the PERA fund to pay for the three years of 2 percent non-compounding 13th check.

Mr. Propst highlighted the bill number which designates it as being on the Governor's call. There was other PERA-related legislation lacking that designation which may or may not be included and considered during the session.

A few bills were developed to address the solvency of the Judicial and Magistrate plans. One of the bills includes a five year diversion of the annual distribution to the Legislative retirement fund – which is currently funded at over 100 percent – to the Judicial and Magistrate plans. Another was a cash infusion from the general fund. IPOC also endorsed putting the docket fees directly into the general fund and then using these to fund the employer contribution as a statutory percent of salary for both the Judicial and Magistrate plans.

Mr. Propst said IPOC also endorsed a bill to restructure the PERA Board and make it an appointed board. The appointments consist of appointments from the State Personnel Board, NM Association of Counties, the Municipal League, a couple of appointed retirees, two non-PERA people with pension plan design experience appointed by the Speaker of the House and President pro-tem, and the Secretary of DFA would serve as a member. The terms would be four-years and no member could serve more than two terms. The membership would have geographically diversity around the state.

The Governor's call includes a bill making some overtime pay included as salary for pensionable wages for municipal police and fire. The employee and employer would pay contributions on those wages.

Mr. Propst thanked Ms. Lujan for her attention to the transition to Voya.

7. Adjournment

Having completed the agenda, Vice Chair Melia wished all a Happy New Year and declared this meeting adjourned at 12:50 p.m.

Approved by:



John Melia
Vice Chair, PERA Board

ATTEST:



Wayne Propst, Executive Director

Attached Exhibits:

Exhibit 1: Police Report provided by Mr. Neel

Exhibit 2: Six Affidavits from witnesses of the October 8th executive session

Exhibit 3: Consent Agenda

Exhibit 4: Table of comments regarding the Policies & Procedures

Exhibit 5: Policies & Procedures redline copy

City of Albuquerque City Council



Rules of Procedure

May 20, 2019

B. Persons may be invited by the City Council to address it on a particular agenda item or for the purposes of a general address.

C. Persons desiring to speak before the City Council on a particular agenda item shall be asked to register with Council staff prior to consideration of the agenda item. Comments shall be limited to two agenda items per meeting. Comments must be germane to the particular agenda item. During general public comment, speakers are not restricted as to topic. Time limitations on speakers may be established at the discretion of the President of the City Council and shall apply to all speakers equally. Persons desiring to submit written comments to the Clerk of the Council may do so at any time. Restrictions under this section do not apply to the Mayor, the Mayor's designated representative, persons invited by the City Council or parties to quasi-judicial hearings.

D. Persons signed up to speak before the City Council during general public comment or on a particular topic will be called to the podium to speak by the President, Vice President or Councilor presiding over the meeting. Only the individual called to the podium to provide public comment may stand at the podium or in the area around or behind the podium during that public comment. The Council President, Vice President or presiding Councilor shall make exceptions for those in need of a translator or those who need assistance or reasonable accommodations to provide public comment. Multiple persons will not be permitted to stand behind the individual providing comment.

E. Public comment must be directed to the City Council through the President, Vice President or presiding Councilor, not at staff members or members of the audience.

F. Items displayed on the overhead projector during an individual's public comment must be removed from the projector at the end of that person's public comment.

G. Absolutely no signs, props, posters, or banners will be allowed in the Council Chambers other than those which can be displayed on the overhead during presentations (no sheets larger than 8½" x 11"). Such material shall not be held or waived in a manner that blocks the view of others or creates a distraction from the speaker or the business at hand.

H. The first 30 individuals will be allowed to speak under general public comment (Item 10) of the agenda. Individuals who have signed up to provide general public comment to the Council but who, due to this limitation, are not able to speak may either provide general public comment at the end of the meeting under 'Other Business' or inform Council staff that they would like to provide their comments at the next regular Council meeting.

Individuals who request to speak at the next regular Council meeting will be placed at the front of the public comment sign up list at that meeting.

I. Council staff shall notify the public that persons may register to speak on an item appearing on the Consent Agenda, and staff shall notify the President of the City Council when a speaker so registers. The President may allow public comment on consent items prior to the Council's vote on the Consent Agenda.

Section 9. **Records.** Unless otherwise provided, the City Clerk shall serve as the Clerk of the Council. The Clerk of the Council shall keep the minutes and records of the City Council proceedings.

Section 10. **Attendance.** Councilors shall attend all meetings of the City Council unless excused by the President of the City Council.

Section 11. **Mayor.** The Mayor, or the Mayor's representative, shall be present at the hearings on the Mayor's proposed budget to answer questions about the budget. The City Attorney, or the City Attorney's designated representative, shall be present at all meetings of the City Council.

Section 12. **Disturbing Meetings.** It shall be unlawful to disturb any meeting of the City Council or any of its Committees, or to behave in a disorderly manner at any such meeting. There will be no tolerance for disruptive public outbursts or disruptions that impede the orderly progress of the meeting. The President, Vice President or presiding Councilor will provide one warning to anyone who causes a disruption. Upon a second or continued disruption, the President, Vice President or Presiding Councilor will ask that person to leave the Chambers, and, if necessary, will ask that security escort that person out of the Chambers. Such removal from the Council Chambers or Committee Room will be effective for the remainder of that meeting. If continued disruptions occur, the Council President, Vice President or presiding Councilor may recess the meeting until order is restored, and, if necessary, may clear the Chambers or Committee Room of persons participating in the disturbance.

Section 13. **Open Meetings.** All meetings of the City Council and its Committees shall be open to the public.

Section 14. **Room Capacity, Ingress and Egress.** Notwithstanding these rules, the Fire Marshal will strictly enforce room capacity, ingress and egress rules to ensure the public's safety. The handicapped landing area to the right side of the dais must be kept clear at all times. Those desiring to record the meeting will be directed to the landing area on the left side of the dais.

Meetings Policy. The Open Meetings Policy shall also be posted on the Commission's web site, www.nmprc.state.nm.us. In addition, each utility subject to the jurisdiction of the Commission shall provide its customers on an annual basis with a notice of the Commission's Open Meetings Policy.

V. Use of Conference Telephones

Pursuant to NMSA 1978, Section 10-15-1(C), a Commissioner may participate in any open meeting by means of a conference telephone or other similar communications equipment when it is difficult or impossible for the Commissioner to attend the meeting in person; provided that each Commissioner attending and participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any Commissioner who speaks during the meeting.

VI. Public Comment

The Commission values and encourages public input on pertinent issues subject to the jurisdiction of the Commission. In order to ensure Commission meetings are efficient and productive, individuals providing public comment shall do so subject to the following provisions.

Public comment will be scheduled for each meeting. 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.

The portion of the agenda allocated for public comment at any one open meeting shall be limited to a maximum of 30 minutes for all persons wishing to provide comment. The order of speakers will be based on the order in which speakers sign up, but public officials may be taken out of order. If a speaker is not present at the time he or she is called to provide comment, that speaker shall forfeit their opportunity to speak. Public comment by an individual or entity shall be limited to no more than three (3) minutes unless the Commission acts to extend the period. If the number of

individuals on the sign-up sheet desiring to provide comment would exceed the allotted 30-minute period, the Chairman may limit individual remarks to a shorter time period. Individuals represented by or representing a common organization or association may be asked to select one individual to act as spokesperson to speak for the group. Individuals who sign up to comment, but either fail to do so or choose to speak for less than their allotted time, may not cede or yield their time to another speaker. Written comments of individuals who cannot be physically present may not be read aloud at the meeting but may be submitted to the Commission.

The subject matter of public comments shall be relevant to matters within the Commission's jurisdiction. Public comment will not be permitted on matters that should be addressed appropriately as the subject of an informal or formal complaint before the Commission or on pending rulemaking proceedings before the Commission once the opportunity for public comment in those proceedings has closed. Public comment by parties to a proceeding or adjudication pending before the Commission will not be permitted where the comment concerns matters at issue in such proceeding. The Chairman shall retain the right to stop any speaker who raises an issue that is not under the Commission's jurisdiction or is subject to the restrictions above.

Speakers providing comment shall at all times conduct themselves in accordance with proper decorum. Profane or vulgar language or gestures will not be tolerated. Audience members shall not disrupt an open meeting by speaking without being recognized by the Commission and shall not incite others to do so. The Commission retains the right to remove disruptive attendees and individuals who fail to conduct themselves in accordance with these provisions from the Commission meeting.

Public comment will be received without Commission comment or response. However, individual Commissioners may at their option seek clarification or additional information from speakers through the Chairman. No speakers will be accommodated after the public comment portion

of the agenda has closed. The Chairman retains the right to exercise discretion in the implementation of this policy and may override the above rules in case of emergency or other unforeseen circumstances.

VII. Notice to Individuals With a Disability

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 any open meeting or adjudicatory hearing may contact the Director of Administrative Services at (505) 827-4084 or such alternate contact person as may be designated in any individual notice of a specific open meeting or adjudicatory hearing. Public documents associated with the meetings can be provided in various accessible forms for disabled individuals. Requests for summaries or other types of accessible forms also should be addressed to the Director of Administrative Services or the alternate contact person.

NEW MEXICO
PUBLIC EMPLOYEES RETIREMENT ASSOCIATION
RULES & ADMINISTRATION COMMITTEE

September 10, 2019

This meeting of the Public Employees Retirement Board Rules & Administration Committee was called to order by Lawrence Davis, Chair, at approximately 9:50 a.m. on the above-cited date at the PERA Building, Seminar Room, 33 Plaza la Prensa, Santa Fe, New Mexico.

1. Roll Call

Roll Call indicated the presence of a quorum with the following members present:

Members Present:

Lawrence Davis, Chair
Maggie Toulouse Oliver, Vice Chair
Shirley Ragin

Member(s) Absent:

John Melia
Claudia Armijo

Other Board Members Present:

David Roybal
Loretta Naranjo Lopez
Jackie Kohlasch

Staff Members Present:

Wayne Propst, Executive Director
Susan Pittard, Chief of Staff/General Counsel
Dominic Garcia, Chief Investment Officer
Greg Trujillo, Deputy Director
Renada Peery-Galon, Administrative Services Director
Trish Winter, Executive Assistant
Karyn Lujan, SmartSave Plan Manager
Anna Williams, Chief Financial Officer
LeAnne Larrañaga-Ruffy, Director of Equity
Joaquin Lujan, Investment Division
Ron Gallegos, Chief Information Officer

Others Present:

Lenora Chavez, Retiree

2. Approval of Agenda

Ms. Toulouse Oliver moved to approve the agenda as published. Ms. Ragin seconded and the motion passed without opposition.

3. Approval of Consent Agenda

Ms. Toulouse Oliver moved to approve the consent agenda and Ms. Ragin seconded. The motion passed.

4. Current Business

A. Approval of Revised Board Policies and Procedures

Chair Davis advised the Committee that the changes discussed at the August 13th meeting were incorporated into the draft by Fiduciary Counsel Harvey Leiderman. The majority of the changes affect the authority, responsibility and process for compensating the executive director.

Per the State Auditor's letter to the PERA Board, Chair Davis said it was imperative that the Board implement a process for compensating the ED and outlining the responsibilities and authorities of the ED. He reminded the Committee that at their August meeting there was consensus that the ED has full authority over the day-to-day operations of PERA. A resolution/charter has been created that outlines the delegation of authority to, responsibilities and compensation of the ED.

Regarding the ED's compensation, Chair Davis said the committee discussed in detail when the evaluation should occur, and the following language was newly drafted in Section 4, "Based upon the Board's evaluation of the ED's performance for the preceding fiscal year, the Board shall meet in open session prior to September 1st of the subsequent fiscal year to discuss and vote on changes to the ED's compensation for that fiscal year. The compensation of the ED shall be included in the Board's approved budget for the fiscal year in which the compensation is to be paid."

The process ensures transparency by voting in open session and application of any compensation within the upcoming fiscal year budget.

Ms. Naranjo Lopez said she had issues with the whole document.

Ms. Toulouse Oliver requested that non-committee members hold their comments until the committee members have had an opportunity to address the changes.

Referring to Section 6, external communications, Chair Davis said there was committee consensus to grant the ED full authority to discuss PERA's activities and operations of a factual nature to the legislature. The following language was proposed:

"The ED has extensive experience and institutional knowledge which are of value to the PERA organization...On legislative and legal matters for which the Board has not taken a position, the ED may provide factual information upon request and **may express his own personal views** upon consultation with the Board Chair and Vice Chair." [language in bold was discussed and later amended]

Ms. Toulouse Oliver said she supports giving the ED the ability to communicate on the Board's behalf with the legislature, and while she did not want to restrain the ED, she found the

inclusion of “his own personal views” troublesome.

Following discussion on this issue, it was agreed that the Executive Director’s professional opinion was the appropriate concept.

Ms. Toulouse Oliver moved to amend Article X, Executive Director, Section 6, External Communications, to amend the language eliminating “his own personal views” and adding the Executive Director’s professional opinion. Ms. Ragin seconded and the motion passed by unanimous voice vote.

With the ongoing Attorney General’s investigation, Ms. Naranjo Lopez said she was appalled that this committee would give the executive director so much power. She would bring up her objections at the Board meeting.

Chair Davis referred to the section on decorum which was amended to grant additional authority to the Chair to maintain decorum at all PERA Board and Committee meetings.

Also, the draft removed the references to the Chief Investment Officer.

The charter/resolution on the ED will be reviewed and adopted annually; therefore, any changes can be addressed on an annual basis.

Ms. Ragin moved to approve the revised Board policies and procedures. Ms. Toulouse Oliver seconded and the motion passed by unanimous voice vote.

B. Discussion Regarding Public Comment Section in Board Policies and Procedures

The City of Albuquerque rules for public comments were provided, and Chair Davis stated that currently PERA does not have policies and procedures for public comments. Generally, the policies and procedures establish the length of time a public member may speak, decorum for the public at the meeting, etc. He suggested this could be considered at the time of the next Board meeting.

Ms. Toulouse Oliver said she was pleased to see the concept of public comments brought to the forefront. It is important to welcome public comment, and she supported adopting a policy to that end. She recommended that public comment be placed at the top of the agenda, that a sign-up procedure be implemented, and possibly being flexible with time constraints.

Ms. Ragin said Bernalillo allows the public to sign-up to speak online as well as at the meeting.

5. Other Business

None was presented.

6. Adjournment

Having completed the agenda, Chair Davis declared this meeting adjourned at 10:10 a.m.

Approved by:

Lawrence Davis, Chair
PERA Rules & Administration Committee

ATTEST:

Wayne Propst, Executive Director

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