

5-PELRB-2019

PUBLIC EMPLOYEE LABOR RELATIONS BOARD OPEN MEETINGS NOTICE RESOLUTION March 2019 – March 2020

WHEREAS, the Public Employee Labor Relations Board ("PELRB") met in regular session at the PELRB Offices in Albuquerque, New Mexico on March 5, 2019 at 9:30 a.m. as required by law; and

WHEREAS, Section 10-15-1 (B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 4, as amended) 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, commission, administrative adjudicatory body, or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking body, are declared to be public meetings open to the public at all times except as otherwise provided in the constitution of New Mexico or the Open Meetings Act; and

WHEREAS, any meetings subject to the open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1 (D) of the Open Meetings Act requires the PELRB to determine annually what constitutes reasonable notice of its public meetings.

NOW, THEREFORE, BE IT RESOLVED by the PELRB that:

1. All meetings shall be held as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held on the first Tuesday of the month as determined by the PELRB. The agenda will be available at least seventy- two hours prior to the meeting from the PELRB, whose office is located at 2929 Coors N.W., Suite 303. Albuquerque, New Mexico, and on the PELRB's website (<http://www.pelrb.state.nm.us/home.php>). Notice of regular meetings will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. Special meetings may be called by the Chairman or a majority of the members upon three (3) days' notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two hours before any special meeting at the PELRB office and on the PELRB's website.
4. Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The PELRB will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon twenty-four hours' notice, unless threat of personal injury or property damage requires less

notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of taking action on an emergency matter, the public body shall report to the attorney general's office the action taken and the circumstances creating the emergency; provided that the requirement to report to the attorney general is waived upon the declaration of a state or national emergency.

5. Notice of rule-making proceedings shall be governed by NMSA 1978, § 10-7E-12(D) of the Public Employee Bargaining Act. As required by Section 10-7E-12(D), notice of rule-making proceedings shall be given at least thirty (30) days prior to the hearing date.
6. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place and agenda is placed in a newspaper of general circulation in the state, posted at the PELRB office and posted on the PELRB's website. Copies of the written notice shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings.
7. For the purposes of special meetings and emergency meetings described in paragraphs 3 and 4 of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone to newspapers of general circulation in the state, posted at the PELRB office and posted on the PELRB's website. Telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
8. For purposes of rule-making proceedings described in paragraph 5, notice requirements are met if notice of the date, time, place, subject of the hearing, the manner in which interested persons may present their views, and the method by which copies of the proposed regulations may be obtained, is provided to a newspaper of general circulation in the state. Notice shall also be made in the New Mexico Register in accordance with the State Rules Act, NMSA 1978, §14-4-7.1. In addition, notice of rule-making proceedings shall be posted at the PELRB office, and posted on the PELRB's website. Copies of the written notice shall also be mailed and/or emailed to those broadcast stations licensed by the Federal Communications Commission, newspapers, and individuals who have made a written request for notice of rule-making proceedings.
9. In addition to the information specified above, all notices shall include the following language:

If you are an individual 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 the Executive Director at the PELRB office located at 2929 Coors Blvd., NW, Suite 303, Albuquerque, New Mexico, telephone (505) 831-5422 as soon as possible but no less than 72 hours prior to the meeting. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Executive Director at the PELRB office, located at 2929 Coors Blvd. NW, Suite 303, Albuquerque, New Mexico, telephone (505) 831-5422 if a summary or other type of accessible format is needed.
10. The PELRB may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.

- (a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the PELRB taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion. The vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
- (b) If the decision to hold a closed meeting is made when the PELRB is not in an open meeting, the closed meeting shall not be held until the public notice, appropriate under the circumstances, states the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.
- (c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
- (d) Except as provided in Section 10-15-1 (H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the PELRB in an open meeting.

Passed by the PELRB this 5th day of March, 2019



Duff Westbrook, Board Chair