



RESOLUTION

2021 Resolution Concerning Public Notice of Board of Regents' Meetings

BE IT RESOLVED BY THE BOARD OF REGENTS OF THE NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY, A BODY CORPORATE, THAT:

WHEREAS, the Board of Regents (“Board”) of the New Mexico Institute of Mining and Technology (“Institute”) met online via Zoom Webinar, on February 01, 2021 at 1:00 p.m.; and

WHEREAS, Section 10-15-1(B) of the New Mexico Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) (the “Act”), declares that, except as otherwise provided in the Constitution or the Act, all meetings of a quorum of members of the board of any state agency held for the purpose of formulating public policy, rules or regulations, discussing public business, or taking any action within the authority of or the delegated authority of such board, are public meetings open to the public at all times; and

WHEREAS, Section 10-15-1(D) of the Act provides that any meeting of the Board that is subject to the Act (each a “Meeting” and collectively “Meetings”) 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 Board is in attendance shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Act also requires the Board to determine at least annually what constitutes reasonable notice of its Meetings;

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

1. All Meetings shall be held in Socorro, New Mexico at 1:00 p.m. or as otherwise indicated in the Meeting notice.
2. Notice to the public of any regular Meeting shall be given at least ten days prior to the Meeting and notice to the public of any special Meeting shall be given at least three days prior to the Meeting by publishing the notice in at least one newspaper of general circulation, by posting the notice on a bulletin board in a public hallway of the Institute’s administration building, Brown Hall, and by issuing a general news release containing the substance of the notice. The entities to which such news releases shall be transmitted shall include, but shall not necessarily be limited to, broadcast stations licensed by the Federal Communications Commission (“Broadcast Stations”) and newspapers of general circulation that have provided a written request for such notice. Notices of regular and special Meetings shall specify the date, time, and place thereof and shall include either an agenda containing a list of specific items of business to be discussed or transacted at the Meeting or information on how the public may obtain a copy of such an agenda. Except in the case of an emergency, the agenda shall be available to the public at least twenty-four hours prior to the Meeting.
3. The Board may hold emergency Meetings in the event of unforeseen circumstances that, if not addressed immediately by the Board, will likely result in injury or damage to persons or property or substantial financial loss to the Institute. Notice to the public of emergency Meetings shall (i) specify the date, time, and place thereof, (ii) include either an agenda containing a list of specific items of business to be discussed or transacted at the Meeting or information on how the public may obtain a copy of such an agenda, and (ii) be given by telephone to at least one news service, one newspaper of

general circulation, and one television station, or by otherwise giving such notice as is practicable under the circumstances. Such notices shall be given at least twenty-four hours prior to the Meeting unless threat of personal injury or property damage requires less notice.

4. The Board hereby adopts the rule that any member or members of the Board may participate in any Meeting by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for such member or members to attend the Meeting in person, if (i) each member participating by conference telephone or similar equipment can be identified when speaking, (ii) all participants are able to hear each other at the same time, and (iii) members of the public attending the Meeting are able to hear any member who speaks during the Meeting.

5. In compliance with the Americans with Disabilities Act, anyone requiring reasonable special accommodations to attend or participate in a Meeting should notify the Executive Assistant to the President at 575-835-5600 at least 96 hours before a regular Meeting, at least 48 hours before a special Meeting, and as soon as possible before an emergency Meeting, to enable the Institute to make reasonable special accommodations.

6. The Board may close Meetings to the public as provided in Section 10-15-1(H) of the Act or as is required by or necessarily implied from other laws or constitutional principles.

(a) If any Meeting is closed during an open Meeting, such closure shall be approved by a majority vote of a quorum of the Board taken during the open Meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion calling for the vote, and the vote of each individual member on the motion shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure may be discussed in the closed portion of the Meeting.

(b) If a closed Meeting is called for a time when the Board is not in an open Meeting, the closed Meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the Act or other law or constitutional principle authorizing the closed Meeting and the subjects to be discussed with reasonable specificity, is given to the members Board 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 that the matters discussed in the closed Meeting were limited to those specified in the motion for closure or in the notice of the separate closed Meeting, as the case may be, and shall be approved by the Board.

(d) Except as provided in Section 10-15-1(H) of the Act or as is required by or necessarily implied from other laws or constitutional principles, any final action taken as a result of discussions in a closed Meeting shall be made by vote of the Board in an open Meeting.

Upon due consideration, the Board hereby determines that the foregoing resolution, rules and regulations provide for notice for public meetings of the Board that is reasonable when applied to the Board.

Adopted this 1st day of February, 2021.

DocuSigned by:
Deborah Peacock
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President of the Board

DocuSigned by:
Attest: *Jerry Armijo*
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Secretary-Treasurer