

**NEW MEXICO STATE GAME COMMISSION
JANUARY 2022 - JANUARY 2023
OPEN MEETINGS RESOLUTION, AS AMENDED**

WHEREAS, the **New Mexico State Game Commission** met in at special meeting on May 9, 2022 at the New Mexico Game and Fish Albuquerque Office, 7816 Alamo Rd NW, Albuquerque, NM 87120 and via the Zoom platform, as required by law; and

WHEREAS, NMSA 1978, Section 10-15-1(B) of the Open Meetings Act states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act (Sections 10-15-1 to -4, as amended through 2013), all meetings of a quorum of members of the **State Game Commission** held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of, or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, Section 10-15-1(D) the Open Meetings Act and 19.30.3.8 NMAC states that any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act and 19.30.3.8(A) NMAC requires the State Game Commission to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the **State Game Commission** that:

- (1) **Regular Meetings:** Notice shall be given at least ten (10) days in advance of any regular meeting. The notice shall indicate how a copy of the agenda may be obtained. The agenda will be available at least five (5) days prior to the meeting from the **New Mexico Department of Game and Fish** office, located at One Wildlife Way, Santa Fe and on the **Department of Game and Fish** website, www.wildlife.state.nm.us.
- (2) **Special Meetings:** Notice shall be given at least three (3) days in advance of any special meeting. The notice shall indicate how a copy of the agenda may be obtained. The agenda will be available at least seventy-two (72) hours prior to the meeting from the **New Mexico Department of Game and Fish** office, located at One Wildlife Way, Santa Fe and on the **Department of Game and Fish** website, www.wildlife.state.nm.us.
- (3) **Emergency Meetings:** Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the **State Game Commission** from substantial financial loss. The **State Game Commission** will avoid emergency meetings whenever possible. Notice shall be given at least twenty-four (24) hours in advance of any emergency meeting. The notice shall indicate how a copy of the agenda may be obtained. The agenda will be available at least twenty-four hours prior to the meeting from the **New Mexico Department of Game and Fish** office, located at One Wildlife Way, Santa Fe and on the **Department of Game and Fish** website at www.wildlife.state.nm.us. Within ten days of taking action on an emergency matter, the **State Game Commission** shall report to the Office of the Attorney General 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.

- (4) **Teleconference Participation:** When it is difficult or impossible for a **State Game commissioner** to attend a Game Commission meeting in person, the commissioner may participate by means of a conference telephone or similar communications equipment as authorized by section 10-15-1(C) and as provided by the **State Game Commission's** rules and regulations.
- (5) **Requirements of Legal Notice of Regular Meetings:** For the purposes of regular meetings described in paragraph (1) of this resolution, notice requirements shall be met if notice of the date, time, place and information on how to obtain an agenda is placed in a newspaper of general circulation and posted at the **Department of Game and Fish** office, located at One Wildlife Way, in Santa Fe, New Mexico and on the Department's website at www.wildlife.state.nm.us. The Department's administrator shall also mail and/or email copies of the written notice 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.
- (6) **Requirements of Legal Notice of Special and Emergency Meetings:** For the purposes of special and emergency meetings described in paragraphs (2) and (3) of this resolution, notice requirements shall be met if notice is given by telephone of the date, time, place of the meetings to a newspaper of general circulation in the state and posted at the Department's office located at One Wildlife Way, in Santa Fe, New Mexico and on the Department's website at www.wildlife.state.nm.us. Written notice of those meetings shall also be mailed and/or e-mailed 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.
- (7) **Provisions for Americans With Disabilities Act (ADA):** 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 Game Department at (505) 476- 8000 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 the Department at 505-476-8000 if a summary or other type of accessible format is needed."
- (8) **Closed Session Requirements:** The Commission may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1 (H) of the Open Meetings Act.
 - (a) **Requirements to Enter into Closed Session:** If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the State Game Commission 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 for closure, and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.

- (b) **Legal Notice Requirements for Closed Session:** If a closed meeting is conducted when the State Game Commission 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 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) **Requirements Following Closed Session:** Following completion of any closed meeting, the minutes of the open meeting that meeting 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. This statement shall be approved by the State Game Commission as part of the minutes.
 - (d) **Commission Action Following Closed Session:** Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussion in a closed meeting shall be made by a vote of the State Game Commission in an open public meeting.
- (9) **Voting Requirements:** For all State Game Commission meetings and discussions, whether it be a regular, special or emergency meeting made public or private in Executive Session, the following voting requirements apply:
- (a) Whenever the State Game Commission meets (a) to raise funds to provide for fish hatcheries and rearing facilities, game and fish habitat acquisition, development and improvement projects or other similar capital outlay projects in accordance with Section 17-1-18 NMSA 1978 or (b) to adopt a regulation in accordance with Section 17-2-5 NMSA 1978, an affirmative vote of four Commissioners is required for the motion to pass.
 - (b) For all other meetings by the Commission to formulate public policy, including but not limited to the development of personnel policy, rules, regulations or ordinances, public business, or any other action taken within its authority, an affirmative vote by a majority of the quorum that is present at the meeting is required for the motion to pass. If the quorum is less than seven and a vote is tied, the subject motion will necessarily fail.
 - (c) An abstaining vote shall be counted toward the majority of votes. Robert's Rules of Order shall govern the conduct of business of all State Game Commission meetings in which they are applicable and not in conflict with this Resolution.

Adopted by the **State Game Commission** this 3rd day of June, 2022.

Signed: Sharon S. Hickey

06/07/2022

Sharon Salazar Hickey
CHAIR, State Game Commission

Date