

Resolution No. 2023-01

NEW MEXICO STATE UNIVERSITY BOARD OF REGENTS ANNUAL OPEN MEETINGS NOTICE RESOLUTION

WHEREAS, the Open Meetings Act of the State of New Mexico, §10-15-1, NMSA 1978, *et seq.* requires meetings of a quorum of the members of the Board of Regents, held for the purpose of discussing or adopting any proposed resolution, rule, regulation, or other formal action, to be conducted only after reasonable notice to the public; and

WHEREAS, the Open Meetings Act requires the Board of Regents to determine at least annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Board of Regents of New Mexico State University ("NMSU"), that compliance with the following requirements shall constitute reasonable notice:

1. Meeting Notice Content: NMSU must cause each meeting notice to indicate the date and time of the relevant meeting as well as the specific location of the Board's meeting, including city and campus (as applicable), building name, and address.
2. Meeting Notice Method: NMSU must (a) transmit each meeting notice by telephone, fax, electronic or other means of delivery to newspaper(s) of general circulation in the state; and (b) post that notice on the NMSU Regents' website. In addition, NMSU must transmit each meeting notice to any licensed broadcast station and any other newspaper that has made request for notification of meetings within the previous 12 months. NMSU requires each such request to be directed to ucomm@nmsu.edu.
3. Meeting Notice Timing: NMSU must provide each meeting notice in advance of a corresponding meeting, with the amount of advance notice depending upon the type of meeting:
 - a. NMSU must give notice of each regular meeting (scheduled at least quarterly) at least 10 days in advance of the meeting date. NMSU must post the regular meeting agenda on the NMSU Regents' website at least 72 hours prior to the meeting.
 - b. NMSU must give notice of each special meeting at least three days in advance of the meeting date. NMSU must post the special meeting agenda on the NMSU Regents' website at least 72 hours prior to the meeting.
 - c. NMSU must give notice of an emergency meeting - called in the case of any unforeseen circumstance that demands immediate attention to protect the health, safety and property of citizens, or to protect the university from substantial financial loss - 24 hours in advance, unless threat of personal injury, property damage or threat of financial loss requires less notice. NMSU must post the emergency meeting agenda on the NMSU Regents' website at the same time that it posts the notice of emergency meeting.

4. Report of Emergency Meeting: No later than 10 days after taking action on an emergency matter, the Board of Regents shall report to the Office of the New Mexico Attorney General the action taken and the circumstances creating the emergency, unless there has also been a declaration of a state or national emergency, in which case no report is required.

5. Meeting Accessibility: In addition to the information specified above, NMSU must cause all notices to 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 meeting, please contact the Office of the Regents' at (575) 646-5997 at least three days prior to the meeting, or as soon as possible. Public documents, including the agenda and minutes, may also be provided in various accessible formats. Please contact the Office of the Regents' at (575) 646-5997 if a summary or other type of accessible format is needed."

6. Closed/Executive Session: The Board of Regents may close a meeting to the public, and meet in executive session, only if the subject matter of such discussion or action falls within one of the exceptions in the Open Meetings Act, § 10-15-1(H).

- a. If any Regent proposes any meeting to be closed during an open meeting, without prior notice, then that Regent must propose the closure by motion, stating the specific provision of law authorizing the closed meeting and the subject matter to be discussed. The motion can be approved only by a majority of a quorum of the Board in attendance. NMSU must record in the minutes the vote of each individual member on the motion proposing closure. The Board of Regents may discuss in the closed meeting only those subjects specified in the motion.
- b. If the Board of Regents is to conduct a closed meeting when the Board is not already convened in an open meeting, then the Board must not hold the closed meeting until NMSU has posted public notice required for a special meeting, stating the specific provision of law authorizing the closed meeting and the subject matter to be discussed.
- c. Following completion of any closed meeting, NMSU must cause the minutes of the public meeting that was closed, or the minutes of the next public meeting if the closed meeting was separately scheduled, to state whether the matters discussed in the closed meeting were limited only to those specified in the motion or the meeting notice for the special meeting.
- d. Except as provided by Section 10-15-1(H) of the Open Meetings Act and New Mexico case law interpreting same, the Board of Regents may take any action as a result of discussions in a closed meeting only by vote of the Board in an open public meeting.

ADOPTED by the Board of Regents of New Mexico State University, the 10th day of March, 2023, at its regular annual meeting held in Las Cruces, New Mexico.


Ammu Devasthali, Chair, NMSU Board of Regents