

ENVIRONMENTAL IMPROVEMENT BOARD

OPEN MEETINGS RESOLUTION

WHEREAS, the Environmental Improvement Board met in regular session at Santa Fe, New Mexico on January 5, 2009, at 9:00 a.m. as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 through 10-15-4) 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 or other policymaking body of any state agency held for the purpose of formulating public policy, 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, any meetings subject to the Open Meetings Act 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 requires the Environmental Improvement Board to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Environmental Improvement Board that;

1. Unless otherwise specified, regular meetings of the Environmental Improvement Board shall be held each month on the first Tuesday of the month. The agenda, which will also state the location of the meeting, will be available at least twenty-four (24) hours prior to the meeting from the Administrator for Boards and Commissions, whose office is located at the New Mexico Environment Department in Santa Fe, New Mexico. Notice of any other regular meetings will be given at least ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
2. Special meetings of the Environmental Improvement Board may be called by the Chair 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 twenty-four (24) hours prior to any special meeting.
3. Emergency meetings of the Environmental Improvement Board will be called only under circumstances which demand immediate action by the Board to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Board will avoid emergency meetings whenever possible. Emergency meetings of the Board may be called by the Chair or a majority of the members upon twenty-four (24) hours notice unless threat of

personal injury or property damage require less 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.

4. For the purpose of regular meetings described in paragraph 1 of this resolution, notice requirements are met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and posted in the Office of the Secretary of the New Mexico Environment Department in Santa Fe, New Mexico. The Environmental Improvement Board will make its best efforts to post the notice on the website for the New Mexico Environment Department. The Board shall also mail copies of the written notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation in the state which have made a written request of the Board for notice of public meetings.

5. For the purposes of special meetings and emergency meetings described in paragraphs 2 and 3 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 and posted in the Office of the Secretary of the New Mexico Environment Department in Santa Fe, New Mexico. The Board will make its best efforts to post the notice on the website for the New Mexico Environment Department. Telephone notice shall also be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation in the state which have made a written request of the Board for notice of public meetings.

6. Notice of meetings as set out in paragraphs 1 through 3 of this resolution shall also be mailed to all people who have previously requested advance notice of such matters and whose names and addresses are on a mailing list maintained by the New Mexico Environment Department.

7. 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 device to attend or participate in the meeting, please contact Judy Bentley at least ten (10) days prior to the meeting at the New Mexico Environment Department, Personnel Services Bureau, P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-9872. TDY users please access her number via the New Mexico Relay Network at 1-800-659-8331. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Administrator for Boards and Commissions at (505) 827-2425 if a summary or other type of accessible format is needed.

8. The Environmental Improvement Board 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) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Environmental Improvement 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 to close and 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 a closed meeting.

(b) If the decision to hold a closed meeting is made when the Environmental Improvement 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 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), any action taken as a result of discussions in a closed meeting shall be made by vote of the Environmental Improvement Board in an open public meeting.

Passed by the Environmental Improvement Board on this 5th day of January, 2009.

Gregory Green, Chair
Environmental Improvement Board