

**NEW MEXICO MUSIC COMMISSION
JULY 2023 - JULY 2024
OPEN MEETINGS RESOLUTION**

WHEREAS, the New Mexico Music Commission met in regular session via Zoom on July 11, 2023; 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 any 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) of the Open Meetings Act 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 requires the Music Commission to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the **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 seventy-two (72) hours prior to the meeting from Katherine Bruell, Music Commission Administrator Tel: (505) 487-0519; Email: katherine.bruell@dca.nm.gov The agenda will also be posted on the Music Commission website at nmmusic.org, the New Mexico Arts website at nmararts.org, and the Department of Cultural Affairs website at nmculture.org.
- (2) **Special Meetings:** Special meetings may be called by the Chair or by a majority of the members upon notice 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 Commission Administrator and will be posted on the Commission's website as described in Paragraph 1 above.
- (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 Commission from substantial financial loss. The Commission will avoid emergency meetings whenever possible. Notice shall be given at least twenty-four (24) hours in advance of any emergency meeting. Within ten (10) days of taking action on an emergency matter, the 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) **Remote Participation:** When it is difficult or impossible for a Commission member to attend a Commission meeting in person, the Commission member may participate by means of a conference telephone or similar communications equipment as authorized by section 10-15-1(C).
- (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 of a meeting, and information on how to obtain an agenda, is posted on the Music Commission website at nmmusic.org, the New Mexico Arts website at nmarts.org, and the Department of Cultural Affairs website at nmculture.org. The Commission'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 posting the date, time, and place of the meeting on the Music Commission website at nmmusic.org, the New Mexico Arts website at nmarts.org, and the Department of Cultural Affairs website at nmculture.org. 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 Commission Administrator at (505) 487-0519 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 Commission Administrator at 505 487-0519 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 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 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 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 Commission in an open public meeting.

Adopted by the **New Mexico Music Commission** this 11th day of July 2023.

Signed: 

Carlos Medina
Chair
New Mexico Music Commission

07-31-2023

Date