

# NEW MEXICO PUBLIC REGULATION COMMISSION

## A RESOLUTION

01-25-24

### *A RESOLUTION ADOPTING AN ANNUAL OPEN MEETINGS POLICY FOR 2024*

**WHEREAS, THE NEW MEXICO PUBLIC REGULATION COMMISSION** (“the Commission”) met in regular session at the 2<sup>nd</sup> floor hearing room of the Bokum Building, which is located at 142 W Palace Ave., Santa Fe, NM 87501 on January 25, 2024 at 10 a.m., as required by law; and

**WHEREAS**, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 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, council, commission, administrative adjudicatory body or other policymaking body of any state or local public 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 Commission, being subject to the Act, to determine annually what constitutes reasonable notice of its public meetings;

**NOW, THEREFORE, BE IT RESOLVED by the NEW MEXICO PUBLIC REGULATION COMMISSION** that:

1. All meetings shall be held at the 2<sup>nd</sup> floor hearing room of the Bokum Building, which is located at 142 W Palace Ave., Santa Fe, NM 87501 at 10:00 a.m. or as indicated in the meeting notice. Any person who wishes to attend any open meeting of the Commission which has not been closed pursuant to NMSA 1978, Sections 10-15-1(H) or this Open Meetings Policy shall be allowed to attend and listen to the discussions, proceedings and deliberations when the meeting is held in person. If a meeting is held remotely via virtual communications platform, a webcast of the meeting will be available to the general public. Information on obtaining access to the webcast will be published on the Commission’s website; any person who wishes to provide public comment may do so via Zoom, or by

telephone. Individuals wishing to comment must sign up to do so by emailing [public.comment@prc.nm.gov](mailto:public.comment@prc.nm.gov) or calling (505) 490-7910 by 5pm the day before the meeting. Any party to a proceeding that is identified on the agenda for a Commission meeting can also attend the meeting telephonically or via virtual communications platform by emailing a request to the Commission's Office of Director of Administrative Services at (505) 827-8019 by no later than 3:00 p.m. on the day before the meeting.

2. Unless otherwise specified, regular meetings shall be held bi-weekly at 10 a.m. on Thursdays beginning January 11, 2024. The agenda will be available at least seventy-two (72) hours prior to the meeting conspicuously posted at the front door of the Bokum Building, which is located at 142 W Palace Ave., Santa Fe, NM 87501, or the location where the meeting will be held (when possible) and on the Commission's web site, <https://www.prc.nm.gov/>.
3. Open special meetings outside of the biweekly meetings regular schedule may be called by a majority of the Commission upon three days' (72 hour) notice. The notice for a special open meeting shall include an agenda for the meeting or information on how a copy of the agenda may be obtained. The agenda will be available at least seventy- two (72) hours before the meeting and posted on the Commission website at <https://www.prc.nm.gov/>.
4. 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 public body from substantial financial loss. Emergency meetings will be avoided whenever possible but may be called by a Commissioner with twenty-four (24) hours prior notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of acting on any emergency matter, the Attorney General's Office will be notified of the actions taken and the circumstances creating the emergency, unless a declaration of a state or national emergency caused the emergency meeting.
5. Notice requirements are met for all meeting types when notice of the date, time, place and agenda of the meeting is posted at the front door of the Bokum Building, located at 142 W Palace Ave., Santa Fe, NM 87501, or the location where the meeting will be held (when possible) and on the Commission's web site, <https://www.prc.nm.gov/>. Notice also will be given to those broadcast stations licensed by the Federal Communications Commission, newspapers of general circulation and any persons that have made a written request for notice of public meetings.
6. 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, or for a summary or other type of accessible format of public documents, please contact the Office of Director of Administrative Services of the Commission at (505) 827-8019.
7. Closed Meetings:

- a. The Commission may conduct closed meetings as needed to discuss matters specifically excepted from the Open Meetings Act.
  - i. 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 closed meeting 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 the closed meeting.
  - ii. If a closed meeting is conducted when the Commission is not in an open meeting, any Commissioner may call for the closed meeting, and the closed meeting will 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.
- b. 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.
- c. Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Commission in an open public meeting.

**ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 25th  
day of January, 2024.**

**NEW MEXICO PUBLIC REGULATION COMMISSION**

*/s/ Gabriel Aguilera, electronically signed*  
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**GABRIEL AGUILERA, COMMISSIONER**

*/s/ James F. Ellison, Jr., electronically signed*  
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**JAMES F. ELLISON, JR., COMMISSIONER**

*/s/ Patrick J. O'Connell, electronically signed*  
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**PATRICK J. O'CONNELL, COMMISSIONER**

