BEFORE THE OCCUPATIONAL HEALTH AND SAFETY REVIEW COMMISSION
FOR THE STATE OF NEW MEXICO

ANNUAL OPEN MEETINGS ACT RESOLUTION

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (hereinafter “OMA”), NMSA 1978, Sections 10-15-1 to -4 (1974, as amended through 2013), states that, except as may otherwise be provided by law, “[a]ll meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times”; and

WHEREAS, a public body subject to the Open Meetings Act may hold a meeting to discuss, formulate, or act on public business only after providing reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires all public bodies to determine annually what constitutes reasonable notice for their public meetings; and

WHEREAS, the New Mexico Occupational Health and Safety Review Commission (the “Commission”) met in an open meeting on Wednesday, June 2, 2021, at 10:00 a.m., to discuss and determine “what notice for a public meeting is reasonable,” Section 10-15-1(D), given its unique mission, character, and circumstances;

NOW, THEREFORE, BE IT RESOLVED BY THE NEW MEXICO OCCUPATIONAL HEALTH AND SAFETY REVIEW COMMISSION:

1. All meetings of the Commission shall be held as indicated in the notice provided to the public for that meeting;

2. Notice of regular meetings shall be given at least ten (10) days in advance of the meeting date. Notice of regular meetings shall be, at a minimum, posted physically at the Harold Runnels Building, 1190 St. Francis Drive, S-2103, Santa Fe, New Mexico 87502, as well as posted on the Commission’s website, currently located at https://www.env.nm.gov/general/occupational-health-and-safety-review-commission/. In addition, notice of regular meetings shall be transmitted (through mail or e-mail) to any broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice. As required by Section 10-15-1(F), the notice for any regular meeting shall include the date, time and place of the meeting, as well as either a copy of the agenda or information as to how interested members of the public may obtain a copy of the agenda.
3. Special meetings may be called by the Commission Chair or by a majority of the Commissioners upon at least three (3) day notice. Notice of special meetings shall be, at a minimum, posted physically at the Harold Runnels Building, 1190 St. Francis Drive, S-2103, Santa Fe, New Mexico 87502, as well as posted on the Commission’s website, currently located at https://www.env.nm.gov/general/occupational-health-and-safety-review-commission/. In addition, notice of special meetings shall be transmitted (through mail or e-mail) to any broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice. As required by Section 10-15-1(F), the notice for any special meeting shall include the date, time and place of the meeting, as well as either a copy of the agenda or information as to how a copy of the agenda may be obtained.

4. At least seventy-two (72) hours before any regular or special meeting, the agenda shall be posted in a prominent physical location and available at the Harold Runnels Building, 1190 St. Francis Drive, S-2103, Santa Fe, New Mexico 87502. In addition, the agenda will also be posted on the Commission’s website, currently located at https://www.env.nm.gov/general/occupational-health-and-safety-review-commission/.

5. As permitted and limited by Section 10-15-1(F), the Commission shall hold emergency meetings only due to “unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss” to the Commission. The Commission will avoid emergency meetings whenever possible. Emergency meetings may be called by the Commission Chair or by a majority of the Commissioners upon at least twenty-four (24) hour notice, unless the threat of personal injury, property damage, or substantial financial loss to the Commission requires less notice. As required by Section 10-15-1(F), the notice for any special meeting shall include either a copy of the agenda or information as to how a copy of the agenda may be obtained. Within ten days of holding any emergency meeting or taking action upon any emergency matter, the Commission will notify the New Mexico Office of the Attorney General.

6. As permitted by Section 10-15-1(C), a Commissioner may attend a meeting by means of a conference telephone or similar communications equipment only when it is difficult or impossible for that Commissioner to attend in person, provided that any Commissioner attending by means of conference telephone or similar communications equipment must attest in open session during the meeting that his or her in-person attendance was difficult or impossible.

7. In accordance with the provisions of the Americans With Disabilities Act, and in order to accomplish the Commission’s mission of providing the public with access to the greatest possible information as to its affairs, all notices – for regular, special, and emergency meetings – 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 a meeting or participate in a hearing, please contact
the Commission Administrator at (505) 841-8627 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 if a summary or other type of accessible format is needed.

8. The Commission may close a meeting or hold an entirely closed meeting only where the subject matter to be discussed is specifically exempt from OMA pursuant to Section 10-15-1(H).

   a. Prior to any closed session taking place during an otherwise-open meeting, closure shall only be permitted upon a majority vote of a quorum taken during open session. The motion to close the meeting must state both the authority for the closed session and the topics to be discussed during the closed session with reasonable specificity. The Commission shall take a roll call vote and the individual vote of each Commissioner shall be recorded in the minutes. While in closed session, only those subjects specified in the motion to close may be discussed. The minutes of the meeting shall reflect whether the matters discussed in the closed meeting were limited only to those specified in the motion to close.

   b. The Commission may hold a closed meeting, separate from an open meeting, provided that appropriate and timely notice is provided to the public, consistent with the OMA requirements for regular, special or emergency meetings provided herein. The notice must state the specific provision of law authorizing the closed meeting and, additionally, the subjects to be discussed during the closed meeting with reasonable specificity. The minutes of the next open meeting shall reflect whether the matters discussed in the closed meeting were limited only to those specified in the motion to close.

9. Meetings Held During Times of State Emergencies: In the event that the Governor declares a state of emergency due to the spread of an infectious disease, due to the spread of chemical, biological, or radiological hazards, or due to some other comparable disaster or emergency, the Commission of Public Records may hold a meeting designed to preserve the health and safety of the public while also adhering to the purposes of the Open Meetings Act. This shall consist, where possible, of the Commissioners appearing telephonically or by video webcast, with the public able to observe the proceedings at both a physical location and a video webcast or telephonic location. However, where such arrangements are not possible due to public health or safety concerns, and if determined necessary by the Chair, the Commission may hold an entirely video and/or telephonic meeting, subject to all of the following conditions and limitations:

   a. Each Commissioner participating in the meeting must be identified when speaking, all participants must be able to hear each other at the same time, and the public must be able to hear any member who speaks during the meeting.
b. Both the notice and the agenda of any video webcast or telephonic meeting shall provide information to the public on how the meeting may be accessed remotely, either through the video webcast, telephone, or similar technology.

c. At any video webcast or telephonic meeting, all votes shall be cast through a roll-call vote. The Chair shall suspend all discussion in the event that the audio is interrupted or becomes unintelligible.

d. Following the conclusion of a state of emergency as declared by the Governor, the Commission may, in the interests of public health and safety, and if determined necessary by the Chair, place reasonable limits on in-person attendance at meetings. The Commission shall enable public access to any meeting at which such limitations are imposed through telephonic or video webcast means. The Commission shall, in both the notice and the agenda of such a meeting, provide the public with information as to any in-person limitations as well as information on how the meeting may be accessed remotely. The Commission shall also make and process an audio recording of such a meeting in the same manner as required by subsection (e).

This Resolution is hereby ADOPTED by the New Mexico Occupational Health and Safety Review Commission, this 2nd day of June, 2021.

/s/ Brock Carter, Ranking Member
Occupational Health and Safety Review Commission

6/2/2021
Date

Electronic signature authorized via email authorization dated 6/xx/2021