



POLICY NAME	Resolution Adopting Notice Procedures Pursuant to the New Mexico Open Meetings Act	POLICY NO.	BOR109
APPROVING BODY	Board of Regents	VERSION NO.	01
RESPONSIBLE DEPARTMENT	Office of the President		
EFFECTIVE DATE	29-APR-2024	REVIEW/REVISION DATE	29-APR-2024

PURPOSE:

WHEREAS, the Board of Regents of Western New Mexico University (the “Board”) met in regular session from the Western New Mexico University (“WNMU”) campus on April 29, 2024 at 9:30 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 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, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, including the development of personnel policy, rules or regulations, 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 Board to determine annually what constitutes reasonable notice of its public meetings; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF WESTERN NEW MEXICO UNIVERSITY:

POLICY:

A. Time and Place of Meetings

1. All meetings shall be held as indicated in the meeting notice, unless the meeting is changed pursuant to the provisions of the Open Meetings Act.

B. Notice to the Public Concerning Meetings

2. Regular Meetings - Unless otherwise specified, regular meetings shall be held each quarter at a WNMU campus, one in January, February or March; one in April, May, or June; one in July, August or September; and one in October, November or December. The notice of regular meetings shall be given five (5) calendar days in advance of the meeting date by the Office of the President. The notice of regular meetings shall specify the date, time and place of the meeting and shall provide information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public, and posted on the University's website at least seventy-two (72) hours before any regular meeting.
3. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if the notice is placed in a newspaper of general circulation in Grant County, posted in the administration building (Castorena Administration Building), furnished to any person requesting such notice and published on the University's website. Copies of the written notice shall also be provided 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.
4. Special Meetings - Special meetings may be called by the Chair or a majority of the members of the Board upon three (3) calendar days notice. The notice shall include the date, time, and place of the special meeting and shall provide information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public, and posted on the University's website, at least seventy-two (72) hours before any special meeting.
5. For the purposes of special meetings described in paragraph 4 of this resolution, notice requirements are met if the notice of the date, time and place of the special meeting is provided by telephone to a newspaper of general circulation in Grant County, posted on the bulletin board located in the administration building (Castorena Administration Building), furnished to any person requesting such notice, and published on the University's website. Telephone notice shall also be given 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. Emergency Meetings - Emergency meetings may be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Board shall avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairperson or a majority of the members of the Board upon twenty-four (24) hours notice, unless threat of personal injury or property damage requires less

notice. The notice for all emergency meetings shall include the date, time, place, and agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of taking action on an emergency matter, the Board shall report to the state Attorney General's office the action taken and the circumstances creating the emergency; however, the requirement to report to the Attorney General is waived upon declaration of a state or national emergency.

7. For the purposes of emergency meetings described in paragraph 6 of this resolution, notice requirements are met if notice of the date, time, place and agenda of the emergency meeting is provided by telephone to a newspaper of general circulation in Grant County and posted on the bulletin board located in the administration building (Castorena Administration Building) and posted on the University's website. Telephone notice shall also be given 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.

8. 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 Office of the President at 1000 W. College Avenue, Silver City, New Mexico, 575-538-6238, 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 Office of the President at 1000 W. College Avenue, Silver City, New Mexico, 575-538-6238, if a summary or other type of accessible format is needed.

9. The Chair or a majority of a quorum of the 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 Board 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.

- B. If the decision to hold a closed meeting is made when the 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. This statement shall be approved by the public body under Section 10-15-1(G) as a part of the minutes.
- D. Where required by 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 Board in an open public meeting.

10. Telephonic, Virtual or Video Conference Participation in Board Meetings by Regents

One or more Regents may participate in any meeting, including regular, special or emergency meetings, by means of a conference telephone, virtual, video conference or other similar communications equipment when it is otherwise difficult or impossible for the Regent(s) to attend the meeting in person, provided each Regent participating by conference telephone, virtual, video conference or similar communications equipment can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any Regent who speaks during the meeting.

- 11. The Board will review and determine, at least annually, what notice for a public meeting is reasonable.