

This rule was filed as 2 NMAC 60.13.

**TITLE 2 PUBLIC FINANCE**  
**CHAPTER 60 INVESTMENT AND DEPOSIT OF PUBLIC FUNDS**  
**PART 13 OPEN MEETINGS RESOLUTION**

**2.60.13.1 ISSUING AGENCY:** State Investment Council, 2055 South Pacheco Street, Suite 100 Santa Fe, New Mexico 87505.  
[08-27-90...06-29-96; 09-30-99; Recompiled 10/01/01]

**2.60.13.2 SCOPE:** General public, all state agencies.  
[06-29-96, A, 09-30-99; Recompiled 10/01/01]

**2.60.13.3 STATUTORY AUTHORITY:** Section 10-15-1 (B) of the Open Meetings Act (Sections 10-15-1 through 10-15-4 NMSA 1978) 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, or other policy-making body of any state agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action with in the authority of or the delegated authority of such a body, are declared to be public meetings open to the public at all times.  
[08-31-84...06-29-96; A, 09-30-99; Recompiled 10/01/01]

**2.60.13.4 DURATION:** Permanent.  
[08/31/84...06/29/96; Recompiled 10/01/01]

**2.60.13.5 EFFECTIVE DATE:** July 29, 1996, unless a later date is specified at the end of a section or paragraph.  
[06-29-96, A, 09-30-99; Recompiled 10/01/01]  
[Compiler's note: The words *or paragraph*, above, are no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

**2.60.13.6 OBJECTIVE:** 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.  
[06-29-96, A, 09-30-99; Recompiled 10/01/01]

**2.60.13.7 DEFINITIONS:** [RESERVED]

**2.60.13.8 MEETINGS:** Whereas, Section 10-15-1 (D) of the Open Meetings Act requires the New Mexico state investment council to determine annually what constitutes reasonable notice of its public meetings. Now, therefore, be it resolved by the New Mexico state investment council that:

A. Notice to the public of all regular meetings will be given at least ten (10) calendar days in advance of the meeting date. The notice shall include information on how 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 the regular meeting from the state investment office, whose office is located at 2055 South Pacheco Street, Suite 100, in Santa Fe, New Mexico.

B. Meetings of the board may be recessed and continued to a subsequent day if the board specifies the date, time and place for continuation of the meeting and posts a notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held and in at least one other location appropriate to provide public notice of the continuation of the meeting.

C. Special meetings may be called by the chair or a majority of the members of the council upon three (3) days notice. The notice for all special meetings shall include the agenda or information on how the public may obtain a copy of the agenda. The agenda shall be available to the public at least twenty-four (24) hours before the special meeting.

D. Emergency meetings will be called only under unforeseen circumstances, which demand immediate action to protect the health, safety or property of citizens or to protect the public body from substantial financial loss. The council will avoid emergency meetings whenever possible. Emergency meetings may be called

by the chair or a majority of the members upon twenty-four (24) hours notice, unless threat of personal injury, substantial financial loss, property damage requires less notice. Notice shall include an agenda or information on how the public may obtain a copy of the agenda.

E. For the purposes of regular meetings described in 8.1 [now Subsection A of 2.60.13.8 NMAC] of this resolution, notice requirements to the public are met if notice of the date, time, place and general subject matter is placed in a newspaper of general circulation in the state. The New Mexico state investment council shall also disseminate copies of the written notice to those broadcast stations and newspapers, which have made written requests for notice of public meetings.

F. For the purposes of special and emergency meetings described in paragraphs 6.3 and 6.4 [now Subsections C and D of 2.60.13.8 NMAC] of this resolution, notice requirements shall be met if notice of the date, time place and general subject matter to be discussed at the meeting is provided by telephone to newspapers of general circulation in the state and posted at the state investment office, whose office is located at 2055 South Pacheco Street in Santa Fe, New Mexico. Telephone notice also shall be given to those broadcast stations licensed by federal communications commission and newspapers of general circulation that have made a written request for notice of public meetings.

G. Further, all notices, shall include language to the following effect: Individuals with disabilities in need of a reader, amplifier, sign language interpreter, or other form of auxiliary aid or service to attend or participate in the meeting, please contact the state investment office at 424-2500 at least one week prior to the meeting, or as soon thereafter as possible. Individuals with disabilities who need documents such as agendas or minutes, in an accessible format also should contact the state investment office at 424-2500.

H. If it is otherwise difficult or impossible for a member of the New Mexico state investment council to attend a regular, emergency or special meeting in person and if necessary to achieve a quorum at such a meeting, member (s) may participate in a meeting by means of a conference telephone or other similar communications equipment, provided that each member participating by conference telephone 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 member who speaks during the meeting.

I. The New Mexico state investment council 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.

(1) Closure shall be approved by a majority vote of a quorum of the New Mexico state investment council 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.

(2) Made [sic] when the New Mexico state investment council is not in an open meeting, the closed meeting shall not be held until public notice, in accordance with this resolution is given, stating the specific provision of law authorizing the closed meeting and reasonably specifying the subjects to be discussed.

(3) Following completion of any closed meeting or closed portion of a meeting, the minutes shall state whether the matters discussed in the closed meeting were limited to those specified in the motion for closure or the notice of the meeting.

(4) 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 New Mexico state investment council in an open public meeting.

[3-31-88...6-29-96;9-30-99;Recompiled 10/01/01]

[Subsection F of 2.60.13.8 NMAC contains a reference to *paragraphs 6.3 and 6.4* that is inaccurate and its origin is unknown. The reader is referred to material in a subsequent subsection that contains material mentioned.]

**2.60.13.9** [RESERVED]

[3/31/88...06/29/96, 09-30-99; Recompiled 10/01/01]

**2.60.13.10** [RESERVED]

[3/31/88...06/29/96, 09-30-99; Recompiled 10/01/01]

**2.60.13.11** [RESERVED]

[3/31/88...06/29/96, 09-30-99; Recompiled 10/01/01]

### **HISTORY OF 2.60.13 NMAC**

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives under:

- Directive 84-1, Open Meetings Resolution, filed 8-31-84.
- Directive 85-1, Open Meetings Resolution, filed 9-5-85.
- Directive 87-1, Open Meetings Resolution, filed 5-14-87.
- Directive 88-1, Open Meetings Resolutions, filed 3-31-88.
- Directive 89-1, Open Meetings Resolution, filed 4-3-89.
- Directive 90-1, Open Meetings Resolution, filed 8-27-90.
- SIC Rule 92-1, Open meetings Resolution, filed 1-27-92.
- SIC Rule 93-1, Open Meetings Resolution, filed 3-29-93.
- SIC Rule 94-1, Open Meetings Resolution, filed 2-18-94.
- SIC Rule 95-1, Open Meetings Resolution, filed 1-27-95.

History of Repealed Material: [RESERVED]