

This rule was filed as 9 NMAC 4.1.

TITLE 9 HUMAN RIGHTS
CHAPTER 4 PERSONS WITH DISABILITIES
PART 1 GENERAL PROVISIONS FOR THE BLIND

9.4.1.1 ISSUING AGENCY: New Mexico Commission for the Blind.
[3/30/96; Recompiled 10/01/01]

9.4.1.2 SCOPE: Commissioners and consumers of the commission for the blind.
[3/30/96; Recompiled 10/01/01]

9.4.1.3 STATUTORY AUTHORITY: Sections 28-7-15 to 28-7-23 NMSA 1978 create the commission for the blind.
[3/30/96; Recompiled 10/01/01]

9.4.1.4 DURATION: Permanent.
[3/30/96; Recompiled 10/01/01]

9.4.1.5 EFFECTIVE DATE: March 30, 1996 [unless a later date is cited at the end of a section]
[3/30/96; Recompiled 10/01/01]

9.4.1.6 OBJECTIVE: These bylaws and rules of procedure are promulgated and adopted in accordance with the power and authority of the New Mexico commission for the blind. These bylaws and rules of procedure will serve the public, employees and the commission as a guide to the operations and policies of the New Mexico commission for the blind and accommodate the carrying out of the intent of the legislature which created the commission.
[3/20/96; Recompiled 10/01/01]

9.4.1.7 DEFINITIONS: [RESERVED]
[3/30/96; Recompiled 10/01/01]

9.4.1.8 THE COMMISSION:

- A. The name of the commission shall be the New Mexico commission for the blind. For the purpose of brevity in the succeeding rules, this organization shall be subsequently referred to as the "commission".
- B. The headquarters of the commission shall be at Santa Fe, New Mexico.
- C. The fiscal year of the commission shall end on June 30.
- D. The commission shall provide advice and/or recommendations regarding all policies, rules and regulations to effectuate the declaration of the legislature as set forth in the statute creating the commission. Daily supervision and administrative determination will be made solely by the director in accordance with the specific delegation of authority granted to the director by the governor and the enabling legislation.
[3/30/96; Recompiled 10/01/01]

9.4.1.9 MEMBERS OF THE COMMISSION:

- A. Members of the commission are those appointed by the governor with the advice and consent of the senate.
- B. All members of the commission shall receive per diem and mileage at the rate specified in the Per Diem and Mileage Act (Subsection A of Section 10-8-5 and Subsection E of Section 9-6-5 NMSA 1978) for all travel connected with commission meetings and other authorized commission business.
- C. Facilities of the office of the administrative staff, including the telephones and secretarial services, may be utilized by the commission members and staff for the official business of the commission.
- D. The members of the commission shall provide advice and recommendations regarding objectives, policies and priorities, and applications for grants.
- E. The chairman may, with majority approval of the commission, request that the governor remove a member for chronic absenteeism, or other suitable reason, and appoint another one in his/her place.

F. The commission members are required to file a financial disclosure statement which must be kept current at all times.
[3/30/96; Recompiled 10/01/01]

9.4.1.10 MEETINGS OF THE COMMISSION:

A. Regular meetings of the commission will be held quarterly with the time and place established at each previous meeting. Alterations in dates of meetings may be made by unanimous agreement of commission members. Notice of all meetings shall be made in accordance with an open meetings resolution to be adopted by majority vote of the commission.

B. Special meetings may be called by any two members of the commission so long as three days notice is given to all members and the press.

C. Emergency meetings may be called by the chairman so long as notice is given to all members and the press at least twenty-four hours in advance.

[3/30/96; Recompiled 10/01/01]

9.4.1.11 ORGANIZATION OF THE COMMISSION: At the first meeting of the fiscal year, the commission as a whole shall organize by the nomination, election and installation of a chairman.

[3/30/96; Recompiled 10/01/01]

9.4.1.12 DUTIES OF THE CHAIRMAN: The chairman shall preside at all meetings and perform all other duties ordinarily pertaining to the office of the chairman.

[3/30/96; Recompiled 10/01/01]

9.4.1.13 MEETING PROCEDURES:

A. All members of the New Mexico commission for the blind shall have voting rights in all matters, provided they are in attendance when the vote is taken.

B. The agenda for the commission meetings shall be prepared by the director and the chairman, and be distributed by the director. Any commissioner desiring to place an item on the agenda should inform the chairman or director three weeks in advance of the meeting.

C. The order of business at any meeting of the commission shall be:

- (1) roll call;
- (2) approval of the agenda;
- (3) approval of the minutes of past meetings;
- (4) election of officers and installation of same at annual meeting;
- (5) unfinished business;
- (6) chairman's report;
- (7) director's report;
- (8) new business;
- (9) non-action items;
- (10) observer question and answer period; and
- (11) date and place of next meeting.

D. Persons outside the commission or staff wishing to have the commission consider specific questions or to take up specific matters shall make written request to the director or chairman to have such subjects placed on the agenda. Such requests are to be made to the director or chairman at least two calendar weeks preceding any meeting. The director will notify those who make such requests as to the time of their appearance. The time allotted for the agenda item will be at the discretion of the chairman.

E. Commission meetings will be conducted in accordance with *Robert's Rules of Order Newly Revised* if not in conflict with commission bylaws or state statutes.

[3/30/96; Recompiled 10/01/01]

9.4.1.14 THE DIRECTOR:

A. The director shall be the supervisory administrative officer of the New Mexico commission for the blind. Such position shall be an exempt position under the rules of the personnel department of the state of New Mexico and shall be filled by appointment as defined in the enabling legislation. Such individual shall carry out policies of the commission and shall be solely responsible for supervision of the administrative details of the

commission office. Such individual shall be professionally qualified and shall be paid a salary commensurate with his or her experience, an amount to be determined by the appropriate agency of the state of New Mexico in compliance with applicable rules of the state of New Mexico.

B. Duties:

(1) Supervise and administer all technical, administrative, and clerical matters relating to commission business, except those matters which require specific approval by the board.

(2) Conduct and care for all correspondence in the name of the commission. Prepare and mail to members, agendas of meetings and minutes of the preceding meeting, two calendar weeks before the next meeting.

(3) Set, with the advice and/or recommendation of the commission, rules and procedures necessary for the implementation of the act.

(4) Devise and implement such office procedures and policies as may be necessary for good management and administration in accordance with the policies of the governor and the State Personnel Act.

(5) Be responsible for the financial administration of the commission within the budget parameters determined by the legislature and prepare the commission's annual report.

(6) Maintain all financial accounts as required by the state of New Mexico. Sign certificates, vouchers, payroll and grants for the commission.

(7) Establish the manpower needs of the commission. Select, train, orient, supervise and evaluate staff.

(8) The director shall promptly report to the commission chairman all changes that will have a significant impact on the budget, and shall be prepared to discuss such items with the commission to obtain its recommendations related thereto.

(9) Prepare the budget for the operation of the commission. The director shall determine the requirements necessary and essential to carry out the objectives to be attained during the budgetary period. Guidance from the commission shall be obtained before and during this preparation. Prior to submitting the budget formally to the department of finance and administration or to the legislative finance committee, such budget shall have been reviewed by the commission. Any budget request amendment by the department of finance and administration, the legislative finance committee, or the legislature shall be communicated to the commission by the director, accompanied by an analysis of the significant impact of the changes. This should be done at the next meeting of the commission following the change.

(10) All actions of the director affecting matters of administration of the act shall be in strict compliance with the act and in accordance with the by-laws of the commission and the administrative procedures set forth in the laws of New Mexico.

[3/30/96; Recompiled 10/01/01]

9.4.1.15 QUORUM: A quorum shall consist of a majority of the duly qualified commission members. If a majority of the quorum takes action, this shall be construed to be a majority of the commission.

[3/30/96; Recompiled 10/01/01]

9.4.1.16 Approved this 6th day of March, 1996. Manuel Gonzales, Chairman

[3/30/96; Recompiled 10/01/01]

HISTORY OF 9.4.1 NMAC: [RESERVED]