

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 15 OFF-HIGHWAY MOTOR VEHICLE SAFETY
PART 2 OFF-HIGHWAY MOTOR VEHICLE ADVISORY BOARD OPEN MEETINGS

18.15.2.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[18.15.2.1 NMAC - Rp, 18.15.2.1 NMAC, 10-14-2016]

18.15.2.2 SCOPE: Persons interested in and affected by actions of the off-highway motor vehicle advisory board and the department of game and fish.
[18.15.2.2 NMAC - Rp, 18.15.2.2 NMAC, 10-14-2016]

18.15.2.3 STATUTORY AUTHORITY: Sections 10-15-1 to 4 NMSA 1978, (as amended through 2012, "Open Meetings Act") and Section 66-3-1018 NMSA 1978, that provide the New Mexico department of game and fish director with the authority to establish rules that it may deem necessary to carry out the purpose of Off-Highway Motor Vehicle Act, Sections 66-3-1001 to 21 NMSA 1978 and all other acts pertaining to off-highway motor vehicles. Section 66-3-1017 NMSA 1978 provides that the "off-highway motor vehicle advisory board is created to advise the department on matters related to administration of the Off-Highway Motor Vehicle Act.
[18.15.2.3 NMAC - Rp, 18.15.2.3 NMAC, 10-14-2016]

18.15.2.4 DURATION: Permanent.
[18.15.2.4 NMAC - Rp, 18.15.2.4 NMAC, 10-14-2016]

18.15.2.5 EFFECTIVE DATE: October 14, 2016, unless a later date is cited at the end of a section.
[18.15.2.5 NMAC - Rp, 18.15.2.5 NMAC, 10-14-2016]

18.15.2.6 OBJECTIVE: To establish rules pursuant to the "Open Meetings Act," determining what constitutes reasonable notice of off-highway motor vehicle advisory board public meetings.
[18.15.2.6 NMAC - Rp, 18.15.2.6 NMAC, 10-14-2016]

18.15.2.7 DEFINITIONS:

- A. "Department"** shall mean the New Mexico department of game and fish.
- B. "Board"** means the off-highway motor vehicle advisory board.
- C. "Department's public website"** means: www.wildlife.state.nm.us.
- D. "Emergency meeting"** is a meeting called to address unforeseen circumstances that, if not addressed immediately by the board, will likely result in injury or damage to persons or property, or substantial financial loss to the trail safety fund or the department.
- E. "Publish"** shall mean to publish via paid legal advertisement in a newspaper of general circulation.

[18.15.2.7 NMAC - Rp, 18.15.2.7 NMAC, 10-14-2016]

18.15.2.8 OPEN MEETINGS:

A. Reasonable notice: Reasonable notice shall be given, as hereinafter provided, of all meetings of a quorum of the off-highway motor vehicle advisory board held for the purpose of discussing or making recommendations to the director of the department for consideration regarding the Off-Highway Motor Vehicle Act, sections 66-3-1001 to 21 NMSA 1978.

(1) Ten day notice for regular meetings: At least 10 days in advance of each regularly scheduled meeting, notice will be posted on the department's public website and social media sites and in addition will be sent to newspapers, radio stations, wire services, and television stations in the state that have provided a written request for the notice of meetings per Section 10-15-1(D) NMSA 1978. These notices shall contain the date, time, and place of the meeting and information on how a copy of the agenda can be obtained.

(2) Three day notice for special meetings: At least three days in advance of each special meeting, notice will be posted on the department's public website and social media sites and given by telephone to newspapers, radio stations, wire services and television stations in the state that have provided a written request for the notice of meetings per Section 10-15-1(D) NMSA 1978. These notices shall contain the date, time, and place of the meeting and information on how a copy of the agenda can be obtained.

(3) Twenty-four hour notice for emergency meetings: Notwithstanding any other provisions of this rule, the chairman of the off-highway motor vehicle board may call an emergency meeting to consider any unforeseen urgent matter that demands immediate board action. Notice of an emergency meeting shall be posted on the department's public website and social media sites at least 24 hours in advance unless threat of personal injury or property damage requires less notice, and shall be given by telephone to the associated press and, if time permits, via news release faxed or hand delivered to at least one daily newspaper of general circulation in the state.

(4) Telephone participation: Board members may choose to participate in properly noticed meetings of the board by telephone or other similar communications equipment, but only when attendance in person is difficult or impossible. Each board member participating by telephone or other similar equipment must be identified when speaking. All board members must be able to hear each other at the same time and hear any speaker, and members of the public attending the meeting must be able to hear any board member.

B. Correspondence with interested parties: Prior to each regularly scheduled meeting, correspondence announcing the date, time, and place of the meeting and information on how a copy of the agenda may be obtained shall be sent to agencies, organizations, groups, or individuals who have requested such notice.

C. Agenda availability and changes:

(1) Agenda availability: Except for emergency meetings, the agenda for a regular or special meeting will be made available to the public by posting on the department's public website and social media sites and from the office of the director, New Mexico department of game and fish, one wildlife way, Santa Fe, New Mexico 87507 at least 72 hours in advance of each meeting

(2) The proposed agenda for any meeting is subject to change as deemed necessary by the chairman of the off-highway vehicle board. However, such changes may not be made less than 72 hours in advance of any meeting and the final agenda, incorporating any such changes, will be made available to the public at least 72 hours in advance of the meeting from the office of the director.

[18.15.2.8 NMAC - Rp, 18.15.2.8 NMAC, 10-14-2016]

HISTORY OF 18.15.2 NMAC:

History of Repealed Material:

18.15.2 NMAC, Off-Highway Motor Vehicle Advisory Board Open Meetings, repealed effective 10-14-2016.