

COMMISSION MEETING AGENDA BRIEFING

Meeting Date: January 15, 2015

Agenda Number: 9

Presenter: Dan Brooks

Corroborator:

Agenda Title: Final Proposal to Amend the Commission's Open Meeting Procedures

1. Summary of Agenda Item

The Department will propose final amendments to the Game and Fish Open Meetings rule for the State Game Commission's consideration on notice announcements for public meetings. The Department is proposing to make its web and social media sites as the primary source of meeting announcements. However, the rule proposal still provides for newspapers, radio stations, wire service and television stations to announce the Commission meetings.

2. Background Information

The Open Meetings Act (10-15-1 D NMSA) requires the State Game Commission to determine, at least annually, in a public meeting, what is deemed reasonable public notice for Commission meetings.

3. Strategic Plan References and Possible Impacts of Agenda Item

This is not applicable to the State Game Commission as the strategic plan is referring the Department's strategic plan. However, the Open Meetings Act 10-15-1.D (NMSA 1978) provides the framework for this agenda item.

4. Considerations Regarding Duplications and/or Conflicts with Existing Rules or Statutes

There are no duplications or conflicts with this item.

5. Description and Summary of Public Involvement Process and Results

This item was first discussed at the November 13, 2014 Commission meeting. The Department will summarize any public comments received during its presentation to the Commission.

6. Suggested Motion

The Department respectfully suggests the following motion unless Commission discretion indicates a different course of action:

"Move to adopt the proposed amendments to 19.30.3 NMAC as presented by the Department to the Commission."

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 30 WILDLIFE ADMINISTRATION
PART 3 GAME AND FISH OPEN MEETINGS

19.30.3.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[8-15-95; 19.30.3.1 NMAC - Rn, 19 NMAC 30.3.1, 2-14-02]

19.30.3.2 SCOPE: Persons interested in and affected by actions of the state game commission and the department of game and fish.
[8-15-95; 19.30.3.2 NMAC - Rn, 19 NMAC 30.3.2, 2-14-02; A, 09-15-2014]

19.30.3.3 STATUTORY AUTHORITY: NMSA 1978, Sections 10-15-1 to 4 (as amended through 2012, "Open Meetings Act") and NMSA 1978, Sections 17-1-14 and 17-1-26 that provide the New Mexico state game commission with the authority to establish rules that it may deem necessary to carry out the purpose of Chapter 17, Article 1 and all other acts pertaining to protected species.
[12-17-75, 9-3-82, 1-27-84, 12-3-87, 3-5-91, 8-15-95; 19.30.3.3 NMAC - Rn, 19 NMAC 30.3.3, 2-14-02; A, 09-15-2014]

19.30.3.4 DURATION: Permanent.
[8-15-95; 19.30.3.4 NMAC - Rn, 19 NMAC 30.3.4, 2-14-02]

19.30.3.5 EFFECTIVE DATE: August 15, 1995, unless a different date is cited at the end of a section.
[8-15-95; 19.30.3.5 NMAC - Rn, 19 NMAC 30.3.5, 2-14-02]

19.30.3.6 OBJECTIVE: To establish rules pursuant to the "Open Meetings Act" determining what constitutes reasonable notice of state game commission public meetings.
[8-15-95; 19.30.3.6 NMAC - Rn, 19 NMAC 30.3.6, 2-14-02; A, 09-15-2014]

19.30.3.7 DEFINITIONS:

A. "Department" shall mean the New Mexico Department of Game and Fish.

~~**[A]B. "Emergency meeting"** is a meeting called to address unforeseen circumstances that, if not addressed immediately by the commission, will likely result in injury or damage to persons or property, or substantial financial loss to the commission.~~

~~**[B]C. "Publish"** shall mean to publish via paid legal advertisement in a newspaper of general circulation.~~

D. "Department's public website" means: www.wildlife.state.nm.us.

[8-15-95; 19.30.3.7 NMAC - Rn, 19 NMAC 30.3.7, 2-14-02; A, 09-15-2014; A, 02-13-2015]

19.30.3.8 OPEN MEETINGS:

A. Reasonable notice: Reasonable notice shall be given, as hereinafter provided, of all meetings of a quorum of the state game commission held for the purpose of discussing or adopting any proposed rule or resolution, or taking formal action. At its first meeting, each year, the commission will determine what is a reasonable notice for all meetings, as required by Section NMSA 1978, Section 10-15-1(D). At that meeting, the commission shall adopt a resolution either to continue or amend its existing practice, as stated below:

~~_____ (1) Annual meeting to determine reasonable notice: The annual meeting to determine what is a reasonable notice for meetings, as required by Section 10-15-1(D), shall be held at the first commission meeting each year. At that meeting, the commission shall adopt a resolution either to continue or amend its existing practice as contained herein.~~

~~_____ (2) Notice of each regularly scheduled meeting and meetings at which rule makings may occur: At least 10 days in advance of each regularly scheduled meeting, notice will be sent to the major newspapers, radio stations, wire services and television stations in the state. These notices shall contain the date, time, and place of the meeting and information on how a copy of the agenda may be obtained.]~~

(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 NMSA 1978, Section 10-15-1(D). These notices shall contain the date, time, and place of the meeting and information on how a copy of the agenda may be obtained.

~~[(3)](2) [Notice of each special meeting]~~Three day notice for special meeting: At least three days in advance of each special meeting, notice will be posted on the Department's public web and social media sites and given by telephone to [the major] newspapers, radio stations, wire services and television stations in the state that have provided a written request for the notice of meetings per NMSA 1978, §10-15-1.D. These notices shall provide the date, time, and place of the meeting and information on how a copy of the agenda may be obtained.

~~[(4)](3) [Notice of]~~24 hour notice for emergency meetings: Notwithstanding any other provision of this rule, the chairman of the state game commission may call an emergency meeting to consider any unforeseen and urgent matter that demands immediate commission action. Notice of an emergency meeting shall be posted on the Department's public web and social media sites [given] 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.

~~[(5)](4)~~ Telephone participation: Commissioners may choose to participate in properly noticed meetings of the state game commission by telephone or other similar communications equipment, but only when attendance in person is difficult or impossible. Each commissioner participating by telephone or other similar equipment must be identified when speaking, and all commissioners 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 commissioner.

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 web 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 state game commission. However, such changes may not be made less than ~~[24]~~72 hours in advance of any meeting, and the final agenda, incorporating any such changes, will be made available to the public at least ~~[24]~~72 hours in advance of the meeting from the office of the director.

[12-17-75, 9-3-82, 12-3-87, 3-5-91, 8-15-95, 3-15-99, 2-14-00; 19.30.3.8 NMAC - Rn & A, 19 NMAC 30.3.8, 2-14-02; A, 09-15-2014; A, 02-13-2015]]

HISTORY OF 19.30.3 NMAC

Pre-NMAC History:

DGF 74-11, Regulation No. 557, Reasonable Notice of Meetings of the State Game Commission, 11-5-74.
DGF 75-11, Regulation No. 572, Reasonable Notice of Meetings of the State Game Commission, 12-17-75.
Regulation No. 617, Reasonable Notice of Open Meetings and Regulation Hearings of the State Game Commission, 9-3-82.
Regulation No. 627, Reasonable Notice of Open Meetings of the State Game Commission, 2-13-84.
Regulation No. 656, Reasonable Notice of Open Meetings of the State Game Commission, 12-3-87.
Regulation No. 685, Reasonable Notice of Open Meetings of the State Game Commission, 3-5-91.

History of Repealed Material: [Reserved]