

NEW MEXICO LOTTERY AUTHORITY (NMLA)

OPEN MEETINGS RESOLUTION

WHEREAS, the New Mexico Lottery Authority (“NMLA”) met in a Budget Workshop and Regular Board meeting at 4511 Osuna Road NE, Albuquerque, NM 87109, on May 02, 2013 at 9:00 AM; and

WHEREAS, the NMLA’s Open Meetings policy is intended to follow the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 4) which requires at Section 10-15-1(B) that, 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, 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 further requires at Section 10-15-1(D) such policymaking body to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED:

1. **Regular meetings** shall be held no less often than once each calendar quarter. Notice of regular meetings will be given at least ten (10) days in advance of the meeting date. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be posted on the NMLA’s website and available to the public at least seventy-two hours (72) before any regular meeting.

2. **Special meetings** may be called by the Chairman or by written request of three (3) or more of the board members upon at least three (3) days’ notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be posted on the NMLA’s website and available to the public at least seventy-two hours (72) before any special meeting.

3. **Emergency meetings** will be called only under circumstances that demand immediate action such as unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to NMLA. The NMLA will avoid emergency meetings whenever possible. The Chairman or by request of three (3) or more of the board members upon twenty-four (24) hours’ notice may call emergency meetings, unless threat of injury or damage to persons or property or threat of substantial financial loss requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. The agenda will be posted in a place of general public access at the NMLA and, if time and circumstances permit, posted on the NMLA’s website.

4. For the purposes of regular meetings described in paragraph 1 of this resolution, notice requirements are met if notice of the date, time, place and agenda, is placed in two (2) newspapers of general circulation in the state, posted on the NMLA website and posted in a place of general public access at the NMLA. The NMLA shall also provide copies of the written notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of NMLA meetings.

5. For the purpose of special meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone, email or fax to two (2) newspapers of general circulation in the state, posted on the NMLA website and posted in a place of general public access at the NMLA. Telephone, email or fax notice also shall be given to those

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broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of NMLA Meetings.

6. For the purposes of emergency meetings described in paragraph 3 of this resolution, notice requirements shall be met if notice of the date, time, place and agenda is provided by telephone, email or fax to two (2) newspapers of general circulation in the state and posted in a place of general public access at the NMLA. If time and circumstances permit, notice will also be posted on the NMLA's website. Telephone, email or fax notice also shall 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 NMLA meetings.

7. 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 NMLA at 342-7600 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 NMLA at 342-7600 if a summary or other type of accessible format is needed.

8. The NMLA 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 or by Section 6-24-13, (A) and (B) of the NM Lottery 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 NMLA Board of Directors 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 roll call vote on closure of each individual member 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 NMLA Board of Directors 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 shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

d) 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 NMLA Board of Directors in an open public meeting.

9. Any member may participate in a meeting by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, 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.

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After discussion, the foregoing Resolution was duly moved by Dan Salzwedel, seconded by Sal Baragiola and adopted by the following vote:

Ayes: 6

Nay: 0

Absent: 1

Date Adopted: May 02, 2013