



STATE OF NEW MEXICO

Educational Retirement Board

701 CAMINO DE LOS MARQUEZ
P.O. BOX 26129
SANTA FE, NEW MEXICO 87502-0129
PHONE: (505) 827-8030
FAX: (505) 827-1855

RESOLUTION NO. 2009-05

THE EDUCATIONAL RETIREMENT BOARD OF TRUSTEES' ADOPTION OF THE OPEN MEETINGS ACT

WHEREAS, Section 10-15-1(B) of the Open Meeting Act (Section 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, 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 within the authority of or the delegated authority of such board, commission or other policy-making body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meeting 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;

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Educational Retirement Board determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED that in 2010:

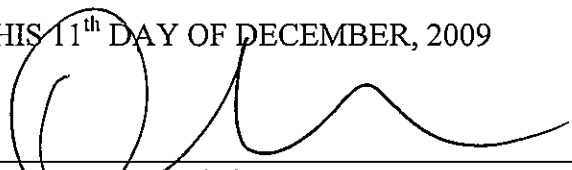
1. Regular meetings of the Educational Retirement Board shall ordinarily be held at a time and place established by the Board at its previous meeting and advertised in the notice. A tentative agenda will be available at least eight (8) working days prior to each meeting. A final agenda shall be available not later than 24 hours before the meeting from the Educational Retirement Board, whose office is located 701 Camino de los Marquez, Santa Fe, New Mexico. Notice of regular meetings will be given eight (8) days in advance of the meeting date.
2. Special meetings of the Educational Retirement Board may be called by the Chairman or any three members of the Board upon three (3) days notice.
3. Emergency meetings of the Educational Retirement Board are meetings called under circumstances which demand immediate action by the Board. Although the Board would avoid emergency meetings whenever possible, such circumstances may

occasionally arise. Emergency meetings of the Educational Retirement Board may be called by the Chairman or three of the members upon twenty-four (24) hours notice.

4. For purposes of regular or special meetings described in paragraph 1 and 2 of the resolution, notice requirements are met if notice of the date, time, place and instructions for obtaining an agenda is disseminated to all local administrative units and filed with the Governor's office for dissemination to the media.
5. For purposes of an emergency meeting described in paragraphs 3 of this resolution, notice requirements shall be met by posting notices in the ERB office and by notifying the Governor's office so that notification to the media can be made.
6. The Educational Retirement Board may close a meeting to the public, pursuant to Section 10-15-1(H), if the subject matter of such discussion or action is included in Subsection H. If any Board meeting is closed pursuant to Subsection H, such closure:
 - (a) if made in an open meeting, shall be approved by a majority vote of a quorum of the Board and authority for the closure and subject to be discussed shall be stated in the motion called for the vote on a closed meeting. The vote on a closed meeting shall be taken in an open meeting and the vote of each individual member is to be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the Board may be discussed in a closed meeting; and,
 - (b) if called for when the Educational Retirement Board 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 subject to be discussed, is given to the public.
7. Public notice for Board committee meetings at which a quorum of the entire board may be present shall be provided at least seventy-two hours in advance of the meeting in accordance with paragraph 4 above.

PASSED, ADOPTED AND APPROVED THIS 11th DAY OF DECEMBER, 2009

By:



Bruce Malott, Chairman
Educational Retirement Board

ATTEST:



Jan Goodwin, Executive Director