

# New Mexico Music Commission

*promoting New Mexico's rich and diverse music heritage*



## Orientation 4 | Open Meetings

### Parliamentary Procedure

Open public meetings are conducted using *Parliamentary Procedure*. Here's a link to [Robert's Rules of Order](#) {web} for your reference. It's not necessary to review this website as part of your music commission orientation.

#### *Parliamentary Procedure*

Parliamentary procedure is the body of ethics, rules, and customs governing meetings and other operations of clubs, organizations, legislative bodies and other deliberative assemblies. Robert's Rules of Order (aka Robert's Rules) is the most widely used manual of parliamentary procedure in the United States.

### Sunshine Laws

*Sunshine laws* are regulations requiring transparency and disclosure in government or business. Sunshine laws make meetings, records, votes, deliberations, and other official actions available for public observation, participation, and/or inspection. New Mexico's Sunshine Laws consist of two Acts:

1. **Inspection of Public Records Act (IPRA)** requires open access to almost all public records in state and local government, with few exceptions. Under IPRA, the public has the right to take legal action if they are denied access to public records, an important mechanism to empower the public. The Attorney General has the statutory authority to enforce IPRA, as do district attorneys. Here's a printable copy of the State of New Mexico's [IPRA Compliance Guide](#) {pdf-60} from the [Open Government Division](#) {web} of the Office of the Attorney General. It is not necessary to review these links as part of your commission orientation.
2. **Open Meetings Act (OMA)** "generally prohibits a public body from conducting public business in secret or in closed meetings and requires that such business be conducted by the public body acting as a whole at meetings open to all persons who wish to attend and listen." Here's a link to the [New Mexico Open Meetings Act](#) {pdf-53} for your reference. It is not necessary to review this link as part of your music commission orientation.

## **Quorum**

Per the Open Meetings Act, music commissioners may only form *quorum* during open meetings.

### *Quorum*

The minimum number of voting members who must be present at a properly called meeting in order to conduct business in the name of the group.

## **Quorum = Seven Commissioners**

Per Music Commission bylaws, “A quorum at any meeting of the Commission shall be constituted by *seven* Commissioners. If, due to vacancies, there are fewer than thirteen Commissioners, a quorum shall consist of a majority of the Commissioners actually holding office.”

## **Lack of Quorum**

Commissioners are expected to attend all open meetings. In the event quorum is not reached, attending commissioners may not conduct official commission business or vote and meeting notes are not recorded.

This has been an issue for the commission since 2018; the last open meeting for which official meeting notes were submitted into public record was August 2018. We would like to see this change.

## **Working Outside of Open Meetings**

Commissioners may and will work with each other and on behalf of the commission outside of open public meetings. However, quorum and *rolling quorum* may never be formed, whether in person, by email, phone, or video.

### *Rolling Quorum*

A rolling quorum occurs when a quorum is achieved without all the members needed being present in the same room at the same time. They might discuss public business by email, social media, video, or phone call over several days. This practice unequivocally puts its practitioners in violation of public meeting laws.

In an effort to avoid a rolling quorum, please do not ‘Reply All’ when responding to commission emails.

## How Meetings Are Scheduled

The NMMC holds four meetings per calendar year. Beginning January 2021, the template used to schedule meetings is: *Month*: January, April, July, October; *Date*: second Tuesday of the month; *Time*: 1-3pm.

### 2020 Meeting

The final NMMC meeting of 2020 will take place as a Zoom meeting **Tuesday, 10 November 2020, 1-3pm**.

✓ *Add* the 10 November 2020 meeting to your calendar now.

Around the first of November, you'll receive an email with a Zoom link and password accompanied by a meeting agenda and supporting documents which will help you prepare for the meeting.

### 2021 Meetings

Four 2021 meetings are scheduled.

✓ **Key Doc:** *Review* the NMMC 2021 meeting [calendar](#) {pdf-1}

✓ *Add* the four 2021 meetings to your calendar now.

## Meeting Locations

Historically, open meetings have alternated between Albuquerque (at the National Hispanic Cultural Center and Menaul School) and Santa Fe (at Museum Hill and the Bataan Building). As of 2021, all open meetings will convene in Albuquerque because it is located 2 hours (travel time) closer to commissioners living in Las Cruces and Silver City.

### *Meetings Locations During COVID*

Per the Open Meetings Act, open meetings must convene in person. However, the commission is temporarily permitted to meet by Zoom in order to conduct open meetings during COVID restrictions. As of October 2020, no date is set for in-person meetings to resume.

## Agenda

The commission chair is responsible for setting the meeting agenda. Commissioners are invited to submit agenda items. The Administrator creates a first draft of the agenda approximately three weeks prior to the meeting date. The draft is sent to the chair for feedback, after which it is sent to the Executive Director of New Mexico Arts (NMA) and the special assistant to the Department of Cultural Affairs (DCA) Cabinet Secretary for the feedback and approval. The approved agenda is emailed to commissioners, DCA Executive, New Mexico Arts, and a representative at the New Mexico Attorney General's office approximately ten days prior to the meeting date.

As a general first order of business at each meeting, the agenda is reviewed and approved by oral vote of the commissioners. Additions to the agenda may not be made within 72 hours of the meeting; the only changes permitted at the time of the meeting are deletions or rearranging the order of agenda items.

✓ **Key Doc:** *View a sample [Agenda](#) {pdf-1}, from the 13 November 2018 open public meeting. Note: ACTION items require official commission vote.*

## Notes

Meeting notes are recorded by the commission secretary. Notes are consolidated and edited to two pages by the administrator and submitted to the NMA Executive Director and DCA special assistant to the Cabinet Secretary.

As a general second order of business at each meeting, notes from the previous meeting are reviewed, amended if necessary, and entered into official public record by oral vote of the commissioners. Approved notes are archived on the NMMC website.

✓ **Support Info:** *View sample [Notes](#) {pdf-2}, from the 14 August 2018 open public meeting.*

## Agenda & Notes Archive

Agendas and approved notes dating from January 2015 to the present are archived in the About section of the NMMC website.

✓ **Support Info:** *Visit the [About](#) {web} section of the website, scroll down to the Public Meetings section, and view a complete list of agendas and notes from January 2015 to the present. Notice the number of meetings cancelled due to lack of quorum or COVID health restrictions.*

## **Compensation**

Per the Music Commission Act, section 18-16-3-5: “Members of the commission shall not receive any compensation, perquisite or allowance.” Music Commissioners are unpaid volunteers and do not receive reimbursement for travel expenses or other out-of-pocket expenses incurred in relation to their appointment with the commission.

## **Commission History**

The remainder of the orientation presents the history of the Music Commission in chronological order by year, from 2005, when the commission was established, to present day.