

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

**A RESOLUTION ESTABLISHING PROCEDURES
FOR GIVING NOTICE OF MEETINGS FOR CALENDAR YEAR 2023**

WHEREAS, the Open Meetings Act, NMSA 1978, § 10-15-1 *et seq.* (as amended) declares each meeting of a quorum of members of any board, council, commission, administrative adjudicatory body, or other policy-making body of any state or local public agency that is held for the purpose of formulating public policy, discussing public business, or taking any action within the authority of or the delegated authority of such body to be a public meeting, except as otherwise provided in the New Mexico Constitution or the Open Meetings Act;

WHEREAS, the Open Meetings Act requires that each public body determine, at least annually, in a public meeting, what notice is reasonable when applied to public meetings of the public body; and

WHEREAS, the Oil Conservation Commission, a policy-making and administrative adjudicatory body of the State of New Mexico with delegated authority under the Oil and Gas Act, NMSA 1978, §§ 70-2-1 *et seq.* (as amended), desires to establish herein an open meetings policy consistent with the Open Meetings Act and specify herein what notice is reasonable when applied to its activities throughout the year.

NOW, THEREFORE, BE IT RESOLVED that the Oil Conservation Commission does formally adopt the following open meetings policy for calendar year 2023, as follows:

1. Unless specified otherwise in the meeting notice, each public meeting of the Oil Conservation Commission (hereinafter referred to as "the Commission") shall be held in Porter Hall, 1st Floor, Wendell Chino Building, 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505. At any time that the State of New Mexico is subject to a Public Health Order, such as Executive Order 2020-004 and its sequelae, as is currently the case, the Commission shall host its meetings and hearings *via* online teleconferencing applications with the necessary information for attendance found in Commission notices issued consistent with the contents of this resolution.

2. The Commission has scheduled regular monthly meetings to be held in each month of 2023. A list of the tentative dates for each meeting is attached to this Resolution and is posted on the Oil Conservation Division website. Each regular meeting shall commence at 9 a.m. Mountain Time. The Commission may change the date of a regular monthly meeting provided the notice and agenda requirements of this resolution are met. The Commission may cancel any regular monthly meeting for lack of agenda items or other reasons and shall post notice of such cancellation on the Oil Conservation Division website.

3. The Chair or majority of Commission members may call a special meeting of the Commission as needed, and seventy-two (72) hours' notice of such a meeting shall be given.

4. The Chair or majority of Commission members may call an emergency meeting of the Commission with as much notice as the emergency permits. An "emergency" refers to unforeseen circumstances that, if not addressed immediately by the Commission, will likely result in injury or damages to persons or property or substantial financial loss to the agency. Within 10 days of acting on an emergency matter, the Commission shall report to the Attorney General's Office the action taken and the circumstances creating the emergency, provided the requirement to report to the Attorney General is waived upon the declaration of a state or national emergency.

5. The Commission may recess and reconvene any meeting not concluded at the end of the specified day to the next business day or to another date, if, prior to recessing, the Commission specifies the date, time, and place for continuation of the meeting and, immediately following the recessed meeting, posts notice of the date, time, and place for the reconvened meeting on or near the door of the place where the original meeting was held and posts notice on the Oil Conservation Division website to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting. If a hearing is to be continued at a future regular or special meeting, the continued hearing shall be included in the agenda for that meeting and shall comply with 19.15.4.15 NMAC or Subsection A of 19.15.3.12 NMAC, as applicable.

6. A closed meeting may be held only if the subject matter of the closed meeting is excepted from the open meeting requirement under NMSA 1978, Section 10-15-1(H) and in the following manner:

(a) If the Commission is in an open meeting and desires to close the meeting, a motion to close the meeting shall be approved by a majority of the members, and the authority for the closure shall be stated in the motion. The votes of the members on the motion shall be recorded in the minutes. Only those matters specified in the motion to close the meeting may be discussed during the closed meeting.

(b) If the Commission is not in a public meeting and a closed meeting is desired and authorized, the meeting shall be publicly noticed in the same manner as special or emergency meetings, with a statement in the notice that the meeting will be closed, the authority for closure, and the subject to be discussed.

(c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of the separate closed meeting.

(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

Commission in an open public meeting.

7. Notice of and the agenda for each regular meeting shall be posted, at least 10 days before the regular meeting and the notice and agenda of each special meeting shall be posted, at least seventy-two (72) hours before the meeting. All meeting notices shall be posted on the door of Porter Hall, 1st Floor, 1220 S. St. Francis Drive, Santa Fe, New Mexico and on the Oil Conservation Division website, <http://www.emnrd.nm.gov.ocd>. If the meeting is to be held at a place other than Porter Hall, notice thereof shall be posted at or near the entrance to that place. Notice of each meeting that includes an adjudicatory or rulemaking hearing (other than a hearing continued to that meeting by announcement at a previous meeting) shall also comply with the notice requirements of 19.15.3.9 NMAC or 19.15.4.9 NMAC, as applicable. Where a written request has been received, notice shall also be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation. Notice of each meeting shall be sent by ordinary first class United States mail or email to each person who has requested in writing to be notified of such meetings at least 10 days prior to a regular meeting and seventy-two (72) hours prior to the time of a special meeting. Notices sent by United States mail or email to an address or email address furnished by the recipient in writing shall be effective when mailed or sent. Notices of any emergency meeting shall be prepared, posted, and distributed (if applicable) as much in advance of the meeting as the emergency permits.

8. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda.

9. A preliminary agenda for each regular meeting shall be prepared, posted on the Oil Conservation Division website and be made available at the Oil Conservation Division office and also distributed to persons entitled to mail or email notice of the meeting as provided in Paragraph 7 above no later than two weeks prior to the meeting. A final agenda for each regular and special meeting shall be prepared, posted on the Oil Conservation Division website and be made available at the Oil Conservation Division office and distributed no later than seventy-two (72) hours preceding the meeting, provided the final agenda need not be separately distributed if a preliminary agenda for the same meeting was previously distributed and the agenda has not changed. A final agenda for each emergency meeting shall be prepared and posted (if applicable) as much in advance of the meeting as the emergency permits.

10. Each notice shall include the following statement:

If you are an individual with a disability who needs 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 Oil Conservation Division at 1220 S. St. Francis Drive, Santa Fe, New Mexico 87505, telephone number 476-3460 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 Oil Conservation Division if a summary or other type of accessible format is needed.

11. Commission members may participate in a meeting by conference telephone,

video conferencing, or other similar communications equipment that allows the member or members so participating to hear the proceedings and to be heard by one another and by persons attending the meeting. A member participating by conference telephone, video conferencing, or other similar communications equipment shall be included in ascertaining the presence of a quorum.

ADOPTED THIS 1st DAY OF DECEMBER 2022.

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

Gregory B. Bloom
GREGORY BLOOM, MEMBER


WILLIAM AMPOMAH, MEMBER

ADRIENNE SANDOVAL, M.E., CHAIR



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The Oil Conservation Commission will meet on the following days in 2023:

January 12

February 9

March 9

April 13

May 11

June 8

July 13

August 10

September 14

October 12

November 9

December 14