

## CYBERSECURITY ADVISORY COMMITTEE

### 2023 RESOLUTION #1

#### ESTABLISHING THE ANNUAL OPEN MEETINGS POLICY

#### Of the Cybersecurity Advisory Committee

**WHEREAS**, the Cybersecurity Advisory Committee ("Committee") met in a regular hybrid session on September 7, 2023, at 2:00 p.m.; and

**WHEREAS**, the Open Meetings Act at NMSA 1978, Section 10-15-1(B) states that *all meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act . . .*; and

**WHEREAS**, any meetings 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; and

**WHEREAS**, Section 10-15-1(D) of the Open Meetings Act requires the committee to determine what constitutes reasonable notice of its public meetings;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMITTEE THAT:**

1. **Regular Meetings** will be held on the first Thursday of every other month at 2:00 p.m., with the first meeting under this schedule occurring on January 4, 2024. Regular meetings will be held

in a hybrid format, allowing for both in-person and virtual participation. Notice of regular meeting shall be provided at least ten (10) days in advance as specified in paragraph 4. The agenda will be available at least seventy-two (72) hours prior to the meeting, and available as specified in paragraph 4 below. A regular meeting will not be held if the scheduled date falls on a state holiday.

2. **Special Meetings** may be called by the Chair or a majority of the members with at least three 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 available to the public at least seventy-two (72) hours before any special meeting.

3. **Emergency Meetings** will be called only under unforeseen circumstances that demand immediate action to protect the health, safety, and property of citizens or to protect the State from substantial financial loss. Emergency meetings may be called to make decisions about immediately pending or threatened litigation provided that such litigation could result in injury or damage to persons or property or substantial financial loss. The Committee will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or a majority of the members upon twenty-four (24) hours notice, unless threat of personal injury or property damage or pending or threatened litigation 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. Consistent with the requirements of the Open Meetings Act, if any action is taken at an emergency meeting the Committee shall make a report to the Office of the Attorney General. The report shall describe the action taken and the circumstances creating the emergency.

4. **Notice of Regular Meetings.** For the purpose of regular meetings described in paragraph 1, notice requirements are met if a notice that contains instructions for how to obtain a copy of the

meeting agenda, an address for in-person attendance and a link that will allow any person to attend the meeting virtually. The Notice shall also contain instructions for obtaining any reasonable accommodations to join the meeting. The meeting notice and the agenda for each regular meeting, or for any special meeting, shall be posted online the New Mexico Department of Information Technology's web page <https://www.doit.nm.gov/>; physically posted in the vestibule lobby of the Simms Building, 715 Alta Vista St., Santa Fe, NM 87505; and e-mailed to any person who subscribes with a valid e-mail address to the Committee's public meeting notice e-mail serve accessible at: <https://nmdoit.omnilert.net/subscriber.php>.

5. **Notice of Special Meetings.** For the purpose of special meetings and emergency meetings described in paragraphs 2 and 3, notice requirements are met if a timely notice of the date, time, and location of the meeting, and instructions for how members of the public may obtain a copy of the agenda, are posted as specified in paragraph 4.

6. **Accessibility notice.** All notices shall include the following language:

Individuals with disabilities needing special accommodations to participate in this meeting shall contact the Department of Information Technology, by calling (505) 827-0000 or via email at [melissa.gutierrez@doit.nm.gov](mailto:melissa.gutierrez@doit.nm.gov) at least 5 days prior to the meeting, or as soon as possible.

7. **Closed Meetings.** The Committee may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act or Pursuant Section 9-27A-5(D) NMSA 1978.

- a) If any meeting is closed during an open meeting, such closure shall be approved by a majority of a quorum of the Committee during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable

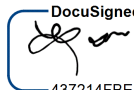
specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

- b) A 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 of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited on to those specified in the motion or notice of closure.
- d) Except as provided in Section 10-15-1 (H) of the Open Meetings Act or Pursuant to Section 9-27A-5(D), any action taken as a result of discussions in a closed meeting shall be made by vote of the Committee in an open public meeting.

**8. Committee Governance.** Proceedings of the Committee shall be governed by the Open Meetings Act and Robert's Rules of Order.

ADOPTED BY THE CYBERSECURITY ADVISORY COMMITTEE THIS 7<sup>th</sup> DAY OF SEPTEMBER, 2023.

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Raja Sambandam, Committee Chair  
State Chief Information Security Officer