

**CYBERSECURITY PLANNING COMMITTEE  
FRIDAY, MAY 19, 2023, 3:00 PM**

**1. WELCOME AND CALL TO ORDER**

Ms. Narvaiz called the meeting to order at 3:02 p.m. and welcomed everyone to the meeting.

**2. ROLL CALL**

**MEMBERS PRESENT**

Peter Mantos, Chair	Ms. Cassandra Hayne
Mr. Nathan C. Brown	Dr. Lorie M. Liebrock
Mr. Raja Sambandam	Mr. Michael W. Good
Mr. Carlos Lobato	Senator Michael Padilla
Mr. Bradley K. Purdy	Ms. Tracy Lopez
Brigadier General Miguel Aguilar (Angela Romero)	Mr. William (Tim) Presley

**MEMBERS ABSENT**

Mr. Bill A. York  
Mr. Srimivas Mukkamala  
Mr. Robert L. Benavidez

**OTHERS PRESENT**

Renee Narvaiz	Bradley Crow
Melissa Gutierrez	Dan Garcia
Todd Baran	Flori Martinez
Todd Glanzer	Jeff Roth
Joshua Yadao	William Campos

**3. APPROVAL OF AGENDA**

**MOTION** A motion was made by Senator Padilla and seconded by Dr. Liebrock to approve the agenda as presented.  
There being no opposition, the motion passed.

**4. APPROVAL OF MEETING MINUTES**

**MOTION** A motion was made by Mr. Sambandam and seconded by Mr. Lobato to approve the minutes of the April 7, 2023 meeting as presented. Dr. Liebrock requested a correction to the spelling of her name. Ms. Narvaiz made note of this.  
There being no opposition the motion passed.

**5. ROLLING QUORUM DISCUSSION (ways to mitigate)**

Todd Baran – Inquiries received, meeting scheduled earlier this week regarding mechanics of collaboration between working groups and committee members outside of regular committee meetings without violating the rolling quorum issue. Only one person attended. Not sure if issue is resolved. If members of the Committee have concerns about management of the process attempts will be made to address those.

Chair Mantos asked Mr. Baran to explain the why behind all of this with regard to the Open Meetings Act and why the Rolling Quorum can be an issue.

Baran – Explained the details of the Open Meeting Act and how this has been interpreted by the Attorney General’s Office to prohibit the discussion of public business or action on public business outside of a regularly scheduled public meeting, or properly noticed public meeting, which involves a quorum or more of the members of the public body. Mr. Baran explained how the working groups of a public body such as this are also subject to the requirement of having a noticed public meeting if more than a quorum of the members participate in the meeting of that working group, and that the rolling quorum issue arises when there is a discussion of public business by a number of members which constitute a quorum outside of a duly noticed public meeting and gave examples. Mr. Baran further explained that the rolling quorum issue arises for instance when an e-mail is sent to one member, which is then forwarded along to multiple members, and if the number of members offering comments became equal to a quorum, then those comments would be considered a discussion by a quorum, thus a rolling quorum would have been established. Mr. Baran also noted that the same thing can occur when reviewing a document, leaving comments where other members can review those comments and have the opportunity to reply. There were a number of meetings early on in the formation of this committee with regard to the working groups and how those would be limited to participation by less than a quorum of the members. Discussion was also undertaken of various options for having these work groups collaborate and it was decided this could not take place without violating the Open Meetings Act due to the rolling quorum issue. He described how there is also the challenge of document sharing with comments turned on in this regard. The conclusion being that the working groups are not collaborating other than in a regularly scheduled meeting such as this one, and comments have been turned off on documents that are shared to all committee members.

Chair Mantos thanked Mr. Baran for this explanation. Chair Mantos described some techniques being used to mitigate these situations, including the use of blind cc: on emails, to eliminate the possibility of a “reply to all”. Chair Mantos also described how the cross collaboration between the working groups is being managed, and when a roll is taken, if too many Committee members are in attendance, someone has been asked to leave the meeting, which has not been a problem thus far, and the use of the “waiting room” for meetings so an inadvertent quorum does not occur.

Chair Mantos called for any questions or suggestions regarding this issue. Senator Padilla suggested consulting the Ethics Commission with regard to these measures due to his recent experience during the last legislative session.

Chair Mantos asked Mr. Baran and Ms. Gutierrez whether or not these rules/preventative measures have been completely documented, and whether they should be documented. He suggested the possibility of a list of operating procedures that could be submitted for review to another entity such as the Ethics Committee.

Mr. Baran responded that there is nothing complete, however, there is an Open Meetings Act resolution which governs a lot of these issues, but does not include the day-to-day operational details discussed today. Mr. Baran offered the possibility of combining these details with the previous resolution, which could be submitted for ethics review if that is the desire of the Committee.

Chair Mantos suggested this be done, if there is no objection by other members, and this can be discussed further at a future meeting for incorporation into the Open Meetings Act resolution.

## 6. SUBCOMMITTEE REPORTS

### A. PLAN SUBCOMMITTEE – CARLOS LOBATO

Mr. Lobato reported that this Subcommittee met on Monday, May 15<sup>th</sup>, at 8:00 a.m. and again this morning, May 19<sup>th</sup>, at 10:00 a.m., their focus being that the comments, concerns and feedback provided in the last meeting are incorporated into the Capabilities Assessment, to include the concerns with respect to privacy and security. Deloitte has been doing a good job keeping the documents updated, incorporating the feedback and comments. During today's meeting they reviewed again the Capabilities Assessment Plan communication and the sentiment of this Subcommittee and the working group is that there is a good process in place.

Chair Mantos thanked Mr. Lobato for this report.

### B. ENGAGEMENT SUBCOMMITTEE – ROBERT L. BENAVIDEZ

In the absence of Subcommittee Chair Benavidez, Chair Mantos asked if any other member of the Subcommittee would be prepared to offer a report. Dr. Liebrock reported that their scheduled meeting for today was canceled due to an emergency. She did report that individual members continue their efforts, such as Mr. Presley working with the Native American community, and there is continuing work with respect to the healthcare industry. Dr. Liebrock noted that there have been more people sign in for public education and this has helped balance things out. Dr. Liebrock stated that the Subcommittee has been waiting to get the Capabilities Assessment out, as that is the next step in the process for the Engagement Subcommittee.

Chair Mantos thanked Dr. Liebrock for this report. He then asked if other members of the Subcommittee had additional comments. Other members commented that Dr. Liebrock had done a great job describing the work and current status of the Subcommittee.

Chair Mantos thanked the members for their input.

## 7. CAPABILITIES ASSESSMENT & CORRESPONDENCE – VOTE NEEDED FOR APPROVAL

Chair Mantos referenced the discussion with respect to this at the last meeting and how further discussion and changes have occurred in the interim and then asked who would like to lead the discussion today.

Dr. Liebrock described the process undertaken by the Subcommittee wherein all of the suggestions given were addressed, and that this was then sent out to Committee members with responses to be sent back to Ms. Gutierrez by 8:00 a.m. this morning. She reported that as of their meeting this morning there had been no further feedback, therefore she will make a motion to approve, as all Committee members have now had appropriate time for review.

**MOTION:** Dr. Liebrock moved to approve the Capabilities Assessment & Correspondence, seconded by Mr. Nathan Brown.

Chair Mantos asked if there were any objections. Chair Mantos noted the concerns previously expressed by Mr. York and asked if there were any confirmation that those concerns had been addressed. Mr. Brown commented that Mr. York has had time to review as he was on the email that received the documents for review. Dr. Liebrock added that no further feedback was received from Mr. York after the revisions to the Correspondence and the Assessment, and Mr. Baran had assisted to get the language correct.

Chair Mantos noted the suggestions offered by Ms. Hayne previously and asked her if those

concerns have been addressed. Ms. Hayne responded that the document is much improved and thanked Chair Mantos for asking.

Senator Padilla voiced his appreciation for the work done, resulting in a much stronger deliverable.

Chair Mantos noted that General Aguilar has just completed a team building exercise and asked if he wished to share any insights with the Committee. General Aguilar declined. Chair Mantos commented how sharing comments and concerns and listening to one another is so important and that each individual makes the group stronger. General Aguilar agreed with Chair Mantos' comment.

Chair Mantos called for any objections to the motion. Hearing none the motion passed.

**8. UPDATES FROM OTHER STATES' CHIEF INFORMATION OFFICERS:  
RAJA SAMBANDAM**

Mr. Sambandam attended the National Association of State Chief Information Officers along with cybersecurity peers participating. Two states did not participate in the IIJA Cyber Program, Florida and South Dakota. Florida communicated that they will be participating in year 2 and it is expected that this will be the situation for South Dakota as well. It appears that the federal government will be taking the unspent funds from year 1, from the states that did not participate, and will share that across using the same formula as before, so New Mexico may have a few thousand dollars added to the year 2 amount.

Another aspect discussed was the ability to obtain consent from other political subdivisions and local governments, and there seems to be some room for improvement and FEMA and collaboration between the two in terms of standardization of language to determine what will be acceptable. The State of New Hampshire brought their Municipal League or equivalent of the Municipal Augmentation Chair to share how they addressed this issue early on. They emphasized that communication is the key.

In terms of a risk-based approach a few states used year 1 money to provide end-point protection, anti-virus type solutions, to the users. A major issue raised was liability, i.e., who would be liable for data breaches. This caused many states to be averse to distributing any product, another lesson learned.

These are the major highlights, however, cybersecurity is still the number one focus for all states. In retrospect cybersecurity was also the number one issue in 2006, so this has been on NASCIO's top priority list for at least ten years, and is a major issue that warrants collaborative work. Moving to ".gov" has also gained support. Thanks to DoIT the state executive branch ecosystem has moved to ".gov" in the last few months, so New Mexico is in a much better position, but more should probably be done in terms of other local governments, but they may be using the "nm.us" domain, so there needs to be clarification of this.

Mr. Sambandam commented that he is happy to see that the Capabilities Assessment has improved and shared his experience working in these meetings. He emphasized the need to get the Capabilities Assessment completed and received in order to obtain those meaningful data points for completion of the Statewide Cybersecurity Plan.

Mr. Sambandam stated he would pause at this point for questions.

Chair Mantos commented on getting the Executive Branch moved to “.gov”, which is good, but this has only been done with respect to email, however, he has seen on broadcast television that there are still New Mexico state-sponsored websites which are still using “.org”, etc., so there are many entities within New Mexico state government that are still not using “.gov”, revealing there is still work to be done, and gave examples of how this can be accomplished.

Chair Mantos asked if any of Mr. Sambandam’s counterparts had commented that the funding received was not adequate.

Mr. Sambandam replied that he wished there was more funding spent on the critically needed areas rather than \$1 billion divided across 50 states and 600 territories over a four year period. There are definitely complaints or opinions that the amount of funding being offered is not adequate for the needs.

Chair Mantos restated that the two states that did not originally participate have changed their minds. Mr. Sambandam stated they are definitely revisiting that decision and the state of Florida indicated they have already gone through their legislative process and now have all the required mechanisms in place to participate in the program.

Chair Mantos acknowledge a question by Mr. Crow in the chat; “Did other states discuss how they are approaching the utilization of state funds to create a sustainable program to make an impact on the state, local, education and organizations in the short-term and beyond IIJA?” Mr. Sambandam replied that many states are uncomfortably funding their state program matches, some have to go through their legislative process to get the funding and some have funds from other programs they are using to meet the 10% state match. No state offered any long-term solution because this would require general fund commitment which most likely would involve associated mechanisms that may not be conducive to this methodology, such as charge backs. He noted that the New Mexico LFC has already raised the question of when charge backs can occur, and comments were to push back that mindset or idea, stating charge back is not a suitable option at this point in time. Mr. Sambandam noted that charge back does have a role and has some ability to recover costs and recycle funds back into the system, and that this could be a possibility or solution to consider, but is not a sustainable mechanism. Sustainability needs to come from the general fund taking on this responsibility three to four years from now, when the federal funds taper off, and there will be a year or two in-between to convince legislatures in all states and territories to adopt a sustainable approach. There are still many unknowns, but one of the known issues, as mentioned earlier, is the liability issue. These are evolving issues that were discussed at the conference.

In answer to Mr. Crow’s question; not many states have a holistic understanding of how to address long-term, beyond IIJA funding.

Chair Mantos called for additional questions.

Mr. Lobato thanked Mr. Sambandam for his report on the conference. With respect to cybersecurity there is no absolute assurance; reasonable assurance, yes.

Mr. Sambandam replied that a key element that was mentioned again and again was “boots on the ground”, determining the roles as IT or cybersecurity leaders, and what has been done so far to obtain funding, the lack of the first cycle for hardware and a program to keep licenses and

features up-to-date, which are basic cyber-hygiene functions. He noted that the current process lacks consistency and is not being followed across the ecosystem, creating recurring problems such as differing priorities, funding going elsewhere for infrastructure, etc., and these are coming back to the forefront, and it will be necessary for leaders to demonstrate they did their due diligence by asking for the appropriate level of support for resources of all types. These issues are starting to surface and will become prominent in the next few years where the states will need to provide the additional assistance as IIJA money tapers down and the states will need to step in to make sure programs are sustainable, can be supported and the funding exists. Cyber is not a one-time expense, it is continuous and there will be a need to address ever changing needs.

Chair Mantos thanked Mr. Sambandam once again for these comments and called for additional questions or comments. Chair Mantos stated he had a question for AI, but will save that for another day in the interest of time.

**9. PUBLIC COMMENT:**

No public comment was offered.

**10. AGENDA TOPIC SEED LIST FOR FUTURE MEETINGS:**

a. Document Open Meetings Resolution to include practices already in effect and discussed earlier in this meeting.

b. Dr. Liebrock and Mr. Brown would like to see the transition of this Committee to the Advisory Council addressed. Chair Mantos agreed and posed the following questions: What will the roles be? Will this Planning Committee continue to exist as the Office of Cybersecurity opens and begins to function. What role will other entities play in this, including the Tribes, local governments, schools, etc.? Should there be a framework for discussion or just keep this open?

Dr. Liebrock commented that there are some things that different Subcommittees have discussed, such as how is the new Office of Cybersecurity going to work, in general, and how does this Committee roll into it, the transition, etc., as this is already May and there will only be a month and a half until that new office will be in charge moving forward. How will this work, how can the work of this Committee be handed off in a clean manner so that everyone understands their future roles?

Chair Mantos – What is the goal to secure New Mexico, even beyond State government? He noted this Committee was established by Executive Order and the Office of Cybersecurity was created via legislation, confirmed by the Executive. Possible that this Committee will become the Advisory Council and transitions in this manner.

c. Deloitte Contract Agreement – was discussed earlier with respect to time, but funding discussion was postponed. Could be addressed next meeting. Would that be timely? Chair Mantos asked Mr. Baran or Mr. Glanzer where things stand with respect to funding on the Deloitte contract. Mr. Glanzer stated things are fine with the baseline amount approved and amendment with the duration to go into July. The status can be reviewed at the next meeting or the one after that, either would be appropriate.

Chair Mantos noted that there is a meeting a few days before the regular meeting to discuss the Agenda, so this will be addressed then. If there are additional topics anyone

would like to address these can be submitted for consideration at that meeting.

Dr. Liebrock noted that General Aguilar had a question. Chair Mantos recognized the General. General Aguilar suggested the possibility of Chair Mantos contacting the Governor or someone on her staff before the next meeting to seek out the Governor's intent for this Committee moving forward. Chair Mantos stated he will be meeting with the Fourth Floor next Thursday and will put that on his agenda for that meeting.

Mr. Sambandam shared that he met with the Governor's Office earlier this week. Will meet with them again next week and will get more clarity on this and should have more information from the Executive Branch at that point. Legislation is clear; six candidates, three each, from the Municipal League and the Association of Counties. SB280 is very clear on the distribution of the individuals participating in that Advisory Committee, which will determine what the possibilities will be and who is who, if possible, moving from this Committee to that Committee. Hopefully this gives some insight, though nothing is final yet.

Chair Mantos asked if there were any further comments. There were none.

**11. ADJOURNMENT:**

**MOTION** A motion was made by Mr. Lobato, seconded by Mr. Presley to adjourn the meeting.

There being no objection the motion passed.

There being no further business before the Committee the meeting adjourned at 3:56 p.m.

DocuSigned by:

*Peter Mantos*

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Cabinet Secretary Designate Peter Mantos