

CYBERSECURITY PLANNING COMMITTEE

Hybrid Meeting

THURSDAY, August 22, 2024, 2:00 PM

In-Person at

New Mexico State Capitol

490 Old Santa Fe Trail, Santa Fe, NM 87501, Room 303

1. Welcome and Call to Order – Melissa Gutierrez

Ms. Gutierrez called the meeting to order at 2:14 p.m. and welcomed everyone to the meeting. She reviewed general procedures for the meeting including various functions within the Zoom platform.

2. Roll Call

Members Present

Jason Johnson, Chair
Raja Sambandam
Robert Benavidez
Dr. Srinivas Mukkamala

Dr. Lorie Liebrock
Cassandra Hayne
Regina Chacon

Members Absent

Carlos Lobato
Michael W. Good
William A. York

Brigadier General Miguel Aguilar
William (Tim) Presley
Senator Michael Padilla

Others Present

Melissa Gutierrez, DoIT Cybersecurity Project Mgr.
Todd Baran, DoIT General Counsel
Renee Narvaiz, DoIT, PIO
Bryan Brock (TAG NM Exec. Officer), Robert Wise (CISO for NM PED), Will Campos (Deloitte), Todd Glanzer (Deloitte), Rick Comeau (Deloitte), Joshua Yadao (Deloitte), Flori Martinez (DoIT), Dan Garcia (DoIT), Jacklyn Lobato (DoIT), John Salazar, Deanna Conrad, Anthony Ballo (CISO for City of Albuquerque), Manh Pham, Caleb Raymer

3. Approval of Agenda

MOTION Ms. Gutierrez called for a motion to approve the Agenda. Dr. Mukkamala so moved, seconded by Dr. Liebrock. There being no opposition, the Agenda was approved.

4. Approval of Meeting Minutes

MOTION Ms. Gutierrez called for a motion to approve the minutes of the 05/02/24, 05/09/24 and 05/14/24 meetings. Dr. Mukkamala so moved, seconded by Secretary Sambandam. There being no opposition the minutes were approved.

5. Open Meeting Resolution Discussion/Action

Mr. Johnson stated that Mr. Baran would be leading the review of the Resolution. Mr. Baran asked Ms. Gutierrez to screen share the Resolution. He reviewed the portion of the Open Meetings Act which requires a board or commission to annually promulgate a Resolution which specifies how that board or commission will provide notice of its meetings to the public and this will be a review of the proposed draft of that Resolution. He stated that these Resolutions typically specify when regular meetings will be held, how special meetings will be called and conducted, how emergencies will be addressed and how to meet the needs of those requiring special accommodations. He stated that the draft Resolution touches on each of these points and he will review these quickly, pointing out the changes from this Committee's last iteration of the Resolution.

He began his review by stating that the "Whereas" clauses are unchanged from last year's Resolution

and set out what he has just articulated. He noted that the first issue to be addressed is the cadence of regular meetings, which is being changed from two meetings per month to one meeting per month, and queried if that is the preference of the Committee. He stated that his understanding has been that one meeting per month is adequate, but wanted to call this change to everyone's attention to see if there was any discussion needed.

Mr. Johnson asked if there were any comments or questions regarding this change. Several members spoke in agreement with this change.

Mr. Baran gave additional context in that the Committee is able to hold special meetings with three days' notice at any time and that the once monthly regular meeting allows members and other interested parties to have a reasonable expectation for when meetings will occur.

The next change noted by Mr. Baran is that the prior Resolution indicated that notice of regular meetings would be provided 10 days in advance, but the experience had been when meeting dates needed to be changed this 10 day advance notice requirement severely limited the opportunity or ability to assemble a quorum on short notice. He stated that the Open Meetings Act only requires three days advance notice and since this Resolution gives advance notice of when the regular meetings will occur, the proposal is to shorten the notice period to three days, but if there is concern about this it could be revised.

Mr. Johnson called for any questions or concerns regarding this change. Several comments that this is a positive change were given.

Mr. Baran continued his review stating that the rest of paragraph #1 is unchanged, which is required by law, stating that the Agenda must be published 72 hours in advance of the meeting.

Mr. Baran again referred to the section about Special Meetings, which states that these can be called by the Chair or a majority of the members with three days' notice, which is unchanged from the previous Resolution and also required by OMA.

Mr. Baran noted that the section regarding Emergency Meetings has been changed slightly to bring it into alignment with the new guidance from the New Mexico Department of Justice. He stated that the prior Resolution suggested that notice of an Emergency Meeting would be provided in advance of that meeting. He explained that the reason the Emergency Meeting exception exists is so that when events occur that require an immediate response there is no need to provide notice or an opportunity for the public to participate and that the safeguard of the public's interest in this case is that the Committee must provide notice to the Attorney General if an Emergency Meeting is conducted and there is any action taken. The language in this section has been revised to align with the new Attorney General guidance that there is no notice requirement for Emergency Meetings if the statutory standards of an emergency are met so then a quorum of this Committee can meet without having issued notice to the public.

Mr. Johnson thanked Mr. Baran for this review and explanation of the changes.

Mr. Baran added that it was deemed particularly critical for groups involved with cybersecurity, where things can move fairly quickly, not be limited beyond what the statute allows.

Mr. Johnson called for any comments or questions from Committee members. There were none.

Mr. Baran continued the review stating that the remainder of the Resolution was unchanged and is consistent with OMA requirements. The Resolution specifies how, when and where notice will be provided and this process remains the same as before. He added that the Resolution states persons needing special accommodations are to contact staff so these accommodations can be arranged.

With respect to the procedure for closed meetings the language has just been refined somewhat and

he reviewed that, in particular with respect to Special Meetings.

Mr. Baran stated that he believed the draft of the Resolution had been circulated to Committee members in advance for review and a vote can be taken at this time for approval.

Mr. Johnson thanked Mr. Baran for this review and called for a motion to adopt this Open Meeting Resolution. Secretary Sambandam so moved, seconded by Dr. Liebrock. There being no opposition the Resolution was adopted.

Mr. Johnson stated this would be signed, circulated and posted. Mr. Johnson again thanked Mr. Baran for his explanation and also thanked the Committee members for their work on the Committee.

6. Update from the State Chief Information Security Officer – Raja Sambandam

Secretary Sambandam reported that during the Legislative session six new full-time employees were requested and these have finally made it through the system and all the processes required for these to be awarded in the system of record. These new employees will be joining the staff in early September. Secretary Sambandam stated this was all he had to report at this time.

Mr. Johnson thanked Secretary Sambandam for his report and commented that it is always good news to have new positions improved and then actually be able to fill them promptly.

7. Update from the Engagement Subcommittee – Robert Benavidez

Mr. Benavidez reported that this Subcommittee has been meeting most recently to work on collection of interest for the second-year programs being considered for the funding. He stated that there had also been discussion regarding the potential for a subcommittee to look at the contracting and procurement component, as approved projects and programs are identified. He noted that the Subcommittee recognized the need for more focus on the process to be used for selecting vendors, selecting products used to fulfill the needs and to provide transparency and structure of this selection process. Mr. Benavidez stated this was the crux of his report and he would be happy to stand for questions.

Mr. Johnson thanked Mr. Benavidez for his report and asked if there were any questions or comments from Committee members. There were none. Mr. Johnson noted that the subject of the new subcommittee would be addressed later in today's meeting. He thanked Mr. Benavidez for the work done in this regard.

8. Cybersecurity Grant Update - Deloitte

Rick Comeau presented the report for Deloitte. He stated that for year two of the SLCGP or FY23 for the SLCGP they were to craft a state cost-share waiver request, which was submitted through DHSEM on 08/14/24, through the State's FEMA Preparedness Officer. No estimated timeframe has been provided for when a decision on that cost-share waiver request for year two can be expected. If this is approved it will save the State approximately \$1.3 million in cost-share requirement for year two.

He asked if there were any questions or concerns regarding this. Mr. Johnson stated, "we'll take that". Secretary Sambandam asked if there was any indication on the timeframe for the decision on this request based on other states that may have already been through this process. Mr. Comeau stated that approval was given for the cost-share waiver for year one, the same as for many other states, which was a relatively quick approval. He noted that with year one this was almost like a default, if it was requested it was going to be approved because many states, like New Mexico, had not previously budgeted for that cost-share, so it will definitely be more difficult for this with year two. However, he has seen where one state requested this and it was approved, but he is unsure which state this was or what the timeline was.

He stated that he has heard from contacts at MS-ISAC that they had a call with representatives for that SLCGP from CISA and FEMA and there is a release date goal for the year three or FY24 NOFO for the first or second week of September. He recapped that the year two NOFO was released 08/07/23, so if this NOFO comes out the first or second week of September this will be about a month behind the pace

for last year. This is the latest information he has. He asked if there were any questions.

Mr. Johnson thanked him for this report.

Secretary Sambandam asked if year two is the largest percentage portion. Mr. Comeau replied that is correct, this will be 40%.

Secretary Sambandam asked if the progression was 10%, 40%, 30% and 20%. Mr. Comeau stated that it is actually 20%, 40%, 30%, 10%. Secretary Sambandam thanked him for this clarification.

9. Planning Committee Membership Discussion/Action

Mr. Johnson noted that roles for many continue to change and Tracy Lopez will be leaving the Secretary of State's Office to work for the Office of Cybersecurity, which creates another vacancy on this Committee. He also noted there is a vacancy for a city representative, but he believes there is a recommendation with the Governor and additional information is expected. He stated that the Committee will be working with the Governor's Office to address these vacancies. He expressed hope that more information will be available at the next meeting. He then asked if there were any questions, comments or input on this item. Ms. Gutierrez reminded Mr. Johnson that there is an additional designee in attendance today, who is new to the Committee and asked that she be recognized, this is Ms. Regina Chacon. Mr. Johnson apologized to Ms. Chacon that he could not recall her official state position, but stated she had been appointed by Brigadier General Aguilar to represent the Department of Homeland Security Enterprise Management. He thanked Ms. Chacon for joining the Committee and thanked her for her attendance today. Ms. Chacon thanked Mr. Johnson.

Mr. Johnson asked if there were any other comments from Committee members regarding Committee membership. Secretary Sambandam stated he will work on this and will have an update ready for the next meeting. Mr. Johnson noted that this is a commitment of time, so the Committee appreciates the time members set aside to participate.

10. Subcommittees

a. Establish

Mr. Johnson stated that this goes back to the information Mr. Benavidez had shared earlier in the meeting with respect to establishing a Procurement Subcommittee. This will be addressed a bit later, but Ms. Gutierrez and Mr. Baran will be reviewing the current Subcommittee structure.

Ms. Gutierrez screen shared a slide describing both the Planning Committee and the Advisory Committee, noting that the decision was made to maintain both Committees until the Advisory Committee can obtain members that are approved through the NOFO for the federal funding opportunities, which did not occur when the Advisory Committee was appointed in statute.

She explained that there are currently two Subcommittees, an Engagement Subcommittee and a Plan Committee, and that the newly proposed Subcommittee would be the Procurement Subcommittee, which Mr. Benavidez mentioned earlier. She added that there have been five projects scoped out with the first year of the federal grant and now they are in the process of developing the scope of work and the contracting that will happen with those projects and getting entities on board.

Ms. Gutierrez noted that the Policy Subcommittee falls under the statute, which requires that the Advisory Committee develop some policy guidelines for cybersecurity, so the aim is to have the Procurement Subcommittee work alongside the Policy Subcommittee to learn what the Policy Subcommittee's priorities and policies are. The Procurement Subcommittee will then use those recommendations to develop the scope of work for each of the projects for the life of these grants. These scopes of work will be established in collaboration with the Office of Cybersecurity and this Subcommittee, which will work to implement the policies that the Advisory Subcommittee will determine as priorities. The scope of work approval will be done by the Procurement Subcommittee, which will work to develop and approve these scopes of work. The Procurement Subcommittee recognizes the need to hear from members of both the Advisory Committee and the Planning Committee, so after the

scopes of work have been developed the Procurement Subcommittee will be seeking information and recommendations from both Committees regarding the vendors they would like the Procurement Subcommittee to contact. She noted that there are some time constraints as the process is already in year two of the year one award and the recommendation is that the vendors recommended by the Committees be those already on the statewide price agreement, the GSA or NASPO. Once the list of vendors is received the scope of work will be distributed to those vendors with a request for price quotes for the projects. Upon receipt of these quotes the Cybersecurity Procurement Subcommittee will review and recommend vendors for each project. Once those recommendations have been determined the Planning Committee will select one vendor for each project based on recommendations of the Subcommittee. The Office of Cybersecurity will contract with the selected vendor or vendors to provide the services on behalf of the State, and for year one it will be those 26 entities that have applied, and once those contracts are in place the office will work to onboard each of those participating entities. Ms. Gutierrez stated she would stop here to allow for questions.

Mr. Johnson noted that blending and folding these two different Committees together can be confusing and expressed his appreciation for the diagram presented by Ms. Gutierrez. He then asked if there were any questions or thoughts from the Committee members.

Dr. Mukkamala thanked Ms. Gutierrez for this presentation and commented that this is a good process, which provides good checks and balances. He also noted that he liked how she had streamlined this and that he was pleased to see NASPO and GSA included.

Secretary Sambandam noted that after the State completed the state pricing agreement or state procurement agreement earlier this year, what used to be 40-50 vendors is now over 100, which is a good baseline and the vendor community which is part of the pricing agreement has expanded.

Mr. Johnson commented that it is always good to bring in as much local participation as possible, but when that is not feasible the opportunity to go national is incredibly important, as well as leveraging the work of the other states, making sure that someone has done the due diligence to validate and verify businesses.

Mr. Johnson asked if there were any further comments from the Committee. There were none. Mr. Johnson stated that now there is some work to be done to establish, fill and expand on this. He then asked Ms. Gutierrez to give direction.

Ms. Gutierrez suggested at this point there should be a motion to establish a Procurement Subcommittee. Mr. Johnson noted that Ms. Hayne had stated in the Zoom chat that she needed to leave the meeting for a few minutes, which meant there would be no quorum to entertain a motion. Ms. Hayne stated she would be back in just a few minutes. Mr. Johnson agreed to take a short break to allow for this. There was an approximate minute and a half break and then Ms. Hayne returned to the meeting and apologized for the delay of the meeting. Mr. Johnson thanked Ms. Hayne for letting him know so the Committee could stay within statute. Mr. Johnson asked Ms. Gutierrez to continue.

MOTION: Ms. Gutierrez asked for a motion to establish the Procurement Subcommittee. Ms. Hayne so moved, seconded by Dr. Mukkamala. Mr. Baran suggested that the Committee might want to specify the Mission of the Subcommittee, which will eliminate the need to do so in a subsequent motion or meeting. This could be as simple as a motion to establish a Procurement Subcommittee to perform the functions described in Ms. Gutierrez's presentation. Mr. Johnson asked Ms. Hayne if she understood this recommendation. Ms. Hayne amended her motion stating that the motion would be to approve the Procurement Subcommittee as described in the documents presented at this meeting. This was seconded by Dr. Liebrock. Mr. Johnson called for any discussion of the motion. There was none. Mr. Johnson then called for any opposition to the motion. There was none. Hearing none, Mr. Johnson stated that the Procurement Subcommittee has been created within the guidelines and mission described in Ms. Gutierrez's presentation.

Ms. Gutierrez thanked the Committee members for this.

b. Mission

Ms. Gutierrez then gave details of the activities of the Engagement Subcommittee, which include outreach for the Committee by contacting entities and making them aware of the grant opportunities and encouraging participation. She noted that this Subcommittee has done a great job in this respect, noting that Mr. Benavidez leads this Subcommittee, and they have hosted events in many locations and with many different entities. She stated that the Subcommittee has composed an interest form, which has provided information regarding what these entities would like to see for future projects. The recommendation is to give the Engagement Subcommittee a new task of also recommending projects. The five current projects are only for year one. She stated that this Subcommittee will work closely with the Policy Subcommittee from the Advisory Committee to determine the high priorities and what projects are in need from these entities, and make those recommendations to the Planning Committee. This ask is to give the Engagement Subcommittee a new task of project recommendation, having already done the work of outreach to garner the interest of these entities, so it seems only fitting to allow them to make these recommendations to the overall Planning Committee.

MOTION: Mr. Johnson stated if the Committee is in agreement could he have a motion to expand the mission of the Engagement Subcommittee to include the functions described in Ms. Gutierrez's presentation. Dr. Liebrock moved that project recommendations be added to the Engagement Subcommittee per Mr. Gutierrez's description of this work, in conjunction with the Policy Subcommittee of the Advisory Committee. Dr. Mukkamala seconded the motion. Mr. Johnson asked if there was any opposition or discussion. There being no opposition the motion carried.

Mr. Johnson noted that this makes absolute sense as the Engagement Subcommittee and its chair, Mr. Benavidez, has done such a great job thus far, and are already functioning in this capacity with the established relationships. He stated that this is great work for the Committee to move forward with this.

Ms. Gutierrez thanked the Committee for this action and restated, for the record, the motion was made and seconded, with no opposition, so this establishes a new task for the Engagement Subcommittee.

c. Membership

Ms. Gutierrez then screen shared a slide showing the current membership of each Subcommittee.

Mr. Johnson asked for nominations and volunteers for the Procurement Subcommittee, which will be working on selecting the projects and making recommendations. Mr. Johnson asked how often this Subcommittee would be meeting. Ms. Gutierrez replied that this has not been defined at this time and she would like to leave that up to whoever becomes the Chair of the Subcommittee, but she did note there is an immediate need for this as the Office is ready to roll out with the 26 entities once a contract is in place. She added the Engagement Subcommittee meets every other week, but the frequency of meetings is open to the amount of work, the chair and the members of the Subcommittee.

Dr. Mukkamala suggested Mr. Benavidez be a member of this Subcommittee as he is already invested in the work. Mr. Benavidez agreed to do so.

Dr. Liebrock suggested Carlos Lobato as a member of the Subcommittee, if he will accept, as he is already doing this kind of procurement for NMSU; Dr. Liebrock then rescinded her recommendation as she remembered Mr. Lobato's position has recently changed, and she should not have nominated him given his current position.

Dr. Mukkamala asked if, given his experience, Secretary Sambandam could be accommodated on the Subcommittee, or must he be a free agent.

Mr. Baran commented that the Committee can invite subject matter experts to help with its deliberations.

Secretary Sambandam responded that he would be happy to serve on the Subcommittee if it falls

within the legal limits.

Ms. Gutierrez asked Mr. Baran for his recommendation on this, given an earlier conversation on the subject.

Mr. Baran stated given Secretary Sambandam's roles as the Chair of the Advisory Committee and a member of this Committee, being the Secretary of DoIT as well as the State Chief Information Security Officer, these are a lot of different roles which create a lot of potential for conflicts or the appearance of a conflict, particularly pertaining to procurement in addition to the influence of these multiple positions. Mr. Baran did state that it would not be against the code of conduct for Secretary Sambandam to participate on this Subcommittee, however, he did not think it would be a best practice.

Secretary Sambandam stated he will wait and "be on standby", and let other members participate.

Mr. Johnson thanked Secretary Sambandam for this and noted that there is a lot of scrutiny as this is a big, statewide project, and everything needs to be done above board.

Mr. Johnson asked Ms. Hayne if she would be able to serve on this Subcommittee. Ms. Hayne stated she was reluctant to commit, being unsure of her ability to follow through with this. Mr. Johnson replied that he understands.

Mr. Johnson noted that Deputy Secretary Chacon has just joined the Committee, but asked if she would be able to participate on this Subcommittee. Deputy Secretary Chacon stated she had been debating this herself, voicing concern that she does have oversight of the Cybersecurity Grant, with a decision making capacity in that grant, and is unsure if this would have any adverse effect. Mr. Johnson asked Mr. Baran to comment on this. Mr. Baran replied that this uniquely qualifies Deputy Secretary Chacon to serve on this Subcommittee. Deputy Secretary Chacon then agreed to serve on the Subcommittee, as long as the meeting frequency is reasonable.

Ms. Hayne stated that if Deputy Secretary Chacon is willing to serve then she will join her on this Subcommittee. She thanked Deputy Secretary Chacon for setting such a good example.

Mr. Johnson voiced his appreciation for the work being put forth, and that every effort will be made to make the meetings timely and concise.

Mr. Johnson asked if there were any other volunteers. Ms. Gutierrez asked if it would be appropriate to reach out to the absent Committee members to see if they would like to participate on this Subcommittee. She did note that there is no minimum membership specified, only a maximum.

Mr. Baran suggested that there be a vote today on the individuals who have volunteered, with directions to that group to invite other members who would be willing to participate, with those additional members to be voted on for formal membership to the Subcommittee at a future Committee meeting. He added that as long as there are no more than six members of this Committee participating in the deliberations of this Subcommittee that would be okay. Mr. Johnson thanked Mr. Baran for that clarification.

Mr. Johnson addressed Dr. Liebrock, noting her role with the Cybersecurity Center of Excellence, and asked if she would be interested in participating on this Subcommittee. Dr. Liebrock stated that she is already overcommitted with her current federal and state roles. She added that she would be happy to consult on specific things if the Subcommittee requests this.

Mr. Johnson stated that, similarly with Secretary Sambandam, there has been an effort to keep DoIT and the Office of Cybersecurity "out of the mix", to keep everything open and above board, so that the projects are selected by Committee, the vendors were also selected by Committee, so there is no perceived inappropriate action. He questioned whether a fourth member is needed on the Subcommittee or to proceed with three. He noted that there could be outreach to absent members

after this meeting as previously discussed.

Mr. Johnson asked Mr. Baran if a motion was required to approve the membership of this Subcommittee. Mr. Baran replied that a motion is needed.

MOTION: Mr. Johnson called for a motion to appoint the members of the Subcommittee as previously stated. Dr. Liebrock so moved, seconded by Dr. Mukkamala. Mr. Johnson called for any additional discussion or opposition. There being none the motion carried. Mr. Johnson asked Mr. Baran if these members will determine the chair. Ms. Gutierrez stated a meeting will be scheduled and the members can determine the chair at that time. Mr. Johnson thanked Ms. Gutierrez for this information. Dr. Liebrock thanked the new Subcommittee members, as did Mr. Johnson.

Mr. Johnson then noted there was a vacancy on the Engagement Subcommittee, a position formerly held by Ms. Tracy Lopez. This does not need to be filled immediately, but wanted to make note of that vacancy. He also noted a vacancy on the Plan Subcommittee and questioned whether this was under the Advisory Committee. Ms. Gutierrez responded that this Subcommittee is part of this Committee, the Planning Committee. She added that the role of the Plan Subcommittee was to develop the Plan and amend the Statewide Cybersecurity Plan if needed, and that this Subcommittee has not met in approximately a year, as the Plan was approved last year and there have not been any updates or amendments to that. Dr. Liebrock noted that she sent Ms. Gutierrez a message in the Zoom chat related to the Plan Subcommittee, as well as the overall Planning Committee. Ms. Gutierrez stated that she was unaware of the announcement Dr. Liebrock had referred to in her message, and she will contact the appointing entity involved. Ms. Gutierrez stated that this relates to the position for the Higher Education position, but she has not been notified by the Governor's Office or anyone else, so she is reluctant to post this as a vacancy yet. Dr. Liebrock noted that this does need to be investigated as Mr. Lobato is also Chair of the Plan Subcommittee. Ms. Gutierrez stated she will contact the Governor's Office to gather more information on this. She restated that the Plan Subcommittee has not been actively meeting, so these positions could remain vacant until the need arises and then appoint members. Ms. Gutierrez again noted that the Engagement Subcommittee meets every other week and even though Ms. Lopez will be moving to the Office of Cybersecurity and will be vacating her role as a member of this Committee, Secretary Sambandam has asked her to continue to participate on the Engagement Subcommittee representing the Office of Cybersecurity, but not as a voting member on that Subcommittee. Ms. Gutierrez noted that Mr. Johnson has previously stepped in on the Engagement Subcommittee for Secretary Sambandam, so with this vacancy he could be appointed to fill the current vacancy if he is interested. Mr. Johnson stated since this is not needed immediately, hopefully some of the vacancies can be filled at the next meeting. He stated he is not opposed to serving on this Subcommittee, but would like to give others the opportunity to participate.


Mr. Johnson asked if the motion was completed. Ms. Gutierrez replied that this Committee now has a new Subcommittee, the Procurement Subcommittee, with establishment of its mission and members, Robert Benavidez, Deputy Secretary Regina Chacon and Ms. Cassandra Hayne. Mr. Johnson thanked Ms. Gutierrez for restating this and thanked the members of the Subcommittee for their willingness to serve.

11. Public Comment

There was none.

12. Adjournment:

MOTION Mr. Johnson called for a motion to adjourn. Dr. Mukkamala so moved, seconded by Dr. Liebrock. There being no objection and no further business before the Committee the meeting adjourned at 3:12 p.m.



Jason Johnson, Chair
Cabinet Secretary Designate