CYBERSECURITY ADVISORY COMMITTEE
Hybrid Meeting
Thursday, September 7, 2023, 2:00 PM
In-Person at the NM Gaming Control Board
4900 Alameda Blvd., NE, Albuquerque, NM 87113

1. WELCOME AND CALL TO ORDER

Ms. Gutierrez called the meeting to order at 2:04 p.m. and welcomed everyone to the meeting. She reviewed general procedures for the Zoom participants.

2. ROLL CALL

MEMBERS PRESENT
Raja Sambandam, Chair	Todd Ulses
Clinton Nicely	Cecilia Mavrommatis for Wayne Propst
Josh Rubin	Danielle Gilliam for James Kenny
Jason Johnson	Phil Zamora for Sarita Nair
Kenneth Abeyta	Seth Morris for Raul Burciaga
Suzanne Begay	Logan Fernandez for Cassandra Hayne

MEMBERS ABSENT
Robert Benavidez
James Mountain

OTHERS PRESENT
Melissa Gutierrez, DoIT Support Staff
Renee Narvaiz, DoIT Staff
Todd Baran, OAG
Todd Glanzer (Deloitte), Nate Brown, Brandon (ENM), Bill York, William Campos, Rebekah Vallejos, Gavin Lujan, MAIcouffe, Joshua Yadao, Dan Garcia, Kenneth Ingham, Bill Boas

3. APPROVAL OF AGENDA
MOTION   A motion was made by Mr. Johnson and seconded by Mr. Ulses 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. Ulses and seconded by Mr. Johnson to approve the minutes of the August 14, 2023 meeting as presented.
There being no opposition the motion passed.

5. Open Meeting Resolution (Action Item)
Sambandam – This was discussed at the last meeting. This Committee needs to pass a resolution to address the meeting needs/specifications of the Committee and fulfill the requirements of the Open Meetings Act. The members of the Committee have received the proposed Resolution either by email or hard copies available today. Are there are any questions based on the initial read of this document? No questions were raised.

Gutierrez – With no questions raised need to entertain a motion to adopt the Resolution as drafted.

Ulses – Does this Resolution outline the procedure for entering into Executive Session or will this be outlined elsewhere?

Baran – Generally the Open Meetings Act Resolution does not have to re-state the provisions of law that authorize going into Closed Session. When in a meeting a topic arises that presents an issue that authorizes the use of Closed Session, you would use the appropriate motion practice to move into and out of the session.

Gutierrez – Item 7 in the Resolution does outline some of the information related to closed meetings and what exemptions the Committee can go into closed meetings for and pursuant to what statutes.

Sambandam – Item 7 does span across two pages so hopefully everyone saw all of this. Are there any other questions? Asked Ms. Gutierrez to move toward the motion.

Gutierrez – Is there a motion?

MOTION: Mr. Ulses moved to approve the Resolution as presented, seconded by Mr. Abeyta.
There being no opposition the motion passed.
Gutierrez – This Committee has adopted its first Resolution.

6. **Joint Meeting with the Cybersecurity Planning Committee (Action Item)**
Sambandam – Would like to discuss this possibility with this Committee in order to gain an understanding of the work done by the Cybersecurity Planning Committee in developing a whole State Cybersecurity Plan. Noted that the Planning Committee has put in over 400 hours in meetings alone to come up with a constituent driven and representation driven whole State Cybersecurity Plan. This plan is ready for submission and it is anticipated that it will be submitted prior to November 30th as part of the notice of funding opportunity by the Feds for year one. This is one of the requirements for continuing to participating in the state and local cybersecurity grant program administered by FEMA, approved by CISA, under the Department of Homeland Security.

Are there any comments related to having a joint session with the membership of the Planning Committee? This would be for general awareness and to gain a better understanding of the elements considered to meet the expectation of the NOFO. Could be helpful to know who the participants were and other information that would enable a better understanding, a good baseline and level of awareness for this Advisory Committee to move forward and operate effectively.

Ulses – Joint meeting is a good idea. This could be valuable information for this Committee.

Sambandam – Other questions/comments?

Johnson – Would this be a one-time meeting or possibly additional meetings? Will take time to coordinate this. What time-frame? Will 30 days be needed?

Ulses – This Committee has a November 30th deadline, correct?

Sambandam – Yes.

Ulses – Will need to be in less than 30 days because of that deadline.

Sambandam – Final report deadline for this Advisory Committee for submission to the interim committees of the Legislature and the Governor's Office is November 30th. Would suggest not waiting until the last day or close to that deadline date. Would like to plan for some cushion, so submitting report around mid-November or third week of November at the latest. With this in mind should the joint meeting be planned for the next regular meeting of this Committee on October 5th? Could dedicate a portion of that meeting for the joint session and then this Committee could continue with its business.

Abeyta – Agrees with plan for October 5th, this is a reasonable time frame.

Gutierrez – Thinks the October 5th meeting would need to be scheduled for longer than one hour to accommodate this. Another possibility would be meeting with the Planning Committee at their next regular meeting on October 6th; they meet every 1st and 3rd Friday of each month.

Ulses – Is Planning Committee meeting again before October 5th? Not sure waiting until October 5th will give this Committee enough time. Would like to meet before October 5th.

Gutierrez – Their next meeting is September 15th, but this does not give her enough time to get a meeting notice out for this Committee.

Abeyta – Would this be a joint work session with no action items?

Sambandam – Correct. No action items on the Plan itself. Would be more of an awareness and process education about how the Plan was developed. Asked Ms. Gutierrez for clarification.

Gutierrez – Would be up to the two Committees to decide what they want this meeting to cover. Asked Mr. Baran for input.

Baran – Would be difficult to maintain boundaries to keep that meeting from violating Open Meetings Act. Best practice would be to do a properly noticed meeting for both bodies, indicating the plan for a joint meeting.

Abeyta – Would 27th, 28th or 29th of September or second to last week of September work? Would give the whole month of October for this Committee to act.

Gutierrez – Would recommend 27th or 28th to allow her time to obtain location for hybrid meeting.

Johnson – Will this need to be a two hour meeting?

Sambandam – Representative from Deloitte present today. Deloitte helped put plan together based on input received from various groups and representations. Asked Mr. Glanzer to comment.

Glanzer – Information sharing/overview of process(es) and projection of activities with the grant program should only take one hour.

Sambandam – Could do a two hour meeting, or meet on the 27th or 28th for one hour and then the Advisory Committee can meet on October 5th.

Johnson – Based on this information and needing to coordinate with the Planning Committee, could he make motion to set up a joint meeting with the Cybersecurity Planning Committee either on September 27th or the 28th or October 5th, whichever can be arranged the soonest. Would this be amenable to this Committee?

Abeyta – This works for him.

Johnson – Will have to have some flexibility as their schedule is unknown, but schedule for the earliest date possible. If done on September 27th or 28th schedule for one hour, if done on October 5th, schedule for two hours, with joint meeting first, dismiss and then come back into regular meeting of this Committee.

Ulses – Acknowledged concern about availability of Planning Committee. Having information prior to October 5th meeting would allow Advisory Committee members time to be better prepared

coming into the meeting on October 5th.

Johnson – Best option would be September 27th or 28th in order to get this information prior to October 5th meeting, but would like to have back-up plan for October 5th if the other dates are not possible.

Mavrommatis – Advised there are Legislative Finance meetings scheduled for September 27th and 28th. No agenda as yet so not sure which Agencies will be required to attend. This might present a scheduling conflict for some participants.

Sambandam – Thanked Ms. Mavrommatis for this information. Will make note of this potential conflict depending on agencies involved.

Need to have two motions? One for 27th and 28th and a second one for the back-up date of October 5th?

Baran – Would be appropriate to have one motion allowing Executive Director, Ms. Gutierrez, to schedule a meeting at the earliest mutually convenient time, giving her the discretion to work with the leadership of both Committees to schedule.

MOTION: Johnson – Modified his motion as follows: Moves to establish a joint meeting with the Cybersecurity Planning Committee at the earliest convenient date that we can arrange prior to October 5th, permitting Ms. Gutierrez to make those arrangements and notify the Committee members at first availability. Seconded by Mr. Abeyta.
There being no opposition the motion passed.

Gutierrez – Will work on scheduling this meeting as soon as possible.

7. **November Committee Report and Content of the Report (Discussion and Action)**
Sambandam – What are all the elements or components that should be included in this report? This is the first time this has been requested. What data elements or pieces of information should be gathered? This will be somewhat dependent on what information is currently available and which grouping this information applies to. Could be simplistic, could be easy to read, easy to understand, as this is all technology related, toned down for anyone to understand. Will there be sensitive information included in this report? Most likely it will contain some sensitive information, therefore will be restricted to the intended audience. Would like to have a conversation with any suggestions or recommendations or input the membership has.

Abeyta – Following what report or information we are getting, what would possibly have to be kept from public view concerning the sensitive and security nature of it? Do we want to look at a TAJ, activity, what we can look at, what we want to be discussed in a public forum. Is there a need to go into Executive Session to discuss?

Sambandam – Good comment. Asked Ms. Gutierrez if it is possible to go into Executive Session for this purpose, so he can give examples and talk to Committee members about these.

Gutierrez – Ask Mr. Baran about this as it is not on the Agenda. Not sure if this meeting can be closed now.

Baran – You can have a discussion relating to an item on the Agenda, which is how you are going to share and evaluate this report, and can go into closed session if appropriate process is followed. Not sure if technologically this can be done today, but if so there would be no impediment. Just to have to use appropriate procedures to move this meeting into a closed session.

Sambandam – Asked Ms. Gutierrez if this is possible.

Gutierrez – Yes, it is. Asked Mr. Baran to advise as to the appropriate motion for closed session.

Johnson – Just move to take Committee into closed session to discuss this topic?

Baran – Correct. Move to go into a closed session to discuss cybersecurity sensitive information pursuant to 9-27A-5B, and will be talking about those particular subjects during the closed session.

Abeyta – How would this be accomplished to consist only of Committee members with the Zoom component of the meeting?

Gutierrez – During the closed session she will move everyone who is not a Committee member into the Zoom waiting room and when closed session is over those in the Zoom waiting room will be readmitted to the meeting.

Abeyta – Thank you.

Johnson – Moved that the Committee move into closed session to discuss sensitive elements in regard to section 9-27A-1, cybersecurity information, regarding the elements to be included in the report and how we conduct that sensitivity and control to seize that information.

Sambandam – Thanked Mr. Johnson. Is there a second?

Ulses – Seconded the motion

Gutierrez – Any opposition? Seeing and hearing none, the Committee will move to closed session at 2:32 p.m. In-person participants have been asked to leave the room. She will move non-member Zoom participants into the Zoom waiting room.

CLOSED SESSION – 2:32 p.m. to 3:04 p.m.

Johnson – Moved to re-enter open meeting. Nothing was discussed and no actions were taken in closed session other than the discussion around the sensitivities of the Cybersecurity Report.

Abeyta – Seconded motion

Gutierrez – Any opposition? Hearing and seeing none, meeting reconvening open session at 3:04 p.m.

Sambandam – Would the Committee be receptive to him bringing potential examples, without any sensitive information, for them to look at and provide comments, additions or inputs for the next meeting. Could bring in templates if that is preferred, to show how to take a cybersecurity piece of information and process into a more readable document for better understanding in order to obtain the funding.

Abeyta – Sounds acceptable and within the report there would be a general identification of baseline status. A template would be helpful.

Sambandam – Move to Agenda item 8.

Abeyta – Item 7 listed as "Discussion and Action", would be in best interest and moves to table the report until a template is obtained and take action at next meeting.

Ulses – Seconded the motion.

Gutierrez – Any opposition? Hearing and seeing none. Action related to Item 7 on the Agenda is tabled.

8. **Subcommittee Determinations (Discussion and Action)**
Sambandam – Open to discussion whether to have Subcommittees to work on potential data format or report format, things of this nature. If the intention is to create such a Subcommittee he can work with that Subcommittee to produce the report templates, contents, rationale, best practices, etc. Can also work with Deloitte partners on this format.

Should a working Subcommittee be created in order for members to be more "hands-on" in providing advice and necessary recommendations to generate the report.

Asked Ms. Gutierrez for her input.

Gutierrez – Would only add, based on the number of members appointed to this Committee, there can be no more than five Committee members on a Subcommittee. Noted the Engagement Subcommittee of the Planning Committee and recommended creating a Subcommittee that could also work with that existing Subcommittee to ensure both Committees are "on the right page with attempted public engagement".

Sambandam – Good point. Asked Ms. Gutierrez to confirm that there is some crossover from the Planning Committee Subcommittees into this Advisory Committee.

Gutierrez – There are two, Logan Fernandez/Cassandra Hayne from the judicial system and Robert Benavidez, who is not present today, but is on the Engagement Subcommittee of the Planning Committee.

Sambandam- These two parties can speak to this issue for continuity purposes. Would like to have a discussion regarding creation of Subcommittees here.

Abeyta – Believes there is a need for Subcommittees, and may need more in the future. In favor of a Report Subcommittee as well as an Engagement Subcommittee. As this Committee evolves may need to create more. A good Report Subcommittee would be able to identify and formulate a kind of form to bring something more tangible to the Committee for further additions, etc.

Sambandam – Any further comments from Committee members?

Fernandez – Would there be an option to add non-Committee members to Subcommittees?

Gutierrez – There can be non-Committee members on the Subcommittees, however, would caution against having these on the Report Subcommittee, because of the confidentiality issues discussed previously. Engagement Subcommittee of the Planning Committee does have members who are not on the Planning Committee, just need to be mindful of Committee member limitations. For this Committee could only potentially add four additional members to an Engagement Subcommittee.

Abeyta – Do we need a formal motion stating that I recommend a Report Subcommittee be only comprised of members of the Cybersecurity Advisory Committee and no outside members allowed on this Subcommittee?

Gutierrez – We can entertain a motion for that.

Abeyta – Does this sound correct?

Gutierrez – Yes.

Abeyta – Restated motion: Moves to form a Report Subcommittee comprised of only Cybersecurity Advisory Committee members with no outside individuals to be on that Subcommittee, which would report directly to this body.

Sambandam – Suggested additions, such as Ms. Gutierrez or Ms. Narvaiz (DoIT support staff members), or Deloitte representative(s), who would be assisting the Subcommittee, but are not members of the Advisory Committee. These would bring subject matter expertise to the Subcommittee with respect to best practices, etc. Could we add this to the motion?

Johnson – Can Subcommittee work with whomever they deem necessary for the purpose of the Subcommittee?

Abeyta – His understanding is yes. Active members of the Subcommittee would be restricted to members of the Advisory Committee. Subcommittee could seek outside help or reports from outside entities, but they would not sit on the Subcommittee. Can make that amendment to his motion.

Johnson – Doesn't think amendment necessary. Believes a Subcommittee as defined has the ability to work with experts in the field, whomever that may be. Thinks the motion is good as it stands.

Gutierrez – Confirms motion is good.

Sambandam – Asked for second to the motion.

Johnson – Seconded the motion.

Gutierrez – Any opposition? Hearing and seeing none. There is now a Report Subcommittee. Now will need to call for volunteers.

Sambandam – That is the action phase. Any volunteers to be part of the Report Subcommittee?

Nicely – Volunteers.

Ulses – Volunteers.

Abeyta – Volunteers, but will not chair Subcommittee.

Sambandam – Do we need one more?

Gutierrez – Would welcome one more, not needed but would welcome one more.

Johnson – Volunteers.

Gutierrez – We now have a Report Subcommittee consisting of Clinton Nicely, Todd Ulses, Ken Abeyta, Jason Johnson and Raja Sambandam.

Johnson – Does there need to be a chair of the Subcommittee?

Gutierrez – This can be discussed within the Subcommittee.

Sambandam – Any other question or concerns related to Agenda Item 8?

Gutierrez – Establish other Subcommittees or wait?

Sambandam – Is the Committee willing to entertain any other motion to create another

Subcommittee at this time or could this be done as needed in the future?

Abeyta – Can be done as needed. Would like to obtain more information regarding an Engagement Subcommittee to see how the one within the Planning Committee is comprised and its role, to guide the formation of a similar Subcommittee here. Would like to have this information at next regular Advisory Committee meeting.

Gutierrez – Will add this as an Agenda item for the joint meeting.

Abeyta – Expressed his appreciation for this. Needs to leave meeting at this point.

9.   Public Comment
Sambandam – Opened floor for public comment.

Fernandez – In future consideration of additional Subcommittees suggested focus of having non-Committee members on those primarily because the judiciary only has one member on this Committee, would be good to have additional representation.

Sambandam – Thanked Mr. Fernandez for his input, will make this as a recommendation in the meeting minutes.
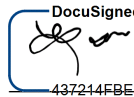
10.   Adjournment
MOTION   A motion was made by Mr. Johnson, seconded by Mr. Nicely to adjourn the meeting.
There being no objection the motion passed.

There being no further business before the Committee the meeting adjourned at 3:20 p.m.

DocuSigned by:

_____
437214FBE82C453...
Raja Sambandam, Committee Chair, State CISO