

This is an amendment to 16.28.1 NMAC, Section 8 effective 2/10/2026.

16.28.1.8 BOARD OPERATIONS:

- A. Elections.** At its annual meeting in July, the board shall elect a chair and vice-chair.
- B. Duties of officers.** All board officers shall exercise authority subject to the act, board regulations, and specific directions of the board.
- (1)** The chair shall preside at board meetings and adjudicatory hearings unless another presiding officer is named by the board. The chair may respond to inquiries and correspondence, execute orders of the board in any pending adjudicatory proceeding unless a hearing officer is appointed, or designate another board member to sign decisions of the board, appoint board members to formal committees, and provide direction to the board administrator on routine matters to facilitate the efficient operation of board functions between meetings.
- (2)** If the chair becomes vacant, the vice chair shall serve as chair until a new chair is elected.
- C. Vacancy.** If the office of board chair becomes vacant, the board shall elect a chair at the next meeting or any subsequent meeting. If the office of vice chair becomes vacant, the board may hold elections as it deems necessary and advisable.
- D. Duties of board administrator.** The board administrator or designee shall at all times perform those tasks directed by the board pursuant to those duties prescribed by the act, board regulations, the ULA, Sections 61-1-1 through 61-1-33 NMSA 1978, and other applicable state laws. In addition, the board administrator shall assume the role of custodian of records.
- E. Board meetings.** The board shall conduct meeting in an orderly fashion, with due regard for each board member and the public. The board may refer to Robert's Rules of Order, Revised, when necessary and advisable.
- F. Quorum.** The board shall transact official business only at a legally constituted meeting with a quorum present. A quorum shall consist of four ~~(4)~~ members including the public member.
- G. Standards of practice committee.** The board chair shall appoint a standards of practice committee consisting of at least one board member.
- H. Addressing the board.** Except for proceedings to adopt, amend, or repeal regulations in accordance with the ULA, Section 61-1-29 NMSA 1978, the board at its sole discretion, may provide a reasonable opportunity for persons attending an open meeting to address the board on an agenda item. The request to speak shall be timely made and shall not delay or disrupt the board's meeting. No person shall be permitted to address the board on any pending or concluded application, complaint, investigation, adjudicatory proceeding, or matter in litigation, except to confer for the purpose of settlement or adjudicatory proceeding, or matter in litigation, except to confer the purpose of settlement or simplification of the issues. Any public comment to the board shall be brief, concise, and relevant to the agenda item. The board may limit the total time allotted for comments and the time allotted to any person.
- I. Telephone attendance.** Pursuant to the OMA, [~~Section 10-15-1 (C) NMSA 1978~~] Subsection C of Section 10-15-1 NMSA 1978, a board member may participate in a meeting of the board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, and shall give advance notice to the board administrator an ample time to arrange such accommodation.
- J. Conflict of interest, recusal.** Any board member who cannot be impartial in the determination of a matter before the board and who cannot judge a particular matter or controversy fairly on the basis of its own merits shall not participate in any board deliberation or vote on the matter.
- K. Confidentiality.** Board members shall not disclose to any non-member content of any executive session, or any other confidential matters that may be the subject of an executive session or attorney-client privileged communications except as ordered by a court of competent jurisdiction or where the board knowingly and intentionally permits disclosure.
- L. Code of conduct.** Board members shall adhere to the standards set forth in the Governmental Conduct Act, Section 10-16-1 through 10-16-18 NMSA 1978.
[16.28.1.8 NMAC - N, 7/21/2009; A, 8/18/2011; A, 2/10/2026]