



**Northern Area Local Workforce Development Board (NALWDB)
Open Meetings Act (OMA) Attendance Policy & Procedure No. 1
Rev. 1**

EFFECTIVE DATE: January 12, 2025

SUBJECT: Open Meetings Act (OMA) Attendance Policy & Procedure

Purpose

This Open Meetings Act (OMA) Attendance Policy ensures full compliance with NMSA 1978, §10-15-1 et seq. by establishing procedures for in-person Board member participation and outlining the limited circumstances under which remote participation may be permitted. This policy restores post-public health emergency meeting requirements, responds to deficiencies identified through state monitoring, and ensures transparency, lawful governance, and public accountability across all meetings of the Northern Area Local Workforce Development Board (NALWDB).

Background and Legal Context

During the COVID-19 pandemic, public bodies were permitted to meet virtually under temporary executive orders:

- On March 11, 2020, Executive Order 2020-004 declared a public health emergency and authorized virtual meetings.
- This authorization was extended multiple times, with the final extension issued under Executive Order 2023-036.
- On March 31, 2023, the New Mexico Department of Health rescinded all Public Health Orders, and Executive Order 2023-036 expired, ending emergency authority for remote meetings.

Following this rescission, public bodies must return to in-person meetings unless a member demonstrates that attending in person is “otherwise difficult or impossible,” as permitted under §10-15-1(C). The New Mexico Attorney General has emphasized that remote attendance is an exceptional measure intended only for circumstances where physical attendance would be extremely burdensome, not merely inconvenient.

This policy fully aligns NALWDB practices with post-March 31, 2023, requirements.

1. Authority

This Open Meetings Act Attendance Policy is established under the following federal, state, and local governance authorities:

New Mexico State Statutes

- New Mexico Open Meetings Act (OMA), NMSA 1978, §10-15-1 to §10-15-4
Establishes requirements for public accessibility, notice, agendas, quorum, minutes, attendance, and rules for remote participation.
- New Mexico Governmental Conduct Act (GCA), NMSA 1978, §10-16-1 et seq.
Requires ethical conduct by public officials; noncompliance with OMA may constitute a GCA violation.
- Inspection of Public Records Act (IPRA), NMSA 1978, §14-2-1 et seq.
Governs access to meeting minutes, attendance records, and documents generated by this policy.

New Mexico Administrative Code (NMAC)

- 11.2.2 NMAC – State Workforce Development System Requirements
Provides administrative expectations for local boards under WIOA in the State of New Mexico, including governance and compliance responsibilities.
- 1.25.10 NMAC – Public Records Retention and Disposition
Governs retention of meeting notices, minutes, and attendance documentation.

NMDWS Policies

- NMDWS Monitoring Guide (2024 Revision)
Requires compliance with all state laws including OMA, proper minutes, documentation of attendance, and evidence of corrective action.
- NMDWS Grant Agreement – Exhibit F, Applicable Authorities
Requires compliance with all state and federal laws, explicitly including OMA, GCA, and state workforce regulations.
- NMDWS governance guidance requiring oversight, transparency, and public accountability.

Local Governance Authority

- NALWDB Bylaws
- Defines quorum as a majority of seated board members.
- Requires OMA-compliant meetings and procedures.
- Establishes officer responsibilities relevant to meeting conduct, recordkeeping, and remote participation approvals.
- NALWDB Annual Open Meetings Resolution
- Establishes annual requirements for meeting notices, posting, agenda timelines, and public access.

Federal Context (Indirect Authority)

- WIOA, Public Law 113-128
Requires transparent governance and adherence to applicable state laws including the Open Meetings Act.

- 2 CFR 200.303, 200.334
Mandates strong internal controls, documentation, and record retention, which support OMA compliance.

Together, these authorities require the Board to conduct its meetings openly, maintain public confidence, and follow state law for remote participation, documentation, training, and quorum.

2. OMA Attendance Policy Statement

In-person attendance is required for all NALWDB Board members, CEOs, committee members, and designated staff. Remote participation is permitted only under exceptional circumstances consistent with §10-15-1(C) when attending in person is “difficult or impossible.” All requests, approvals, minutes, records, and procedures under this policy must comply with OMA requirements and uphold transparency, accountability, and public trust.

Definition: “Difficult or Impossible to Attend”

A circumstance meets the OMA standard only when factors beyond the member’s control make physical attendance extremely burdensome.

Examples that qualify include:

- Serious illness, injury, or medical condition
- Disability-related need (ADA accommodation)
- Hazardous or unsafe travel conditions
- Unforeseen emergencies
- Bereavement or urgent family emergencies
- Unavoidable work-related travel or official duty

Examples that do not qualify include:

- Convenience or personal preference
- Scheduling conflicts that could be planned for
- Efficiency or cost-saving considerations
- Desire to participate remotely for convenience

Remote attendance is an exceptional allowance under §10-15-1(C) of the New Mexico Open Meetings Act. It is not an alternative format for meetings, nor a matter of preference. Virtual participation may be approved only when the member demonstrates that attending in person is genuinely “difficult or impossible,” such as due to illness, emergency, hazardous travel conditions, disability, or other circumstances beyond the member’s control. Routine, habitual, or convenience-based remote participation is not permitted.

Quorum Requirements

- A quorum is defined by the NALWDB Bylaws as a majority (50% + 1) of appointed Board members.
- A quorum must be physically present at the meeting location unless members requesting remote participation are approved under this policy.

- Remote participants count toward quorum only if their remote attendance has been approved pursuant to §10-15-1(C).
- Without a quorum physically present, the Board may receive information but cannot vote, approve contracts, amend policies, enter closed session, or take official action.

Remote Participation Request Procedure

Submission timeline

Requests for remote participation should be submitted **at least 72 hours prior to the meeting**, except in cases of genuine emergency, and must be made in writing either by email or through the standardized Remote Attendance Request Form. All requests must be directed to the Board Chair, with copies provided to the Program Support Specialist and the NALWDB Executive Director to ensure proper documentation and compliance with this policy.

Content requirements

Requests must include:

- Member name
- Meeting date
- Reason for remote attendance
- Explanation establishing why attendance is “difficult or impossible”
- Supporting documentation (optional unless requested)

Approval Process

- Requests are evaluated by the Board Chair, or by the Vice Chair.
- Written decisions (approval or denial) will be issued within 48 hours of receipt when practicable.
- Emergency same-day requests may be granted based on necessity.
- Approved remote participants and method of attendance will be communicated to meeting staff.

3. Recordkeeping – OMA §10-15-1(G)

Meeting minutes must:

- Record all members present
- Distinguish between in-person and remote attendance
- Document approval for any remote attendance
- Record all motions and votes
- Reflect remote participation method (Zoom, phone, etc.)

Retention

All requests, approvals, and related documents will be stored in a dedicated OMA Remote Compliance Folder and retained for five (5) years for monitoring, audit, IPRA/FOIA, and public review.

4. Transparency

To promote openness and ensure full compliance with the Open Meetings Act, NALWDB will make remote participation information publicly accessible whenever feasible. This includes noting approved remote attendance within the posted meeting minutes and, when appropriate, attaching or referencing the approval documentation so the public can clearly understand which members were authorized to participate remotely and under what circumstances. This practice enhances public trust, provides clarity regarding quorum composition, and ensures that all actions taken by the Board are transparent and properly documented.

5. Additional OMA Compliance Requirements

Meeting Notices

All meetings must comply with the Annual Open Meetings Resolution and OMA timelines (10-day, 3-day, 24-hour notice standards) and include:

- Date, time, location
- Public meeting link (if applicable)
- Agenda
- ADA & language-access accommodation information

Agendas

Agendas must be prepared and posted in strict compliance with the New Mexico Open Meetings Act to ensure transparency and provide the public with meaningful notice of the Board's business. Agendas must be posted within the required timelines, as outlined in the Annual Open Meetings Resolution (72 hours for regular meetings unless otherwise specified), and must be made accessible at the meeting location so attendees can easily follow the proceedings. Each agenda must clearly list all specific items that the Board intends to discuss or take action on; no official action may be taken on items that are not explicitly listed. Agenda preparation and posting must comply with NMSA 1978 §10-15-1(F), which requires that agendas be sufficiently detailed to inform the public of the matters to be addressed, ensuring openness, accountability, and lawful governance

Accessibility

NALWDB meetings must fully comply with the requirements of the Americans with Disabilities Act (ADA), ensuring that all members of the public, including individuals with disabilities, can meaningfully access and participate in Board proceedings. This includes providing reasonable accommodation such as assistive listening devices, interpreters, alternative document formats, or accessible meeting locations when requested within a reasonable timeframe. Meeting notices must include information on how to request accommodations, and the Board will make every effort to honor such requests promptly. In addition, remote participation options may be provided as an ADA accommodation when appropriate and consistent with the Open Meetings Act. These practices uphold the Board's commitment to inclusion, equity, and full public access.

Closed Sessions

Closed Sessions must be conducted strictly in accordance with the Open Meetings Act and used only for matters expressly authorized by law. Any closed session must first appear clearly on the agenda, including the specific statutory authority under NMSA 1978 §10-15-1(H) that permits the discussion of the proposed subject matter. Before entering a closed session, the Board must hold a roll-call vote in open session,

during which each member’s vote is individually recorded in the minutes. Once in closed session, the Board may only discuss the specific topic cited in the statutory authority; no other matter may be addressed. After concluding the closed session, the Board must reopen the meeting to the public and issue a clear statement affirming that the discussion was limited solely to the matters authorized by §10-15-1(H) and must avoid revealing confidential details. These steps ensure transparency, legal compliance, and protection of sensitive information while maintaining public trust.

Training Requirements

To ensure consistent compliance with the New Mexico Open Meetings Act (OMA) and to uphold the principles of transparency, accountability, and lawful governance, all NALWDB Board members, the Chief Elected Official (CEO), the Executive Director, Board staff, and One-Stop Operator staff involved in meeting administration or public records responsibilities are required to complete annual Open Meetings Act training. This training must be obtained from an approved source, including:

- The New Mexico Attorney General’s Office, which provides the state’s primary OMA training and official compliance guidance.
- NMSU EDGE / Certified Public Manager (CPM) Courses such as CPM 113, CPM 153, CPM 159, and CO 113, which include formal OMA, ethics, and public accountability modules; or
- A certified third-party OMA training provider meeting state standards for accuracy and legal sufficiency.

Training must be completed annually to ensure that all individuals with governance responsibilities remain current on statutory requirements, Attorney General interpretations, and any legislative or regulatory updates affecting OMA compliance.

Proof of successful completions such as certificates, transcripts, completion emails, or rosters—must be submitted to the NALWDB Executive Director for retention. These records will be securely stored in accordance with 1.25.10 NMAC (public records retention) and made available to NMDWS monitors, auditors, or other authorized reviewers upon request.

The purpose of this training requirement is to ensure that all decision-makers and staff fully understand their legal obligations, reduce the risk of violations, and protect the integrity of the Board’s public meetings.

6. Implementation Timeline

✓ Policy Draft & Legal Review: December 2025

Comprehensive drafting of the OMA Attendance Policy will be completed in December 2025, followed by legal review to ensure full alignment with the New Mexico Open Meetings Act, NALWDB bylaws, NMAC requirements, NMDWS guidance, and the findings issued through state monitoring. Any revisions recommended through legal review will be incorporated prior to presentation to the Board.

Board Adoption: January 12, 2026

- ✓ The finalized policy will be formally presented to the Northern Area Local Workforce Development Board for discussion and adoption at the January 12, 2026, regular Board meeting. Adoption will establish the policy as binding guidance for Board members, staff, committees, and the One-Stop Operator.

Board & Staff Training: January 12, 2026

- ✓ Immediately following adoption, the Board, CEO, Executive Director, and all staff responsible for meeting administration will receive training on the policy's requirements, including procedures for remote participation, quorum documentation, closed sessions, recordkeeping, and compliance with OMA. This ensures full understanding and readiness for implementation.

Full Implementation: January 12, 2026

- ✓ The policy will take effect upon Board approval. All NALWDB meetings held on or after this date must adhere fully to the procedures and compliance standards outlined in this policy, including documentation requirements, meeting notice standards, and the remote participation approval process.

7. Enforcement and Consequences of Noncompliance

Failure to comply with the Open Meetings Act or this Attendance Policy may result in the invalidity of Board actions, findings of noncompliance during state monitoring, or violations of the New Mexico Governmental Conduct Act (GCA). Board members are expected to adhere to these requirements to uphold transparency and public trust. Repeated or willful violations may be reported to the CEO, Chief Elected Official (CLEO), or appropriate oversight entity for corrective action. Nothing in this policy limits any remedy available under state law.

8. Policy Review and Revision

This policy will be reviewed annually by the Executive Director and Board Chair, or more frequently if required due to statutory updates, Attorney General guidance, NMDWS monitoring findings, or Board governance needs. Recommendations for revision will be submitted to the Board for approval through the standard policy adoption process. Updated versions will be posted publicly consistent with transparency requirements.

9. Questions or Clarifications

Questions regarding compliance with this policy or the Open Meetings Act may be directed to:

- NALWDB Executive Director
- Board Chair
- NALWDB Program Support Specialist



Board Chair

3-31-26

Date

