

**New Mexico Foundation for Open Government
Board of Directors Meeting Minutes**

Friday, April 17, 2015

3:00 p.m. – 5:00 p.m.

Albuquerque, NM

AGENDA MINUTES

Members Present

Those present:

Greg Williams, President; Martin Salazar, President Elect; Billie Blair, Secretary; Charles “Kip” Purcell, Executive Committee Member; Carl Baldwin; Dede Feldman; Charles Goodmacher; Phil Lucey; Melanie Majors; Michael Melody; Karen Moses; Fred Nathan; Kyla Thompson; Doug Turner; Sylvia Ulloa

Staff:

Susan Boe, Executive Director; Shannon Kunkel, Membership Director

Public:

Penny Baldwin, State Representative Jim Dines, Christopher Dodd, Norbert Rempe, Mary Smith

President Mr. Williams called the meeting to order at 3:00 p.m.

Presentation by Representative Jim Dines

Rep. Dines (R-Albuquerque) joined the meeting to present a summary report from the 2015 New Mexico State Legislative Session and provide the board with the perspective of a freshman lawmaker with ties to FOG. Rep. Dines described his philosophy and commitment to not accept funds, gifts or meals from lobbyists or PACs, explaining that his dedication to remaining independent resonated with constituents. Rep. Dines indicated that the climate of the legislature may be shifting away from transparency. He cautioned that many lawmakers, while outwardly supportive of open government, are preoccupied with budgetary concerns and may be willing to sacrifice transparency to save costs and ease the burden on records custodians and other government staff. Rep. Dines advised the board to focus energies on lobbying efforts prior to the start of the 2016 session, to pre-file any legislation FOG pursues in the future and to educate members of specific committees prior to bills being heard.

Approval of Agenda

Mr. Williams called for the approval of the agenda. Mr. Nathan moved to approve the agenda for the meeting. Mr. Salazar seconded the motion, and the motion carried.

Approval of Minutes

Mr. Williams asked for any corrections to the minutes from the January 16 meeting. There were none. Mr. Nathan motioned to approve the minutes, and Mr. Salazar seconded the motion. The motion was approved.

President's Report

Mr. Williams indicated that his points of discussion included both the legislative session and pending legal matters. For that reason, he deferred his report, to be discussed throughout the meeting as those topics were broached.

Executive Director's Report

Ms. Boe provided a detailed report of legislative victories from the recent session, including:

- An amendment to link state vendor contracts to the Sunshine Portal, which passed and was signed by the Governor.
- A bill to include lobbyist reports on the Secretary of State's disclosure website in searchable, sortable and downloadable formats, which passed and was signed by the Governor.
- A bill to except from IPRA compelled statements by firefighters, which FOG fought during session and later urged the Governor to veto. The Governor eventually vetoed the bill.
- A bill to create a healthcare sunshine portal to disclose costs and quality scores of common procedures, which FOG endorsed, was passed by the legislature and signed by the Governor.

Ms. Boe also indicated that the volunteer lobbyist, Karin Foster, was invaluable and worked aggressively on FOG's legislation. The board briefly discussed how to best thank elected officials who supported open government and how to best evaluate lawmakers and their stance on transparency.

Ms. Boe also reported that nearly 40 individuals have registered for the upcoming CLE, which should guarantee the seminar will be an effective fundraiser.

Treasurer's Report

Mr. Trapp was not in attendance, and Ms. Boe presented his financial report. There was a brief discussion about evaluating the organization's investment accounts to ensure the highest possible returns.

OMA and IPRA Legal Issues Discussion and Reports

Mr. Williams presented the report on the State Investment Council pending case and stated that Mr. Yohalem (not in attendance) and Ms. Boe had submitted amicus briefs in the case. Mr. Lucey indicated that the New Mexico Press Association had also signed on to the case.

Mr. Williams also briefed the board on the New Mexico Supreme Court decision in the Dan Faber case. He reported that the Court has reversed a previous decision and ruled that only actual damages can be awarded in IPRA cases where there has been an improper delay in responding to requests.

Membership Director's Report

Ms. Kunkel thanked the *Albuquerque Journal* and other publications for participating in Sunshine Week. She reported that the Share Your Sunshine photo contest was a success, resulting in increased social media followers and engagement. Ms. Majors suggested that the best way to gauge the value of social media was the conversion of followers to members. Ms. Kunkel also provided a list of lapsed members and asked the board to contact her if they would like to make appeals to any of the members whose dues are not current. Ms. Kunkel distributed a sponsorship packet for the October 7 Dixon Lunch and requested the board email her suggestions for potential sponsors.

New Business

Ms. Blair presented the new Policies and Procedures. The document stipulated that all board members purchase an Individual Benefactor Membership with FOG annually for \$150. Mr. Salazar commented that the requirement could have a chilling effect and discourage individuals from serving on the board. After some discussion, Ms. Blair moved the policies be amended to simply require that board members purchase a membership at any level. Ms. Feldman seconded, and the motion was approved.

There was further discussion regarding the provision to prohibit current elected officials and candidates for office. Mr. Nathan moved and Ms. Ulloa seconded a motion to remove that provision and allow the executive committee to further discuss the issue. The motion carried.

Ms. Feldman asked for clarification to the language about "a business decision" in the Conflict of Interest policy. Ms. Feldman moved to amend the language to "a board decision," and Ms. Moses seconded. The motion was approved.

Lastly, Mr. Purcell voiced concern that the Bylaws and the Policies and Procedures should be clarified to specify which document governs the other. He further commented that the Policies and Procedures did not designate ways in which they can be amended. There was consensus that the Bylaws be amended to reference the Policies and Procedures, thus guaranteeing the Bylaws supersede the Policies and Procedures. In addition, the Policies and Procedures would clarify that the Executive Committee could propose and draft any amendments thereto, which would then go to the full board for a vote. Ms. Thompson moved to amend both documents accordingly. Mr. Baldwin seconded, and the motion was approved.

It was agreed that ad hoc committee assignments be determined via email.

Public Comments

Mr. Williams invited the members of the public to comment. Ms. Smith thanked FOG for the organization's work and offered to volunteer with FOG. Mr. Dodd indicated that his membership with FOG had lapsed, and he intended to renew. Mr. Rempe thanked FOG for its assistance on open government issues he has experienced.

The meeting adjourned at 5:00 p.m.