

# New Mexico Foundation for Open Government

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Oct. 18, 2010

Office of the Secretary  
New Mexico Department of Finance and Administration  
Bataan Memorial Building, Room 180  
Santa Fe, NM 87501

## Submitted via e-mail

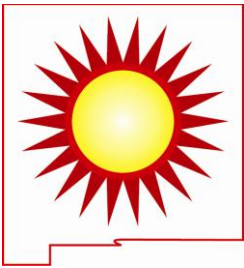
Dear Department of Finance and Administration Community Development Bureau Staff and Community Development Council Members:

Thank you for the opportunity to comment on proposed amendments to the administrative rules governing Small Cities Development Block Grants. I am writing to urge you to **reject** the proposed amendment regarding public hearing notices, NMAC 2.110.2.15.F.(5)(d). I believe the proposed change would have a negative impact on the public's access to important information about Block Grant applications.

It is clear from the rule's entirety that public input is an important component of the Block Grant application process. The question then becomes, how can the Bureau and Council ensure that the public has had ample opportunity to scrutinize and comment on a city's final application? And beyond that minimum assurance, how can the Bureau and Council use program rules to enable and encourage robust public participation?

In small communities, posting public-hearing flyers around town is certainly a good idea – but it will reach a narrow audience. Most citizens don't have time to visit city hall or the main post office every week to check for upcoming public hearings. And few of us routinely visit government websites to scan meeting notices. We typically rely upon proxies, including independent media, to inform us of any upcoming government actions that might affect our interests. A preference for media ads is reflected in New Mexico's public-notice law for mandatory public hearings. When the government is about to take a major action, or one that's legally binding on citizens, it must go above and beyond the normal Open Meetings Act procedures to guarantee that opportunities for public comment have been afforded. I believe the public has that same right with regard to Block Grant applications.

If the Block Grant program relaxes its minimum notice guarantee and allows cities to post three flyers instead of placing media ads, I fear that many cities will default to that faster, cheaper option. This will leave far fewer members of the public with the opportunity to learn



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of and participate in the application process. I therefore urge you to retain the current rule requiring notice “in the non-legal section of newspapers and in other local media.”

Thank you again for this opportunity, and for your time and service.

Sincerely,

Sarah Welsh  
Executive Director