

New Mexico Foundation for Open Government

EXECUTIVE
COMMITTEE
Charles (Kip) Purcell
President

Terri Cole
Vice President

Kent Walz
Secretary

Patrick J. Rogers
Treasurer

EXECUTIVE
DIRECTOR
Sarah Welsh

DIRECTORS
Kathi Bearden
Hobbs

Billie Blair
Santa Fe

Dana Bowley
Los Lunas

David Cargo
Albuquerque

Frank Clinard, Jr.
Los Alamos

Rob Dean
Santa Fe

Martin Esquivel
Albuquerque

Charles Goodmacher
Rio Rancho

Karl E. Johnson
Albuquerque

Martha Mauritsen
Carlsbad

Paula Murphy
Raton

Iain Munro
Albuquerque

Charles R. Peifer
Albuquerque

Arthur Schreiber
Albuquerque

Phoebé Latimer Spencer
Hobbs

Jack Swickard
Roswell

Kyla Thompson
Albuquerque

Robert B. Trapp
Española

Robert White
Albuquerque

Greg Williams
Albuquerque

Daniel Yohalem
Santa Fe

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

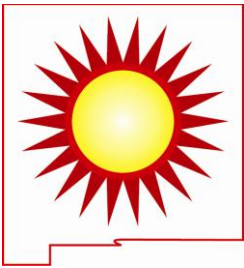
Dear Department of Finance and Administration Community Development Bureau Staff and Community Development Council Members:

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



New Mexico Foundation for Open Government

EXECUTIVE
COMMITTEE
Charles (Kip) Purcell
President

Terri Cole
Vice President

Kent Walz
Secretary

Patrick J. Rogers
Treasurer

EXECUTIVE
DIRECTOR
Sarah Welsh

DIRECTORS
Kathi Bearden
Hobbs

Billie Blair
Santa Fe

Dana Bowley
Los Lunas

David Cargo
Albuquerque

Frank Clinard, Jr.
Los Alamos

Rob Dean
Santa Fe

Martin Esquivel
Albuquerque

Charles Goodmacher
Rio Rancho

Karl E. Johnson
Albuquerque

Martha Mauritsen
Carlsbad

Paula Murphy
Raton

Iain Munro
Albuquerque

Charles R. Peifer
Albuquerque

Arthur Schreiber
Albuquerque

Phoebe Latimer Spencer
Hobbs

Jack Swickard
Roswell

Kyla Thompson
Albuquerque

Robert B. Trapp
Española

Robert White
Albuquerque

Greg Williams
Albuquerque

Daniel Yohalem
Santa Fe

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