



Board of Directors Meeting Minutes
Thursday, February 9, 2017
Noon-2:30 p.m.
Albuquerque, NM

Members Present

Martin Salazar, President; Greg Williams, in-coming President; Kathi Bearden, Immediate Past President; Karen Moses, Vice President; Carl Baldwin, Treasurer; Billie Blair, secretary; Charles “Kip” Purcell, Executive Committee member; Daniel Yohalem, Executive Committee member; Jeri Clausing, Dede Feldman; Charles Peifer; Bob Trapp; Joseph Zebas. Telephonically: Janice Arnold-Jones.

Staff

Peter St. Cyr, Executive Director

Call to Order

President Martin Salazar called the meeting to order at 12:14 p.m. Dan Yohalem confirmed by the By-laws that more than 50 percent of members were present by phone or proxy. Mr. Salazar welcomed new board member, Joseph Zebas, a Hobbs attorney, practicing in personal injury and civil rights. He recognized new Executive Director Peter St. Cyr, who thanked the Board for the opportunity.

Approval of Agenda

Mr. Salazar called for approval of the agenda. Ms. Bearden moved, and Mr. Baldwin seconded. The motion to approve the agenda carried.

Approval of Minutes

A motion to approve the minutes of the Nov. 30, 2016 meeting was made by Ms. Bearden and seconded by Mr. Baldwin. The minutes were approved.

Outgoing President’s Report

Mr. Salazar reported that he has accepted a new position as city/county government reporter for the *Albuquerque Journal* and, therefore, is resigning from the Board. He expressed his deep regrets. He reported that Mr. Williams, immediate past president, has agreed to serve a third year’s term, which will demonstrate the stability of the organization. He issued a call for nominations for president. Ms. Moses nominated Greg Williams and Ms. Blair seconded; the motion to elect Mr. Williams carried with Mr. Williams abstaining.

Incoming President's Report

Mr. Williams, assuming his post, thanked Mr. Salazar for his service to FOG and congratulated him on his new position. He also congratulated Ms. Moses on her promotion to editor of the *Albuquerque Journal*. He welcomed Mr. Zebas and appointed him to the Legal Panel.

Executive Director's Report

Mr. St. Cyr expressed his thanks to former Executive Director Susan Boe and Membership Director Shannon Kunkle for their assistance during the transition and said his start date coincided with readying for the Legislative session. He said Karin Foster, FOG's lobbyist, is very helpful and that FOG is getting good media coverage on transparency issues during the session. He reported he has been on five radio talk shows on behalf of FOG.

He suggested the Continuing Legal Education seminar be changed to later in the year for better marketing. Mr. Williams cautioned against having the Dixon event and CLE training during the same time window. Mr. Peifer recalled that the CLE training had originally been scheduled for the spring to provide a Legislative update. Mr. Baldwin recalled that the lower attendance in 2016 was due to lack of state funding. Mr. Yohalem said the Legal Panel will prepare the content. Mr. Williams asked the Executive Director to calendar the CLE event.

Mr. St. Cyr presented the hotline report. He said one question involved a state agency being asked to provide e-mails from hunter's applications to another agency.

Mr. St. Cyr said he budgeted for part-time membership director to join FOG staff after the session. Mr. Williams asked for a recommendation on whether to have an hourly or contract individual and that the position begin in April. Mr. Williams recommend reassessing the need for a membership director in April, at the end of the NMLEG.

Treasurer's Report

Mr. Baldwin presented the balance sheet showing \$147,104 in total assets. He said it is strong, and FOG is on a solid foundation with 50 percent of its projected budget expenses available in demand deposit accounts. He said he and others on the Finance Committee determined FOG has too much deposited in cash accounts and recommended laddered CDs. Ms. Blair asked if there is an Investment Policy. Mr. Yohalem said there is, and recommended that the Finance Committee update it and bring it back to the Board. Mr. Baldwin said there are undeposited cash receipts as of Dec. 21, 2016 of \$1,465, and we need to send any required acknowledgment letters to donors. Mr. St. Cyr will follow up.

Mr. Baldwin went through the revised 2017 FY budget, which projects a net margin loss of \$2,326. The 2017 budget projects \$5,400 less revenue than the 2016 budget with legislative expenses up \$2,200 to cover the cost of a lobbyist for a 60-day session; an increase in telephone and Wi-Fi costs due to the Executive Director's home office; and \$20,000 budgeted for a membership director. Mr. Trapp pointed out that payroll taxes will need to be adjusted accordingly.

Mr. Yohalem moved and Ms. Bearden seconded acceptance of the 2017 budget. The motion passed.

Legislative Update

FOG is tracking HB 267 with regard to trade agreements not being subject to IPRA. Mr. Purcell said since there is already a trade secrets act, this may permit such legislation. He will review the bill.

SB 299 is a whistle blower protection act supported by New Mexico Ethics Watch which prevents retaliation orally or in writing for leaking government documents. Mr. Williams said if FOG is asked for a position on this it should support it, though not issue a statement in support at this time. He asked the Legal Panel to bring a recommendation to the full Board.

SB 93, keeping names of all state personnel hiring confidential, may be the most significant bill FOG lobbied. It is stronger than the proposal put forward by New Mexico State University President Garrey Carruthers several years ago making the case that university hiring decisions should be confidential but not seeking an IPRA exemption for just that. Rather, it would have kept the names of all candidates for any state position private and only the name of the finalists for the head of the agency or public body position would be released. Mr. St. Cyr reported the Senate Public Affairs Committee tabled the bill, effectively killing it this session.

SB 149, requiring law enforcement to keep the names of victims or witness to an alleged crime of assault, harassment, stalking criminal sexual penetration or sexual contact confidential would be improved by taking the exemption out of IPRA and placing it in the law enforcement statutes. Ms. Foster, FOG's lobbyist, is working on refining this bill.

FOG counts as a win the first day of the Session when Senate Majority Leader Peter Wirth announced all Senate Committees would be videotaped and those tapes archived for five years. This is following work by other legislators to videotape sessions.

The Executive Director presented a tracking list of all bills relative to IPRA/OMA. OMA and IPRA Legal Issues Discussion and Reports

Mr. Peifer said the University of New Mexico is establishing a policy on paper and electronic records: the first 50 copies will be free and the 51 and there after will be 50 cents each. He said that is an illegal charge and that FOG has litigated the issue in the past. The Board generally agreed with his recommendation that the cost be that of the UNM copying office of 7-11 cents per page. Mr. Pfeiffer encouraged FOG to challenge this charge more vigorously to discourage other agencies from following suit. Mr. Trapp reported that has of January 1, 2017, the Office of Medical Investigator raised its .pdf autopsy fee to \$18. Mr. Zebas said his office has paid \$30 for OMI written reports and \$100 for photographs. Mr. Williams instructed Mr. St. Cyr to share the UNM public documents policy with the Executive Committee to determine a course of action and said he will discuss with Mr. Trapp further a strategy to address OMI charges.

Mr. Williams reported that FOG's amicus brief in the San Juan Water Hauler's Case must be filed as an attachment to the motion for leave. Since the parties are in no hurry to move the case through, he has spoken with attorneys on both sides who have agreed to move their briefings back so that FOG can file an attachment.

Ms. Bearden said the Hobbs city manager has put all records on line, though the town attorney has heavily redacted some documents. She reported that she and Ms. Boe had spoken with Hobbs town officials on this issue. She asked for a letter to the city manager on what can legally be redacted to be sent to the town. Mr. Williams said the Legal Panel will provide such a letter.

Old Business

Discussion of Dixon Event

Ms. Arnold-Jones raised the issue of whether the Dixon event should continue as a luncheon as she said attendance is declining and said she believes more revenue could be generated from a dinner. Furthermore, the program has become longer, largely due to the nationally known speaker. Ms. Blair said the event is a cultivation opportunity and asked that Board members include potential new members and people in government offices who might learn more about transparency. Ms. Feldman said she finds that the speaker attracts journalists to the event. Ms. Moses, who said she believes there can be ways to shorten the presentation, volunteered to serve on the Dixon Committee. After some discussion, Mr. Williams said he will appoint a committee and ask for a recommendation on the event.

New Business

Mr. Williams reappointed Mr. Yohalem and Mr. Purcell to the Executive Committee and excused Ms. Bearden, thanking her for her years of service.

Mr. St. Cyr reminded the Board of Sunshine Week, March 12-18, and said he planned to run a haiku contest again and use a restaurant as a fund-and friend-raiser.

Adjournment

Ms. Blair moved for adjournment, and Mr. Baldwin seconded. Motion carried, and meeting adjourned at 2:30 p.m.

NEXT MEETING

TBA