



**New Mexico Foundation for Open Government (FOG)
Board of Directors Meeting Minutes
Friday, April 22, 2022, noon to 2pm
Albuquerque Journal auditorium and via Zoom**

Directors in attendance in person: Kathi Bearden, Karen Moses, Susan Boe, Billie Blair, John Moses, Charles Peifer, and Gregory Williams.

Directors in attendance via Zoom: Carl Baldwin, Dede Feldman, Heather Ferguson, Tom Johnson, Sammy Lopez, Paula Maes, Mike Melody, Fred Nathan, Lucas Peerman, Mary Lynn Roper, Daniel Russell, Kip Purcell, Kristelle Siarza, and Daniel Yohalem

Staff in attendance in person: Shannon Kunkel

Not Present: Nate Gentry, Henry Lopez, Rashad Mahmood, Jessica Onsurez, Alexis Tappan, and Lori Waldon

No members of the public were in attendance.

A quorum of the FOG Board of Directors being present in person or online, President Bearden called the meeting to order at 12 p.m. Ms. Blair made a motion to approve the agenda, which was seconded by Immediate Past-President Boe. The agenda was approved.

Mr. Melody motioned for the approval of the draft minutes from the January meeting, and Mr. Russell seconded the motion. The minutes were approved with no amendments.

Treasurer Baldwin presented the Finance Committee report, including the quarterly financials and budget vs. actuals. Ms. Siarza asked if there was a better way to forecast and plan to ensure more budgeting stability. Ms. Kunkel explained that the donations to the general operating fund were slow for the first quarter because of the emphasis on fully funding the legal initiative. Ms. Blair noted that the year-over-year budget illustrates the months in which revenue is higher for planning purposes.

Mr. Melody motioned to approve the financials, and Ms. Moses seconded the motion. The motion carried.

The first committee report was presented by the chair of the Legislative Committee, Mr. Nathan. Mr. Nathan presented a five-year strategic legislative plan created in collaboration with FOG's lobbyist, Jason Espinoza, and Ms. Kunkel. Mr. Nathan explained that championing one or two measures every session would offer FOG the

opportunity to work proactively with lawmakers and build relationships. It would also be a way to best utilize FOG's lobbyist and increase the likelihood of passing good legislation. Ms. Boe noted that the Board should vote before formally adopting any such plan. Ms. Bearden said it was currently up for discussion and an action would be added to the next meeting agenda.

Mr. Williams presented the Legal Committee report, including the recent appellate hearing affirming that nonprofit fundraising entities for public institutions were indeed subject to the Inspection of Public Records Act. Mr. Williams noted that the case, *Libet v UNM Foundation and Lobo Club*, was one that FOG had long been following and had submitted an Amicus Brief in the case.

Mr. Purcell gave an update on the lawsuit FOG jointly filed with *The New Mexican* against the city of Rio Rancho. Mr. Purcell explained that the city had issued two motions in response – a motion for more definite statement, essentially arguing that more particularity was necessary to address the complaint, and a motion to strike, which contended the original complaint included “speculative” and “sensationalized” content. Mr. Purcell said both motions were baseless and likely just maneuvers to buy them additional time.

Ms. Boe gave the Legal Initiative report and explained that with FOG's fundraising goal for the Legal Director position nearly achieved, the committee met to create a job description and begin the hiring process. Ms. Boe explained that after consulting with Mr. Peifer, the job description was realigned to ensure the position would be self-sustaining. Mr. Peifer said that for a seasoned attorney to fund the position, they would need to dedicate at least 80 percent of their time to litigation, and for a newer attorney, nearly all of their time would need to be focused on lawsuits.

Mr. Nathan asked why the Legal Director would not report to the Executive Director. Mr. Yohalem explained that there are specific rules that dictate to whom attorneys can report. Ms. Kunkel stated that she was not resolved that the Legal Director should report to her. Ms. Bearden said that edits would be made to the job description, and it would be sent to the Board via email for further review.

Ms. Blair next gave the Fundraising Committee report. Ms. Blair explained that there was a new focus on recurring donations, which offer the benefit of steady revenue for FOG. Ms. Blair pitched to the Board that if every Director contributes \$10 per month and solicits five friends or family members to do the same, FOG would easily reach its fundraising goals.

Ms. Siarza and Mr. Lopez discussed the Marketing Committee's work to identify target audiences, strategies to engage them, and metrics to evaluate success. Among the targets were attorneys, journalists, retired public officials, higher education faculty, and advocates for open government. Ms. Bearden said that attorneys were not a typical audience for FOG and asked for an additional meeting to refine the marketing plan.

Ms. Maes discussed the Dixon Lunch, stating that with a date selected at the Marriott for October 6, the next important task was to secure a speaker. Ms. Boe noted that she had been in contact with representatives for journalist and Nobel Peace Prize winner Maria Ressa, but that she was charging an exorbitant speaking fee. Ms. Maes suggested a reporter from Russia or the Ukraine to discuss disinformation and reporting challenges. Ms. Maes also offered the idea of a gubernatorial forum rather than a traditional keynote address. Ms. Bearden said she was hesitant to deviate from the traditional speaker model. Ms. Moses suggested a forum could be held as a separate event.

Ms. Kunkel presented the hotline report and explained that about half of calls were from journalists and most pertained to IPRA rather than OMA. Ms. Boe and Ms. Bearden stated that volumes may be lower than in past years.

Ms. Bearden explained that Ms. Kunkel was able to obtain a credit card for expenses with a limit of \$5,000. The prior Board Resolution allowed for \$2,500. Mr. Yohalem moved to amend the resolution for a \$5,000 limit. The motion was seconded by Mr. Melody, and the motion carried.

With no new business and no public comment, Ms. Blair moved to adjourn, and Mr. Nathan seconded. The meeting concluded at 2:08 p.m.