



**New Mexico Foundation for Open Government (NMFOG)
Board of Directors Meeting Minutes
Thursday, Nov. 19, 2020
12 p.m.
Albuquerque, NM
ZOOM Meeting
DRAFT**

A virtual meeting of the board of the New Mexico Foundation for Open Government was held via ZOOM, notice having been given.

Members Attending:

Susan Boe, President; Mike Melody, Vice-President; Sammy Lopez, Secretary; Carl Baldwin, Treasurer; Members: Billie Blair, Dede Feldman, Heather Ferguson, Tom Johnson, Henry Lopez, Paula Maes, Steve McKee, Mike Melody, Karen Moses, Fred Nathan, Kip Purcell, Kristelle Siarza, Robert B. Trapp, Greg Williams, Daniel. Yohalem.

Members Not Present:

Mary Ann Armijo, Kathy Bearden, Tim Maestas, Lucas Peerman, Chuck Peifer, Mary Lynn Roper, Jessica Onsurez and Hal Stratton.

Staff:

Melanie Majors, Executive Director.

Public:

Bernalillo County Treasurer Nancy Bearce and Jason Espinoza, NMFOG lobbyist attended the meeting.

Call to Order:

A quorum being present, Ms. Boe called the meeting to order at 12:04 p.m. Ms. Boe welcomed the board and Treasurer Bearce and asked if the treasurer could be moved up on the agenda, which the board agree to do.

Approval of Agenda:

Ms. Boe called for a motion to approve the agenda. Ms. Blair moved. seconded. Motion carried.

Approval of Minutes:

Ms. Boe called for a motion to approve the meeting minutes from the Aug. 20, 2020 meeting; Mr. Yohalem moved. Mr. Melody seconded. Motion carried.

President's Report

Ms. Boe said state has been shut down, but FOG is not. She expressed gratitude and congratulations for everyone who worked on the Dixon virtual lunch thanking Henry Lopez for his work to set up and provide logistical support. She also thanked Kristelle Siarza for her input and she thanked Ms. Majors. In addition, President Boe said that FOG's work is more critical than ever pointing out recent events highlighted through the Journalist Under Fire session sponsored by the Santa Fe Council on International Relations. During the conference, participants were told about issues with Freedom of Information Requests. She shared that in Hungary most FOIA requests end up in court -- an example she cited as the answer to the question of the importance of what we do.

FINANCE COMMITTEE REPORT

Mr. Baldwin presented the Financial Report which was included in the packet sent to the board prior to the meeting.

Statement of financial position

- FOG has \$51,989.92 in its cash accounts.
- Investments in 2020 have increased to \$174,708.95 resulting in a very strong financial statement during uncertain times.

He pointed out the \$15,104 paycheck protection loan is considered a liability until it is forgiven. He pointed out that the end of the month bank balance was higher than for the same month last year adding the overall budget deficit is less than projected at \$278.

Mr. Baldwin said the budget committee was working on the 2021 budget adding that the group would meet in the next few weeks and have a draft ready for the next meeting.

Mr. Nathan made a motion to accept the financial committee report and Ms. Siarza seconded the motion. All approved.

EXECUTIVE DIRECTOR REPORT

Ms. Majors included her report and the quarterly hotline report in her packet to the board. A copy of the report is included in the minutes.

She highlighted work including the survey of the legislative candidates to be sent next week. She thanked Mr. Espinoza for his assistance. She also thanked the print publications that used the survey.

- Ms. Majors also thanked Mr. Lopez for who handled all of the logistics leading up to and during the Dixon event itself and made sure the event was available on the website. She said Bob Woodward headlined the 2020 Virtual Dixon Awards Luncheon. Mr. Woodward participated in a question and answer format with Dean Staley of KRQE TV 13.
 - eight sponsorships totaling \$11,000.00

- 11 tables totaling \$6,600. 00
- The number of individual tickets sold was totaling \$4,480.00
- Total income of \$22,080.00
- Expenditures -- \$1,556.00
- Total income -- \$20,124.00

In addition, she related:

- The FOG Hotline continues to be active.
- Upcoming legislative session – In the next newsletter, FOG outlines recommendations to ensure public access to debate during the special session.
- Completed all of the paperwork required for US Bank’s forgiveness of the PPP loan. Once the bank approves the loan forgiveness, they make a recommendation to the SBA for forgiveness, a process that can take up to 60+ days.
- FOG Conducted IPRA training for NM State Police on Aug. 31, 2020.
- FOG Conducted IPRA training for City of Espanola September 1, 2020.
- Outreach to UNM Law School – Presentation to class November 17, 2020

COMMITTEE REPORTS

LEGAL COMMITTEE

Mr. Williams reported on the recent amicus brief filed on behalf of Daniel Libit in his lawsuit against the UNM Foundation and the UNM Lobo Club.

Mr. Yohalem shared an update on a case he is pursuing on behalf of the Santa Fe Reporter concerning disciplinary records. He said he may ask FOG for an amicus brief at a future date.

Ms. Boe thanked Mr. Williams doing amicus brief.

Mr. Williams also discussed the annual Continuing Legal Education seminar and said it will not be held in 2020. He suggested holding a small virtual CLE following the 2021 Legislative Session with a larger event in the fall.

Discussion continued on developing an on-line CLE which could become a revenue center for FOG. Discussion also centered on producing new modules about IPRA, OMA and placing them on an online format.

MEMBERSHIP COMMITTEE

Ms. Majors gave the membership report stating:

- FOG Members -- 208
- The Dixon ticket sale generated 31 new FOG members
- New fundraising letters will be going out the week after Thanksgiving.

Discussion centered on the number of newspaper members and their level of financial support. The Albuquerque Journal and the Rio Grande Sun are both First Amendment levels supporters. Several other papers support FOG at the organizational level. Sammy

Lopez indicated he would work with the membership committee to recruit more newspaper members.

MARKETING COMMITTEE

Mr. McKee said the Marketing Committee developed a news ad for publication during the time between the election and the start of the 2021 Legislative session. Ms. Majors thanked all of the print outlets that share the ads in their publications.

President Boe offered thanks to Mr. McKee and his firm for the tremendous job underway for FOG's marketing.

LEGISLATIVE COMMITTEE

Mr. Nathan pointed out that no decision had been made on how the 2021 session will proceed. He suggested FOG focus on the issue of working with the House and Senate leadership to change the rules for the budget discussions. Mr. Nathan said that the information FOG was able to gather through its survey would be helpful in identifying legislators who were amenable to opening up the process. It was pointed out that a majority of those responding to the FOG survey were quite frank about the lack of transparency in the process.

He advised the group that FOG would be outlines recommendations to ensure public access to debate during the special session.

Following lengthy discussion, the board agreed that FOG should also focus on legislation to make the state's Capital Outlay transparent.

Mr. Nathan said the Legislative Committee will meet prior to the 2021 session to finalize its position.

Mr. Espinoza told the board that the governor was calling for another special session the week of November 23, 2020.

NEW BUSINESS

NOMINATING COMMITTEE

Ms. Siarza presented the recommendations from the Nominating Committee to the board. Because of the current situation where the FOG can only meet virtually, it was recommended that no new members be added at this time.

Additional recommendations include: the current board remain in place for an additional calendar year -- Susan Boe, President; Mike Melody, Vice-President; Sammy Lopez, Secretary; Carl Baldwin, Treasurer; Karen Moses, Immediate Past President with Kip Purcell and Daniel Yohalem continuing as members-at-large. Ms. Blair moved that the committee's recommendation be adopted and Ms. Moses seconded. Motion Carried.

Also, Ms. Siarza pointed out the current board members whose terms were expiring had been asked by the committee to remain on the board for an additional three-year term. These individuals include: Kathi Bearden, Dede Feldman, Tom Johnson, Fred Nathan, Chuck Pfeifer and Kip Purcell. Ms. Siarza moved that the committee's recommendation be adopted and Ms. Moses seconded. Motion Carried.

FOUNDATION MEMBERSHIP REDESIGN

Ms. Boe led the discussion concerning the FOG executive committee's recommendation the board eliminate membership classifications and switch to a donor (supporter) model for the following reasons:

1. The "membership" model is not a familiar one to the average donor, as most nonprofit organizations use a stratified donor model, such as is described below. The Executive Committee believes it will be beneficial to our fundraising to follow the most widely used fundraising model.
2. FOG members receive no additional benefits from membership. Some potential donors may have shied away from giving money because of an aversion to becoming a "member" of any organization.
3. Administratively, keeping track of the month when an annual expires requires more work and is subject to mistakes and misunderstandings. "I thought I already paid this year." "Where is my membership renewal notice?" Instead, staff will conduct donation campaigns and mailings two or three times per year. Particularly at year-end, donors will be sent letters with enclosed envelopes reminding supporters to include FOG in their annual charitable giving.
4. FOG still will recognize support levels on its websites and contributors can continue to make donations on a monthly or quarterly basis. For example, "First Amendment Supporters--\$6,000 to \$10,000," "James Madison Supporters--\$1,000-\$5,999," "Bob Johnson Supporters--\$500-\$999."
5. The Executive Committee suspects that the rigid membership categories may have resulted in lower donations or kept grassroots small donors from sending in their \$15 contributions.
6. We have received some feedback that "invoices" for membership payments is impersonal and off-putting.

Mr. Melody moved that the recommendation be adopted and Ms. Blair seconded. Motion Carried.

BYLAWS REVIEW

As it has been several years since the bylaws were reviewed, it was suggested that a committee be formed to review the bylaws. The committee will include Ms. Blair, Ms. Boe, Ms. Siarza and Chuck Pfeifer, who was unable to attend the meeting.

FOUNDATION DEVELOPMENT MANAGER

Discussion about the job requirements and title for an additional part time employee to

focus on administrative duties and fundraising was discussed. Ms. Siarza indicated she would assist in developing the final job description and title.

DATES FOR 2021 BOARD MEETINGS

The board adopted dates for the 2021 board meetings. The dates are:

- Thursday, January 14, 2021
- Thursday April 22, 2021
- Thursday, August 19, 2021
- Thursday, November 2021

ADJOURNMENT

As there was no other business, Ms. Boe called for motion to adjourn. Mr. Melody moved. Ms. Blair seconded. Motion carried. Thanked everyone. Meeting adjourned at 1:50 p.m.