



Minutes
NMFOG Board of Directors Meeting
Friday, December 2, 2022,
12 – 2:30 p.m.
NMFOG Office and via Zoom

Directors in attendance in person: Kathi Bearden, Billie Blair, Susan Boe, Sammy Lopez, Paula Maes, Karen Moses, Chuck Peifer, Mary Lynn Roper, Kristelle Siarza, Greg Williams and Daniel Yohalem.

Directors in attendance via Zoom: Dede Feldman, Rashad Mahmood, Henry Lopez, John Moses, Lucas Peerman Jessica Onsurez, Daniel Russell and Kip Purcell.

Staff in attendance in person: Melanie J. Majors. Jason Espinoza, lobbyist, Lilly Irvin-Vitela, contractor.

Not Present: Nate Gentry and Tom Johnson.
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. Roper made a motion to approve the agenda, which was seconded by Ms. Siarza. The agenda was approved.

Mr. Williams motioned for the approval of the draft minutes from the August meeting, and Ms. Moses seconded the motion. The minutes were approved with no amendments.

In the absence of a treasurer, Ms. Majors gave the financial report. The report included he quarterly financials and budget vs. actuals. NMFOG has current assets of \$374,973.46 with \$197,039.62 earmarked for the sunshine attorney in an investment account. Ms. Bearden asked that a line-item change be conducted to move \$15,000 to the subcontractor line item and the Ms. Majors was directed to move the Schwab account. There were several questions concerning the profit and loss statement and the board agreed to table approval of the financial report until the questions were resolved.

The first committee report was presented by the Greg Williams, Legal Committee Chair. Mr. Williams turned the floor to Mr. Purcell who briefed the board on the results of the legal complaint FOG and the New Mexican took against the city of Rio Rancho in the New Mexico 13th Judicial District Court. District Judge James Noel ruled in FOG's favor, and the city was required to release the requested records and had to pay more than \$40,000 in legal fees. Mr. Williams also said he would be filing an amicus brief on behalf of FOG in the on-going litigation between Daniel Libit and the University of New Mexico Foundation and Lobo Club. Mr. Libit is

asking the University of New Mexico Foundation and the University of New Mexico Lobo Club to disclose records of their operations and activities because they create or maintain records on behalf of the University of New Mexico.

Mr. Williams then told the board that the CLE set for December has been postponed citing several reasons. The CLE committee was directed to explore placing the session online. The CLE will be held in December 2023.

Ms. Boe asked that Mr. Peifer give the Legal Initiative report. FOG has received one application to date. The paid advertisement for the attorney has appeared in the New Mexico Bar Bulletin and on Linked In. Mr. Peifer said the end of the year was a bad time to recruit new attorneys. He said the committee was widening the search and would be extending the deadline. Ms. Majors said reminders had been sent to those in need of paying the remainder of their pledges.

Ms. Siarza gave the marketing plan and said that the activities which she said were on pause. She volunteered to serve on the committee in the coming year.

Mr. Espinoza gave an overview of the upcoming 2022 Legislature and outlined several potential bills that would require FOG's attention. This included bills to add a new exception to IPRA concerning security systems; exempt public utility information from disclosure under IPRA; add language to a bill concerning elections; UNM House Rotations; prevent disclosure of sensitive information; and possible changes to OMA concerning publication of meeting notices. FOG has also been asked to review information concerning legislation involving the confidentiality clause of the Children's Code. Rep. Marian Matthews will introduce this bill.

Also, the board discussed the proposed five-year plan assembled by the legislative committee. Several sections of the planned report were deemed as not part of the FOG mission and it was agreed to keep only transparency, IPRA and OMA issues. It was agreed to move suggested rule changes proposed in the plan to issues FOG would support but not lead. Ms. Bearden asked for a new committee and appointed Mr. Williams as the new chair of the committee. She asked that the committee meet prior to the beginning of the 2023 session to revise the plan. Suggestions included reviewing Hotline questions and other sources and make a short list of major problems with IPRA; focus on adding transparency to the junior supplemental bill and discuss the bill with its supporters; and push for funding for electronics transparency and accountability. Long term, the Legislative committee is asked to look at modernization of IPRA. The board did discuss FOG's support of other organizations and entities legislation that pertain to transparency. Ms. Bearden asked that the updated plan will be presented at the next meeting.

Ms. Blair next gave the Fundraising Committee report and said that FOG had reached its goal of \$20,000 in donations.

Ms. Bearden asked Ms. Irvin-Vitela, to provide the board with an overview of the draft plan from the November 5, 2022 retreat. Ms. Irvin-Vitela was the facilitator for the retreat. She outlined how the retreat was held, the process she used to obtain information and then talked about specific sections including governance, operations, programmatic, and strategic

partnerships. She asked Board members to send her suggestions, recommendations, etc., to include in the plan so it may be finalized by the end of 2022.

Ms. Majors gave the Executive Director's report and presented the Hotline Report. In addition, she gave the Dixon Award report stating the event netted more than \$20,000 for FOG including \$2,000 at the silent auction.

Under New Business, Ms. Roper presented recommendations from the Nominating Committee for board members with terms starting on January 1, 2023. Those members include returning board members Karen Moses, Jessica Onsurez, Kristelle Siarza and Lucas Peerman and recommended adding Algernon D'Ammassa, editor, Deming Headlight; Chris Keller, managing director Albuquerque Business First, Ken Ortiz, head of the New Mexico Auto Dealers; and Rebecca Valdez, KOB-TV 4 assistant news director. Mr. Williams motioned to approve the recommendation of the committee and Mr. Lopez seconded the motion. Motion was approved. Mr. Williams asked about the number of board members and whether it was possible to add new members throughout the year.

Ms. Roper then presented the slate of officers for the 2023 term. They included: Karen Moses, president, Jessica Onsurez, vice president, Sammy Lopez, treasurer and Lucas Peerman, secretary. Ms. Blair motioned to accept the nomination committee slate by acclamation. Mr. Williams seconded the motion. The motion carried. Under the FOG bylaws, the four elected officers serve as the executive committee which is also comprised of two additional individuals appointed by the president.

Outgoing President Kathi Bearden was thanked for stepping up to tackle the president's job in 2022 and Ms. Moses presented her with a Nambe vase and flowers in appreciation of all her hard work.

No other business, Ms. Siarza motioned to adjourn the meeting and Mr. Lopez seconded the motion.