

STATE BOARD OF FINANCE

REGULAR MEETING

Tuesday, March 21, 2023 — 9:00 a.m.

Governor's Cabinet Room
State Capital Building, 4th Floor — Santa Fe, NM 87501
Virtual Attendance Available

8. GSD

Capital Buildings Repair Fund Financial Status Report for
Month-Ended February 28, 2023



Capital Buildings Repair Fund Financial Status Report

Month-Ended February 28, 2023

This Capital Building Repair fund report identifies all awards that have been approved by this board. The spreadsheet captures the amounts for each award, the amount encumbered and the amount expensed. For this month end \$23,173,959 has been expended out of a total of \$43,065,464 in projects.

In the Month of February FMD O&M completed over 35 projects throughout the Santa Fe area. Many of these projects are general repairs and replacements, however there are a couple notable projects. In February FMD made repairs to the sewer line for the Manual Lujan Building, the line had collapsed as was not functioning correctly. Another notable project was the repair of a gas line at DPS, this was a red tag event that required staff to leave the building until the line was fixed. FMD had the repair complete and the gas on in less than 24 hours! The Small Projects team has been remodeling the RMD offices to maximize space for a growing staff, thus allowing employees that have returned to work to have a nice work station and be successful. This month there were 6 notable snow events that FMD responded too, going above and beyond to make sure employees and the public could safely access the building and parking areas.

Financial Status Report
CBRF (86300)

Month and Year to Dated ended
For Period Ending 2/28/2023

PART A: Changes in fund balance

| | February-23 | FY2023 YTD |
|---|------------------------|------------------------|
| Beginning Balance | July 1,2022 | 20,484,062.80 |
| Add Revenue: | | |
| Interest on Investment (441201) | 0.00 | 281,932.48 |
| Land Income Distributions (442101) | 0.00 | 0.00 |
| Land Grant Permanent Fund Distribution (499905) | 1,679,464.41 | 10,061,108.79 |
| Miscellaneous (496901) | 0.00 | 0.00 |
| Total revenue | 1,679,464.41 | 10,343,041.27 |
| Subtract Expenditures : | | |
| 300's Contractual Category | (12,699.31) | (276,837.78) |
| 400's Other Costs | (183,186.74) | (2,077,755.75) |
| Admin Fees (555100) | 0.00 | (483,707.47) |
| Transfer to Capital Program | 0.00 | 0.00 |
| Transfer out to Capital Asset | 0.00 | 0.00 |
| Total expense | (195,886.05) | (2,838,301.00) |
| Fund Balance Feb 2023 | 1,483,578.36 | 27,988,803.07 |
| Subtract Liabilities: | | |
| 2% due to Legislative Council Service FY 2020 | 2% | (206,860.83) |
| SBOF approved projects - valid encumbrances | | (8,646,817.88) |
| SBOF approved projects - unencumbered balance | | (11,449,674.96) |
| SBOF approved projects - not budgeted | | (20,303,353.67) |
| Uncommitted Fund Balance | January 0, 1900 | 7,685,449.40 |

PART B: Fiscal Year To Date Revenue and LCS fee

| | FY 2023 YTD 01/00/00 | |
|---|----------------------------|--|
| Interest on Investment (441201) | 281,932.48 | |
| Miscellaneous (496901) | 0.00 | |
| Land Income Distributions (442101) | 0.00 | |
| Land Grant Permanent Fund Distribution (499905) | 10,061,108.79 | |
| TOTAL | 10,343,041.27 | |
| 2% due to Legislative Council Service FY 2022 | <u>\$206,861</u> | |

CBRF Financial Status Report - February 2023

- * DS - Delayed Start Delayed Start
 - * P - Project Planning Non Applicable
 - * D - Project Design On Schedule
 - * C - Project Construction Behind Schedule, 30 days
 - * W - Project in Closeout Behind Schedule, 60 days
- ** June 30th of Fiscal Year

| | Title | * DS | * P | * D | * C | * W | ** Reversion | Award | Committed | Expended | Balance |
|----------|---|------|-----|-----|-----|-----|--------------|------------------|---------------|------------------|--------------|
| A18C5127 | SMALL PROJECTS | | | | | | 2023 | 685,594 | 0 | 681,190 | 4,404 |
| A18C5131 | SPO CONSOLIDATION CONSTRUCTION | | | | | | 2023 | 685,594 | 0 | 685,594 | 0 |
| A18C5132 | SPO CONSOLIDATION CONSTRUCTION & MONTOYA BLDG SEWER LINE REPLACEMENT | | | | | | 2023 | 685,594 | 0 | 685,594 | 0 |
| A18C5133 | SPO CONSOLIDATION CONSTRUCTION & CARRUTHERS BLDG POMONA UNITS REPLACEMENT | | | | | | 2023 | 466,204 | 0 | 466,204 | 0 |
| A18C5134 | SMALL PROJECTS | | | | | | 2023 | 685,594 | 275 | 685,319 | 0 |
| A18C5135 | SMALL PROJECTS | | | | | | 2023 | 711,183 | 40,936 | 670,247 | 0 |
| A18C5137 | CARRUTHERS BLDG HVAC REPAIRS | | | | | | 2023 | 431,912 | 6,242 | 425,670 | 0 |
| A18C5138 | BATAAN BLDG DOOR LOCK REPLACEMENT | | | | | | 2023 | 159,058 | 0 | 159,058 | 0 |
| | Balance | | | | | | | 4,510,733 | 47,453 | 4,458,876 | 4,404 |

| | | | | | | | | | | |
|----------|---|--|--|--|--|------|-------------------|------------------|------------------|------------------|
| A19D5003 | SF SMALL PROJECTS | | | | | 2023 | 660,005 | 18,497 | 641,509 | 0 |
| A19D5004 | GOVERNOR'S RESIDENCE REPLACE STUCCO AND FENCE | | | | | 2023 | 109,690 | 7,553 | 96,500 | 5,637 |
| A19D5005 | SANTA FE SECURITY MASTER PLANNING | | | | | 2023 | 164,543 | 67,045 | 97,498 | 0 |
| A19D5006 | SANTA FE MASTER PLANNING | | | | | 2023 | 548,475 | 31,949 | 510,239 | 6,287 |
| A19D5007 | LEW WALLACE BLDG ROOF AND PORTAL IMPROVEMENTS | | | | | 2023 | 219,390 | 18,206 | 157,884 | 43,300 |
| A19D5008 | SF SMALL PROJECTS | | | | | 2023 | 713,018 | 0 | 713,018 | 0 |
| A19D5009 | GOVERNOR'S RESIDENCE | | | | | 2023 | 109,695 | 0 | 109,695 | 0 |
| A19D5010 | T187 IMPROVMENTS | | | | | 2023 | 685,594 | 42,822 | 639,812 | 2,959 |
| A19D5011 | SF SMALL PROJECTS- WEST CAMPUS IMPROV | | | | | 2023 | 795,289 | 0 | 768,846 | 26,443 |
| A19D5012 | NMFA PPRF ENERGY EFFICIENCY AND | | | | | 2023 | 219,626 | 0 | 0 | 219,626 |
| A19D5013 | NMCD PNM BUILDING D HVAC IMPROVEMENTS | | | | | 2023 | 183,160 | 0 | 139,430 | 43,730 |
| A19D5014 | DPS CAMPUS HVAC IMPROVEMENTS | | | | | 2023 | 548,475 | 49,974 | 204,392 | 294,109 |
| A19D5015 | GSD BLDG SITE IMPROVEMENTS | | | | | 2023 | 274,238 | 67,305 | 206,896 | 36 |
| A19D5024 | SMALL PROJECTS | | | | | 2023 | 1,096,950 | 72,224 | 1,024,726 | 0 |
| A19D5025 | SF REPLACE FIRE PANELS | | | | | 2023 | 137,119 | 17,957 | 119,162 | 0 |
| A19D5026 | SF UPGRADE BATAAN BLDG LOCKS | | | | | 2023 | 219,390 | 0 | 215,148 | 4,242 |
| A19D5027 | SF SURPLUS/TSD | | | | | 2023 | 959,831 | 0 | 957,785 | 2,046 |
| A19D5028 | SF INTALL GAS DETECTORS | | | | | 2023 | 438,780 | 2 | 225,778 | 213,000 |
| A19D5029 | SF CARRUTHER'S BLG RADON | | | | | 2023 | 109,695 | 0 | 88,107 | 21,588 |
| A19D5030 | SF DESIGN PARKING STRUCTURE | | | | | 2023 | 274,238 | 0 | 7,988 | 266,250 |
| A19D5031 | SF CONCHA ORTIZ STUCCO | | | | | 2023 | 219,390 | 1,110 | 146,212 | 72,067 |
| A19D5032 | SF IT INFRASTRUCTURE CHINO BLDG | | | | | 2023 | 438,780 | 59,867 | 344,286 | 34,627 |
| A19D5033 | FRONT ENTRANCE CONCHA ORTIZ | | | | | 2023 | 307,146 | 0 | 307,146 | 0 |
| A19D5034 | BATAAN BLDG STRUCTURAL ANALYSIS | | | | | 2023 | 109,695 | 3,037 | 58,989 | 47,669 |
| A19D5035 | SF SMALL PROJECTS | | | | | 2023 | 1,096,950 | 48,065 | 1,048,885 | 0 |
| A19D5036 | SOUTH CAPITAL SIDEWALK REPLACEMENT | | | | | 2023 | 713,018 | 0 | 20,768 | 692,250 |
| A19D5037 | DPS CAMPUS CITY SEWER | | | | | 2023 | 82,271 | 0 | 2,396 | 79,875 |
| A19D5038 | BATAAN BLDG AND APODACA BLDG STUCCO | | | | | 2023 | 191,966 | 0 | 5,591 | 186,375 |
| A19D5040 | GOVERNORS MANSION LANDSCAPING | | | | | 2024 | 493,628 | 30,906 | 462,722 | 0 |
| A19D5041 | WEST CAMPUS REVITALIZTION | | | | | 2024 | 246,814 | 0 | 246,814 | 0 |
| A19D5042 | SF BLDG ESCO PROJECTS | | | | | 2024 | 240,919 | 212,965 | 7,017 | 20,937 |
| A19D5043 | GOVERNORS MANSION STUCCO | | | | | 2024 | 263,268 | 4,328 | 256,517 | 2,423 |
| A19D5044 | ESCO NMFA ANNUAL PAYMENT | | | | | 2024 | 474,676 | 0 | 0 | 474,676 |
| | Balance | | | | | | 13,345,722 | 753812.82 | 9,831,757 | 2,760,152 |
| A20E5002 | SF SMALL PROJECTS | | | | | 2024 | 3,565,088 | 196,666 | 3,357,597 | 10,825 |
| A20E5003 | WENDELL CHINO RENOVATION | | | | | 2024 | 1,096,950 | 150,356 | 946,594 | 0 |
| A20E5008 | SIMMS LIGHTING PROTECTINO | | | | | 2024 | 219,390 | 0 | 71,579 | 147,811 |
| A20E5013 | GOVERNOR'S MANSION | | | | | 2024 | 54,848 | 6,133 | 48,715 | 0 |
| A20E5014 | SIMMS SECOND FLOOR | | | | | 2024 | 329,085 | 0 | 329,085 | 0 |
| A20E5020 | SF BLDGS PLUMBING | | | | | 2024 | 1,096,950 | 39,154 | 665,887 | 391,908 |
| A20E5024 | SF BLDGS EXT/INT CONSTRUCTION | | | | | 2024 | 548,475 | 61,417 | 468,139 | 18,919 |
| A20E5025 | GOV MANSION SMALL PROJECTS | | | | | 2024 | 109,695 | 57,602 | 21,332 | 30,761 |

| | | | | | | | | | |
|----------|-------------------------------------|--|--|--|------|-------------------|------------------|------------------|------------------|
| A20E5026 | SF BLDGS HVAC | | | | 2024 | 548,475 | 224,712 | 312,875 | 10,888 |
| A20E5027 | SF BLDGS ROOFS | | | | 2024 | 548,475 | 399,007 | 149,468 | 0 |
| A20E5029 | SF BLDGS ELECTRICAL/FIRE PROTECTION | | | | 2024 | 548,475 | 155,519 | 369,614 | 23,342 |
| | Balance | | | | | 8,665,906 | 1,290,567 | 6,740,884 | 634,454 |
| A21F5006 | SF BLDGS PLUMBING | | | | 2025 | 2,193,900 | 11,161 | 63,900 | 2,118,839 |
| A21F5007 | SF SMALL PROJECTS | | | | 2025 | 4,004,965 | 1,979,294 | 1,623,822 | 401,850 |
| A21F5008 | SF BLD INTERIOR EXTERIOR | | | | 2025 | 1,096,950 | 806,515 | 140,762 | 149,672 |
| A21F5009 | GOVERNORS MANSION | | | | 2025 | 219,390 | 32,121 | 6,390 | 180,879 |
| A21F5010 | SF BLDGS HVAC | | | | 2025 | 1,096,950 | 203,179 | 47,512 | 846,259 |
| A21F5011 | SF BLDGS ROOFS | | | | 2025 | 1,568,638 | 1,522,950 | 45,688 | 0 |
| A21F5016 | SF BLDGS FIRE PROTECTION/ELECT | | | | 2025 | 1,096,950 | 998,611 | 61,008 | 37,330 |
| | Balance | | | | | 11,277,743 | 5,553,832 | 1,989,082 | 3,734,829 |
| A22G5003 | SF SITE WORK | | | | 2026 | 1,096,950 | 425,653 | 31,950 | 639,347 |
| A22G5004 | SF SMALL PROJECTS | | | | 2026 | 1,864,815 | 121,313 | 54,315 | 1,689,187 |
| A22G5011 | SF BUILDINGS INFRASTRUCTURE | | | | 2026 | 658,170 | 0 | 19,170 | 639,000 |
| A22G5014 | SF BUILDINGS MECHANICAL | | | | 2026 | 1,096,950 | 0 | 31,950 | 1,065,000 |
| A22G5015 | SF BUILDINGS ENVIRONMENTAL | | | | 2026 | 548,475 | 305,220 | 15,975 | 227,280 |
| | Balance | | | | | 5,265,360 | 852,186 | 153,360 | 4,259,814 |

Total Balance

| | | | |
|-------------------|------------------|-------------------|-------------------|
| 43,065,464 | 8,497,851 | 23,173,959 | 11,393,654 |
|-------------------|------------------|-------------------|-------------------|

9. GSD

Legislative Capital Projects Financial Status Report for
Month-Ended February 28, 2023



Legislative Capital Projects Financial Status Report

Month-Ending February 28, 2023

The Legislative Capital Projects Financial Status Report identifies all capital outlay projects for the General Services Department. The report identifies each appropriation, the agency and the age of the appropriation. The report also captures the amount bonds are sold for, the amount encumbered and the amount expended.

For this month, there was a total of \$195,677,533 expended out of \$372,248,973 in appropriations.

Currently the A/E contract for the new Executive Office Building (EOB) in Santa Fe is under review and pending signatures, the NMBHI Forensic Unit is in the Programming/ Design phase, and the NMVH Small Homes in T or C continues to make construction progress.

Projects completed by FMD in February are as follows:

- ABQ CYFD YDDC BUILDING AND SITE IMPROVEMENTS: ATHLETIC FIELD
- DPS D12 DEMING SITE SECURITY UPGRADES
- CNMCF SECURITY SURVEILLANCE UPGRADE
- T OR C NMVH OLD BUILDING TRANSFORMER UPGRADES
- CNMCF STAFF HOUSING
- SF STATE PRINTING GRADING AND DRAINAGE
- LAS VEGAS NMBHI CAMERA UPGRADES
- CNMCF IT ROOM HVAC UPGRADE
- LOS LUNAS LLCP CAMPUS COTTAGE 3 AND 4 SIDEWALK REPAIR
- ANGEL FIRE VIETNAM VETERAN MEMORIAL SNOW PLOW PURCHASE
- SOCORRO DPS D11 ROOF REPLACEMENT
- LOS LUNAS DOH CAMPUS MANHOLE RING AND COVER INSTALLATION
- SANTA FE PNM HVAC TOWER UPGRADE
- SANTA FE PNM TOWER RE ROOF
- T OR C NMVH ANNEX BUILDING PLANTER STONE CAP REPLACEMENT
- T OR C NMVH TUNNEL SEWER LEAK REPAIR
- T OR C NMVH ANNEX POOL DECK DRAIN TRAPS
- T OR C NMSVH TUNNEL SEWER LEAK REPAIR

Legislative Capital Projects Financial Status Report - February-2023

- * DS - Delayed Start
- * P - Project Planning
- * D - Project Design
- * C - Project Construction
- * W - Project in Closeout

| | |
|--|--------------------------|
| | Delayed Start |
| | Non Applicable |
| | On Schedule |
| | Behind Schedule, 30 days |
| | Behind Schedule, 60 days |

** June 30th of Fiscal Year

| Title | Agency | * DS | * P | * D | * C | * W | ** Reversion | Bond Sale Amount | Reauthorized Amount | Committed | Expended | Balance |
|----------|---|------|-----|-----|-----|-----|--------------|------------------|---------------------|------------|---------------|--------------|
| A19D3567 | CAD CPR Carruthers Building Improvements | | | | | | 2023 | 1,906,000.00 | | 9,486.96 | 1,730,442.90 | 166,070.14 |
| A18C2025 | CFB Statewide Facility ADA Improvements | | | | | | 2022 | 400,000.00 | | - | 396,000.00 | 4,000.00 |
| A19D2095 | CFB Apartment Complex Improvements | | | | | | 2023 | 1,430,743.05 | | 61,593.32 | 1,296,810.88 | 72,338.85 |
| A19D2099 | CFB Statewide Facility Improvements | | | | | | 2023 | 233,041.00 | | 22,565.06 | 138,687.42 | 71,788.52 |
| A22G2030 | Commission for the Blind Alamogordo FCLTY Ren | | | | | | 2026 | 177,000.00 | | - | 5,310.00 | 171,690.00 |
| A19D2087 | CYFD Children's Wellness Center Phase 2 Bern CO | | | | | | 2023 | 26,100,000.00 | | 13,533.26 | 26,086,466.74 | - |
| A19D2088 | CYFD YDDC Physical Plant Improvements | | | | | | 2023 | 100,000.00 | | - | 100,000.00 | - |
| A19D2091 | CYFD YDDC and John Paul Taylor Center Athletic Field Improvements | | | | | | 2023 | 891,000.00 | | 37,434.25 | 853,565.75 | - |
| A19D2092 | CYFD YDDC/John Paul Taylor Center Athletic Field Improvements | | | | | | 2023 | 2,000,000.00 | | 76,991.98 | 1,744,666.79 | 178,341.23 |
| A19D3570 | CYFD Wellness Center Improvements | | | | | | 2023 | 2,970,000.00 | | 36.47 | 2,969,963.53 | - |
| A20E2013 | CYFD Camino Nuevo, John P Taylor | | | | | | 2024 | 500,000.00 | | 13,430.00 | 15,000.00 | 471,570.00 |
| A20E2019 | CYFD Statewide Facility Improvements | | | | | | 2024 | 2,000,000.00 | | 97,897.07 | 1,902,102.93 | - |
| A20E2025 | CYFD Human Trafficking Safe House | | | | | | 2024 | 400,000.00 | | - | 12,000.00 | 388,000.00 |
| A21F2073 | CYFD Pera Bldg Ren | | | | | | 2025 | 1,485,000.00 | | 596,342.73 | 272,653.44 | 616,003.83 |
| A21F2079 | CYFD Fcity Improve Statewide | | | | | | 2025 | 2,862,000.00 | | 263,544.91 | 390,794.55 | 2,207,660.54 |
| A22G2032 | CYFD Field Services Bldg Prchs | | | | | | 2026 | 8,500,000.00 | | - | 255,000.00 | 8,245,000.00 |
| A22G2039 | CYFD FCLTY UPGRADE STATEWIDE | | | | | | 2026 | 3,555,000.00 | | - | 106,650.00 | 3,448,350.00 |
| A22G2040 | CYFD Sub Acute Residential Fac | | | | | | 2026 | 3,000,000.00 | | - | 90,000.00 | 2,910,000.00 |
| A22G2041 | CYFD Therapeutic Group Homes | | | | | | 2026 | 1,000,000.00 | | - | 30,000.00 | 970,000.00 |
| A22G2042 | CYFD Youth Intemediate Care | | | | | | 2026 | 3,750,000.00 | | - | 112,500.00 | 3,637,500.00 |
| A18C5140 | DOH Fort Bayard Improvements NMFA PPRF | | | | | | 2022 | 5,819,738.47 | | - | 1,791,307.24 | 4,028,431.23 |
| A19D2089 | DOH Fort Bayard Medical Center Springs and Water Tanks | | | | | | 2023 | 4,500,000.00 | | 105,076.28 | 716,461.17 | 3,678,462.55 |
| A19D2090 | DOH Old Fort Bayard Medical Center Laundry Building Improvements | | | | | | 2023 | 400,000.00 | | - | 400,000.00 | - |
| A19D2096 | DOH Meadows Phase 3 and NMBHI Improvements | | | | | | 2023 | 3,000,000.00 | | 107,878.66 | 2,850,208.08 | 41,913.26 |

| Title | Agency | * DS | * P | * D | * C | * W | ** Reversion | Bond Sale Amount | Reauthorized Amount | Committed | Expended | Balance |
|----------|--|-------|-----|-----|-----|-----|--------------|------------------|---------------------|---------------|---------------|---------------|
| A19D2102 | DOH Facilities Improve Health Safety Maintenance | DOH | | | | | 2023 | 6,000,000.00 | | 474,899.11 | 5,389,320.77 | 135,780.12 |
| A19D3547 | NMVH Facility Surveillance System Improvements | DOH | | | | | 2023 | 151,467.00 | | - | - | 151,467.00 |
| A19D3548 | NMVH Facility Improvements | DOH | | | | | 2023 | 958,619.00 | | 47,944.73 | 851,567.94 | 59,106.33 |
| A19D3565 | DOH Vital Records Building Construction | DOH | | | | | 2023 | 800,000.00 | | - | 780,214.10 | 19,785.90 |
| A19D3573 | DOH Statewide Facility Improvements | DOH | | | | | 2023 | 3,000,000.00 | | 203,486.71 | 2,796,513.29 | - |
| A20E2020 | DOH Statewide Facility Improvements | DOH | | | | | 2024 | 6,000,000.00 | | 327,733.48 | 5,672,266.52 | - |
| A21F2080 | DOH Infra & Equip Improve | DOH | | | | | 2025 | 10,250,000.00 | | 5,697,179.33 | 4,359,367.12 | 193,453.55 |
| A22G2031 | NMBHI FORENSICS BLDG CONSTRUCT | DOH | | | | | 2026 | 4,950,000.00 | | 4,656,919.67 | 282,384.38 | 10,695.95 |
| A22G2037 | DOH NM VETERANS' HOME NEW FCLTY CONSTRUCT | DOH | | | | | 2026 | 19,800,000.00 | | 10,916,500.90 | 4,591,309.45 | 4,292,189.65 |
| A22G2043 | DOH HEALTH LIFE & SAFETY FCLTY IMPROVE | DOH | | | | | 2026 | 4,000,000.00 | | 882,138.88 | 274,354.06 | 2,843,507.06 |
| A21F2077 | Simms Bldg Santa Fe Ren Phase II | DOIT | | | | | 2025 | 3,960,000.00 | | 5,533.66 | 1,056,623.96 | 2,897,842.38 |
| A22G2034 | DOIT JOHN F. SIMMS JR. BLDG REN | DOIT | | | | | 2026 | 9,088,200.00 | | 79,111.71 | 275,400.00 | 8,733,688.29 |
| A19D2086 | DPS Fleet Warehouse Improvements | DPS | | | | | 2023 | 1,980,000.00 | | 132,879.89 | 1,515,362.54 | 331,757.57 |
| A19D2097 | DPS Evidence Records & Crime Lab Phases 1&2 | DPS | | | | | 2023 | 29,800,000.00 | | 825,108.33 | 28,970,820.30 | 4,071.37 |
| A19D2103 | DPS Statewide Facility Improvements | DPS | | | | | 2023 | 1,000,000.00 | | 43,952.07 | 899,508.77 | 56,539.16 |
| A19D3571 | DPS Crime Laboratory and Records Facility Construction | DPS | | | | | 2023 | 2,970,000.00 | | - | 2,970,000.00 | - |
| A20E2016 | DPS Firing Range | DPS | | | | | 2024 | 1,000,000.00 | | - | 30,000.00 | 970,000.00 |
| A20E2017 | SF DPS D1 New Building | DPS | | | | | 2024 | 9,000,000.00 | | 3,358,008.60 | 5,281,991.40 | 360,000.00 |
| A20E2021 | DPS Statewide Facility Improvements | DPS | | | | | 2024 | 1,500,000.00 | | 404,762.54 | 1,071,687.72 | 23,549.74 |
| A21F2074 | DPS Crime Lab Construct | DPS | | | | | 2025 | 4,950,000.00 | | 2,152,186.00 | 2,775,617.15 | 22,196.85 |
| A21F2081 | DPS State Police Fclty Improve Statewide | DPS | | | | | 2025 | 2,250,000.00 | | 398,576.28 | 1,436,351.86 | 415,071.86 |
| A22G2044 | DPS STATEWIDE FCLTY UPGRADES | DPS | | | | | 2026 | 5,000,000.00 | | 18,612.90 | 390,209.86 | 4,591,177.24 |
| A22G2028 | DPS Metro Admin Bldg Construct | DPS | | | | | 2026 | 19,800,000.00 | | - | - | 19,800,000.00 |
| A22G2035 | DPS Headquarters Bldg Ren | DPS | | | | | 2026 | 2,970,000.00 | | - | 90,000.00 | 2,880,000.00 |
| A22G2046 | VSD CEMETERY & MEMORIAL SAFETY & SECURITY IMPROVE | DVS | | | | | 2026 | 600,000.00 | | 36,557.54 | 32,869.63 | 530,572.83 |
| A22G2027 | VSD Office Space Furnish & Equip | DVS | | | | | 2026 | 100,000.00 | | 4,883.24 | 95,116.76 | - |
| A20E2012 | WSD Admin Bldg Infra Improve | DWS | | | | | 2024 | 6,000,000.00 | | - | 6,000,000.00 | - |
| A20E2024 | WSD Statewide Facility Improvements | DWS | | | | | 2024 | 500,000.00 | | 85,271.24 | 411,267.10 | 3,461.66 |
| A21F2071 | WSD Admin Bldg Infra Phase III | DWS | | | | | 2025 | 1,461,115.00 | | - | 1,461,115.00 | - |
| A21F2083 | WSD Office Repair Statewide | DWS | | | | | 2025 | 175,000.00 | | 74,382.08 | 83,642.92 | 16,975.00 |
| A22G2047 | WSD INFRA IMPROVE | DWS | | | | | 2024 | 1,222,000.00 | | 221,906.32 | 121,482.69 | 878,610.99 |
| A21F2070 | ECECD Child Wellness CTR Improve | ECECD | | | | | 2025 | 4,693,050.00 | | 511,464.28 | 2,491,942.24 | 1,689,643.48 |

| Title | Agency | * DS | * P | * D | * C | * W | ** Reversion | Bond Sale Amount | Reauthorized Amount | Committed | Expended | Balance |
|----------------------|--|-------|-----|-----|-----|-----|--------------|-----------------------|---------------------|----------------------|-----------------------|-----------------------|
| A21F2075 | ECECD Pera Bldg Ren | ECECD | | | | | 2025 | 1,485,000.00 | | 188,976.55 | 45,000.00 | 1,251,023.45 |
| A19D2098 | GSD Electric Vehicle Charging Stations | GSD | | | | | 2023 | 1,485,000.00 | | 0.01 | 1,484,999.99 | - |
| A19D2101 | GSD Statewide Facility Energy Efficiency Improvements | GSD | | | | | 2023 | 20,000,000.00 | | 151,482.98 | 19,848,517.02 | - |
| A19D2105 | GSD State Facilities Deficiencies Correct | GSD | | | | | 2023 | 2,000,000.00 | | 203,214.89 | 1,796,339.97 | 445.14 |
| A19D2106 | GSD Statewide Facility Decommission and Demolish | GSD | | | | | 2023 | 3,000,000.00 | | 101,921.52 | 1,357,029.79 | 1,541,048.69 |
| A19D2577 | GSD Electric Vehicles | GSD | | | | | 2023 | 1,000,000.00 | | - | 989,818.00 | 10,182.00 |
| A19D3574 | GSD Statewide Facility Improvements | GSD | | | | | 2023 | 3,000,000.00 | | 317,443.99 | 2,670,112.38 | 12,443.63 |
| A20E2022 | GSD Statewide Facility Improvements | GSD | | | | | 2024 | 5,500,000.00 | | 973,492.35 | 4,192,198.03 | 334,309.62 |
| A20E2023 | GSD Statewide Facility Decommission and Demolish | GSD | | | | | 2024 | 1,500,000.00 | | - | 321,822.31 | 1,178,177.69 |
| A21F2076 | Santa Fe Capitol Campus Master Plan Implement | GSD | | | | | 2025 | 4,000,000.00 | | - | 120,000.00 | 3,880,000.00 |
| A21F2082 | GSD State Fclty Improve Statewide | GSD | | | | | 2025 | 8,000,000.00 | | 3,139,717.05 | 3,749,896.74 | 1,110,386.21 |
| A22G2033 | DOE Harold Runnels Bldg Lab Ren | GSD | | | | | 2026 | 1,485,000.00 | | - | 45,000.00 | 1,440,000.00 |
| A22G2036 | Executive Office Building Construct | GSD | | | | | 2026 | 14,850,000.00 | | 9,819,983.50 | 450,000.00 | 4,580,016.50 |
| A22G2045 | GSD STATEWIDE FCLTY RENEW | GSD | | | | | 2026 | 10,400,000.00 | | 3,581,053.32 | 483,368.68 | 6,335,578.00 |
| A19D2093 | HSD Harriet Sammons and James Murray Building HIPAA Improvements | HSD | | | | | 2023 | 891,000.00 | | - | 891,000.00 | - |
| A19D2094 | HSD Albert Amador and James Murray Building Improvements | HSD | | | | | 2023 | 2,000,000.00 | | 16,107.98 | 1,979,744.80 | 4,147.22 |
| A20E2014 | HSD Bldg Renovations Sandoval and Lea Cos | HSD | | | | | 2024 | 860,000.00 | | 6.85 | 804,750.98 | 55,242.17 |
| A21F2072 | Albert Amador Bldg Service Window & HVAC Replace | HSD | | | | | 2025 | 400,000.00 | | 245,922.80 | 134,598.92 | 19,478.28 |
| A21F3169 | Harriet Sammons Bldg Infra Improve | HSD | | | | | 2025 | 1,500,000.00 | | 222,533.36 | 1,123,684.93 | 153,781.71 |
| A22G2029 | HSD BERNALILLO & ESPANOLA PARKING LOT CONSTRUCT | HSD | | | | | 2026 | 969,000.00 | | - | 29,070.00 | 939,930.00 |
| A19D3566 | HSEM Garage Improvements | HSEM | | | | | 2023 | 400,000.00 | | 29,262.02 | 206,000.00 | 164,737.98 |
| A20E2015 | HSEMD Bld Improve Santa Fe CO | HSEMD | | | | | 2024 | 415,000.00 | | - | 12,450.00 | 402,550.00 |
| A18C2718 | NMCD Statewide Facility Master Plan | NMCD | | | | | 2022 | 200,000.00 | | 3,982.11 | 196,017.89 | - |
| A19D2100 | Corrections Dept HVAC/Roof/Security/Sewer | NMCD | | | | | 2023 | 13,000,000.00 | | 230,282.42 | 12,516,606.72 | 253,110.86 |
| A19D3572 | NMCD Statewide Facility Improvements | NMCD | | | | | 2023 | 3,000,000.00 | | 157,366.64 | 2,842,633.36 | - |
| A20E2018 | Corrections Dept Fclty Ren Equip Statewide | NMCD | | | | | 2024 | 3,000,000.00 | | 166,267.79 | 2,588,698.94 | 245,033.27 |
| A20E3531 | Corrections Dept Fclty Ren Equip Statewide - PIF | NMCD | | | | | 2024 | 5,000,000.00 | | 330,247.76 | 4,625,338.32 | 44,413.92 |
| A21F2078 | Correctional Fclty Security Upgrades Statewide | NMCD | | | | | 2025 | 10,000,000.00 | | 2,316,128.86 | 4,766,765.09 | 2,917,106.05 |
| A22G2038 | CORRECTIONS DEPT SECURITY FIRE & SAFETY UPGRADE | NMCD | | | | | 2026 | 10,000,000.00 | | 3,720,480.38 | 411,614.40 | 5,867,905.22 |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| Total Balance | | | | | | | | 372,248,973.52 | - | 58,872,198.61 | 195,677,533.31 | 117,699,241.60 |

11. SBOF EMERGENCY BALANCES

Emergency Balances—February 21, 2023



**Reconciliation of Emergency Operating Reserve Fund
Fiscal Year 2023, as of 3/21/23**

| BOF APPROVAL DATE | Laws of 2022 Authorized to Transfer: | \$ | 2,500,000.00 | PAYMENT DUE DATE |
|-------------------------|---|-----------|--------------|---------------------|
| 9/20/2022 | First Judicial District Attorney's Office | \$ | 317,750.00 | n/a |
| 12/20/2022 | Cañada de Los Alamos MDWCA | \$ | 18,600.00 | n/a |
| 1/18/2023 | Office of the Secretary of State | \$ | 1,400,000.00 | n/a |
| 2/21/2023 | Mesalands Community College | \$ | 763,650.00 | n/a |
| BALANCE | | \$ | - | |

**Reconciliation of Emergency Water Fund
Fiscal Year 2023, as of 3/21/23**

| BOF APPROVAL DATE | Laws of 2022 Authorized to Transfer: | \$ | 109,900.00 | PAYMENT DUE DATE |
|-------------------------|--------------------------------------|-----------|------------|---------------------|
| 7/19/2022 | Enchanted Forest MDWCA | \$ | 36,000.00 | n/a |
| 12/20/2022 | Cañada de Los Alamos MDWCA | \$ | 73,900.00 | n/a |
| BALANCE | | \$ | - | |

12. FISCAL AGENT AND CUSTODIAL BANK FEES

Fiscal Agent and Custodial Bank Fees Report for
Month-Ended February 28, 2023



FISCAL AGENT (FA) FEES

February 2023

\$7,317.50

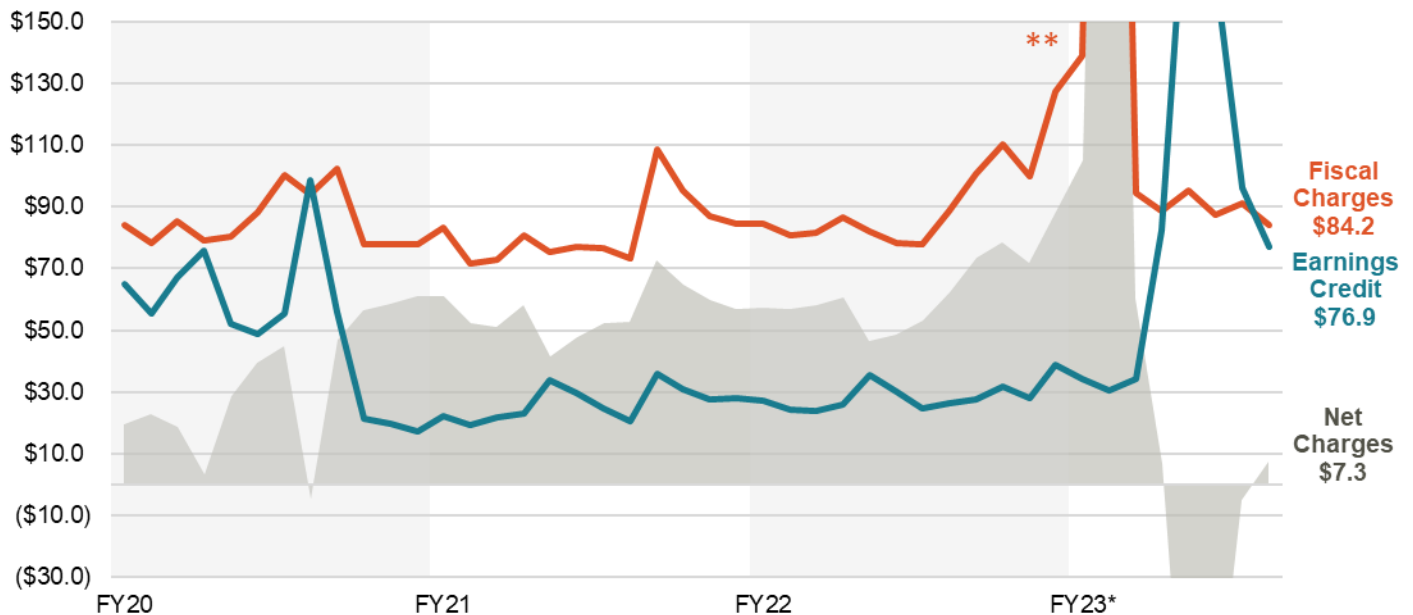
Invoice/Net Fiscal Agent Billing
Total Fiscal Agent Charges Net Earnings Credit

\$61,706,190.00 Balance Subject to Earnings

\$76,887.71 Earnings Credit (1.65% interest rate)

\$84,205.21 Total Fiscal Agent Charges

Fiscal Agent Charges, Earnings Credits, and Net Charges, FY20 to Feb 23
In thousands of dollars



*FY23 represents the start of billing under the Fiscal Agent contract entered into in June 2022.

**The August 2022 analysis includes significant one-time charges related to printing warrants and processing both warrant and ACH payments for tax rebates distributed under House Bill 2 and House Bill 163 of the 2022 third special session. The Taxation and Revenue Department and DFA received special appropriations to cover these costs, which were estimated to be nearly \$400,000. Considering that estimate, the monthly fees for August are in line with historical trends. The final fees related to the issuance of rebates are being refined and will be reported in upcoming fees reports.

Due to increases in interest rates, the earnings credit from November 2022 through February 2023 exceeded the fiscal agent fees, resulting in a net negative fee amount. As the Board remits payment on a quarterly basis, this fee amount will be considered for the quarter against any positive charges for the remaining quarter's months.

Over-the-Month Change

For the months of November 2022 through January 2023, the fiscal agent net billing reported a net credit. This was due to a large increase in the balance subject to earnings and an adjustment in the indexed earnings credit rate, which is tied to the 91-day Treasury bill rate. In February 2023, the balance subject to earnings dropped by 11.2 percent, as did the total fees, by 7.7 percent. These declines, combined with an earnings credit drop of 20.1 percent, resulted in net fees of \$7,317.50 for the month.

Custodial Bank Fees Report

March 2023 BOF Meeting

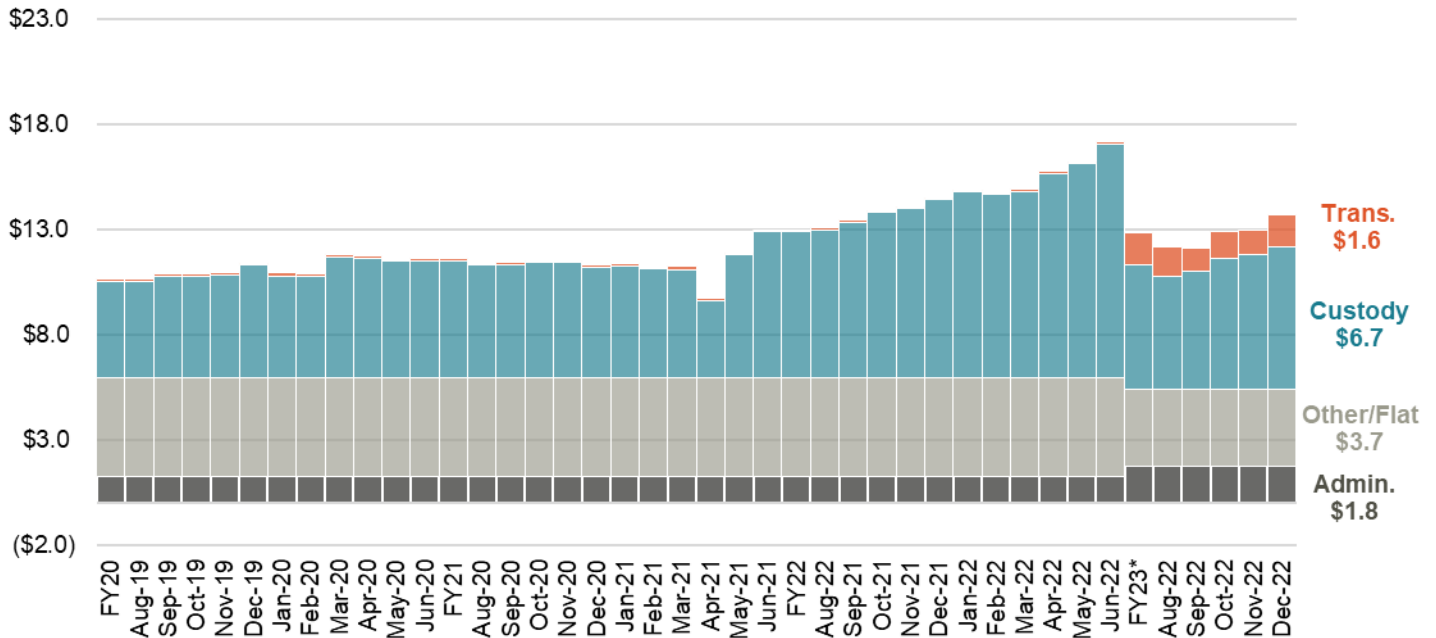
CUSTODIAL BANK (CB) FEES

December 2022

\$13,705.90

- Invoice/ Custody Bank Billing
- \$1,750.00** Administrative Fees (*flat*)
- \$6,716.21** Custody Fees
- \$1,573.00** Transaction Fees
- \$3,666.69** Other/Flat Fees (*flat*)

Custody Bank Charges by Charge Type, FY20 to Dec 22
In thousands of dollars



*July 2023 represents the first month under the current Custody Bank contract.

Over-the-Month Change

Billing has remained relatively consistent since the beginning of the new Custody Bank contract on July 1, 2022. Custody and transaction fees increased slightly between November and December.

Fiscal Agent Fees, February 2023 and Past 12 Months

| (\$ in thousands) | Mar-22 | Apr-22 | May-22 | Jun-22 | Jul-22 | Aug-22 | Sep-22 | Oct-22 | Nov-22 | Dec-22 | Jan-23 | Feb-23 |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|-----------------|-----------------|
| Average Ledger Balance | 75,177.0 | 102,132.7 | 78,780.6 | 107,269.4 | 91,421.0 | 78,002.8 | 97,144.7 | 82,175.3 | 170,421.5 | 129,167.9 | 82,163.8 | 72,011.0 |
| (Less) Average Deposit Float | 9,610.4 | 24,101.3 | 10,661.6 | 11,556.1 | 9,469.0 | 5,015.5 | 11,575.1 | 14,555.2 | 7,049.5 | 9,915.9 | 12,658.5 | 10,304.8 |
| (Less) Federal Reserve Requirement | - | - | - | - | - | - | - | - | - | - | - | - |
| BALANCE SUBJECT TO EARNINGS | 65,566.6 | 78,031.4 | 68,119.0 | 95,713.4 | 81,952.0 | 72,987.4 | 85,569.6 | 67,620.0 | 163,372.0 | 119,251.9 | 69,505.2 | 61,706.2 |
| Average Interest Rate | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 0.50% | 1.45% | 1.55% | 101.55% | 201.55% | 301.55% |
| Earnings Credit (Earnings Balance*Interest Rate*Days in Month/365) | 27.6 | 31.8 | 27.8 | 39.0 | 34.1 | 30.3 | 34.5 | 82.4 | 207.2 | 166.0 | 96.2 | 76.9 |
| FISCAL CHARGES ITEMIZED | | | | | | | | | | | | |
| Overnight Investments / Safekeeping CD's | 2.7 | 1.4 | 1.9 | 1.7 | 2.2 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| FDIC Assessment | 9.6 | 13.0 | 9.1 | 13.7 | 11.7 | 9.9 | 12.4 | 10.5 | 21.7 | 16.5 | 10.5 | 9.2 |
| Armored Car / Courier Services / Post Office | 14.7 | 14.7 | 15.1 | 16.7 | 16.7 | 16.7 | 16.7 | 16.7 | 16.7 | 16.7 | 16.7 | 17.2 |
| Cash & Checks Deposited | 8.5 | 9.5 | 13.1 | 13.7 | 11.9 | 13.5 | 12.7 | 13.0 | 11.3 | 11.7 | 13.0 | 11.6 |
| Warrants | 18.0 | 16.6 | 15.1 | 35.9 | 34.3 | 65.0 | 16.5 | 10.9 | 13.2 | 10.1 | 9.2 | 10.3 |
| Return Items (Standard & Rerun) | 2.8 | 7.9 | 4.9 | 1.7 | 9.9 | 5.2 | 2.6 | 3.2 | 3.2 | 2.9 | 2.5 | 2.4 |
| Incoming / Outgoing Wire Transfer | 0.3 | 0.3 | 0.7 | 0.9 | 0.9 | 1.0 | 0.9 | 0.7 | 0.7 | 0.6 | 0.7 | 0.8 |
| ACH & Electronic Data Reporting | 21.3 | 26.5 | 22.8 | 16.7 | 26.0 | 339.2 | 14.3 | 15.2 | 13.3 | 13.3 | 19.9 | 17.9 |
| Lock Box | 1.8 | 1.4 | 2.1 | 2.3 | 1.9 | 2.4 | 2.0 | 2.6 | 2.2 | 2.6 | 2.6 | 1.8 |
| General Account Services | 0.0 | 0.0 | 0.5 | 0.4 | 0.5 | 0.5 | 0.5 | 0.4 | 0.4 | 0.5 | 0.4 | 0.4 |
| Elect. Bill Presentment & Online Payments | 2.6 | 2.5 | 1.1 | 0.9 | 0.8 | 0.9 | 0.8 | 0.8 | 0.8 | 0.7 | 1.1 | 0.9 |
| Online Reporting & Research | 16.8 | 15.9 | 12.4 | 21.0 | 21.0 | 30.9 | 14.7 | 12.1 | 11.8 | 10.9 | 11.5 | 10.9 |
| Deposit Supplies | 1.9 | 0.8 | 1.0 | 2.1 | 1.4 | 0.4 | 0.5 | 2.6 | 0.1 | 0.9 | 3.3 | 0.7 |
| TOTAL FISCAL AGENT CHARGES | 100.9 | 110.5 | 99.8 | 127.6 | 139.1 | 485.5 | 94.5 | 88.8 | 95.4 | 87.3 | 91.3 | 84.2 |
| (Less) Earnings Credit Deductions | 27.5 | 31.8 | 27.8 | 38.9 | 34.0 | 30.3 | 34.4 | 82.4 | 207.2 | 166.0 | 96.2 | 76.9 |
| NET FISCAL AGENT BILLING | 73.4 | 78.7 | 72.1 | 88.7 | 105.1 | 455.2 | 60.1 | 6.4 | (111.8) | (78.7) | (5.0) | 7.3 |

Custody Bank Fees, January 2023 and Past 12 Months

| (\$ in thousands) | Feb-22 | Mar-22 | Apr-22 | May-22 | Jun-22 | Jul-22 | Aug-22 | Sep-22 | Oct-22 | Nov-22 | Dec-22 | Jan-23 |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|----------|
| STO CUSTODY CHARGES ITEMIZED | | | | | | | | | | | | |
| Administrative Fees | 1.2 | 1.2 | 1.2 | 1.2 | 1.2 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | 1.8 | - |
| Custody Fees | 8.7 | 8.8 | 9.7 | 10.1 | 11.1 | 5.9 | 5.4 | 5.6 | 6.2 | 6.4 | 6.7 | - |
| Transaction Fees | 0.1 | 0.1 | 0.1 | 0.1 | 0.1 | 1.5 | 1.4 | 1.1 | 1.2 | 1.2 | 1.6 | - |
| Other/Flat Fees | 4.7 | 4.7 | 4.7 | 4.7 | 4.7 | 3.7 | 3.7 | 3.7 | 3.7 | 3.7 | 3.7 | - |
| TOTAL STO CUSTODY CHARGES | 14.7 | 14.9 | 15.7 | 16.2 | 17.2 | 12.8 | 12.2 | 12.1 | 12.9 | 13.0 | 13.7 | - |
| NET STO CUSTODY BILLING | 14.7 | 14.9 | 15.7 | 16.2 | 17.2 | 12.8 | 12.2 | 12.1 | 12.9 | 13.0 | 13.7 | - |

Other Related Fees, February 2023 and Past 12 Months

| (\$ in thousands) | Mar-22 | Apr-22 | May-22 | Jun-22 | Jul-22 | Aug-22 | Sep-22 | Oct-22 | Nov-22 | Dec-22 | Jan-23 | Feb-23 |
|---|----------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| REPO--AVM | - | - | - | - | - | 1.8 | 1.8 | 2.3 | 2.2 | 4.0 | 4.3 | 10.7 |
| Short-Term E-Bill Express--Wells Fargo* | - | - | - | - | - | - | - | - | - | 4.7 | 4.5 | 4.6 |
| Online Bill Presentment & Payment--Point & Pay** | --- No charges as of 3/21/23 --- | | | | | | | | | | | |

*Fees are included in Fiscal Agent Fees Analysis but are under a separate short-term contract.

**Services are still under implementation. No charges have been incurred under the contract.

13. JOINT POWERS AGREEMENTS

Joint Powers Agreements for Month-
Ended February 28, 2023



**Department of Finance and Administration
Joint Power Agreements
February 2023**

| Parties | Purpose | Term | From | To | Type of Funds | Amount | Approval Date |
|--|--|-------------|-------------|------------|----------------------|--------------------|----------------------|
| Department of Public Safety & the University of New Mexico | Provide security/law enforcement for special events on UNM property | 3 years | 2/21/2023 | 6/30/2025 | Other State | \$40,000 | 2/21/2023 |
| Catron, Cibola, Guadalupe, Hidalgo, Sierra, Socorro, and Valencia Counties | To create the Opioid Remediation Collaborative (ORC) that will develop and implement a sustainable, best practice, opioid treatment resource and/or program that will assist NM with closing the addiction treatment gap | -- | 2/24/2023 | Indefinite | -- | -- | 2/24/2023 |
| Grant County Water Commission, Town of Silver City, City of Bayard, Town of Hurley, Village of Santa Clara, Grant County | Establish & empower an independent water entity to provide municipal water utility services to present and future development. 55 percent of opioid litigation proceeds will be shared amongst the parties for such purpose. | -- | 3/2/2023 | Indefinite | Other | \$107,550,946 | 3/2/2023 |
| | | | | | | Total Funds | Total |
| | | | | | | Capital Outlay | \$0 |
| | | | | | | Corona Virus | \$0 |
| | | | | | | Other State | \$40,000 |
| | | | | | | School District | \$0 |

16. STAFF ITEMS

Presentation by Board Counsel on the Open Meetings Act



Open Meetings Act

NMSA 1978, Sections 10-15-1 to -4

State Board of Finance Training

March 21, 2023

Overview

- ▶ Who
- ▶ What
 - ▶ Notices
 - ▶ Agendas
 - ▶ Minutes
- ▶ How
 - ▶ Open vs. Closed meetings
 - ▶ Emergency meetings
- ▶ COVID-19
- ▶ Enforcement

OMA Public Policy

§ 10-15-1(A)

- ▶ Public is entitled to greatest possible information about government affairs
- ▶ Representative government depends on informed electorate
- ▶ No closed meetings for:
 - ▶ Formation of public policy
 - ▶ Conduct of business by vote
- ▶ All meetings of a public body are public meetings, and anyone can attend
 - ▶ Must make reasonable efforts to accommodate audio and video recordings

Who Is Subject to OMA?

§ 10-15-1(B)

- ▶ “Public body” is broadly defined
 - ▶ Any board, commission, administrative adjudicatory body, or other policymaking body of any state agency or political subdivision
- ▶ Any meeting held to:
 - ▶ Formulate public policy
 - ▶ Discuss public business
 - ▶ Take any action
- ▶ Must be policymaking
 - ▶ Not purely advisory bodies
- ▶ Includes bodies that have delegated authority
 - ▶ Can’t delegate authority so as to avoid OMA
 - ▶ Formulate a binding decision or action on behalf of the public body

Quorums

§ 10-15-1(B)

- ▶ OMA applies to all meetings of a quorum
- ▶ Quorum: usually a simple majority
 - ▶ Unless quorum is defined otherwise
- ▶ No quorum of members on a committee, unless meetings of the committee are noticed properly in accordance with OMA
- ▶ Rolling quorums
 - ▶ Members not present together at same time and place
 - ▶ Separate conversations (in person, telephone)
 - ▶ Emails

What's not subject to OMA?

§ 10-15-1(B)

- ▶ Remember, discussion must relate to public business
- ▶ Not social situations
- ▶ Not accidental, chance encounters
- ▶ Public bodies can take steps to avoid appearance of violations

Quorums: Examples

1. Two members of a three-member school board attend the retirement party of the District's longtime superintendent. While at the party, the Board members have a long conversation about the upcoming baseball season.

- Was this a violation of OMA?

2. After the meeting, one of these Board members sends a text message to the other (using their personal cell phones), urging him to vote in favor of the proposed budget at the next meeting. The other Board member texts back that he definitively plans to vote in favor of the budget.

- Was this a violation of OMA?

Telephone/Virtual Attendance

§10-15-1(C)

- ▶ Telephone conference/ virtual attendance allowed
 - ▶ Must be authorized by another law/rule/executive order.
 - ▶ Difficult or impossible to attend
 - ▶ All participants must be heard

Meeting Notices – Generally

§ § 10-15-1(D) & (F)

- ▶ Reasonable advance notice of all meetings
 - ▶ Applies to both open and closed meetings
 - ▶ No secret meetings
- ▶ All public bodies must determine reasonable notice once per year
 - ▶ Custom is to adopt annual OMA resolution
- ▶ Meeting notices must include:
 - ▶ Date, time, and location of meeting
 - ▶ Agenda (or information on how to get a copy)
- ▶ Notice must be provided to, at minimum:
 - ▶ Published or posted in place and manner accessible to the public
 - ▶ Broadcast stations and newspapers of general circulation that make a written request for notice
 - ▶ Other requirements found by the public body to be reasonable
- ▶ Agenda must be posted on the public body's website 72 hours prior to meeting

Meeting Notices: General Deadlines

§ 10-15-1(F)

▶ Regular meetings

- ▶ Notice: at least 10 days
- ▶ Agenda: at least 72 hours

▶ Special meetings

- ▶ Notice: at least 3 days
- ▶ Agenda: at least 72 hours

▶ Emergency meetings

- ▶ Only allowed if significant threat to public health, safety, or imminent and irreparable financial harm to public body
- ▶ Notice and agenda = 24 hours or less depending on emergency

Agendas

§ 10-15-1(F)

- ▶ Meeting notice must include agenda or information on how to get a copy.
- ▶ Must contain a list of specific items of business
 - ▶ Must be reasonably specific
- ▶ No action unless item is on final agenda
 - ▶ Posted 72 hours in advance (and on website)
 - ▶ Exception for emergency meetings and public bodies that meet more than once per week

Minutes

§ 10-15-1(G)

- ▶ Minutes of all meetings must include:
 - ▶ Date, time, and place
 - ▶ Names of members present and absent
 - ▶ Substance of proposals considered
 - ▶ Record of decisions made and any votes
- ▶ Voting: how each member voted
 - ▶ No secret ballots
- ▶ Draft must be prepared within 10 working days
- ▶ Must be considered at next meeting
 - ▶ Available for inspection (even draft)

Open Meetings and COVID-19 Emergency

- ▶ Generally, public bodies must meet in person
 - ▶ COVID-19 pandemic is an exception to the rule
- ▶ Can meet virtually or telephonically during the state of emergency
 - ▶ State of Emergency expire on March 31, 2023
- ▶ Meeting notice must include connectivity/meeting link information
 - ▶ Best practice: agenda should as well
- ▶ Attorney General's Guidelines:
 - ▶ Provide alternative means of attendance to public (virtual or telephonic)
 - ▶ Announce members of public body participating remotely
 - ▶ All members must be audible when speaking
 - ▶ Suspend discussion when audio/video interrupted
 - ▶ All votes by roll call vote
 - ▶ Produce and maintain a recording of the meeting

Emergency Meetings

§ 10-15-1(F)

- ▶ Requirements for notice and agenda are relaxed
- ▶ Definition of emergency:
 - ▶ “unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body”
- ▶ Must submit a report to the Office of the Attorney General afterwards
- ▶ COVID-19 does not necessarily authorize all emergency meetings

Closed Meetings – Generally

§ 10-15-1(I)

- ▶ Closed = private, excludes the public
 - ▶ OMA *allows* but does not require closed session
- ▶ Allowed at either a separate, closed meeting, or a closed session during an open meeting
- ▶ Agenda item under discussion must qualify for one of OMA's exceptions
 - ▶ Ten exceptions
 - ▶ No catch-all exception
 - ▶ Very limited
- ▶ Any action must be taken in an open meeting
- ▶ Must follow proper procedures for closure and reopening

Closing an Open Meeting

Section 10-15-1(I)(1)

- ▶ Requirements:
 - ▶ A motion citing:
 - ▶ legal authority for closure AND
 - ▶ topic to be discussed with reasonable specificity
 - ▶ A roll call vote
- ▶ Afterwards, need statement in open session confirming that the topics discussed were limited to those in the motion to close

Closed Meetings: Minutes

§ 10-15-1(J)

- ▶ Minutes must reflect closed session:
 - ▶ Entrance into closed session
 - ▶ Exit from closed session
 - ▶ Matters discussed
- ▶ Minutes from an open meeting must state:
 - ▶ Matters discussed in closed session were limited to those specified in the motion to close

OMA Exceptions

§ 10-15-1(H)

- ▶ Ten exceptions authorize closed session
 1. Licensing Matters (issuance, suspension, renewal or revocation of a license)
 2. Limited Personnel Matters
 3. Deliberations for Administrative Adjudicatory Proceedings
 4. Personally Identifiable Student Information
 5. Collective Bargaining Strategy
 6. Certain Purchases
 7. Pending or Threatened Litigation
 8. Purchase, Acquisition or Disposal of Real Property/Water Rights
 9. Strategic & Long-Range Business Plans/Trade Secrets
 10. Certain Gaming Control Board Meetings

OMA Exceptions – (6) Certain Purchases

§10-15-1(H)(6)

- ▶ Concerning purchases in an amount exceeding \$2,500 that can be made only from one source
- ▶ Can also be invoked to discuss contents of competitive sealed proposals solicited pursuant to the Procurement Code during the contract negotiation process
- ▶ Final action takes place in open meeting

OMA Exceptions – (7) Litigation

§10-15-1(H)(7)

- ▶ Covers discussion of pending or threatened litigation
 - ▶ Must pertain to threatened or pending litigation in which the public body is or may become a participant
- ▶ Only exception that expressly allows closed meeting to discuss attorney-client privileged matters

Enforcement

§§ 10-15-3 and -4

- ▶ Attorney General and District Attorneys
- ▶ Private individuals
 - ▶ Written notice to public body required; public body has 15 days to act on alleged violation
 - ▶ Individual can recover reasonable costs & attorneys' fees
- ▶ Actions taken in violation of Act may be deemed invalid
 - ▶ Presumption: public body complied with OMA
- ▶ Individuals in violation of OMA may be criminally charged: full misdemeanor
 - ▶ Up to \$500 per violation

Best Practices

- ▶ Plan in advance for all meetings
 - ▶ If you want items put on the agenda, coordinate with Board Staff in advance
- ▶ Where possible, avoid sending emails about public business to other board members
- ▶ If a member of the public raises an issue outside of a meeting:
 - ▶ Forward to staff
 - ▶ Consult with board counsel if required
 - ▶ Avoid discussing with a quorum of board members