

New Mexico Commission for the Blind

State Rehabilitation Council
Minutes (Final)

Regular Meeting

Commission for the Blind Orientation Center
408 North White Sands Blvd.
Alamogordo, NM 88310

September 18, 2024 - 1:30 PM

September 19, 2024 - 9:00 AM

1. Call to Order

Chairperson Hayes called the meeting to order at 1:36 PM on Wednesday, September 18. The meeting was recessed at 4:49 PM, and reconvened at 9:06 AM on Thursday, September 19.

2. Roll Call

Mr. Blair took roll, and physically present were James Babb, Bernadine Chavez, Peggy Hayes, Mario Hooee, Frank Maestas, and Greg Trapp. Attending by Zoom were Jeff Blair, Paul Luttrell, and Daphne Mitchell. Veronica Alonzo, Margaret Cage, Lila Martinez, and Paula Seanez were absent. Kaity Ellis attended over Zoom for Special Education Director Margaret Cage.

3. Introduction of Guests and Staff

Staff present were Jim Salas, Deputy Director for Vocational Rehabilitation and Independent Living; Kelly Burma, Skills Center Coordinator and SRC Liaison; Jamie Sibson, Orientation Center Director; Patricia Savage, Executive Secretary; and Rafael Aguirre, Orientation Center Industrial Arts Instructor. Attending by Zoom was Kevin Romero, Deputy Director for Finance and Administration. Janice Maestas, Lee Joe, and Diana Marquez were guests.

4. Approval of Possible Changes to the Agenda Order and Tabling of Agenda Items

Mr. Trapp asked to revise the agenda to take the consumer satisfaction report Thursday at 10:00 AM, and that the Workforce report and American Printing House report also be taken on Thursday.

Mr. Maestas moved to approve the agenda as revised, and Mr. Babb seconded the motion. A vote was taken, and the agenda as revised was unanimously approved.

5. Approval of Minutes for the Meeting of May 16, 2024

Mr. Babb moved to approve the minutes of the meeting of May 16, 2024. Mr. Hooee seconded the motion. A vote was taken, and the minutes were unanimously approved.

6. Client Assistance Program Report, Bernadine Chavez

Ms. Chavez said CAP received a call from a person who had been placed in a job 10 years ago by the Commission and was wanting to change jobs. Ms. Chavez said she referred him back to the Commission for further services. She said that was the only call received by CAP during the quarter.

7. Native American Vocational Rehabilitation Program Report, Paula Seanez

Ms. Seanez was not available to give a report.

8. Workforce Board Report, Veronica Alonzo

Ms. Alonzo was not available to give a report.

9. Chairperson's Report, Peggy Hayes

Chairperson Hayes welcomed the guests and welcomed back Ms. Paula Seanez to the Council. She also welcomed new Council Member Dr. Margaret Cage from the Public Education Department.

10. Director's Report, Greg Trapp

a. Major Trends and Developments, Greg Trapp

Mr. Trapp thanked Ms. Sibson for hosting the council meeting at the Orientation Center.

Mr. Trapp said he reported at the May meeting that the rehabilitation act had been flat funded by the House of Representatives. He said the Senate has reinstated the cost-of-

living adjustment, which he said is the CPIU or Consumer Price Index Urban. Mr. Trapp said this will allow for the vocational rehabilitation program to receive an increase in its federal VR funds. He said the additional federal VR dollars will enable the agency to keep pace with increasing costs. He added that there is no guarantee that the increase will actually be included in the final budget that is placed on the President's desk for signature. He said the vocational rehabilitation program has broad bipartisan support.

Mr. Trapp said states have been relinquishing more dollars than were reallocated. He said last year the VR program returned almost a half billion dollars. He said the VR program is a \$4 billion program, and that it was not good to return a half billion dollars of that amount. Mr. Trapp said there has been recent improvement in VR spending, and that he has been working with the National Council of State Agencies for the Blind to explain the spending issues to the Senate. He said he pointed out that while some states were turning back money, most states were spending their entire grant amount. He said he also pointed out that while one agency in a state might be relinquishing funds, the other agency in that same state might be utilizing their whole grant.

Mr. Trapp said the Commission is also seeing increased VR spending. Mr. Trapp said at the May meeting he reported that the Commission might relinquish a small amount of VR funds, but he said the Commission ended up not needing to relinquish any funds. He said the Commission worked with the Division of Vocational Rehabilitation to transfer a half million dollars of VR funds from DVR to the Commission. Mr. Trapp said the two agencies looked at their spending patterns to see how fast each was spending the grant and noticed that DVR was going to carryover a significant amount of funds. He said by transferring a half million from DVR, the Commission reduced DVR's Pre-ETS requirement. He said the Commission had also increased its Pre-ETS spending, which will help the state to meet the Pre-ETS requirement.

Mr. Maestas asked if relinquished funds can be applied for in the next fiscal year, and Mr. Trapp said it is wise to first try to transfer funds between state agencies when it is possible to do so.

Mr. Trapp said that October is Disability Employment Month and there is a Disability Employment Month event on October 17. He said awards will be given out to recognize employers.

Ms. Burma added that there will be a hiring event as part of the event on October 17. She encouraged councilors to register consumers for the event.

Mr. Trapp said the Commission's Legislative Finance Committee hearing has been scheduled for October 23. He said that date conflicts with the Council of State Administrators of Vocational Rehabilitation Conference that is taking place that same week in Seattle. He said the LFC has a new process where the LFC will be making the presentations for the agency, and not the agency head. Mr. Trapp said the Commission will be meeting with the LFC and DFA analysts on Friday.

Mr. Trapp said there is a budget hearing before the House Appropriation and Finance Committee in January, and that it is the HAFC that actually makes the budget decision. He said he would be concerned if the Commission did not have the opportunity to report to the HAFC because the Commission needs to explain the issues to inform the budget process.

Mr. Trapp said October is White Cane Awareness Month and he has submitted a proclamation to the Governor's office that declares October 15 as White Cane Awareness Day.

Mr. Trapp said the council will need to have a meeting in either November or December to approve the annual report. Mr. Trapp said Pre-Employment Transition Services forecasting will be discussed during Mr. Romero's report.

b. Administration and Finance, Kevin Romero

Mr. Romero said the FFY23 VR grant has been completely liquidated. He said the Commission utilized all the Basic Support funds and also the 15 percent Pre-ETS reserve.

Mr. Romero reported on the FFY 24 VR grant. He said as of today, the Commission has spent \$3,147,289 in general VR funds and \$838,140 in Pre-ETS funds. Reporting on the \$500,000 transfer from DVR, Mr. Romero said \$75,000 of that amount will need to be spent on Pre-ETS. He said the Commission received the grant award notice on September 17. Mr. Romero said the Commission's total VR award for FFY 24 was initially \$5,582,296 but is now \$6,082,296. He said the Commission's Pre-ETS reserve is now \$912,344 for the federal fiscal year ending on September 30. Mr. Romero said the Commission has an available balance of \$2,096,867, and the match has been completely met. He said the Commission currently has obligations through December 31 of \$1,641,833. He said that amount assumes a 20 percent underutilization of the Commission's obligations. He said the Commission expects to fully expend and utilize the FFY 24 award no later than December 31, 2024.

Mr. Romero said the FFY 25 grant should be available on October 1 and the Commission is planning for \$5,582,296. He said if Congress adopts a continuing resolution, the funding will be broken into portions that will be allotted over time, with the Commission getting about 20 percent of the award initially.

Mr. Romero said the Commission is utilizing funds quicker than initially thought. He said there has been increased expenses either due to increased activity or increased costs. He said the Commission is in a good position with respect to spending.

Mr. Trapp said there were a couple of unusual one-time expenses. He said the Commission purchased vending machines for routes in Los Alamos and Santa Fe, which increased spending. He said coming out of the pandemic has resulted in some pent-up needs, and that the Commission will keep an eye on spending in this year. Mr. Maestas asked if the state match was at an initial 20 percent or 100 percent of the federal funding, and Mr. Romero said the state match for the VR grant is 21.3 percent. Mr. Trapp explained the requirement to reserve and spend 15 percent of VR funds on the provision of Pre-Employment Transition Services. He said those are services provided to students, saying a student is between age 14 to 21. He said there are five required services and nine authorized services plus the coordinating activities. Mr. Trapp said for the Commission to provide the authorized services it must first make sure that it is able to provide all of the five required services. Mr. Trapp said the Commission forecasts its ability to provide all of the required services, and if the Commission can do that then the agency can proceed to provide the authorized services. He said it is to the Commission's advantage to provide the authorized services, so the agency looks at finances, the number of pre-employment transition students and determine if there is sufficient revenue. Mr. Trapp said it is also a staffing question. He said the question is not only does the Commission have sufficient financial resources, does the agency have sufficient staffing resources? Mr. Trapp said the Commission has seven of its eight VR counselor positions filled, has a full component of assistive technology specialists, has a full team at the skill center, and has a full team at the orientation center. He said the next question is to look on the revenue side and at the number of students. Mr. Trapp asked Mr. Salas and Ms. Mitchell to talk about the number of students, and then the agency would be able to make a Pre-ETS forecast.

Ms. Mitchell said there are 53 Pre-ETS students. She said a number of students just transition out due to age or exiting school. She said six students are scheduled for intakes.

Mr. Salas said he believes the agency is in really good shape as far as being able to support all of the needs of students with the funding that the Commission has available. Mr. Trapp asked Mr. Romero for the Pre-ETS number prior to the additional funds received, and Mr. Romero responded with \$837,345. Mr. Trapp said that amount divided by 53 is a lot of money per student, saying it include staff time and services provided. Mr. Trapp asked Mr. Romero if he is expecting any dramatic reduction in funds or if there is a financial reason why the Commission will not be able to provide all of the required services to those 53 students.

Mr. Romero responded, based on the information he has at this time and the expected revenue stream for the state of New Mexico, he would say that he is confident that the Commission would have the financial resources to provide the required services to the Pre-ETS students.

Mr. Trapp said there are also options available to the Commission if needed for additional revenues next year.

Mr. Maestas asked how the money is typically spent per student.

Mr. Trapp said it is a very individualized question, and Ms. Burma said not only is the definition of student very narrow, but the definition of services is also very specific. Mr. Trapp said Pre-ETS funds cannot be used to pay college tuition. Mr. Trapp said the key is that the Commission is able to provide all of the required Pre-ETS services.

Mr. Romero reported on human resources, saying the Commission has 11 vacant positions. He said four are exempt other and seven are classified. He said the overall vacancy rate was 12 percent. He said the classified vacancy rate is 10.7 percent and the exempt vacancy rate is 15.1 percent. He said the Commission is currently actively recruiting to fill three classified positions. He said one of the positions is the VR counselor in Santa Fe. He said once all five positions are filled, the Commission's vacancy rate will be at 6.5 percent.

Mr. Romero said the Commission's state fiscal year budget closed as of June 30, 2024. He said the audit process has begun. He said the audit deadline is November 1 and the Office of the State Auditor will be doing the audit again this year. He said as of the close of SFY 24 the Commission had an adjusted budget of \$21,060,000 and expenses of \$18,846,977, which means the Commission utilized 89.5 percent of its available budget and had to utilize approximately \$345,000 of fund balance to finish the fiscal year. Mr. Romero said for SFY 25, the Commission has an appropriated budget of \$18,050,600. He said to date the Commission has expended \$4,184,726.43 or 23.2 percent of the budget, and that the Commission is on track with its expenses. He said the Commission has encumbrances of \$751,751.56, and since it is a 50 percent fiscal year, the Commission cannot expend and/or obligate more than 50 percent of its budget by December 31.

Mr. Romero reported on the Commission's SFY 26 budget, saying an appropriation request has been submitted asking for a 13.6 percent increase of general fund and an overall budget increase of 9.98 percent. He said the 13.6 percent base increase is to help address the needs of the independent living and older blind programs and to meet federal match requirements.

Mr. Maestas asked how the Commission would do if the legislature does not appropriate the 13.6 percent requested, and Mr. Romero said the Commission has fund balance remaining.

Mr. Trapp described the Annual Report, and Ms. Savage brought print copies of the report from last year for the Council to review. Mr. Trapp said there is a standard

template that was adjusted during the pandemic. Mr. Trapp recommended that the Council schedule a meeting in November or early December to allow for approval of the report to enable submission of the report by the December 30 deadline.

c. Independent Living and Vocational Rehabilitation, Jim Salas

Mr. Salas said he has not been able to fill the business outreach coordinator position, and the position will be reposted. He said he is interviewing applicants for the Santa Fe vocational rehabilitation counselor position.

Mr. Salas said the Commission's STEP program had 41 students, which he said was one of the highest numbers ever. He said nine students attended at the Orientation Center in Alamogordo.

Mr. Salas reported on the final employment numbers for State Fiscal Year 2024, saying that 20 persons were placed in competitive and integrated employment, and that one person was placed in self-employment, for a total of 21 persons. He said the average hourly wage was \$25.83. Mr. Salas reported on the employment numbers for the current Federal Fiscal Year, saying that 11 persons were placed in competitive and integrated employment. He said the average hourly wage was \$25.88. Mr. Salas said he had asked Ms. Mitchell to work with her team to project the number of closures for FFY 24, and Ms. Mitchell said the projection was 22 closures. She said one closure was an outlier with a very high salary. Mr. Salas said that closure would pull the average wage through the roof. Mr. Salas said 29 individuals were in employment status, and that 25 persons were in Status E.

Mr. Salas praised the counselor team, saying that they all contribute to the agency. He gave special recognition to Ms. Nahid Movaghar and Mr. Keith Collums. He said Ms. Movaghar had nine of the 21 closures for SFY 24, five of the 11 for FFY 25, and eight of the 29 consumers in employment status. Mr. Salas said Mr. Collums had eight of the consumers who were in Status E.

Ms. Mitchell said that Mr. Collums had a passion for working with consumers who had the most significant disabilities, and that he has hit the ground running in terms of finding employers for his consumers, adding that he embraces every complicated case that comes across his desk.

Mr. Salas described some of the types of closures for the year, saying one person was in the \$60 range, one was in the \$50 range, six were in the \$30 range, and two were in the \$20 range. He described some of the types of jobs, saying the jobs included

telemarketers, managers, supervisors, teachers aid, teachers, therapists, social workers, religious workers, printers, and engineers. He said the employers included the Explora Science Center, Albuquerque Public Schools, Highlands University, Gerald Champion Regional Medical Center, and San Juan Regional Medical Center

d. Orientation Center, Jamie Sibson

Ms. Sibson welcomed the Council members to the Orientation Center and said she hoped everyone enjoyed the tour of the facility.

Ms. Sibson said the Center recently reposted for a vacant PE position and currently has openings for a part-time dorm worker, an assistive technology supervisor, and a Braille instructor. Ms. Sibson thanked Catherine Evans for her many years of service at the Orientation Center, and she wish Ms. Evans well on her retirement.

Ms. Sibson said the STEP program had nine students. She said the student received blindness skills training three days a week and worked in the community two days a week. She said there was a scheduled activity day that allowed the students to practice the skills they were learning. She said the community employers included Cottonwood Cat Resort, Kitty City, Otero County Animal Shelter, and Clay Time.

Ms. Sibson said the STEP students worked with Mr. Aguirre in the shop class and built an electronic cradle or charging port to support their iPads or laptops that were purchased for participants. She said the students put on an ice cream social and hot dog and nacho night. She said the students went to a baseball game in El Paso and watched the El Paso Chihuahuas, went to a water park, and went horseback riding. Ms. Sibson said the Center STEP program partnered with the Skill Center for the weekly Business of Blindness Seminar. She said an advanced Braille class was also held for the proficient Braille readers. Ms. Sibson said all nine STEP students graduated at the Orientation Center and all nine students spoke about their experience at the STEP program.

Ms. Sibson said the adult program started on August 12 with four students, and that there are four tours scheduled. She said there are no students in the apartments at this time, but there are two students projected to move to the apartments in October, and a third in November. Ms. Sibson said the Center staff will be participating in the NFB State Convention in Albuquerque at the end of October. She said the Center will also celebrate White Cane Day on October 15, partnering with the School for the Blind and other community partners.

Mr. Babb asked if the old apartments were still available, and Ms. Sibson said the Dormitory was still in use.

e. Skills Center, Kelly Burma

Ms. Burma said the Skill Center started the STEP program with six students. She said the Skills Center hired additional staff for STEP, including an additional Orientation & Mobility teacher. She described the advanced Braille reading and writing class, and the business of blindness class. She said they discussed artificial intelligence and the skills to use AI. Ms. Burma said the STEP program had a listening session with the EXPLORA Science Center to help them make their exhibits more meaningful for students and adults who are blind or visually impaired.

Ms. Burma said the Skills Center had an adult week from August 19 through August 23, with four adults who came in from around the state. She said they had their own projects they wanted to learn, and the Skill Center provided the training.

Ms. Burma said the Technology for Children program has served four students since the start of the new fiscal year. She said she served 14 students last year, and she is still serving those students.

11. Unfinished Business

a. Discussion of Update to Business Enterprise Program Manual, Jim Salas

Mr. Salas said the Commission has been working with Terry Smith and is nearing the end of the project to draft a new Business Enterprise Program Manual. He said once it is drafted, the proposed manual will be submitted to the Rehabilitation Services Administration for approval. He said it will be then adopted using the New Mexico rulemaking process. He said that would include a public meeting to gather comments.

Mr. Maestas asked if the blind vendors are able to review the manual before it is published, and Mr. Trapp said the BEP Chair and Vice Chair are attending the drafting meetings. He said he will ask them to pass the information on to the vendors so they are aware of the process.

b. Report on Strategic Plan, Greg Trapp

Mr. Trapp said the Strategic Plan has been discussed with the council at meetings over the last year. He said the Strategic Plan was approved at the August 22 Commission for

the Blind meeting. He said there was a public meeting on the Strategic Plan, and that the public could attend in person and over Zoom.

Mr. Trapp said the changes reflect the fact that the state has come out of the pandemic, and that the agency still serves a population that is at risk of severe illness due to COVID. He said the Strategic Plan has been updated to include more current studies about medical and demographic information related to diabetes and obesity. He said those are factors that are going to really increase the rate of diabetic retinopathy. He said there are alarming statistics with respect to childhood obesity, and that a majority of students in first through third grade are obese or overweight. He said the Commission also recognizes the need to provide services to help mitigate some of the gaps caused during the pandemic when Braille instructional services were not provided. He said this includes the time when students should have been first learning how to read. He said the pandemic is going to impact that population for years to come. He said students were also not able to receive the same level of Orientation and Mobility instruction. He said the Orientation Center, Skills Center and IL teachers will need to provide services to help bring that population up to speed.

Mr. Trapp said studies show that over 7 percent of people who were unvaccinated for COVID will come down with Long COVID, and that 3.5 percent of vaccinated persons will also come down with Long COVID.

Mr. Trapp said there has been a huge change in the last couple of years with respect to disaster and emergency preparedness. He said some very sophisticated ransomware attacks are coming out of North Korea, China, and Russia. He said the state has to fortify itself against those kinds of ransomware attacks.

Mr. Trapp said the Strategic plan also includes succession planning, and that he will not be at the Commission when the Strategic Plan concludes. He said he has agreed to run for President of the National Council of State Agencies for the Blind, and that it is a two year commitment so he will be at the Commission for at least that much longer.

Mr. Trapp said he thought the agency has an excellent Strategic Plan, and that it was submitted as a part of the request budget. He said the plan also includes the goals and priorities adopted by the Council, and that it is a product of the Council and the agency as a whole.

Ms. Burma noted that the plan includes delayed maturation, and Mr. Trapp said that delayed maturation has become more of an issue among older teens to persons in their early thirties. He said it is known as the failure to launch syndrome, but that it has not been actually diagnosed as a psychiatric condition. He said this generation is not

maturing as fast as was the case in the past. He said that this may also be a reason why the Commission's Social Security reimbursements have been less predictable. He said the pandemic was the main driver of that unpredictability, but the agency could see increased Social Security reimbursement numbers as those persons become more engaged in the workplace.

Mr. Trapp said artificial intelligence will also be an issue that the agency will need to consider. He said it will impact every aspect of society.

Mr. Maestas asked if there was a cause for Generation Z to mature more slowly, to which Ms. Burma said helicopter parents. Mr. Trapp responded that he has a relative who he likes to say puts the Hell in helicopter parent. Mr. Trapp said that Generation Z is not allowed to go out on their own and that they are not allowed to make mistakes. He said they have been a protected generation, noting that there is now a trend to remove some of the childproofing that has been made a part of playgrounds. He said earlier generations would get to ride their bikes and travel, adding that as a child he grew up driving motorcycles and even boats.

Ms. Mitchell noted that her generation was one of the first that were latchkey kids, and that her generation does not want their children to make the mistakes of her own generation.

Ms. Hayes asked Mr. Trapp if his election as President of NCSAB would help with the Part B issue, and Mr. Trapp said it was a national issue, and that earlier in the day he had received emails from colleagues on the NCSAB list asking how to serve persons younger than 55. He said the reason they were asking is because they had their Part B funds taken away. He said this is a national issue, and that he will address it as a national problem. He said the Administration for Community Living encouraged the funds to go to the centers for independent living, and that there is an issue as to whether RSA would allow program income to be spend on IL if agencies are not receiving and spending Part B funds.

Ms. Hayes said there was some light at the end of the tunnel, to which Mr. Trapp said there was a strategy to address the Part B concern, and that he thought people should be working together to fix the issue. He said he is hearing that states without Part B funds are just not providing IL services to blind persons who are under 55.

Chairperson Hayes recessed the meeting at 4:49 PM on Wednesday, September 18.

Chairperson Hayes called the Meeting to order at 9:06 AM on Thursday, September 19.

Mr. Blair took roll on Thursday, September 19. Physically present were James Babb, Bernadine Chavez, Peggy Hayes, Mario Hooee, Frank Maestas, and Greg Trapp. Attending by Zoom were Veronica Alonzo, Jeff Blair, Paul Luttrell, Lila Martinez, and Daphne Mitchell. Paula Seanez and Dr. Margaret Cage were absent. Kaity Ellis attended by Zoom for Dr. Cage.

Staff present on September 19, were Jim Salas, Kelly Burma, Jamie Sibson, Patricia Savage, and Kevin Romero. Audrey Trujillo, IT Manager, attended by Zoom. Commissioner Urja Lansing attended by Zoom. Also present was Jenny Wheeler, American Printing House for the Blind Southwest Outreach Specialist. Janice Maestas and Lee Joe were guests.

11. Unfinished Business

d. Update on Part B Independent Living Funds, Greg Trapp and Kevin Romero

Mr. Trapp said the Commission receives a variety of funds for the independent living program, including Older Blind or Older Individuals who are Blind (OIB) funds. He said the OIB funds are restricted to persons who are 55 and older, and also cannot be used for persons 55 and older who are likely to be successfully employed. Mr. Trapp said the agency also receives Part B funds, adding that the Commission is one of about 13 agencies that receive Part B funds. He said these were mostly agencies for the blind, but that there were two combined agencies that receive Part B funds, including Texas. He said the Part B funds are not restricted as to age. He said the agency uses the Part B funds for persons younger than 55. He said that the receipt of the Part B funds enables the Commission to spend program income on IL services for persons younger than 55, which helps the agency to leverage federal match. He said that this means that the receipt of the Part B funds is much more important than just the \$62,000 that the agency currently receives.

Mr. Trapp said that the Commission had been receiving the Part B funds forever, and was unaware that the SILC was planning to discontinue the Commission's Part B funding starting in FFY 26. He said the Commission will receive the Part B funds through FFY 25, which is the federal fiscal year starting on October 1, 2024 and ending on September 30, 2025. He said the Commission will be able to carryover the funds for one year, meaning that the Commission can continue to leverage program income through September 30, 2026. He said the issue needs to be addressed because it has a negative financial impact on the Commission of about \$300,000, and because the Part B funding also gives the agency the statutory authority to provide services to persons who are younger than 55.

Mr. Trapp said the Commission has been having discussions with the Division of Vocational Rehabilitation, which is the designated state entity that implements the plan. He said that the SILC voted to give DVR about \$19,000 in Part B funds, with the rest going to the five centers for independent living. Mr. Trapp said he is talking with Casey Stone-Romero, the DVR Director, about splitting the \$19,000 in Part B funds. He said that the resulting \$10,000 received by the Commission would be enough for the Commission to continue to leverage program income and have the statutory authority to continue to meet the IL needs of persons who are younger than 55. He said this will require that the SILC agree to a technical amendment to the State Plan for Independent Living. He said this needs to be resolved before the submission of next year's budget, meaning there is about 11 months to resolve the issue.

Mr. Trapp said there were many things that took place that were concerning, including not following the SPIL Instrument Instructions, which specified that before revisions were made to the approved state plan, which is the state plan that is currently in effect, the SILC needs to gather public input on those revisions. He said that, According to the Administration for Community Living, the SILC is not supposed to draft the plan prior to getting public input on the revisions. Mr. Trapp said that the SILC did not follow these instructions, and instead made the revisions before gathering public input. He said there was a public forum on January 31, the SILC did not discuss or reveal any information about the changes to the plan. He said the changes were significant. He said the SPIL annually distributes \$1.6 million in federal and state funds. He said it is a three year plan, so it is \$4.8 million in state and federal dollars that are distributed under the plan.

Mr. Trapp said the SILC conducted a 30 day public comment period on the plan from the end of March to the end of April. He said the SILC held a meeting on May 15, and that he and Mr. Salas attended that meeting. He said he and Mr. Salas presented the issues and had a vigorous but respectful discussion, after which there was a compromise that was agreed upon and voted on by the SILC. He said the SILC directed the SPIL development committee to rewrite the plan to effectuate the motion that was made during the May 15 meeting. He said the Commission agreed to further reduce its portion of the Part B funds and commit to engage in additional activities with the centers for independent living, including sharing program income with the CILs to help helping them to serve individuals who are blind or have low vision. He said the SILC met on June 10 and rejected the compromise that had been agreed to. He said the SILC voted to effectuate the original plan.

Mr. Trapp said he has asked the Administration for Community Living to review the process. He said the SPIL Instrument Instructions required the SILC to gather public input on any revisions to the SPIL before the SPIL was drafted, but that did not happen.

He said he was not sure if anyone had read closely the SPIL Instrument Instructions. He said he hoped the state would be able to work out a compromise that will allow for the effective and efficient use of state and federal funds.

Mr. Trapp said that persons who are younger than 55 and are receiving IL services often transfer to the vocational rehabilitation program and become employed. He said that many years ago the VR program had the option of home maker closures through which the Commission could provide VR services to persons not wanting to work, but that the home maker option was discontinued by the federal government.

Mr. Trapp said there is a gap in services in the states that do not get the Part B funds. He said the states that get the part B funds are the states that tend to provide good independent living services for blind persons who are under 55. He said those states include Washington, Oregon, Minnesota, Delaware, Vermont, and New Hampshire. He said there are 13 states where the VR agency receives and directly spends the Part B funds.

Ms. Chavez said DVR is saying that DVR is going to make up the funds in another way, and asked if that was what he meant when he said that DVR was going to share their revenues. Mr. Trapp said he thought so. Ms. Chavez said DVR was saying it would be made up in a different way and would not necessarily go through the SILC. Ms. Chavez said the DVR director was going to be leaving in December, and she expressed her concern that the issue would not be fixed.

Mr. Trapp said that is a concern that has been very much on his mind, and that the SILC will need to sign off on the plan.

Ms. Chavez said it will hopefully not be a problem to get the SILC to agree because the compromise would expand services, and that typically the independent living centers are not good about serving people who are blind.

Mr. Trapp said the CILs cannot provide the Braille, cane travel, and assistive technology instruction that is provided by the Commission.

Mr. Maestas asked if there was a statutory way to extend the 11 month window, and Mr. Trapp said it is a pragmatic budgeting issue, and that the Commission has to submit its budget on September 1. He said the budget that was just submitted assumes that the Commission will receive the Part B funds.

Mr. Romero said that it is DVR that receives the funds as the designated state entity. He said the Commission must work in conjunction with DVR and the legislature, and that it is best to have things planned out a year or two in advance. He said the Commission plans to split the carryover 50 percent in SFY 25 and 50 percent in SFY 26.

Mr. Salas said it is very clear to everyone present that the Commission could provide the best services to persons who are blind or have low vision, but at the May and June meetings the information conveyed is that the CILs could provide the services.

Mr. Trapp said providing the services would cost the CILs a lot more than the \$45,000 that they will be splitting, and that he did not know how they could hire the staff, pay for the vehicles, and purchase the assistive technology. He said that he appreciates that Ms. Stone-Romero wants to work with the Commission to resolve the issue.

Chairperson Hayes commented on how the CILs would need to hire drivers if they did hire a blind teacher.

Mr. Trapp said he would try to find a path forward.

Ms. Chavez said since Kaity Ellis was present as a representative of the Public Education Department, she wanted to go on the record and say that the Public Education Department needs to hire a new DVR director who understands rehabilitation services. Ms. Chavez said she was saying this on the record as the Director of the Client Assistance Program.

Mr. Trapp said that the directorships are highly specialized, and that the complexity of the federal fiscal and program rules mean that the director needs to have a very strong understanding of the fiscal and program rules, adding that the Rehabilitation Services Agency is especially strict.

Ms. Ellis said she cannot speak for PED, but that she will pass this information on to her PED Deputy Secretary.

Mr. Trapp asked that Ms. Alonzo give a workforce Report, and Ms. Alonzo said the Department of Workforce Solutions has received a large apprenticeship grant, and that it is under Deputy Secretary Scott. She said it will support apprenticeship and pre-apprenticeship programs. Ms. Alonzo reported on other Workforce activities, including an application for a dislocated worker grant due to the fires in Ruidoso. She said the request was for \$2 million to provide cleanup relief. She said her agency just received

some very positive survey results for the workforce conference that was just wrapped up. She said the conference had about 300 attendees.

c. Report on Consumer Satisfaction Survey, Greg Trapp and Brian Sanderoff

This item was taken later in the agenda pursuant to the motion to approve the agenda.

e. Update on Pre-Employment Transition Services (Pre-ETS) Corrective Action Plan, Greg Trapp, Jim Salas, Kevin Romero, and Daphne Mitchell

Mr. Trapp reported on Pre-Employment Transition Services, saying the state of New Mexico is under a corrective action plan. He said the report due at the end of July showed very good progress on the part of the Commission. He said the Commission and DVR submitted separate reports. Mr. Trapp said that the Commission reported that it had spent nearly all of the FFY 23 Pre-ETS reserve, with only about \$40,000 needing to be spent. He said the report stated that the remaining balance would be fully obligated by the end of August. Mr. Trapp said the Commission has now spent the entire FFY 23 Pre-ETS reserve. He said DVR was a little behind the Commission on its share of the FFY 23 Pre-ETS reserve. Mr. Trapp said the report stated that the Commission anticipated to spend all of the FFY 24 Pre-ETS reserve by December 31, 2024. He said the agency has spent the FFY 24 reserve more rapidly than anticipated.

Mr. Salas said that the agency was actually going to exceed the Pre-ETS requirement for FFY 24, and Mr. Trapp said that the additional Commission's spending would also help the state as a whole meet the reserve.

Ms. Ellis said the information on Pre-ETS was wonderful news, and she said to let her know if the Commission wanted to possibly partner with the Office of Special Education. Mr. Trapp said the Commission was always glad to provide training to parents and teachers.

12. New Business

a. Approval of Open Meeting Act Resolution, Peggy Hayes

Chairperson Hayes asked if everyone was able to read the Open Meetings Resolution that was sent out yesterday. She then requested a motion to approve the Open Meetings Act Resolution.

Mr. Babb made a motion to approve the Open Meetings Act Resolution, and Mr. Maestas seconded the motion. Chairperson Hayes then called for discussion.

Mr. Trapp describe the Open Meetings Act Resolution, saying that covered bodies were required to annually determine what notice was reasonable. Mr. Trapp said that the resolution says that at least 10 days' notice is reasonable for a regular meeting, at least three days' notice is reasonable for a special meeting, and at least 24 hours' notice is reasonable for an emergency meeting. Mr. Trapp also said that the resolution says how the notice will be provided, saying that notice will be published in a newspaper of general circulation for a regular meeting. He also said that when timing permits and when reasonable notice will also be published in a newspaper for a special meeting. Mr. Trapp said that notice will also be published on Newslite and placed on the agency web page. He said the only change to the current resolution was the date and the city where the meeting is being held. Mr. Trapp said the resolution also sets forth procedures for public meetings as defined by 34 CFR 361.20, which are public meetings of the agency and not the governing board or council. Mr. Trapp concluded by saying that the Open Meetings Act applies to the council members as public officials.

(Note: though the motion was made, seconded, and discussed, the Council did not actually take a vote on the motion.)

Mr. Sanderoff arrived at this time, and the Council moved to take the report on the consumer satisfaction survey.

c. Report on Consumer Satisfaction Survey, Greg Trapp and Brian Sanderoff

Mr. Trapp said the consumer satisfaction survey gives the agency an opportunity to reach out to consumers to see how the agency is doing. He said the agency has used Research and Polling to conduct the survey for the last several years. Mr. Trapp and Ms. Hayes welcomed Mr. Sanderoff to the meeting.

Mr. Sanderoff said it was a pleasure to work again with the Commission for the Blind. He reported on the methodology, saying the research objective was to measure satisfaction with the Commission's VR services. He said the Commission generated a random sample of 150 consumers, and that 57 interviews were completed. He said this was a response rate of nearly 40 percent, which he said was a good response rate. He said the survey was conducted August 23 through August 30. He said the survey instrument contained 13 questions, with responses of very satisfied, satisfied, neutral, dissatisfied, and very dissatisfied

Mr. Sanderoff said that 91 percent of respondents were overall either very satisfied or satisfied with Commission services. He said that only four percent were dissatisfied. He said it is difficult to achieve satisfaction results that are this high, and also very difficult to achieve dissatisfaction rates that are so low. He said the satisfaction with the ability to select and pursue desired employment goals was 80 percent, and that 8 percent were dissatisfied. He said this is a very good ratio of satisfied to dissatisfied. He said the overall satisfaction of counselor responsiveness to calls and emails was 88 percent, with 7 percent dissatisfied. He said that represents a consistent trend. Mr. Sanderoff said that the overall satisfaction with technology services was 84 percent, and that only two percent were dissatisfied. He said these were great numbers. He asked if the respondents graduated from the Orientation Center, and 23 percent said they had graduated from the Center. Of that number, 76 percent were overall satisfied with the training at the Center, 15 percent were neutral, and eight percent were dissatisfied. In response to being asked if the consumers were achieving greater success as a result of graduating from the Orientation Center, 77 percent said yes, 15 percent said no, and the rest were not sure. He said these were again great numbers. When asked if the respondents were currently employed, 44 percent said they were currently employed. When asked whether the Commission assisted them to achieve their current employment, 88 percent said yes. When asked if they are achieving greater success due to the Commission, 79 percent said yes, and 16 percent said no. When asked if they were informed about the availability of the Client Assistance Program, 33 percent said yes, 44 percent said no, 18 percent were not sure, and 5 percent did not remember. When asked if they were informed of their rights and responsibilities, such as the right to request a supervisory review, 81 percent said yes, 14 percent said no, and the rest did not remember.

Mr. Sanderoff summarized by saying that the Commission's numbers are great. He read some of the narrative responses, which included:

It's a good service and very much needed.

I have a great gratitude for the services I received.

I appreciate the Commission and for helping with my family matters.

The Commission is my eyes, my right hand, and heart.

Doing a wonderful job with wonderful people.

I could not have done it without them; very thankful for their services.

Made a big difference in my life.

Please keep doing what you are doing because it helps so much.

Mr. Blair asked if there was any way to track responses to particular areas of the state, and Mr. Sanderoff said that given the relatively small number of 57 respondents and the very high level of satisfaction, he said he would not expect to find anything significant.

Mr. Trapp said the very small number of neutral and dissatisfied respondents meant that it might be possible to identify a particular respondent if they were broken down based on region. He also said that the Commission is fully staffed, and that he would not expect to see regional dissatisfaction due to being fully staffed.

Ms. Chavez suggested using DRNM in the question about the Client Assistance Program because it has greater name recognition. She suggested Client Assistance Program at Disability Rights New Mexico.

Mr. Trapp said he was wanting to keep the questions the same from the prior survey so that he could do an apple to apples comparison. Mr. Trapp said he agreed that CAPP at Disability Rights New Mexico should be used in the future.

Mr. Salas said the CAP is mentioned at several points in the process and at least once a year. He said it is actually surprising that it is as high as 33 percent given the high level of satisfaction.

Mr. Trapp told Mr. Sanderoff that those were great numbers, and he congratulated Mr. Salas and Ms. Mitchell and their staff. He said the Commission is a government agency, and he asked how many government agencies get these kinds of numbers.

Ms. Mitchell said she found the prior survey, and that it showed that 25 percent of consumers said they had been told about CAP.

Mr. Romero said that the overall satisfaction level for the 2021 survey was 81 percent, with 56 percent very satisfied, 25 percent satisfied, eight percent neutral, six percent dissatisfied, and five percent very dissatisfied

Mr. Trapp said it needed to be kept in mind that the 2021 survey was taken during the pandemic.

Mr. Sanderoff pointed out that the very satisfied remained the same at 56 percent, but the satisfied went up to 35 percent from 25 percent, and the dissatisfied went from 6 percent to 2 percent, and the very dissatisfied went from 5 percent to 2 percent.

b. Approval of Employer Awards, Daphne Mitchell, Jamie Sibson, and Kelly Burma

Ms. Mitchell said the Governor's Commission on Disability is working in partnership with the Commission for the Blind and other state agencies to be participating on a Disability Employment event as a part of the October Disability Employment Month. She said the State Rehabilitation Councils for DVR and the Commission will be giving awards to employers.

There was a discussion amongst the council members, including Ms. Burma, Ms. Sibson, and Ms. Mitchell regarding the nominations of employers in Albuquerque, Alamogordo, Roswell, and Farmington. The categories were non-profit, government, and business. Ms. Chavez said the DVR SRC was recognizing six employers.

Ms. Mitchell moved that the awards be given to EXPLORA Science Center and Children's Museum; DNA People's Legal Services; Big Brothers, Big Sisters of Roswell; Paw in Hand Veterinary Clinic; Cottonwood Pet Resort; and Albuquerque Public Schools. Mr. Babb seconded the motion. A vote was taken, and the motion passed with Council member Maestas abstaining.

c. Report on FFY 2024 Reallotment of Vocational Rehabilitation funds, Greg Trapp

Mr. Trapp reported on the reallotment of vocational rehabilitation funds, saying that 15 agencies relinquished a total of \$138,583,448 in FFY 2024 VR funds. He said 34 VR agencies requested a total of \$334,788,129. Mr. Trapp said the amount requested exceeded the amount of funds available by \$160,371,546. He said this was the highest number of VR agencies requesting reallotment funds and the most funds requested during reallotment in at least the past 17 years.

d. American Printing House Report, Jenny Wheeler, Outreach Specialist, APH

Ms. Wheeler said she was the Outreach Specialist for the Southwest region for American Printing House, a major developer and distributor of Braille textbooks, access technology, and other equipment for children and adults with visual impairments. She said many of these devices are provided at no cost to school age students through the federal quota program.

Ms. Wheeler said the major effort of APH over the last year has been the development, production, and distribution of the Monarch. She said the Monarch has 10 lines of refreshable Braille with 32 characters on each line. She said the Monarch's tactile graphics display has a direct link to the APH tactile graphics image library which has thousands of downloadable images. She said the Monarch has a scientific and a graphing calculator. She also described its ability to be used for math, music, and word

processing. She said the Monarch has undergone extensive testing, and about 100 of Monarchs are being sent out across the country. She said APH has a five-year and \$10 million grant from the federal government to distribute the Monarch and provide training.

Ms. Burma asked if APH is looking for students who plan on going into STEM or Music careers, and Ms. Wheeler said APH anticipates that students going into STEM and music careers will maximally utilize the Monarch. Ms. Wheeler said interested persons can Google APH product ideas or contact her directly at JWheeler@APH.org.

Mr. Salas asked about the price of the Monarch, and Ms. Wheeler said it was originally going to be around \$20,000 but is now selling for \$14,900.

Ms. Mitchell thanked APH for putting on the different workshops available through the APH Connect Center, saying the Commission counselors and Pre-ETS students have enjoyed participating in the workshops.

13. Council Open Discussion

Ms. Chavez reminded those present of the upcoming election, saying persons who have problems accessing voting should call her or Disability Rights New Mexico. She said DRNM will have staff on the ground on Election Day to help with the accessible voting machines.

Ms. Chavez said Disability Rights New Mexico develops priorities on a three-year cycle, and DRNM is soliciting for input on the priorities on the DRNM website. She said she can email the priorities if needed. She said it looks like DRNM will keep the same priorities from last year, should anyone want to make changes to those priorities.

14. Comments from the Audience

Ms. Lansing acknowledged Mr. Salas, Ms. Mitchell and the entire VR staff for such great results with the consumer satisfaction survey. She also expressed her appreciation to the SRC, saying she knows how important the Council is for the blind of New Mexico. Ms. Lansing said she is extremely proud to be in association with Executive Director Trapp and the entire Commission for the Blind team.

15. Date and Location of Next Meeting

The next meeting was set for February 13, 2025 in Santa Fe, starting at 10:00 AM.

16. Adjourn

Ms. Hayes adjourned the meeting on September 19 at 12:02 PM.

Approved and Electronically Signed this 19th Day of November 2024.

Peggy Hayes, Chairperson
State Rehabilitation Council
New Mexico Commission for the Blind

Attachment

Proposed SRC Open Meetings Act Resolution

New Mexico Commission for the Blind

State Rehabilitation Council

Open Meetings Resolution

September 19, 2024

WHEREAS, SECTION 10-15-1(B) OF THE OPEN MEETINGS ACT, states that, except as may be otherwise provided in the constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, SECTION 10-15-1(D) OF THE OPEN MEETINGS ACT requires the State Rehabilitation Council to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the State Rehabilitation Council (Council), meeting in the city of Alamogordo this 19th day of September, 2024, that:

1. All meetings shall be held as indicated in the meeting notice, except that meetings may be canceled due to a lack of a quorum, due to inclement weather, or for other appropriate reasons.
2. Regular meetings: Notice of regular meetings shall be given at least 10 days in advance of the meeting.
3. Special meetings: Notice shall be given at least 3 days in advance of any special meeting.
4. Emergency meetings: Emergency meetings may be called by the chair or a majority of the members upon at least 24 hours' notice, unless threat of personal injury or property damage requires less notice. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the Commission for the Blind from substantial financial loss.
5. For purposes of regular meetings described in paragraph (2) of this resolution, notice requirements are met if notice of the date, time, place, and how to obtain a copy of the

agenda is published in a newspaper of general circulation and placed on the Commission for the Blind web page, www.cfb.state.nm.us. Notice shall also be placed on Newsline for the Blind. Notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings. The meeting agenda shall be made available and posted on the Commission web page at least 72 hours prior to the meeting.

6. For purposes of special meetings described in paragraph (3) of this resolution, notice shall be posted at the Commission for the Blind administrative office in Santa Fe, posted in the Albuquerque field office, placed on Newsline for the Blind, posted on the Commission web page, and given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings. The meeting agenda shall be made available and posted on the Commission web page at least 72 hours prior to the meeting. When possible due to publication deadlines, notice shall also be published in a newspaper of general circulation.

7. For purposes of emergency meetings described in paragraph (4) of this resolution, notice requirements are met if notice of the date, time, place, and a copy of the agenda is made reasonably available under the circumstances, which may include posting at the Commission for the Blind administrative office in Santa Fe, posting at the Albuquerque field office, placement on Newsline for the Blind, posting on the web page of the Commission for the Blind, and placement using other appropriate methods. Notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

8. All notices shall include information on how persons with disabilities may request a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service as may be required by the Americans with Disabilities Act (ADA).

9. A member of the Council may attend by conference telephone or other similar communications equipment, including internet-based technologies. However, such attendance is allowed only when it is otherwise difficult or impossible for the member to attend. Such attendance is allowed at the discretion of the chair. In addition, each member thus participating must be identified when speaking, all participants must be able to hear each other at the same time, and the public must be able to hear any member who speaks during the meeting.

10. To further provide the public with notice of meetings, the council shall post a meeting calendar on the Commission's web page that provides the dates, times, and locations of scheduled council meetings.

11. Should technical problems occur that prevent placement of notice on entities such as Newsline for the Blind or the Commission's web page, the Council shall engage in

activities to provide additional notice through other available and appropriate methods, such as through email distribution and posting on social media.

12. The Council may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under the open meetings act.

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Council taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close. The vote of each member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

(b) If a closed meeting is to be conducted when the Council is not in an open meeting, the closed meeting shall not be held until appropriate public notice is given.

(c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

(d) Except as provided by the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote in an open public meeting.

13. Conduct of public meetings prior to the adoption of substantive policies or procedures governing the provision of vocational rehabilitation services.

(a) Prior to the adoption of any substantive policies or procedures governing the provision of vocational rehabilitation services under the Combined State Plan, including making any substantive amendments to policies and procedures, the Commission for the Blind will conduct public meetings throughout the state to provide the public, including individuals with disabilities, an opportunity to comment on the policies or procedures.

(b) At least 72 hours prior to any public meeting, the public meeting shall be advertised in a newspaper of general circulation, posted to the commission web page, placed on Newsline, provided to disability advocacy groups representing individuals who are blind, and distributed as may otherwise be appropriate. The public meetings may include town forums, town halls, or other public meetings organized by the commission. The public meetings may also include an option for remote participation.

(c) Should limits on public gathering be in place due to a declaration of a state of emergency, the public meetings may also include meetings that take place telephonically or by video webcast, provided that each such meeting is specifically directed to and associated with a particular region of the state. The Commission shall enable remote public access to any meeting at which such limitations are imposed through means of telephonic or video webcast. The Commission shall, in the notice of such a meeting,

provide the public with information as to how the meeting may be accessed remotely. The notice shall specifically state that the purpose of the public meeting is to provide persons who reside in the area with an opportunity to comment on the proposed policies or procedures. In addition to the notice requirements set forth in subsection (b), the Commission shall also advertise the public meeting in a newspaper that is located in the area, provide the notice to affiliates or chapters located in the area of disability advocacy groups representing individuals who are blind, provide the meeting notice to the center for independent living that serves the area, post the meeting notice in the Commission office that is in the area, provide the notice to any American Indian Vocational Rehabilitation Projects that serve the area, and conduct such outreach as would otherwise be appropriate if the public meeting was being held in a physical location in the area.

(d) Following the conclusion of a declared state of emergency, and should limits on public gathering remain in place or should public health officials discourage public gatherings or otherwise recommend that social distancing be maintained, the Commission may place reasonable limits on the manner in which the public attends public meetings, provided that all interested individuals are afforded a reasonable opportunity to attend or participate. This may include requiring persons attending the public meeting to maintain a specified distance from others present at the meeting. The Commission shall enable remote public access through telephonic or video webcast for any meeting at which such limitations are imposed. The Commission shall, in the meeting notice, provide the public with information as to any in-person limitations as well as information on how the meeting may be accessed remotely.

14. Meetings Held During Times of State Emergencies: In the event that a state of emergency is declared due to the spread of an infectious disease, due to the spread of chemical, biological, or radiological hazards, or due to some other comparable disaster or emergency, and if postponing one or more items of business until the conclusion of the state of emergency would be inconsistent with the proper and efficient operation of the Council, the Council may hold a meeting designed to preserve the health and safety of the public while also adhering to the purposes of the Open Meetings Act. This shall consist, where possible, of the members of the Council appearing telephonically or by video webcast, with the public able to observe the proceedings at both a physical location and a video webcast or telephonic location. However, where such arrangements are not possible due to public health or safety concerns, and at the election of the Chair, or of the Vice Chair should the Chair be unavailable, the Council may hold a video and/or telephonic meeting, subject to all of the following conditions and limitations:

(a) Each member participating must be identified when speaking, all participants must be able to hear each other at the same time, and the public must be able to hear any member who speaks during the meeting.

(b) A video webcast or telephonic meeting may only be held if the members of the Council are unable to meet in a physical location due to the state of emergency, including when an order is in place limiting or prohibiting public gatherings.

(c) Both the notice and the agenda of any video webcast or telephonic meeting shall provide information to the public on how the meeting may be accessed remotely, either through the video webcast, telephone, or similar technology. All meeting documents, except those which are exempt from disclosure as a public record, shall be available on the website of the Commission for the Blind before and during the meeting for public access and review, shall be available through methods set forth in the meeting notice, or shall be available during the meeting for downloading through whatever video webcasting service may be used for the meeting.

(d) At any video webcast or telephonic meeting, all votes shall be cast through a roll-call vote. The Chair shall suspend all discussion in the event that the audio is interrupted or becomes unintelligible.

(e) The Council shall make an audio recording of any video or telephonic meeting and, within five business days of the meeting, post the recording on the website of the Commission for the Blind for a period of not less than thirty days. The Commission shall maintain a copy of the recording for a period in compliance with the Federal regulations at 2 CFR 200.333, and as may otherwise be required by state record retention laws, and make the recording available as may be required by the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019).

(f) Following the conclusion of a declared state of emergency, and should limits on public gathering remain in place or should public health officials otherwise recommend that social distancing be maintained, the Council may, in the interests of public health and safety, and if determined necessary by the Chair, place reasonable limits on in-person attendance at meetings, provided that all interested individuals are afforded a reasonable opportunity to attend or participate. The Council shall enable public access through telephonic or video webcast for any meeting at which such limitations are imposed. The Council shall, in both the notice and the agenda of such a meeting, provide the public with information as to any in-person limitations as well as information on how the meeting may be accessed remotely. The Council shall also make and process an audio recording of such a meeting in the same manner as required by subsection (e).

Passed and electronically signed by the Chairperson of the State Rehabilitation Council of the New Mexico Commission for the Blind this 19th day of September, 2024.

Peggy Hayes, Chair
State Rehabilitation Council
New Mexico Commission for the Blind