## Julia Hosford Barnes, P.C.

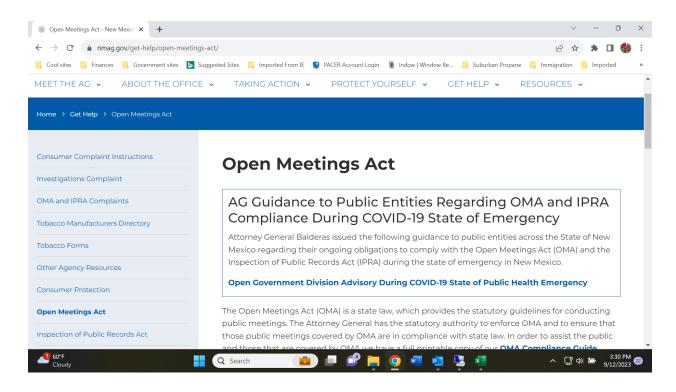
To: PEC

From: Julia Barnes

Re: Hybrid Attendance Date: September 21, 2023

You have asked what the status is of guidance on a virtual or hybrid meeting is from the Attorney General.

First, the guidance on hybrid attendance is still posted on the AG's website and is the first item on the Open Meetings Act page.



Further, in a voicemail from Heather Sandoval from the AG's office she indicated that the guidance is no longer effective technically. They do use this type of guidance to explore ways for hybrid meetings for certain types of entities. However, the idea right now is to go back to the way that boards and commissions met prior to COVID.

200 West De Vargas, Suite 2 Santa Fe, New Mexico 87501 Jhbnm1@gmail.com (505) 982-3993 Santa Fe phone and (505) 212-0604 fax (Albuquerque number)



The guidance for hybrid meetings in the AG Guidance to Public Entities Regarding OMA and IPRA Compliance During COVID-19 State of Emergency" is as follows:

If, however, a board or commission has a time-sensitive matter to attend to, it may proceed with a virtual meeting, provided its notice of meeting contains detailed information (password, phone number, etc.) about how members of the public may attend and listen via telephone, live streaming or other similar technologies. More specifically, if a public body decides to proceed with a virtual meeting, it should:

- At the start of the meeting, the chair should announce the names of those members of the public body participating remotely.
- All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to the other members of the public body and to the public.
- Members of the public should be afforded remote access, via live stream or other similar technology, if possible, or call-in number for listening by phone.
- Chair should suspend discussion if the audio or video is interrupted.
- **All** votes of the public body must be by roll call vote.
- The public body should produce and maintain a recording of the open session of the meeting.

Your decisions are time-sensitive, so I think that you can utilize these protocols. Further, you have indicated a preference for in-person attendance, and you are holding hybrid regular meetings, not virtual regular meetings unless there is an extraordinary circumstance. The upgraded Mabry Hall equipment is state-of-the-art and allows ready access to public either in person or virtually. If the PEC determines that it will continue to follow this protocol as presently exists in the Rules of Procedure, I suggest that you put these requirements listed above into the agenda template and continue to follow this quidance.