

New Mexico Mining Safety Board (MSB) – Meeting, September 6, 2013, 1:00 PM

AGENDA

MSB members:

Randy Logsdon (**Chair**), Howard Bartoo, Phil Brown, Larry Bush, Jeff Gordon, David Hales, Sam Johnson, Allen Norris, Monty Owens (**Vice Chair**), John Purcell, Jimmy Simpson, David Trujillo.

Terence Foreback, State Mine Inspector (SMI) and EMNRD Cabinet Secretary David Martin are Ex-Officio members of the MSB.

Mary H. Smith, Assistant Attorney General, provides legal counsel to the SMI.
Cholla Khoury, Assistant Attorney General, provides legal counsel to the MSB.
Administrative duties provided by BMS staff.

Location: Workers' Compensation Administration
2410 Centre Ave SE
Albuquerque, NM

Purpose of Meeting:

The MSB will conduct a regular meeting that will include voting on a new Open Meeting Act (OMA) resolution.. There will be a presentation and discussion on a rule change to define the term “Mining Company”. The MSB will continue discussion on Board recommendations of members to the Governor.. The MSB may conduct other new business.

Other business items: *If MSB members would like other items included on the agenda, please contact the SMI at 575-835-5460 or Chair at 575-234-3622.*

Agenda (times approximate)

Time	Action
1300	Meeting will commence
1300 to 1315 hours	Chair – Location of Exits, restrooms, attendance, introductions, and safety share
1315 to 1330 hours	Approval of last meeting's minutes
1330 to 1345 hours	Discussion and action on OMA resolution (see attachment)
1345 to 1400 hours	Discussion on MSB member selection – recommendation by MSB – subcommittee report
1400 to 1415 hours	Discussion of rule change to include definition of mining company
1415 to 1445 hours	Other new business
1515 hours	Adjourn

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact (575) 835-5460 at least 48 hours prior to the meeting. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact (575) 835-5460 if a summary or other type of accessible format is needed.

NEW MEXICO MINING SAFETY BOARD

OPEN MEETINGS NOTICE RESOLUTION

WHEREAS, the New Mexico Mining Safety Board (“MSB”) met in regular session at Albuquerque on September 6, 2013, at 1:00 p.m. and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) 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 MSB to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the MSB that:

1. All meetings shall be held as indicated in the meeting notice.
2. Unless otherwise specified, the MSB regular meetings shall be held as necessary. Notice of any meetings will be given (10) days in advance of the regular meeting date. The agenda will be available at least seventy-two (72) hours prior to the meeting from the office of the State Mine Inspector, 101 East Road, Socorro, New Mexico, 87801, (575) 835-5460, and shall be posted on the New Mexico Bureau of Mine Safety website (www.nmminesafety.com).
3. Special meetings may be called by the Chair or a majority of the MSB members upon three (3) days notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public and shall be posted on the New Mexico Bureau of Mine Safety website (www.nmminesafety.com) at least seventy-two (72) hours before any special meeting.
4. Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The MSB will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or a majority of the MSB members upon twenty-four (24) hours notice, unless threat of personal injury or property

damage require less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

5. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place and brief summary of the agenda is posted at the office of the State Mine Inspector, and/or posted on the New Mexico Bureau of Mine Safety's website (www.nmminesafety.com), and/or posted on the New Mexico Mining and Minerals Division's web site (<http://www.emnrd.state.nm.us>), and emailed to the Bureau of Mine Safety mining contacts list. Copies of the written notice shall also be provided by mail, email or fax to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of MSB public meetings.

6. For the purposes of special meetings and emergency meetings described in paragraph 3 and 4 of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone, email or fax to newspapers of general circulation in the state and posted in the offices of the State Mine Inspector and the offices of the New Mexico Mining and Minerals Division located at 1220 S. St. Francis Drive, Santa Fe, New Mexico. The agenda for a special meeting shall also be posted on the Bureau of Mine Safety website (www.nmminesafety.com) seventy-two hours before the meeting. Telephone, email or fax 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 MSB public meetings.

7. In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact (575) 835-5460 at least 24 hours prior to the meeting. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact (575) 835-5460 if a summary or other type of accessible format is needed.

8. The MSB 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 Section 10-15-1(H) of the Open Meetings Act.

Passed by the New Mexico Mining Safety Board, September 6, 2013.

Randy Logsdon
Chair New Mexico Mining Safety Board