# RESOLUTION 2022-05

# REGARDING EXPANSION OF THE OPEN MEETINGS ACT TO ALLOW VIRTUAL OR HYBRID MEETINGS TO CONTINUE, ENHANCING ACCESS FOR PEOPLE WITH DISABILITIES, INCLUDING THE BLIND AND VISUALLY IMPAIRED

WHEREAS, Title II of the Americans with Disabilities Act (ADA) states that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government; and

WHEREAS, Title II of the ADA also requires that state entities take steps to ensure that

their communications with people with disabilities are as effective as communications with others; and

WHEREAS, Title II of the ADA requires state and local governments to give people with disabilities an equal opportunity to benefit from their programs, services, and activities; and

WHEREAS, at the start of the pandemic, the Attorney General issued the “*Open Government Division Advisory  During COVID-19 State of Public Health Emergency,”*which allowed boards, commissions, and councils covered by the Open Meetings Act to meet remotely due to the threat posed by the pandemic; and

WHEREAS, the New Mexico Open Meetings Act allows members of boards, commissions, and councils to attend meetings remotely only if it is “difficult or impossible” for the members to attend the meeting in person, meaning virtual meetings or meetings with a virtual attendance and participation component will not be able to continue once the emergency public health orders issued during the pandemic have expired; and

WHEREAS, the use of accessible meeting platforms such as Zoom have allowed for greater public participation in meetings of boards, commissions, and councils, including by persons who are blind or visually impaired:

Now, therefore, BE IT RESOLVED by the National Federation of the Blind of New Mexico assembled in convention in the city of Albuquerque this 28th day of August, 2022, that the National Federation of the Blind of New Mexico calls upon the New Mexico Legislature to amend the Open Meetings Act to allow for boards, commissions, and councils to meet in hybrid or virtual settings, allowing greater public attendance and participation in meetings of boards, commissions, and councils; and that the National Federation of the Blind of New Mexico further calls upon entities covered by the Open Meetings Act to use meeting platforms that are shown to be accessible for persons who are blind or visually impaired, such as Zoom.