# RESOLUTION 2023-02

# 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 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 Covid-19 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; and

WHEREAS, New Mexico’s Covid-19-related public health order expired on March 31, 2023, and the similar federal public health order expired on May 11, 2023, consequentially signifying that all governing and policy-making bodies covered by New Mexico’s Open meetings Act are to return to in-person meetings; and

WHEREAS, there continues to be an expectation that remote attendance and participation in public meetings should remain a norm; and

WHEREAS, the use of accessible meeting platforms such as Zoom, accompanied by the Meeting Owl, Coolpo and similar technologies at a public meeting’s physical location allow for greater public participation in meetings of boards, commissions, and councils, including by persons who are blind or visually impaired; and

WHEREAS, use of the aforementioned technologies are important to ensure that a prevalent standard in New Mexico’s Open Meetings Act in that all members of a covered public body must be able to hear each other when remote attendance is allowed:

Now, therefore, BE IT RESOLVED by the National Federation of the Blind of New Mexico assembled in convention in the city of Albuquerque this 24th day of September, 2023, 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 covered by the Open Meetings Act to meet in hybrid or virtual settings, allowing greater public participation in meetings of public bodies covered by the Open Meetings Act; and that this organization further calls upon entities covered by the Open Meetings Act to use meeting platforms that are shown to be accessible to persons who are blind or visually impaired, such as Zoom.