

New Mexico Finance Authority
207 Shelby Street Santa Fe, NM 87501 (505) 984-1454
Opportunity Enterprise Review Board
Minutes
April 12, 2023

Present:

Joe Farr, Chair	Duke City, LLC
Jennifer Garcia Kozlowski, Vice Chair	Downtown Las Cruces Partnership
Jon Clark	Designee for Secretary, NM Economic Development Department
Brian Condit	New Mexico Building Trades
Robert Doucette	Secretary, NM General Services Department
Marcos Trujillo	Designee for Secretary, Department of Finance and Administration
John Kreienkamp	Designee for New Mexico State Treasurer
Joseph Maestas	New Mexico State Auditor

Absent:

Victor Mendoza	RPM Lending
Priscilla Lucero	Southwest NM Council of Governments

NMFA Staff:

Aaron Kayser	Adam Johnson
Alysia Sanchez	Alysia Sanchez
Bryan Otero	Charlotte Larragoite
Connie Marquez	Dan Opperman
Jeff Baade	John Brooks
Jolin Anaya	Kryshana Madrid
Leslie Medina	Lynn Taulbee
Mark Dalton	Marquita Russel
Rio Trujillo	Ryan Decker
Susan Pittard	Theresa Garcia

Guests:

Amanda Dick-Peddie	Andrea Salazar
Bret Buchanan	Bret Buchanan
Cally Carswell	Christopher Hall
Daniel Baeman	Dominic C.
Fred Shepherd	Glenn Schiffbauer
Ismael Torres	Morgan O'Brady
Renata Harrison	Thomas Singer
Vicki Breen	Warren Unsicker

1. **CALL TO ORDER AND ROLL CALL.** Chair Joe Farr called the meeting to order at 2:00 p.m. A quorum was established via roll call vote.
2. **APPROVAL OF AGENDA.** Member Maestas moved, seconded by Member Clark, for approval of the agenda. The motion passed 8- 0 on a roll call vote.
3. **APPROVAL OF BOARD MINUTES.** Member Clark moved, seconded by Member Kozlowski, for approval of the October 24, 2022, Board minutes. The motion passed 6 – 0 on a voice vote. Member Maestas and Member Kreienkamp abstained from voting.

4. APPROVAL OF OPEN MEETINGS ACT.

4.1 Mr. Dan Opperman presented an overview of the Open Meetings Act (“Act”) Resolution for Board consideration. The Opportunity Enterprise Review Board (“Board”) is subject to the Open Meetings Act, requiring the Board to determine annually what constitutes reasonable notice of its public meetings. NMFA staff recommends that the Board approve the Open Meetings Resolution 2023 as set forth in the attached resolution.

Member Maestas requested that future agendas reflect the Board is acting on the Resolution itself and not the Act.

Member Garcia Kozlowski moved, seconded by Member Doucette, to pass, approve and adopt the resolution. The motion passed 8 – 0 on a roll call vote.

5. OPPORTUNITY ENTERPRISE PROGRAM UPDATE.

5.1 Ms. Marquita Russel provided an overview of the Act for the newly appointed Board members. Ms. Russel reviewed the rulemaking process, policy prioritization, separation of committees, project evaluation and collaboration, post award financial monitoring and reporting, and the application approval process. A flowchart of the project evaluation and approval process was provided.

6. OVERVIEW OF PUBLIC COMMENT ON OERB RULES AND OPPORTUNITY ENTERPRISE EVALUATION AND PRIORITIZATION POLICY.

6.1 Ms. Ryan Decker presented an overview of public comments received by the OERB on the proposed rules and the Opportunity Enterprise Evaluation and Prioritization Policy developed to administer the Act.

At its October 24, 2022 meeting the Board adopted a resolution approving the initiation of rulemaking procedures and public hearings. The draft Rules were provided to the public as outlined in the State Rules Act and provided that the Board will develop and consider a variety of factors in reviewing and evaluating enterprise development project proposals to determine recommendations for enterprise assistance from the fund.

The Board held public comment hearings on March 3rd and March 7th. Concurrent with the Rulemaking process, the NMFA sought public review and comment on the draft Board Evaluation

and Prioritization Policy reviewed by the Board Policy Committee at its October 11th and October 17th meetings and by the Board at its October 24th Board meeting. The draft Evaluation and Prioritization Policy was posted on the NMFA website for public comment through February 2023.

NMFA staff reviewed public comments in the context of the provisions of the Act and the original intent of the legislative sponsors, and proposed revisions discussed by the Board Policy Committee on April 4th. The Board Policy Committee provided additional input which were incorporated into proposed revisions presented today.

7. ADOPTION OF OERB RULES.

7.1 Recommendation to the Opportunity Enterprise Review Board (“OERB”) to adopt the proposed Opportunity Enterprise Review Board rules to fulfill the provisions of the Opportunity Enterprise Act. NMFA staff reviewed public comments in the context of the provisions of the Act and intent of the legislative sponsors. Most public comments related to items contained in the separate Opportunity Enterprise Evaluation and Prioritization Policy. NMFA staff revised the proposed Board Rules and Opportunity Enterprise Evaluation and Prioritization Policy accordingly and provided a redline of the changes to the rules. NMFA staff recommends the Board adopt the Rules as presented and approved by the Board Policy Committee.

Ms. Russel discussed Section 4.0, Application Review Criteria of the Policy, explaining the revisions were made in order to refine economic diversification pursuant to the New Mexico Economic Development Department’s nine target industries. NMFA’s partners at the Economic Development Department, Energy, Minerals and Natural Resources Department and the Environment Department will assist in defining environmentally sustainable projects to satisfy public feedback even though the program at its core is otherwise considered a spec building program.

Member Maestas moved, seconded by Member Clark, to pass, approve and adopt the resolution. The motion passed 8 – 0 on a roll call vote.

8. ADOPTION OF OERB EVALUATION AND PRIORITIZATION POLICY.

8.1 Recommendation to the Opportunity Enterprise Review Board (“OERB”) to adopt the proposed Opportunity Enterprise Evaluation and Prioritization Policy to carry-out the provisions of the Opportunity Enterprise Act. NMFA staff recommends the Board adopts the Board Opportunity Enterprise Evaluation and Prioritization Policy as presented to and recommended by the Board Policy Committee at its April 4, 2022, meeting.

The Board discussed relevant public comments received from the NMFA website posting as well as the comments received as part of the public hearings for the proposed Rules. The comments were reviewed in the context of the provisions of the Act and the intent of the legislative sponsors and revised accordingly.

Chair Farr requested a clarification in Section 2.1 Opportunity Enterprise Assistance Applications of the policy, adding to the end of sentence three, “...priorities *of the New Mexico Economic Development Department*”.

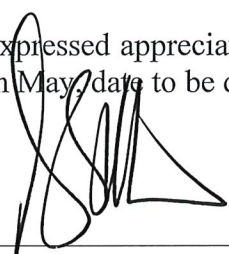
Member Maestas voiced a concern over the point allocation relative to the definition of community support. He favored a more detailed definition.

Member Clark moved, seconded by Member Doucette, to pass, approve, and adopt the resolution. The motion passed 8 – 0 on a roll call vote.

9. PUBLIC COMMENT.

9.1 Mr. Thomas Singer, Western Environmental Law Center, expressed appreciation for NMFA staff's efforts to obtain public comment. The next meeting will be in May, date to be determined.

10. ADJOURNMENT. The meeting adjourned at 3:30 P.M.



Secretary
9.21.2023

Date