

OPERATING POLICIES AND PROCEDURES FOR THE ISSUES ADVOCACY FUND AND THE ISSUES ADVOCACY FUND COMMITTEE

[Adopted by the NEW MEXICO ASSOCIATION OF REALTORS® Board of Directors on October 1, 2005, to become effective upon adoption; amended May 6, 2006, March 31, 2007, October 5, 2007, and April 12, 2008, September 13, 2008, August 2013, January 2015.]

I. NAME

The name of this Committee is the Issues Advocacy Fund Committee (IAFC).

II. PURPOSE

The purpose of the Committee is to administer the Issues Advocacy Fund, which has been established by the NEW MEXICO ASSOCIATION OF REALTORS® to promote and mobilize public support for the REALTOR® position on public policy issues by educating the public about the impact and consequences of real estate-related legislation or regulation, and by conducting public advocacy campaigns. Funds may be used to support or oppose measures or actions proposed or under consideration by governmental bodies which concern the preservation of private property rights, real estate brokerage, and the legal and economic rights of individuals engaged in the real estate industry. All decisions to allocate funds shall be consistent with the positions and Statement of Policy of the REALTORS® Association of New Mexico.

III. COMMITTEE AUTHORITY

- A. The Committee Members shall govern the management and administration of the IAFC, consistent with the policies and procedures of the NEW MEXICO ASSOCIATION OF REALTORS®.
- B. The chair may appoint subcommittees comprised of the Committee Members to carry out the purposes of the Committee.
- C. The Committee Members may adopt rules or policies governing the affairs and operations of the IAFC and may adopt procedures for determining how IAFC funds are to be expended to support or oppose any particular measure, action, or proposed measure or action.

IV. COMMITTEE COMPOSITION AND APPOINTMENT

- A. There shall be nine (9) Committee Members, inclusive of the Chair and Vice-Chair. The composition at all times shall include representation of all districts within the NEW MEXICO ASSOCIATION OF REALTORS®. There shall be no more than three (3) members per district or two (2) per Member Board.
- B. Unless appointed to fill a vacancy, the terms of Committee Members shall be for three (3) years following the date of appointment. The term year shall coincide with the year of the NEW MEXICO ASSOCIATION OF REALTORS® elected officers. The exception shall be the initial Committee Members, one-third of whom shall serve a one-year term, one-third of whom shall serve a two-year term and one-third of whom shall serve a three-year term, so that subsequent Committee Members can be appointed to serve staggered terms. The President of the REALTORS® Association of New Mexico shall appoint the initial Committee, subject to the approval of the Board of Directors. No Committee Member may serve more than two consecutive full terms and no more than seven (7) consecutive years if appointed to fill a vacancy or term less than a full term.
- C. The President-Elect, Treasurer and Legislative Committee Chair of the NEW MEXICO ASSOCIATION OF REALTORS® shall be non-voting ex officio members of the Committee. The Treasurer of the NEW MEXICO ASSOCIATION OF REALTORS® will be the liaison to the NEW MEXICO ASSOCIATION OF REALTORS® Executive Committee.

V. MEETINGS

- A. The Committee Members shall meet if necessary at the NEW MEXICO ASSOCIATION OF REALTORS®'s Business Meetings and at other times as may be needed to accomplish the work of the Committee.
- B. The Chair may call Special Meetings of the Committee by providing at least two (2) days written notice that designates the date, time, and place of the meeting. Written notice may be made by mail, e-mail, or fax. The Chair must call a meeting upon receipt of a written petition signed by at least five (5) Committee Members.
- C. Notice of the meeting must include the agenda and the completed application that will come before the Committee.
- D. A simple majority of the voting members of the Committee shall constitute a quorum at a meeting.
- E. Only those Committee Members entitled to vote at a meeting shall be permitted to do so.

VI. CONFLICT OF INTEREST POLICY

Members must abide by the Disclosure and Conflicts of Interest Policy adopted by the Board of Directors of the NEW MEXICO ASSOCIATION OF REALTORS®. In addition, to ensure the integrity of the decision-making process: (1) all Committee Members shall disclose any affiliations or personal biases that may affect their decision-making prior to participating in discussions or voting on an issue and should not pre-judge an issue prior to being presented with all of the information; and (2) Members who are working for or against an issue that is before the Committee shall disclose this information to the Committee.

VII. SOURCE OF FUNDING FOR THE ISSUES ADVOCACY FUND

- A. Funding for the Issues Advocacy Fund may be through dues and/or assessments of the membership as determined by the Board of Directors of the NEW MEXICO ASSOCIATION OF REALTORS®. The Board of Directors of the NEW MEXICO ASSOCIATION OF REALTORS®, at its option, may transfer NEW MEXICO ASSOCIATION OF REALTORS®'s funds into the Issues Advocacy Fund. Voluntary contributions to the Fund may be accepted, provided however, that the IAFC may, at its discretion, refuse to accept a contribution from any person or group.
- B. The IAFC may not actively seek contributions from groups outside of the NEW MEXICO ASSOCIATION OF REALTORS® without the prior authorization of the Executive Committee of the NEW MEXICO ASSOCIATION OF REALTORS®.
- C. Ten percent (10%) of any undesignated reserves shall be allocated annually to the IAF. (Exec 10/07)
- D. IAF earned interest shall be allocated to the IAF. (Exec 10/07)
- E. The IAF shall maintain a minimum balance of \$1 million annually. (BOD 4/08)

VIII. FUND ADMINISTRATION AND FINANCES

- A. All money earmarked for the Issues Advocacy Fund shall be placed in a restricted reserve account at the NEW MEXICO ASSOCIATION OF REALTORS® called the Issues Advocacy Fund (IAF). The Fund shall be audited annually in conjunction with the Annual Audit of the NEW MEXICO ASSOCIATION OF REALTORS®.
- B. The REALTORS® Association of New Mexico shall bear all administrative costs of the Fund.
- C. The Chief Executive Officer, or his/her designee, shall be responsible for maintaining bank accounts, keeping complete financial records and accounts, and preparing, or causing to be prepared, quarterly financial statements for the Fund. The financial management of the Fund shall comply with the fiscal policies and procedures of the NEW MEXICO ASSOCIATION OF REALTORS®.
- D. The Chief Executive Officer, or his/her designee, shall be responsible for insuring that required reports are filed with all appropriate governmental authorities in a timely fashion, consistent with all applicable laws.

IX. PURPOSES FOR WHICH FUNDS MAY BE EXPENDED

- A. Issues Advocacy Funds may be used to:
- 1) support or oppose any statewide or local measure or governmental action or potential action that affects real property rights, real estate brokers, or the real estate industry;
 - 2) advance the legislative agenda of the NEW MEXICO ASSOCIATION OF REALTORS® in accordance with the Legislative Committee Operating Policy of the NEW MEXICO ASSOCIATION OF REALTORS®. (BOD Jan 2015)
 - 3) educate governmental officials, interested groups, or the general public to support or oppose any statewide or local measure or governmental action or potential action that affects real property rights, real estate brokers, or the real estate industry;
 - 4) assist Member Boards or other groups, either financially or in-kind, to support or oppose any statewide or local measure or governmental action or potential action that affects real property rights, real estate brokers, or the real estate industry;
 - 5) host or sponsor educational functions to foster support for or opposition to any statewide or local measure or governmental action or potential action that affects real property rights, real estate brokers, or the real estate industry; and raise funds for issues advocacy campaigns.
- B. The Committee Members may not expend any funds to contribute to, support, or defeat any candidate for political office.
- C. The Committee Members may not expend any funds for economic development issues inconsistent with the purposes of the Fund.
- D. The Committee Members may not expend funds for an issue or campaign that is concluded (unless the Committee Members had previously provided monetary support for said issue or campaign), for support of actual or proposed litigation, for any activity that is prohibited by federal, state or local laws or for any activity that is not consistent with the positions and Statement of Policy of the REALTORS® Association of New Mexico.

X. CRITERIA FOR FUNDING

- A. Each application will be considered on its own merits.
- B. The factors to be given consideration by the IAFC when evaluating requests will include:
- Potential to affect REALTORS® regionally and statewide;
 - Funds committed by the applicant(s) to the issue;
 - Active involvement by REALTORS®, including participation in coalition meetings, volunteering time to the issue, and contribution of personal funds toward the issue;
 - Funds raised in the community from coalition partners and others as well as the opposition;
 - Level of broad-based community support or opposition to the issue;
 - Extent of coalition-building and each coalition partner's level of commitment; and previous activity on the issue.
- C. It is not a prerequisite of IAFC's support that the Member Board in the place where the issue occurs also provide financial support to the issue, but the Committee strongly prefers that the Member Board review the issue and offer its views and recommendations when the issue is presented to the Committee. The Committee may make its support of an issue conditional on the Member Board also providing funding of up to a maximum of one-half of the costs by each (Member Board and the NEW MEXICO ASSOCIATION OF REALTORS®) to the limits of the NEW MEXICO ASSOCIATION OF REALTORS®'s assistance, or in equal sharing of up to one-third

- (1/3) of the costs by each (NAR, NEW MEXICO ASSOCIATION OF REALTORS®, and the Member Board) within the limits of the funding assistance.
- D. The IAF shall not be used to fund an issue that will advantage one Member Board at the expense of another Member Board.
 - E. The IAF shall not recommend funding if the request is not consistent with the positions and Statement of Policy of the NEW MEXICO ASSOCIATION OF REALTORS®.

XI. APPLICATION AND/OR FUNDING PROCESS

- A. Any Member Board or committee of the NEW MEXICO ASSOCIATION OF REALTORS® may apply for funding from the Issues Advocacy Fund for the purposes identified in these policies and procedures.
- B. A Member Board must obtain approval for the funding request from their Board of Directors before applying for Issues Advocacy Funds. All requests for funding from Member Boards must be accompanied by a copy of the motion passed by the Board of Directors of that Member Board.
- C. Except as otherwise provided in XI(K) below, all requests for funding shall be submitted to the Government Affairs Director of the NEW MEXICO ASSOCIATION OF REALTORS® using an Application Form that has been approved by the IAF. The Application Form must be completed in its entirety prior to submission. Submission may be done electronically or via hard copy. (BOD Jan 2015)
- D. The Committee Members may, at their discretion, solicit the input of other Member Boards concerning any particular application for funding.
- E. The applicant may be asked to make a formal presentation to the Committee Members and/or to be available to answer questions.
- F. All deliberations and all actions on IAF requests shall take place in an Executive Session which shall be attended by Committee Members and the NEW MEXICO ASSOCIATION OF REALTORS®'s staff/advisors only.
- G. After review and discussion, the Committee shall take one of the following actions in the form of a motion:
 - Recommend support of the request in full;
 - Recommend support of the request in part;
 - Recommend denial of the request;
 - Recommend support of the request if certain conditions are met;
 - Postpone a decision until the Committee receives additional information; or
 - Subject to the approval of the Chair and Vice-Chair, refer the request to the Executive Committee without a recommendation from the Committee.
- H. The IAF shall submit all motions to the Executive Committee of the NEW MEXICO ASSOCIATION OF REALTORS® for final approval. The Executive Committee will act on the request as soon as possible but not longer than seventy-two (72) hours after receipt. All expenditures will require approval by two thirds (2/3) of the Executive Committee.
- I. At the discretion of the Committee Members, applicants may be required to submit all advertisements, particularly any advertisement directly representing REALTORS® to the Committee, or the Committee's designee, for review. (To expedite the review process, it is preferable that ad copy be submitted with the Application Form.) All advertising must be consistent with the policies of the NEW MEXICO ASSOCIATION OF REALTORS®.
- J. All Member Boards that receive funding from the Committee must provide a written status report within thirty (30) days of receiving funding and quarterly thereafter, and must submit a written report at the completion of the Issue Campaign. Any unused funds shall be returned to the REALTORS® Association of New Mexico for re-deposit into the IAF.

- K. Once legislative priorities have been established in accordance with the Legislative Committee Operating Policy of the NEW MEXICO ASSOCIATION OF REALTORS®, the following amounts from the Fund will be earmarked automatically to advance those priorities: up to \$25,000 for a 60-day legislative session; and up to \$15,000 for a 30-day legislative session. The Legislative Committee shall not be required to submit an application for these earmarked funds. (BOD Jan. 2015)

XII. REPORTS

- A. Executive Committee: After each meeting of the IAFC, a written report shall be submitted to the Executive Committee of the NEW MEXICO ASSOCIATION OF REALTORS®.
- B. Board of Directors: The Chair or the Chair's designee shall provide a written report on the activities and expenditures of the IAFC to the Board of Directors of the NEW MEXICO ASSOCIATION OF REALTORS® at its Business Meetings.
- C. Members: A written annual report shall be made available to all members indicating how funds were spent and the balance of funds.

XIII. DISSOLUTION

The IAFC may be dissolved by the Executive Committee of the NEW MEXICO ASSOCIATION OF REALTORS® subject to approval of the Board of Directors of the NEW MEXICO ASSOCIATION OF REALTORS®. If dissolved, any funds or property owned by IAFC will be distributed by the Executive Committee of the NEW MEXICO ASSOCIATION OF REALTORS® subject to the approval of the Board of Directors of the NEW MEXICO ASSOCIATION OF REALTORS®, provided that such distribution complies with all applicable laws.