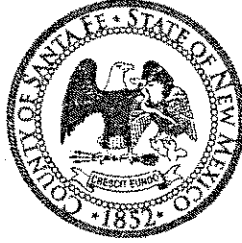


Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

Memorandum

To: Board of County Commissioners

From: R. Bruce Frederick, County Attorney *RF*

Via: Katherine Miller, County Manager

Date: December 12, 2017

Re: A Resolution Determining Reasonable Notice for Public Meetings During Calendar Year 2018 of the Board of County Commissioners of Santa Fe County and for Boards and Committees Appointed By or Acting Under the Authority of the Board of County Commissioners; Establishing Permissible Meeting Locations and a Webcast and Broadcast Policy; and Rescinding Parts of Resolution No. 2016-136

Issue: For Calendar Year 2018, the Santa Fe County Board of County Commissioners (Board) needs to adopt a resolution determining what constitutes reasonable notice of its public meetings as well as of meetings of boards and committees appointed by or acting under the authority of the Board. The above-referenced resolution does this and gives notices of the Board's regular meetings in 2018.

Background: The Open Meetings Act, NMSA 1978, Chapter 10, Article 15, requires the Board to annually determine what constitutes reasonable notice of its meetings. The Board does so by resolution, which also establishes the meeting dates and times for regular meetings of the Board for the period covered by the resolution.

The above-referenced resolution is the required resolution for calendar year 2018. There are no substantive differences concerning what constitutes reasonable notice between the proposed resolution and the Board's current Open Meetings Act resolution for calendar year 2017, Resolution No. 2016-136.

With regard to meeting dates, under the proposed resolution, the Board would meet twice per month, on the second and last Tuesday, with the exception of December, 2018. In December, the Board would have only one meeting, on the second Tuesday, December 11, 2018.

The above-referenced resolution would be effective on January 1, 2018. It would also rescind Resolution No. 2016-136, except the part of that resolution that rescinded a previous Open Meetings Act resolution.

Recommendation: Approve the subject resolution, so as to comply with the Open Meetings Act and give notice of the Board's 2018 regular meetings.

Attachments:

Exhibit A – Proposed Resolution

Exhibit B – Resolution No. 2016-136

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY, NEW MEXICO**

RESOLUTION NO. 2017-_____

**A RESOLUTION
DETERMINING REASONABLE NOTICE FOR PUBLIC MEETINGS DURING
CALENDAR YEAR 2018 OF THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY AND FOR BOARDS AND COMMITTEES APPOINTED BY OR
ACTING UNDER THE AUTHORITY OF THE BOARD OF COUNTY
COMMISSIONERS; ESTABLISHING PERMISSIBLE MEETING LOCATIONS AND A
WEBCAST AND BROADCAST POLICY; AND RESCINDING PARTS OF
RESOLUTION NO. 2016-136**

WHEREAS, the Open Meetings Act, NMSA 1978, Chapter 10, Article 15 (hereinafter referred to as "the Act") provides that "[a]ll meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of . . . any county, . . . held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the [Act]" (NMSA 1978, Section 10-15-1(B) (2013)); and

WHEREAS, the Act further provides that "[a]ny meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public" (NMSA 1978, Section 10-15-1(D)); and

WHEREAS, the Act further requires a public body to "determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body" (NMSA 1978, Section 10-15-1(D)); and

WHEREAS, for calendar year 2018, the Board of County Commissioners of Santa Fe County (hereinafter referred to as "the Board") desires to determine what constitutes reasonable notice to the public of its meetings and for meetings of boards and committees appointed by or acting under the authority of the Board, as required by the Act, and to otherwise specify important elements of its continuing compliance with the Act, establish permissible meeting locations, and establish a policy concerning the webcasting and broadcasting of meetings.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF AS
FOLLOWS:**

1. Regular Meetings.

A. Board Meetings.

i. Time and Place; Schedule for Calendar Year 2017. From January 1, 2018, through December 31, 2018, regular meetings of the Board will be held beginning at 2:00

p.m. on the second and last Tuesday of each month, except that there will be only one Board meeting in December, on December 11, 2018. A copy of the complete calendar of regular meetings of the Board for calendar year 2018 is attached to this resolution as Appendix 1.

ii. Notice. This Resolution and Appendix 1 shall be posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building. So long as the meetings are held on the days and times and at the location specified in Appendix 1, posting of this Resolution and Appendix 1 shall constitute reasonable and appropriate notice of each regular meeting of the Board.

iii. Notice of Rescheduled Regular Meeting. If a regular meeting is rescheduled from the date, time, or location specified in Appendix 1, notice of the rescheduled meeting shall be posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building at least ten (10) days prior to the date of the meeting.

iv. Notice to Radio, Television and Print Media. Notice of a regular meeting shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such Notice.

B. Other Meetings Requiring Notice.

i. Time and Place. A regular meeting of a board or committee appointed by or acting under the authority of the Board shall be held at a time and place to be specified in the resolution creating such board or committee or, if not specified, upon a decision of the board or committee.

ii. Notice, Annual Schedule. Notice of a regular meeting of each board or committee shall be posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building at least ten (10) days before such meeting. Alternatively, a regular meeting schedule of a board or committee may be developed for calendar year 2018 and posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building; if so posted and so long as meetings are held on the days and times and at the location specified, posting of the annual meeting schedule shall constitute reasonable and appropriate notice of each regular meeting of the board or committee.

iii. Notice of Rescheduled Regular Meeting. If a regular meeting is rescheduled from the date, time, or location specified on the annual schedule, notice of the rescheduled meeting shall be posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building at least ten (10) days prior to the date of the meeting.

iv. Notice to Radio, Television and Print Media. Notice of a regular meeting of a board or committee shall also be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such notices.

2. Special Meetings.

A. When Held. A special meeting of the Board may be called by the Chair or by a majority of the members of the Board at such time and place as the Chair or a majority of the members of the Board deem appropriate. A special meeting of a board or committee appointed by or acting under the authority of the Board may be called by the chair of that board or

committee or by a majority of the members of that board or committee at such time or place as the chair of that board or committee or a majority of members of the board or committee deem appropriate.

B. Notice of Special Meeting. Notice of a special meeting shall be posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building at least three (3) days before such meeting.

C. Notice to Radio, Television and Print Media. Notice of a special meeting shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such notice.

3. Emergency Meetings.

A. Board Emergency Meeting, When, Where Held. An emergency meeting of the Board may be called by the Chair or by a majority of the members of the Board to consider unforeseen circumstances that, if not addressed immediately, will likely result in injury or damage to persons or property or substantial financial loss to the County. An emergency meeting may be conducted at a time and place as the Chair or a majority of the members of the Board deem appropriate.

B. Board or Committee Emergency Meetings, When, Where Held. An emergency meeting of a board or committee appointed by or acting under the authority of the Board may be called by the chair of that board or committee or by a majority of the members of that board or committee to consider unforeseen circumstances that, if not addressed immediately, will likely result in injury or damage to persons or property or substantial financial loss to the County, to be held at such time or place as the chair of that board or committee or a majority of members of the board or committee deem appropriate.

C. Notice. If possible given the emergency circumstances, notice of an emergency meeting shall be posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building at least twenty-four (24) hours prior to the meeting. If twenty-four (24) hours advance notice cannot be given, notice shall be posted as soon as possible.

D. Notice to Radio, Television and Print Media. Notice of an emergency meeting shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made written request for such notice.

E. Required Report. Any action taken at an emergency meeting shall be reported to the Attorney General's Office as described in paragraph 4 of this Resolution.

4. Agendas. Meeting notices shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda. If not included in the notice of meeting, a final agenda shall be prepared and posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building and on the County's internet web site at least seventy-two (72) hours before the meeting. Except for emergency matters, action shall be taken only on items appearing on the final agenda. An "emergency" refers to "unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial loss to the public body." NMSA 1978, Section 10-15-1(F). Within ten (10) days of taking action on an emergency matter, the County shall report to the Attorney General's Office

the action taken and the circumstances creating the emergency, except in the event of a declared state or federal emergency.

5. **Recessed Meetings.** A meeting may be recessed to a later day, if, prior to recessing, the date, time and place for continuation of the meeting is specified, and, immediately following the recessed meeting, notice of the date, time and place for the reconvened meeting is posted on or near the door of the place where the original meeting was held. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting unless notice of the reconvened meeting is provided as otherwise set forth herein.

6. **Cancelled Meetings.** A meeting may be cancelled by posting a notice of cancellation in a conspicuous and appropriate place at the Santa Fe County Administrative Building and posting notices of the cancelled meeting on the doors of the building where the meeting was to be held as soon as practicable prior to the time and date of the cancelled meeting.

7. **Participation by Conference Telephone.** A member of the Board may participate in a meeting of the Board by means of conference telephone or other similar communications equipment when it is difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the Board who speaks, during the meeting.

8. **Closed Meetings.** A meeting may be closed in the following manner:

A. If the Board or board or committee appointed by or acting under the authority of the Board is in an open meeting when a closed meeting is desired and authorized by the Act, then the closed meeting shall be approved on motion by a majority of a quorum of the Board, or committee and the authority for the closure shall be stated in the motion. The votes of the members on the motion shall be recorded in the minutes.

B. If the Board or committee appointed by or acting under the authority of the Board is not in a public meeting and a closed meeting is desired and authorized, public notice of the closed meeting, appropriate under the circumstances, shall be given stating the authority for the closure.

C. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

9. **Application to County Boards, Committees.** This Resolution shall apply to each meeting of a board or committee whose members are appointed by the Board or which is acting under the authority of the Board, except the Extraterritorial Land Use Authority, the Extraterritorial Land Use Commission, the Buckman Direct Diversion Board, the Regional Planning Authority, the Regional Emergency Communications Committee, the Northern Central Regional Transit District, and the Solid Waste Management Authority.

10. Definitions.

A. "Board." For purposes of this Resolution, Board means the Board of County Commissioners of Santa Fe County.

B. "Meeting." For purposes of this Resolution, the term "meeting" shall be defined as a meeting of a quorum of the members of the Board and each meeting of a board or committee whose members are appointed by the Board held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of the Board or board or committee whose members are appointed by the Board.

C. "Santa Fe County Administrative Building." For purposes of this Resolution, the term "Santa Fe County Administrative Building" means 102 Grant Avenue Santa Fe NM 87501.

11. Meeting Locations. Pursuant to NMSA 1978, Section 4-38-8 (1981), Board meetings shall be held in the City of Santa Fe, except that meetings concerning matters of local interest only may be held in the community affected. All Board meetings shall be held in a public building owned by the State, County, or public schools.

12. Webcasting and Broadcasting. Unless it is impracticable or impossible to do so, Board meetings shall be webcast live on the County's internet site and broadcast live on local radio and television stations. In addition, video recordings of Board meetings shall be made available on the County's internet site.

13. Parts of Prior Resolution Rescinded. Resolution No. 2016-136, except for Paragraph 13 of that resolution, is hereby rescinded.

14. Effective Date. This Resolution shall become effective on January 1, 2018.

PASSED, APPROVED, AND ADOPTED THIS 12th DAY OF DECEMBER, 2017.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Henry P. Roybal, Chair

Date: _____

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

Date: _____

APPROVED AS TO FORM:


R. Bruce Frederick, Santa Fe County Attorney

Date: 11/30/2017

APPENDIX 1

NOTICE OF REGULAR MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY TO BE HELD FROM JANUARY 1, 2018, TO DECEMBER 31, 2018, IN THE COMMISSION CHAMBERS ON THE SECOND FLOOR OF THE SANTA FE COUNTY ADMINISTRATIVE BUILDING LOCATED AT 102 GRANT AVENUE SANTA FE NM 87501

January 9, 2018	2:00 PM
January 30, 2018	2:00 PM
February 13, 2018	2:00 PM
February 27, 2018	2:00 PM
March 13, 2018	2:00 PM
March 27, 2018	2:00 PM
April 10, 2018	2:00 PM
April 24, 2018	2:00 PM
May 8, 2018	2:00 PM
May 29, 2018	2:00 PM
June 12, 2018	2:00 PM
June 26, 2018	2:00 PM
July 10, 2018	2:00 PM
July 31, 2018	2:00 PM
August 14, 2018	2:00 PM
August 28, 2018	2:00 PM
September 11, 2018	2:00 PM
September 25, 2018	2:00 PM
October 9, 2018	2:00 PM
October 30, 2018	2:00 PM
November 13, 2018	2:00 PM
November 27, 2018	2:00 PM
December 11, 2018	2:00 PM

Final agendas for these meetings shall be posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building located at 102 Grant Avenue Santa Fe NM 87501 and on the County's internet web site at least seventy-two (72) hours before the meeting.

