

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

RESOLUTION NO. 2013-54

**A RESOLUTION
DETERMINING REASONABLE NOTICE FOR PUBLIC MEETINGS 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; RESCINDING RESOLUTION 2013-03.**

(INTRODUCED BY COMMISSIONER MAYFIELD)

WHEREAS, NMSA 1978, Section 10-15-1(A) and -1(B) (1999) (the "Open Meetings Act")(hereinafter referred to as "the Act") provides that "... meetings of a quorum of members of any board, commission 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 for the purpose of taking any action within the authority 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 ..."

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 ...;"

WHEREAS, the Act further requires a public body to determine in a public meeting at least annually what notice is reasonable when applied to that body; and

WHEREAS, 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.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF
COUNTY COMMISSIONERS OF SANTA FE COUNTY, AS FOLLOWS:**

1. Regular Meetings. Unless otherwise specified in the notice of meeting, a regular meeting of the Board will be held beginning at 2:00 p.m. on the second Tuesday of each month, and an Administrative Meeting will be held beginning at 1:00 p.m. on the last Tuesday of each month. A regular meeting of a board or committee appointed by or acting under the authority of the Board shall be specified in the resolution creating such board or committee. Notice of a Regular Meeting shall be published in a newspaper of general circulation at least ten (10) days

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before such meeting. 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 notices.

2. Special Meetings. 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. Notice of a Special Meeting shall be published in a newspaper of general circulation at least three (3) days before such meeting. 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. 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. 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. 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 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. 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 and on the County's internet web site (www.santafecountynm.gov) 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 given emergency. 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. Any action taken at an emergency meeting shall be reported to the Attorney General's office as provided in paragraph 4 of this resolution.

4. Agendas. Meeting notices shall include a preliminary 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 an agenda. A preliminary 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 (www.santafecountynm.gov) at least seven (7) calendar days prior to the meeting. A final agenda shall be prepared and posted in a conspicuous and appropriate place at the Santa Fe County Administrative Building no later than seventy-two (72) hours preceding the meeting. Except for emergency matters, action shall be taken only on items appearing on the agenda. An emergency matter is an unforeseen circumstance that, if not addressed immediately, will likely result in injury or damage to persons or property or substantial loss to the public body. 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, posting a notice on the County's internet web site (www.santafecountynm.gov), and posting notices of the cancelled meeting on the doors at the County Administrative Building, as soon as practicable prior to the time and date of the cancelled meeting. Notice of a cancelled 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.

7. Participation by Conference Telephone. A member of the Board of County Commissioners 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 of the Board of County Commissioners may be closed in the following manner:

a. If the Board is in an open meeting when a closed meeting is desired and authorized by the Open Meetings Act, then the closed meeting shall be approved on motion by a majority of a quorum of the Board 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 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 ("BDDDB"), the Regional Planning Authority ("RPA"), the Regional Emergency Communications Committee ("RECC"), the Northern Central Regional Transit District ("NCRTD"), and the Solid Waste Management Authority ("SWMA").

10. **Definition: "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 a Committee.

11. Resolution No. 2013-03 is hereby rescinded.

APPROVED AND ADOPTED this 28th day of May, 2013.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

Kathleen Holian
Kathleen Holian, Chair

ATTEST:

Geraldine Salazar
Geraldine Salazar, County Clerk



APPROVED AS TO FORM:

Stephen E. Ross
Stephen E. Ross, County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for Record On The 29TH Day Of May, 2013 at 04:40:22 PM And Was Duly Recorded as Instrument # 1707218 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy County Clerk, Santa Fe, NM

