

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

RESOLUTION NO. 2019- 126

**A RESOLUTION
DETERMINING REASONABLE NOTICE FOR THE REMAINDER OF CALENDAR
YEAR 2019 IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT,
APPLICABLE TO ALL MEETINGS OF THE BOARD OF COUNTY
COMMISSIONERS ("BCC") AND TO THE MEETINGS OF COUNTY BOARDS AND
COMMITTEES CREATED AND APPOINTED BY THE BCC ("APPOINTED
COUNTY COMMITTEES"); ESTABLISHING PERMISSIBLE MEETING
LOCATIONS AND A WEBCAST AND BROADCAST POLICY TO CHANGE THE
PLACE OF REGULAR BCC MEETINGS AND PLACE FOR NOTICING CERTAIN
OTHER BCC AND APPOINTED COUNTY COMMITTEES; AND REPEALING
RESOLUTION NO. 2018-119**

WHEREAS, the New Mexico Open Meetings Act ("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, pursuant to Section 10-15-1(D), the BCC defined for calendar year 2019 reasonable notice for meetings of the BCC and Appointed County Committees in Resolution No. 2018-119, which, among other things, called for meeting notices and agendas to be posted, and regular BCC meetings to be held, at 102 Grant Avenue Santa Fe New Mexico; and

WHEREAS, renovations to 102 Grant Avenue will cause that building to be closed to the public during November and December, 2019, and will require the BCC to hold its regular meetings during those months at the new Santa Fe County Administrative Complex located at 100 Catron Street, Santa Fe, New Mexico (unless the meeting location is changed and notice given as provided in this Resolution); and

WHEREAS, is necessary and advisable to adopt this Resolution determining reasonable notice and other matters for meetings of the BCC and Appointed County Committees governing the remainder of calendar year 2019.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BCC AS FOLLOWS:

1. Regular Meetings.

A. BCC Meetings.

i. Time and Place; Schedule for November and December, 2019. From November 1, 2019, through December 31, 2019, regular meetings of the BCC will be held at the Santa Fe County Administrative Complex located at 100 Catron Street, Santa Fe, New Mexico, beginning at 2:00 p.m., on the second and last Tuesday of each month, except that there will be only one BCC meeting in December, on December 10, 2019. A copy of the complete calendar of regular meetings of the BCC for November and December, 2019, is attached to this Resolution as Appendix 1.

ii. Notice. This Resolution and Appendix 1 shall be posted in a conspicuous place at the Santa Fe County Administrative Complex located at 100 Catron Street, Santa Fe, New Mexico. Posting of this Resolution and Appendix 1 shall constitute reasonable notice of all regular meetings of the BCC in November and December, 2019. This Resolution and Appendix 1 shall also be posted on the County website.

iii. Notice of a Rescheduled Regular Meeting. If a regular meeting is rescheduled from the date, time, or location specified in this Resolution and Appendix 1, notice of the rescheduled meeting shall be posted in a conspicuous place at the Santa Fe County Administrative Complex located at 100 Catron Street, Santa Fe, New Mexico, 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 the BCC will 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. Appointed County Committees.

i. Time and Place. The regular meeting schedule of an Appointed County Committee may be specified in the BCC resolution creating the Committee. However, if not so specified, the time and place of regular meetings may be specified in a written decision of the Appointed County Committee or documented in the meeting minutes of the Committee.

ii. Notice, Annual Schedule. Notice of a regular meeting of an Appointed County Committee in November or December, 2019, shall be posted in a conspicuous place at the Santa Fe County Administrative Complex located at 100 Catron Street, Santa Fe, New Mexico. Alternatively, a regular meeting schedule of an Appointed County Committee, if any, may be adopted for November and December, 2019, and posted in a conspicuous place at the Santa Fe County Administrative Complex located at 100 Catron Street, Santa Fe, New Mexico.

iii. Notice of a Rescheduled Regular Meeting. If a regular meeting of an Appointed County Committee is rescheduled from the date, time, or location specified on the annual schedule, notice of the rescheduled meeting shall be posted in a conspicuous place at the Santa Fe County Administrative Complex located at 100 Catron Street, Santa Fe, New Mexico, 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 an Appointed County 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 notice.

2. Special Meetings.

A. When Held. A special meeting of the BCC may be called by the Chair or by a majority of the members of the BCC at such time and place as they deem appropriate. A special meeting of an Appointed County Committee may be called by its chair or by a majority of its members at such time or place they deem appropriate.

B. Notice of Special Meeting. Notice of a special meeting shall be posted in a conspicuous place at the Santa Fe County Administrative Complex located at 100 Catron Street, Santa Fe, New Mexico, at least three (3) days before the 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. BCC Emergency Meeting. An emergency meeting of the BCC may be called by the Chair or by a majority of the members of the BCC 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 BCC may deem appropriate under the circumstances.

B. Appointed County Committee Emergency Meetings. An emergency meeting of an Appointed County Committee may be called by its chair or by a majority of its members 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 they may deem appropriate under the circumstances.

C. Notice. If possible given the emergency circumstances, notice of an emergency meeting shall be posted in a conspicuous place at the Santa Fe County Administrative Complex located at 100 Catron Street, Santa Fe, New Mexico, 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 place at the Santa Fe County Administrative Complex located at 100 Catron Street, Santa Fe, New Mexico, and on the County's 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 place at the Santa Fe County Administrative Complex located at 100 Catron Street, Santa Fe, New Mexico, 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 BCC may participate in a meeting of the BCC 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 BCC who speaks, during the meeting.

8. Closed Meetings. If authorized by the Act, the BCC or an Appointed County Committee may meet in executive session, which shall be closed to the general public, as follows:

A. An otherwise open meeting may temporarily be closed during the meeting, by majority vote of the quorum. The authority for closing the meeting and the subject to be discussed in executive session shall be stated with reasonable specificity in a motion to go into executive session. The votes on the motion shall be made in open session, and the vote of each member shall be recorded in the minutes. Only those subjects announced or voted upon prior to going into executive session may be discussed in the executive session.

B. A closed meeting may be scheduled and conducted separately from an open meeting if advance public notice of the closed meeting appropriate under the circumstances provided. Such notice shall state with reasonable specificity: (1) the provision(s) of the Act authorizing the closed meeting; and (2) the subject(s) to be discussed.

C. Following completion of a closed meeting, the minutes of the open meeting that was temporarily closed under Paragraph 8(A), or the minutes of the next open meeting if the closed meeting was separately scheduled under Paragraph 8(B), shall state that the matters discussed in the closed meeting were limited only to those specified in the motion or notice of the closed meeting, as applicable.

9. **Scope of Resolution.** This Resolution applies to the meetings of the BCC and, except as may otherwise be provided by a resolution specific to a given Committee, the meetings of Appointed County Committees. The Resolution does not apply to meetings of any board or committee of entities created under the New Mexico Joint Powers Agreement Act or that are otherwise legally separate from the County, including the Extraterritorial Land Use Authority, the Extraterritorial Land Use Commission, the Buckman Direct Diversion Board, the Regional Planning Authority, the Regional Emergency Communications Center, the Northern Central Regional Transit District, and the Solid Waste Management Authority.

10. **BCC Meeting Locations.** Pursuant to NMSA 1978, Section 4-38-8 (1981), BCC 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 BCC meetings shall be held in a public building owned by the State, County, or public schools.

11. **Webcasting and Broadcasting Policy.** Unless it is impracticable or impossible to do so, BCC 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 BCC meetings shall be made available on the County's internet site for no less than one year.

12. **Repeal of Resolution No. 2018-119.** On the effective date of this Resolution, Resolution No. 2018-119 is repealed.

13. **Effective Date; Sunset.** This Resolution shall become effective on October 30, 2019, and shall sunset on December 31, 2019.

PASSED, APPROVED, AND ADOPTED THIS 29th DAY OF OCTOBER, 2019.

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

By: Anna T. Hamilton
Anna T. Hamilton, Chair



ATTEST:

Geraldine Salazar
Geraldine Salazar
Santa Fe County Clerk

Date: 10/29/2019

APPROVED AS TO FORM:

Rachel Brown
Rachel Brown
Interim Santa Fe County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
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I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of October, 2019 at 09:03:37 AM
And Was Duly Recorded as Instrument # **1900618**
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy E. Steller County Clerk, Santa Fe, NM
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APPENDIX 1

**NOTICE OF REGULAR MEETINGS OF THE BOARD OF COUNTY
COMMISSIONERS OF SANTA FE COUNTY
TO BE HELD IN NOVEMBER AND DECEMBER, 2019,
IN THE EAST CONFERENCE ROOM ON THE SECOND FLOOR OF THE SANTA FE
COUNTY ADMINISTRATIVE COMPLEX LOCATED AT 100 CATRON STREET,
SANTA FE, NEW MEXICO**

November 12, 2019	2:00 PM
November 26, 2019	2:00 PM
December 10, 2019	2:00 PM

Final agendas for these meetings shall be posted in a conspicuous and appropriate place at the Santa Fe County Administrative Complex located at 100 Catron Street, Santa Fe, New Mexico, and on the County's internet web site at least seventy-two (72) hours before the meeting.

SFC CLERK RECORDED 10/30/2019