

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

RESOLUTION NO. 2023- 087

**A RESOLUTION AMENDING AND RESTATING RESOLUTION 2023-070
DETERMINING REASONABLE NOTICE FOR CALENDAR YEAR 2023
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”); AMENDING
APPENDIX I RELATIVE TO VIRTUAL MEETING INFORMATION**

WHEREAS, the Board of County Commissioners of Santa Fe County (BCC) met in special session at the Santa Fe County Commission Chambers on the Second Floor of 102 Grant Avenue, Santa Fe, New Mexico, on August 14, 2023, at 2:00 p.m. to consider an amendment to Resolution 2023-070, specifically related to virtual meeting information in Appendix 1; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (“OMA”) states that, except as may be otherwise provided in the Constitution or the provisions of the OMA, “[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”; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act provides, “[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”; and

WHEREAS, Section 10-15-1(D) of the Open Meetings 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”; and

WHEREAS, when it is difficult or impossible for a member to attend a meeting in person, the member may participate by means of a conference telephone or similar communications equipment [Section 10-15-1(C), NMSA 1978]; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public [NMSA 1978, Section 10-15-1(D)]; and

WHEREAS, pursuant to Section 10-15-1(D) of the Open Meetings Act, the BCC hereby defines for calendar year 2023 reasonable notice for meetings of the BCC and Appointed County Committees; and

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WHEREAS, the Open Meetings Act requires the County to determine annually what constitutes reasonable notice of its public meetings and those of all County boards, commissions and policymaking bodies [NMSA 1978, Section 10-15-1(D)]; and

WHEREAS, the BCC wishes to establish the minimum standards of reasonable notice to the public for all public meetings of the BCC and Appointed County Committees, as defined herein, and agenda requirements for the remainder of the year 2023, and until a new resolution concerning public meetings is adopted; and

WHEREAS, on March 4, 2023, the County lifted the Santa Fe County COVID-19 public health emergency, as authorized by Resolution No. 2020-24.

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

1. General Provisions.

A. All meetings of a quorum of the Board of County Commissioners and Appointed County Committees, and, except as may otherwise be provided by a resolution specific to a given Committee, the meetings of Appointed County Committees, shall be open to the public except where specifically provided for in the State of New Mexico's Open Meetings Act, NMSA 1978 §10-15-1, *et seq.*, and as provided herein. "Appointed County Committees" are defined as the Boards, Commissions, Committees, Task Forces, etc., that are created by State Statute, County ordinance, or through formal Board of County Commissioners' action, including, but not limited to those identified in Appendix 2.

B. This Resolution does not apply to County Working Groups – defined as groups that consist of less than a quorum of the Board of County Commissioners or any Appointed County Committee – or 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, such as the following boards or committees, which have their own noticing resolutions, requirements, and procedures:

- Buckman Direct Diversion Board (BDDDB)
- Extraterritorial Land Use Authority (ELUA)
- Extraterritorial Land Use Commission (ELUC)
- North Central New Mexico Economic Development District (NCNMEDD)
- North Central Regional Transit District (NCRTD)
- REDI Middle-Mile Network Board
- Regional Emergency Communications Center (RECC) Board of Directors
- Santa Fe Metropolitan Planning Organization (SFMPO)
- Santa Fe Solid Waste Management Agency (SFSWMA)

2. Regular Meetings.

A. BCC Meetings.

i. Time and Place; Schedule for Calendar Year 2023. Unless otherwise specified, regular meetings of the BCC 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 BCC meeting in December, on December 12, 2023. A copy of the complete calendar of regular meetings of the BCC for calendar year 2023 is attached to this Resolution as Appendix 1. When in-person meetings are held, in

whole or in part, regular meetings of the BCC shall be held in the Santa Fe County Commission Chambers on the Second Floor of 102 Grant Avenue, Santa Fe, NM.

ii. Notice. Notice of regular meetings other than those described in Paragraph 2(A)(i) above will be given ten (10) days in advance of the meeting date. Regular meetings of the BCC shall be posted on the interactive touch screen in the lobby of the County Administration Complex, located at 100 Catron Street, Santa Fe, NM (“County Administration Complex”), and posted on the following County website, provided it is operational at the time: <https://www.santafecountynm.gov/events/month>. If a regular meeting is rescheduled from the date, time, or physical location specified in this Resolution and Appendix 1, notice of the rescheduled meeting will be posted as set forth above. 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.

iii. Agendas. Meeting notices of BCC meetings 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. Except for emergency meetings, the agenda will be available at least seventy-two (72) hours prior to the meeting from the Office of the County Manager, 102 Grant Avenue, Santa Fe, NM, (505) 986-6200. The agenda will also be posted on the interactive touch screen in the lobby of the County Administration Complex, and on the following County website: <https://www.santafecountynm.gov/events/month>, provided the website is operational during the period seventy-two (72) hours prior to the meeting.

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. Each Appointed County Committee may adopt a schedule of its regular meetings for the present calendar year or the balance thereof. Such schedule shall contain the date, time, and place of each regular meeting. If a regular meeting is rescheduled from the date, time, or physical location specified in this Resolution and Appendix 1, notice of the rescheduled meeting will be posted as set forth above. A list of the County Appointed Committees for Calendar Year 2023 is attached to this Resolution as Appendix 2.

ii. Notice, Annual Schedule. At least ten (10) days before a regular meeting of an Appointed County Committee, notice of the meeting shall be posted on the interactive screen in the lobby of the County Administration Complex, located at 100 Catron Street, Santa Fe, NM, and posted on the following Appointed County Committee’s webpage on the County website, provided it is operational at the time: <https://www.santafecountynm.gov/committees>. Alternatively, a regular meeting schedule of an Appointed County Committee, if any, may be adopted for calendar year 2023 and shall be posted on the following County website, provided it is operational at the time: <https://www.santafecountynm.gov/committees>. 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.

iii. 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. Except for emergency matters, action shall be taken only on items appearing on the final agenda. The agenda will be available at least seventy-two (72)

hours prior to the meeting from the County Appointed Committee's staff liaison or the Office of the County Manager, 102 Grant Avenue, Santa Fe, NM, (505) 986-6200. The agenda will also be posted on the interactive touch screen in the lobby of the County Administration Complex, located at 100 Catron Street, Santa Fe, NM, and on the Appointed County Committee's webpage on the County website at <https://www.santafecountynm.gov/events/month>, provided the website is operational during the period seventy-two (72) hours prior to the meeting.

3. Special Meetings.

A. Time and Place. A special meeting of the BCC or an Appointed County Committee 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. At least three (3) days before a special meeting, notice of the meeting shall be posted on the interactive touch screen in the lobby of the County Administration Complex, located at 100 Catron Street, Santa Fe, NM, and posted on the following County calendar website, provided the websites are operational during the period seventy-two (72) hours prior to the meeting: <https://www.santafecountynm.gov/events/month>. 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.

C. 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. Except for emergency matters, action shall be taken only on items appearing on the final agenda. The agenda will be available at least seventy-two (72) hours prior to the meeting from the County Appointed Committee's staff liaison or the Office of the County Manager, 102 Grant Avenue, Santa Fe, NM, (505) 986-6200. The agenda will also be posted on the interactive touch screen in the lobby of the County Administration Complex located at 100 Catron Street, Santa Fe, NM, and the County's website at <https://www.santafecountynm.gov/events/month>, provided the website is operational during the period seventy-two (72) hours prior to the meeting.

4. Emergency Meetings.

A. BCC and Appointed County Committee Emergency Meetings. The BCC and Appointed County Committees will avoid emergency meetings whenever possible. 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). Emergency meetings of the BCC or Appointed County Committees may be called by the Chair or a majority of the members with twenty-four (24) hours' prior notice, unless threat of personal injury or property damage requires less notice. An emergency meeting of the BCC may be called by the Chair or by a majority of the members of the BCC or Appointed County Committees 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 or Appointed County Committees may deem appropriate under the circumstances.

B. Notice and Agendas. At least twenty-four (24) hours prior to an emergency meeting, if possible given the emergency circumstances, notice of the meeting and the agenda shall be posted on the interactive touch screen in the lobby of the County Administration Complex,

located at 100 Catron Street, Santa Fe, NM, and posted on the following County calendar website: <https://www.santafecountynm.gov/events/month>, provided the website is operational during the period prior to the meeting. If twenty-four (24) hours advance notice cannot be given, notice and the agenda shall be posted as soon as possible. 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.

C. Required Report. 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. Participation by Conference Telephone or Videoconference. A member of the BCC or Appointed County Committee may participate in a meeting of the BCC or an Appointed County Committee by means of conference telephone, videoconference, or other similar communications equipment when it is difficult or impossible for the member to attend the meeting in person, such as due to public health orders, provided that each member participating remotely 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.

6. Closed Meetings (Executive Sessions). If authorized by the Open Meetings 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. In addition, if the executive session is the last item of business on the agenda, the BCC or an Appointed County Committee may opt to end the open portion of the meeting and adjourn from 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 is provided. Such notice shall state with reasonable specificity: (1) the provision(s) of the Open Meetings 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 6(A), or the minutes of the next open meeting if the closed meeting was separately scheduled under Paragraph 8(B) or the BCC or Appointed County Committee opted to adjourn from executive session under Paragraph 6(A), 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.

D. Except as provided in the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by a vote of the BCC or Appointed County Committee in an open public meeting [NMSA 1978, Section 10-15-1(H)].

7. 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

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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.

8. Webcasting and Broadcasting Policy. Unless it is impracticable or impossible to do so, BCC meetings shall be webcast live on the internet 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.

9. Accessibility. In addition to the notice requirements specified herein, notices and agendas shall include the following language or variation thereof:

“Santa Fe County makes every practical effort to assure that auxiliary aids or services are available for meetings and programs. Individuals who would like to request auxiliary aids or services should contact Santa Fe County Manager’s Office at (505) 986-6200 in advance to discuss specific needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).”

10. Public Participation in Meetings During Public Health Emergencies.

A. During public health emergencies declared by the State of New Mexico or the Board of County Commissioners, in-person attendance at BCC meetings and Appointed County Committee meetings may be prohibited or discouraged. During such public health emergencies, the final agenda for each BCC and Appointed County Committee meeting shall include information on how the public can listen and participate in the meeting by phone and/or the internet. This information shall also be included in the agenda for the meeting, which will be available at <https://www.santafecountynm.gov/events/month>, provided the website is operational during the period prior to the meeting.

B. During any public health emergency, the public can listen and participate in BCC meetings via Webex by phone by calling 1-408-418-9388, using meeting number (access code) and password identified in the meeting agenda, or by the internet by clicking the link provided in the meeting notice or agenda which will be available on the following County website: <https://www.santafecountynm.gov/events/month>.

11. Effective Date; Sunset.

This Resolution shall become effective on August 1, 2023, and shall sunset on December 31, 2023.

PASSED, APPROVED, AND ADOPTED THIS ____ DAY OF JULY, 2023.

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

By: 
Anna C. Hansen, Chair

ATTEST:

Katharine E. Clark
Katharine E. Clark
Santa Fe County Clerk

Date: 08/17/2023



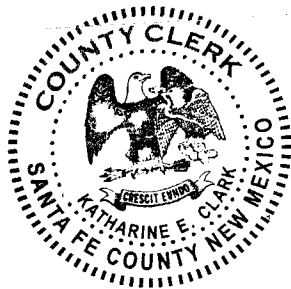
APPROVED AS TO FORM:

Jeff Young
Jeff Young
Santa Fe County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 29TH Day Of August, 2023 at 10:09:05 AM
And Was Duly Recorded as Instrument # 2018597
Of The Records Of Santa Fe County

BCC RESOLUTIONS
PAGES: 9

Deputy Dorothy Romero Witness My Hand And Seal Of Office
Katharine E. Clark
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 FROM JANUARY 1, 2023, TO DECEMBER 31, 2023, VIRTUALLY AND/OR IN THE COMMISSION CHAMBERS ON THE SECOND FLOOR OF 102 GRANT AVENUE SANTA FE NM 87501*

| <u>2023</u> <u>MEETING</u> <u>DATES</u> | <u>MEETING</u> <u>START</u> <u>TIMES</u> | <u>VIRTUAL MEETING INFORMATION</u> |
|---|--|---|
| January 10 | 2:00 PM | The public can participate virtually by going to the County website below (unless otherwise specified on the final agenda for the meeting and provided the applicable website and links are operable at the time): https://www.santafecountynm.gov/joinmeeting |
| January 31 | 2:00 PM | |
| February 14 | 2:00 PM | |
| February 28 | 2:00 PM | |
| March 14 | 2:00 PM | |
| March 28 | 2:00 PM | |
| April 11 | 2:00 PM | |
| April 25 | 2:00 PM | |
| May 9 | 2:00 PM | |
| May 30 | 2:00 PM | |
| June 13 | 2:00 PM | |
| June 27 | 2:00 PM | |
| July 11 | 2:00 PM | |
| July 25 | 2:00 PM | |
| August 8 | 2:00 PM | |
| August 29 | 2:00 PM | |
| September 12 | 2:00 PM | |
| September 26 | 2:00 PM | |
| October 10 | 2:00 PM | |
| October 31 | 2:00 PM | |
| November 14 | 2:00 PM | |
| November 28 | 2:00 PM | |
| December 12 | 2:00 PM | |

*During any public health emergency, regular BCC meetings may be held entirely virtually. Alternatively, some County Commissioners and County staff may be physically present in the Commission Chambers at 102 Grant Avenue, Santa Fe, New Mexico. Virtual meeting information is set forth above.

At least seventy-two (72) hours before the meeting, final agendas for these meetings shall be posted on the interactive touch screen in the lobby of the County Administration Complex, located at 100 Catron Street, Santa Fe, New Mexico, and posted on the following County’s website, provided the websites are operational during the period prior to the meeting:
<https://www.santafecountynm.gov/events/month>.

If in-person attendance by the public is prohibited during any public health emergency, the final agenda shall include information on how the public can listen and participate in the meeting remotely.

**APPENDIX 2
COUNTY APPOINTED COMMITTEES**

| | Board / Committee | Responsible Department/Office |
|----|--|--------------------------------------|
| 1 | Audit Committee | Finance |
| 2 | Board of County Commissioners | County Manager's Office |
| 3 | Board of Finance | Treasurer |
| 4 | Board of Registration | Clerk |
| 5 | Canvassing Board | Clerk |
| 6 | County Open Lands, Trails and Parks Advisory Committee (COLTPAC) | Growth Management |
| 7 | DWI Planning Council | Community Services |
| 8 | Ethics Board | County Manager's Office |
| 9 | Fair Board | Community Services |
| 10 | Health Policy and Planning Commission (HPPC) | Community Services |
| 11 | Housing Authority Board | Community Development |
| 12 | Investment Committee | Treasurer |
| 13 | Lodgers' Tax Advisory Board | Community Development |
| 14 | Planning Commission | Growth Management |
| 15 | Santa Fe County Office of Emergency Management (OEM) Task Force | County Manager's Office |
| 16 | Single-Use Plastics and Polystyrene Working Group | Community Development |
| 17 | Sustainable Land Development Code (SLDC) Hearing Officer | Growth Management |
| 18 | Transportation Advisory Committee | Growth Management |
| 19 | Valuation Protest Board | Assessor |
| 20 | Water Policy Advisory Committee | Public Works/Utilities |

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