

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

RESOLUTION NO. 2022- 110

A RESOLUTION

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”); ESTABLISHING PERMISSIBLE MEETING LOCATIONS AND A WEBCAST AND BROADCAST POLICY; AND REQUIRING MEETING AGENDAS TO INCLUDE INSTRUCTIONS ON HOW THE PUBLIC CAN PARTICIPATE IN MEETINGS REMOTELY DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, the New Mexico Open Meetings Act (“OMA”) 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 Open Meetings Act” [NMSA 1978, Section 10-15-1(B) (2013)]; and

WHEREAS, the OMA 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 OMA 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, the Governor declared a statewide public health emergency due to COVID-19, and the BCC declared Santa Fe County to be an emergency area as a result of COVID-19; and

WHEREAS, during the pendency of the COVID-19 emergency, County Commissioners and members of Appointed County Committees may participate in many meetings via teleconference, videoconference, or similar technology; and

WHEREAS, during the pendency of the COVID-19 emergency, members of the public will likely not be able to attend BCC and Appointed County Committee meetings in-person, and the BCC desires to require meeting agendas to include information on how members of the public can listen and participate in meetings remotely; and

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

WHEREAS, this Resolution also establishes permissible meeting locations and a webcast and broadcast policy for calendar year 2023.

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

1. Regular Meetings.

A. BCC Meetings.

i. Time and Place; Schedule for Calendar Year 2023. During calendar year 2023, 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. If in-person meetings are held, in whole or in part, regular meetings of the BCC shall be held in the Commission Chambers on the Second Floor of 102 Grant Avenue, Santa Fe, New Mexico.

ii. Notice. This Resolution and Appendix 1 shall be posted in a conspicuous place at the County Administration Complex, located at 100 Catron Street, Santa Fe, NM ("County Administration Complex"). Posting of this Resolution and Appendix 1 shall constitute reasonable notice of all regular meetings of the BCC. 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 physical location specified in this Resolution and Appendix 1, at least ten (10) days prior to the date of the meeting, notice of the rescheduled meeting shall be posted in a conspicuous place at the County Administration Complex.

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. At least ten (10) days before a regular meeting of an Appointed County Committee, notice of the meeting shall be posted in a conspicuous place at the County Administration Complex. Alternatively, a regular meeting schedule of an Appointed County Committee, if any, may be adopted for calendar year 2023 and posted in a conspicuous place at the County Administration Complex.

iii. Notice of a Rescheduled Regular Meeting. If a regular meeting of an Appointed County Committee is rescheduled from the date, time, or physical location specified on the annual schedule, at least ten (10) days prior to the date of the rescheduled meeting, notice of the rescheduled meeting shall be posted in a conspicuous place at the County Administration Complex.

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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. At least three (3) days before a special meeting, notice of the meeting shall be posted in a conspicuous place at the County Administration Complex.

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. At least twenty-four (24) hours prior to an emergency meeting, if possible given the emergency circumstances, notice of the meeting shall be posted in a conspicuous place at the County Administration Complex. 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.

A. Generally. 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. At least seventy-two (72) hours before the meeting, if not included in the notice of meeting, a final agenda shall be prepared and posted on the County's web

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site and in a conspicuous place at the County Administration Complex. 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.

B. During COVID-19 Public Health Emergency. During the COVID-19 public health emergency, in-person attendance at BCC meetings and Appointed County Committee meetings may be prohibited or discouraged. During the COVID-19 public health emergency, 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 remotely. This information shall also be included on the County's website.

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 and on the County's website. 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 County Administration Complex and on the County's website as soon as practicable prior to the time and date of the cancelled meeting.

7. Participation by Conference Telephone or Videoconference. A member of the BCC or Appointed County Committee may participate in a meeting of the BCC 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 emergency public health orders related to the COVID-19 public health emergency, 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.

8. Closed Meetings. If authorized by the OMA, 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

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provided. Such notice shall state with reasonable specificity: (1) the provision(s) of the OMA 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) or the BCC or Appointed County Committee opted to adjourn from executive session under Paragraph 8(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.

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 Buckman Direct Diversion Board, the Regional Emergency Communications Center Board of Directors, the Northern Central Regional Transit District, the REDI Middle-Mile Network Board, the Regional Coalition of LANL Communities, 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 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.

12. Public Participation in Meetings During COVID-19 Public Health Emergency.

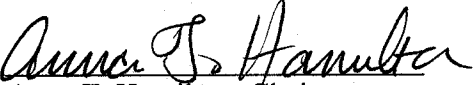
A. During the COVID-19 public health emergency, in-person attendance at BCC meetings and Appointed County Committee meetings will likely be prohibited or discouraged. During the COVID-19 public health emergency, the final agenda for each BCC and Appointed County Committee meeting shall include information on how the public can listen and participate in the meeting by phone and/or the internet. This information shall also be included on the County's website.

B. Unless otherwise specified in the final agenda for the meeting, during the COVID-19 public health emergency, the public can listen and participate in BCC meetings via Webex by phone by calling 1-408-418-9388 or by the internet at <https://sfco.webex.com/sfco/j.php?MTID=mbb7155e19b8cd60a8d273a0d77c4c7c8>, using meeting number (access code) 2486 022 3586 and meeting password P5JcEVTq9u9.

13. Effective Date; Sunset. This Resolution shall become effective on January 1, 2023, and shall sunset on December 31, 2023.

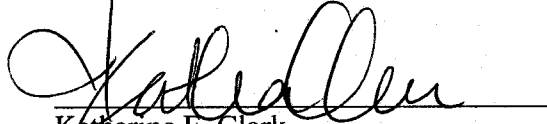
PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF DECEMBER, 2023.

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

By: 
Anna T. Hamilton, Chair

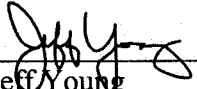


ATTEST:


Katharine E. Clark
Santa Fe County Clerk

Date: 12/22/22

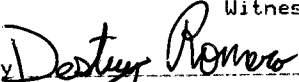
APPROVED AS TO FORM:

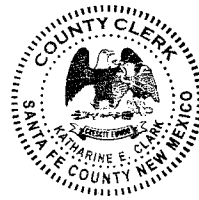

Jeff Young
Santa Fe County Attorney

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COUNTY OF SANTA FE) BCC RESOLUTIONS
STATE OF NEW MEXICO) ss PAGES: 7

I Hereby Certify That This Instrument Was Filed for
Record On The 28TH Day Of December, 2022 at 12:58:32 PM
And Was Duly Recorded as Instrument # **2003914**
Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office
Katharine E. Clark
County Clerk, Santa Fe, NM



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*

2023 MEETING DATES	START TIME	<u>VIRTUAL MEETING INFORMATION</u>
January 10	2:00 PM	<p>During the COVID-19 public health emergency, the public may be prohibited from attending BCC meetings in person. In addition to watching meetings on the internet, during the COVID-19 public health emergency when in-person attendance is prohibited, members of the public can participate by phone or the internet as follows (unless otherwise specified on the final agenda for the meeting):</p> <p>By phone by calling 1-408-418-9388 or by the internet at https://sfco.webex.com/sfco/j.php?MTID=mbb7155e19b8cd60a8d273a0d77c4c7c8, using meeting number (access code) 2486 022 3586 and meeting password P5JcEVTq9u9.</p>
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	

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*During the COVID-19 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 Ave, 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 in a conspicuous and appropriate place at the Santa Fe County Administration Complex (located at 100 Catron Street, Santa Fe, New Mexico). If in-person attendance by the public is prohibited during the COVID-19 public health emergency, the final agenda shall include information on how the public can listen and participate in the meeting remotely.