

# CITY OF RIO COMMUNITIES, NEW MEXICO

## OPEN MEETINGS ACT RESOLUTION 2021 - 03

### A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND THE PUBLIC NOTICE REQUIRED

**WHEREAS,** the Governing Body of the City of Rio Communities met in regular session at the City Council Chambers, 360 Rio Communities Blvd., Rio Communities, NM on January 12, 2021 at 6:00 p.m. as required by law; and

**WHEREAS,** Section 10-15-1 (B) NMSA 1978 provides that "All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or authority of any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of such 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 provision of the Open Meetings Act"; and

**WHEREAS,** Section 10-15-3 (A), NMSA 1978 provides that "No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and

**WHEREAS,** Section 10-15-4, NMSA 1978 provides that "Any person violating any of the provisions of Section 10-15-1 or 10-15-2 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense"; and

**WHEREAS,** Section 10-15-19 (D) requires that "Any 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. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to that body."

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City of Rio Communities, New Mexico that:

1. Notice shall be given at least six (6) days in advance of any regular meeting of a quorum of the members of the governing body or any board, commission, committee, agency, authority, or other policy-making body held for the purpose of discussion public business or taking any formal action within the authority of

such body.

2. The regularly scheduled meetings of the governing body will be held at 6:00 P.M. on the second and fourth Tuesday each month in the City Council Chambers located at 360 Rio Communities Blvd, Rio Communities, New Mexico. In the event that the regular meeting date falls on a legal holiday, the governing body shall designate an alternate meeting date and/or time to be published as provided in this Resolution. In the event that a regular meeting of the governing body is changed to a different location, advance notice of the meeting location shall be published as provided in this Resolution.

A member of the governing body may participate in a meeting of the governing body by means of a conference telephone or other similar communications equipment when it is otherwise 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 governing body who speaks during the meeting.

3. Notice shall be given at least three (3) days in advance of any special meeting of a quorum of the members of the governing body, board, commission, committee, agency, authority, or other policy-making body held for the purpose of discussing public business or taking any formal action within the authority of such body.
4. The notice requirements of Section 1, 2 and 3 of this Resolution are complied with if notice of the date, time, place, and subject matter of any regular or special meeting are published. Additionally, the notice shall contain information on how the public may obtain a copy of the meeting agenda, said agenda to be available at least six (6) days in advance of any regular meeting and a final agenda, if needed, at least seventy-two (72) hours prior to the meeting. "Publish" means printing in a newspaper which maintains an office in the municipality and is of general circulation within the municipality. If such newspaper is a non-daily paper which will not be circulated to the public in time to meet publication requirements, or, if no such newspaper exists, "publish" shall mean posting in at least six (6) public places within the municipality, website and one of the public places where posting shall be made is the office of the municipal clerk, who shall maintain posting for public inspection
5. *Within the time limits specified. That at least six (6) of the eight (8) public places listed below a notice shall be posted:*

Rio Communities City Hall  
New Mexico Water Department  
United Business Bank

Oasis Cafe  
Chamesa

The Clerk may, in addition to posting, publish one or more times in a newspaper of general circulation within the municipality, even though it does not maintain an office within the municipality. In addition, written notice of such meetings shall be mailed or faxed to federally licensed broadcast stations and newspapers of general circulation in the municipality, which have provided a written request for such notice.

6. Notwithstanding any other provisions of sections 1 through 4 of this Resolution, governing body may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.
7. The governing body of the City of Rio Communities may close a meeting to the public only pursuant to exclusions contained in Section 10-15-1, Subsection H, NMSA 1978. If a meeting is closed during an open meeting, such disclosure shall be approved by a majority vote taken during the open meeting. The authority for the closed meeting and subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting. If a closed meeting is called when the governing body of the City or Rio Communities is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and the general public. 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 whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure. Except as provided in Section 10-15-1 (H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by a vote of the governing body of the City of Rio Communities in an open meeting.
8. Notwithstanding any other provision of sections 1 through 7 of this Resolution, the governing body of the City of Rio Communities may call emergency meetings of the governing body, any board, commission, committee or other policymaking body of the municipality. Emergency meetings will be called only under unforeseen circumstances, which demand immediate action to protect the health, safety, and property of the citizens or to protect the municipality from substantial financial loss. The City of Rio Communities will avoid emergency meetings whenever possible. Emergency meetings may be called upon twenty-four (24) hours' notice unless threats of personal injury or property damage require less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

**PASSED, APPROVED AND ADOPTED THIS 12<sup>th</sup> DAY OF JANUARY 2020 BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.**

**City of Rio Communities Governing Body**

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Mark Gwinn,  
Mayor

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Margaret (Peggy) Gutjahr,  
Mayor Pro tem/Councilor

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Bill Brown,  
Councilor

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Joshua Ramsell,  
Councilor

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Jim Winters,  
Councilor

ATTEST:

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Elizabeth (Lisa) Adair,  
Municipal Clerk