



RESOLUTION NUMBER: 2018-01

Compliance with New Mexico Open Meetings Act – 2018

A resolution to conclude and determine in what manner reasonable notice shall be given to the public relative to the formulation of public policy, discussion of public policy, discussion of public business or when formal action is taken by the governing body of the County of Roosevelt, New Mexico, or any of its agencies, authorities, commissioners, committees or other policy-making bodies and repealing Roosevelt County Resolution 2017-01.

WHEREAS, Section 10-15-1, et seq., the Open Meetings Act, provides in relevant part that “The formation of public policy or the conduct of business by vote shall not be conducted in a closed meeting.” Such act further provides, “all meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policy making 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 such board, commission or other policy-making 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 provisions of the Open Meetings Act;” and

WHEREAS, the Open Meetings Act further provides in material part 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 attendance and any closed meetings, shall be held only after reasonable notice to the public; and

WHEREAS, the governing body of the County of Roosevelt, by virtue of this Resolution, is hereby complying with the annual requirements of the Open Meetings Act and further, the governing body is hereby determining what notice for its public meetings is reasonable, as contemplated by the provisions of the Open Meetings Act; and,

WHEREAS, the Board of County Commissioners of Roosevelt County establish that their board meetings and committee meetings shall follow normal rules of Parliamentary Procedures except as may be modified from time to time. In the event of a dispute or an issue pertaining to rules, the Board may rely upon Robert’s Rule of Order (11th ed.), as a guide.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF ROOSEVELT, NEW MEXICO THAT:

SECTION 1. Notice of any and all regular Commission meetings will be as follows:

- (a) By posting a written notice of the regular meetings in the County Courthouse at least seven(7) days prior to the date of the meeting, and



- (b) By posting an electronic notice of the regular meeting on the Roosevelt County Website, <http://www.rooseveltcounty.com> at least seven (7) days prior to the date of the meeting.
- (c) By posting an electronic final Agenda of the regular meetings on the Roosevelt County Website, <http://www.rooseveltcounty.com> at least seventy-two (72) hours in advance of the meeting.
- (d) By giving notice to newspaper of general circulation in the County and broadcast stations licensed by the Federal Communications Commission, who have provided the county request for such notice, at least seventy-two (72) hours in advance of the meeting.

SECTION 2. Two regular meetings shall be held on the first and third Tuesday of each month to begin at the hour of 9:00 a.m., unless a legal holiday, an election day, or other conflict interferes with such meeting date, in which case said regular meetings shall be held as the Board of Commissioners may determine, and further, such regular meetings are scheduled to be held at the Roosevelt County Courthouse, County Commission Chambers of the Roosevelt County Courthouse, 109 West First Street, Portales, New Mexico.

SECTION 3. Notice of any special meetings of a quorum of the members of the governing body of Roosevelt County held for the purpose of formulating public policy, discussing public business, or for the purpose of taking any action within the authority of the body, may be given in any of the following ways:

- (a) Whenever possible, notice of special meetings shall be given in like manner as notice of regular meetings; however, when it is not possible to give notice of a special meeting in accordance with Section 1 above, notice of a special meeting shall be given to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided the County a written request for such notice, and posting an electronic final agenda on the Roosevelt County Website, <http://www.rooseveltcounty.com>, at least three (3) days in advance of any special meeting of the governing body of Roosevelt County.

SECTION 4. Notwithstanding any provision contained herein, the Chairman of the County Commission of Roosevelt County may call, with whatever notice is possible under the circumstances, a meeting of the governing body of the County to consider any matter that needs emergency treatment because of a clear and present danger to health, welfare or safety of the people of Roosevelt County, New Mexico.

SECTION 5. Notwithstanding any provision contained herein, the County Commission or any governing body of any board, commission, authority or other policy-making body of the County may call and conduct closed meetings for the purpose of discussing or acting upon:

- issuance, suspension, renewal or revocation of license. (See Section 10-15-1 (H) (2), NMSA 1978)
- discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee. (See Section 10-15-1 (H) (2), NMSA 1978)
- meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between the governing body and a bargaining unit representing County employees. (See Section 10-15-1 (H) (5), NMSA 1978)



--deliberations of the County Commission in connection with an adjudicatory proceeding. (See Section 10-15-1 (H) (3), NMSA 1978)

--that portion of meetings at which a decision is made concerning purchases in an amount exceeding two thousand five hundred dollars (\$2500) that can be made only from one source; provided, however, actual approval of the purchase shall be made in an open meeting (See Section 10-15-1 (H) (8), NMSA 1978)

--meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the County is or may become a participant (See Section 10-15-1 (H) (8), NMSA 1978)

--discussion of audit findings before they become a public record 12-6-5 N.M.S.A. (1978)

The requirements that meetings be open, and that minutes be kept by the governing body, board, commission or other policymaking body shall not apply to closed meetings conducted under Section 5 above.

In any meeting closed pursuant to the exclusions contained in Section 5 above or Subsection H 10-15-1, NMSA 1978, such closure shall:

- 1) If made in an open meeting, be approved by a majority vote of quorum of the policy-making body and the authority for such closure shall be stated in motion calling for the vote on the closed meeting and such vote shall be taken in open meeting and the vote of individual members shall be recorded in the minutes; and
- 2) If called for when the policy-making body is not in open meeting, such closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the law authorizing the closed meeting is given to the member and to the general public.

SECTION 6. Pursuant to the New Mexico Governmental Conduct Act, each Commissioner shall disclose at a public meeting, on the record his/her substantial interest in any contract or other matter that is before the Board for consideration or action. If a Commissioner wishes to abstain from a vote, the Commissioner shall disclose on the record, his/her reason for the same and, make such disclosure as may be required pursuant to said Governmental Conduct Act.

SECTION 7. The Board, Commission or other policy-making body shall keep written minutes of all its meeting, except those meetings closed in compliance with Section 5 of this Resolution. The minutes shall include, as a minimum, the date, time and place of the meeting, the names of the members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken which show how each member voted. All minutes shall be open to public inspection. Draft minutes shall be prepared within ten working days after the meeting. Minutes and action purportedly taken shall not become official or binding until approved by the policy-making body.

SECTION 8. Notwithstanding any provision contained herein, the Chairperson of the County Commission may establish such additional notice as he or she may deem necessary and advisable.

SECTION 9. Minutes of the meeting of the Board of County Commissioners of Roosevelt County, New Mexico shall be prepared and approved in accordance with the provisions of NMSA 1978 Section 10-15-1G (1997); that is to say that draft minutes of such meetings shall be prepared within ten working



days after each meeting, that such minutes shall be approved, amended, or disapproved at the next meeting of the Board of County Commissioners of Roosevelt County, New Mexico where a quorum is present, if such meeting is held ten or more working days after each prior meeting.

SECTION 10. The meeting may be recorded and a recording made available to the Board of County Commissioners of Roosevelt County, New Mexico until the minutes of such meeting shall be approved by the Board. Subsequent to the approval of the minutes of any meeting of the Board of County Commissioners of Roosevelt County, New Mexico, the minutes or amended minutes of such meeting shall be the official record of such meeting of the Board of County Commissioners of Roosevelt County, New Mexico, and thereafter, the recording of such meeting shall not be kept or retained by the Board of County Commissioners of Roosevelt County, New Mexico or the Office of the Clerk of Roosevelt County, New Mexico.

SECTION 11. At the conclusion of any closed meeting when the County Commission reconvenes in open meeting of the Board of County Commissioners of Roosevelt County, New Mexico where a quorum is present following a closed meeting separately scheduled, the Board of County Commissioners of Roosevelt County, New Mexico shall direct by motion that the minutes reflect no decisions were made and that the matters discussed in the closed meeting were limited to those specified in the motion to close such meeting were limited to those specified in the motion to close such meeting or the notice of the separate closed meeting, and the vote of each individual Commissioner upon such motion shall be recorded in the minutes.

The Board of County Commissioners of Roosevelt County have previously authorized the telephonic appearance of one or more Commissioners at meetings of the Roosevelt County Board of County Commissioners. Procedurally, any and all Commissioners who are appearing telephonically must announce for the record, that they are appearing telephonically and where they are appearing telephonically from. If a Commissioner appearing telephonically needs to get off of the phone for any period of time or even when he/she leaves the meeting, they must announce on the record that they are leaving the meeting. If they call back into a meeting, each Commissioner so appearing, must once again announce his/her participation telephonically on the record.

For purposes of conducting a public meeting, if a Commissioner(s) is/are appearing telephonically, such Commissioner(s) will participate in the meeting only when called on by their Chair of the meeting. All Commissioners appearing telephonically will be given an opportunity to speak, but only when specifically called on by the Chair. If a matter is discussed, once the discussion amongst those physically present is concluded, the Chairman will call, individually, on those Commissioners appearing telephonically for input. For purposes of voting, on non-roll call votes, those Commissioners who are physically present, shall vote first and then, after they have voted, the Chairman will call on each Commissioner appearing telephonically for his/her vote.

SECTION 12. Any member of the governing body of Roosevelt County may participate in a meeting of such governing body in a meeting of such public body by means of a conference telephone, video communication, 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 other means



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 public body who speaks during the meeting.

SECTION 13. The prior open meeting Resolution 2017-01, adopted on the 10th day of January, 2017 is hereby repealed.

PASSED, APPROVED, and ADOPTED this 9th day of January, 2018.

**BODY OF COUNTY COMMISSIONERS
ROOSEVELT COUNTY, NEW MEXICO**

ATTEST:

Stephanie Hicks
DeAun D. Searl, Roosevelt County Clerk
Chief Deputy County Clerk



Dennis Lopez
Dennis Lopez – District I
Matthew Hunton
Matthew Hunton – District II
absent
Lewis (Shane) Lee – District III
Gene Creighton
Gene Creighton – District IV
Paul Grider
Paul Grider – District V

