



RESOLUTION NUMBER: 2016-02

Public Participation at Roosevelt County Commission Meetings

WHEREAS, the Board of County Commissioners met in regular meeting on Tuesday, January 5, 2016 at 9:00 a.m. in Commission Chambers at the Roosevelt County Courthouse, 109 West First Street, Portales, New Mexico 88130; and,

WHEREAS, the Roosevelt County Commission recognizes that public access to the proceedings and decision-making processes of the meetings of the Board of County Commissioners is crucial to the functioning of democracy; and

WHEREAS, the Roosevelt County Commission further recognizes that meetings held by the Commission to discuss public business, particularly when conducted with the public taxpayers' money, are the taxpayers' business; and

WHEREAS, the Roosevelt County Commission recognizes that, with limited exceptions, the Open Meetings Act generally prohibits a public body from conducting public business in secret or in closed meetings, and requires that such business be conducted by the public body acting as a whole at meetings open to all persons who wish to attend and listen; and

WHEREAS, Article 2 Section 17 of the New Mexico Constitution guarantees that "every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press;" and,

WHEREAS, the Board of County Commissioners welcomes public comment at its regular meetings in order to encourage freedom of speech in the County and as a valued tool to communicate with its constituents even though the Courts have held that the New Mexico Open Meetings Act "does not require the commissioners to allow the public to speak at its meetings, but instead, only requires them to allow the public to attend and listen." See, Mesa v. White, 197 F.3d 1041, 1046 (10th Cir. 1999); and,

WHEREAS, the Board has traditionally reserved a public comment period as a designated public forum at a selected time during the Commission Meeting, a non-public forum held to manage the business of Roosevelt County Government; and,

WHEREAS, the Roosevelt County Commission must balance the desire to afford members of the public a full and complete opportunity to address the Commission with the Commission's need to conduct the people's business in an orderly and efficient manner; and,



WHEREAS, there is a need for the Commission to set content neutral rules for the public comment period that will allow individuals the ability to make their comments in a meeting environment that fosters respect for the time and views of all attendees, while also being narrowly tailored to promote orderly and efficient meetings of the Board.

WHEREAS, there may at times arise a need to protect the safety of the public, the Commission, and the staff as a whole; the Commission shall appoint the Sheriff as sergeant of arms,

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners adopts the following rules for its public comment period:

- I. So that freedom of speech is unrestricted:
 - A. Anyone will be allowed an opportunity to speak during the public comment period at the beginning of the Board's public hearing meetings.
 - B. Speakers may discuss any subject during the public comment period except that such comments may not be argumentative or may the speaker exhibit disruptive behavior or make "personal attacks" upon the Commissioners or upon County staff.
- II. In order to promote orderly efficient meetings respectful of everyone's time:
 - A. All individuals will be limited to a three (3) minute comment period.
 - B. No individual will be permitted to speak more than one (1) time; no rebuttals to the comments of others will be permitted.
 - C. The public comment period will be on the Commission's agenda before all County or Public business items.
 - D. Comments, applause and other interruptions from the audience are not allowed.
- III. In order to promote orderly meetings so that the attendees feel safe and secure in their attendance:
 - A. Threatening/abusive comments that disrupt the meeting shall not be allowed.
 - B. All speakers must address the Board of County Commissioners and speak from the podium.
 - C. The Chairman of the County Commission act as the presiding officer to control the course and quorum of the meeting. The presiding officer may order the Sheriff to remove any person who disrupts any public meeting before the Commission.

NOW THEREFORE, BE IT FURTHER RESOLVED that this resolution does not in any way diminish the Chair's authority to conduct meetings consistent with the rules and powers granted to the Chair by virtue of this Board's adoption of Roberts Rules of Order or any special rules. The prior Public Participation Resolution 2015-28, adopted on the 6th day of January, 2015 is hereby repealed.



PASSED, APPROVED, and ADOPTED this 5th day of January, 2016.

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

ATTEST:

DeAun D Searl

DeAun D. Searl, Roosevelt County Clerk

Jake Lopez

Jake Lopez – District I

Richard Leal

Richard Leal – District II

Lewis (Shane) Lee

Lewis (Shane) Lee – District III

Gene Creighton

Gene Creighton – District IV

Paul Grider

Paul Grider – District V



BD