

UNION COUNTY
UNION COUNTY COURTHOUSE
PO BOX 430
CLAYTON NEW MEXICO 88415

Board of Commissioners
Justin Bennett
W. Carr Vincent
Clayton Kiesling

Angie Gonzales
County Administrator

OPEN MEETINGS ACT POLICY FOR UNION COUNTY

RESOLUTION NO. 107-12

A SPECIAL 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 BUSINESS, OR WHEN FORMAL ACTION IS TAKEN BY THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, NEW MEXICO, OR ANY OF ITS AGENCIES, AUTHORITIES, COMMISSIONS, COMMITTEES, OR OTHER POLICY-MAKING BODIES.

WHEREAS, NMSA 1978, Section 10-15-1 *et seq.* (1953), 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 ..." and that "... meetings of a quorum of members of any board, commission 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 any 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 or the provisions of the Open Meetings Act ...";

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 in attendance, and any closed meetings, shall be held only after reasonable notice to the public ..." and "... the affected body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body..."; and

WHEREAS, the Board of County Commissioners of Union County, as the "affected body" and by virtue of this Resolution, intends to comply with the requirements of the Open Meetings Act and further, the Board of County Commissioners herein determines reasonable notice to the public of its meetings for the upcoming calendar year as contemplated by the Open Meetings Act.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF UNION, NEW MEXICO that:

SECTION 1: REGULAR AND SPECIAL MEETINGS: NOTICE. Notice of any and all regular and special meetings of the Board of County Commissioners shall be published in a newspaper of general circulation at least three (3) days in advance of any meeting. For purposes of the preceding sentence and this resolution generally, a "meeting" is a meeting of a quorum of members of the Board of County Commissioners or boards, agencies, authorities, commissions, committees, or other policy-making bodies operating under the authority of the Board of County Commissioners, that is held for the purpose of formulating public policy, conducting business by vote, formulating public policy, discussing public business or taking any action within the authority of or the delegated authority, or as otherwise specified in NMSA 1978, Section 10-15-1(A) and (B). Three (3) days' notice of a meeting shall also be provided to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice pursuant to NMSA 1978, Section 10-15-1(D). In addition, there shall be made available to the general public and interested persons a copy of the agenda for each meeting, which shall be filed, recorded and posted in the office of the County Clerk of Union County, New Mexico, at least three (3) days prior to the meeting. The agenda shall also be posted at the same time on the Union County internet website (Unionnm.us). Each meeting notice shall include an agenda containing specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such agenda. Except for emergency items, the Board of County Commissioners shall take action only on items appearing on the agenda. The Board of County Commissioners may give notice of its annual meeting schedule in lieu of individual meeting notices so long as the schedule is published as described above; in this instance, agendas of each meeting must be filed, recorded, posted, and placed on the Union County internet website as provided herein.

SECTION 2: REGULAR MEETINGS, SCHEDULE AND LOCATION. Regular meetings shall be held on the second Tuesday of each month and shall begin at the hour of 9:00 a.m. Regular meetings shall be held in the County Commission Chambers of the Union County Courthouse in Clayton, New Mexico. Nothing shall prohibit the Board of County Commissioners from rescheduling a regular meeting with notice as described in Section 1, herein.

SECTION 3: SPECIAL MEETINGS, SCHEDULE AND LOCATION. Special meetings may be held as needed upon notice described in Section 1, herein. A special meeting may be held in the County Commission Chambers of the Union County Courthouse in Clayton, New Mexico, or some other location specified in the notice.

SECTION 4: APPLICABILITY. This resolution shall apply to each meeting of a quorum of each board, commission, committee, agency, authority or other policy-making body operating under the authority of the Board of County Commissioners.

SECTION 5: EMERGENCY MEETINGS, NOTICE. Notwithstanding any provision contained herein, the Chairman of the Board of County Commissioners or a majority of the commissioners may call an emergency meeting of the Board of County Commissioners to consider an emergency matter. "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 financial loss to the public body. Emergency meetings may be conducted at a time or place designated by the person or persons calling the meeting. Notice of such emergency meeting shall be that which is reasonably practicable under the circumstances existing, but at a minimum must include posting of the agenda in advance of the meeting, and notice to local broadcast stations and newspapers of general circulation of such meeting; the notice given may be either written or oral. Within ten (10) days of taking action on an emergency matter, the Board of County Commissioners shall report to the Attorney General's office the action taken and the circumstances creating the emergency, except where the emergency has also resulted in the declaration of a state or national emergency.

SECTION 6: CLOSED MEETINGS. Notwithstanding any provision contained herein, the Board of County Commissioners may call or close a meeting for the purpose of discussing the following items:

- (1) Issuance, suspension, renewal or revocation of a license;
- (2) Limited personnel matters, including the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee;
- (3) Deliberations in connection with an administrative adjudicatory proceeding; for purposes of this subparagraph, an administrative adjudicatory proceeding is a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be determined by the public body after an opportunity for a trial-type hearing;
- (4) Bargaining strategy preliminary to collective bargaining negotiations between the Board of County Commissioners and a bargaining unit representing the employees of the County, and collective bargaining sessions during which the Board of County Commissioners and the representatives of the collective bargaining unit are present;
- (6) Purchases in an amount exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source, and discussions concerning competitive sealed proposals solicited pursuant to the Procurement Code;
- (7) Meetings subject to the attorney-client privilege pertaining to the threat of litigation or pending litigation in which Union County is or may become a participant;
- (8) The acquisition or disposal of real property or water rights; or

- (9) Those portions of meetings of committees or boards of public hospitals where strategic and long-range business plans or trade secrets are discussed.

If a meeting is closed for any of the foregoing reasons, the closure, if made in an open meeting, shall be approved by a majority vote of a quorum of the Board of County Commissioners; the authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on the closed meeting; the vote shall be taken in an open meeting and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the policymaking body may be discussed in a closed meeting. If a closure is called for when the Board of County Commissioners is not in an open meeting, the closed meeting shall not be held until three (3) days' notice of the meeting is given which states the specific provision of the Open Meetings Act authorizing the closed meeting and stating with reasonable specificity the subject to be discussed.

No action may be taken during a closed meeting.

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 that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. The statement shall be approved by the Board of County Commissioners.

SECTION 7. MINUTES. The Board of County Commissioners, and any boards, agencies, authorities, commissions, committees, or other policy-making bodies operating under the authority of the Board of County Commissioners shall keep written minutes of all its meetings, except those meetings closed in compliance with Section 6 of this Resolution. The minutes shall include, as a minimum, the date, time and place of the meeting, the names of 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 (10) working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the Board of County Commissioners.

SECTION 8. ADDITIONAL NOTICES. Notwithstanding any provision contained herein, the Chairman of the County Commission may establish such additional notice as he may deem necessary and advisable under the circumstances.

SECTION 9. CITIZENS' FORUM. Meetings of the Board of County Commissioners shall include on the agenda for each Regular Meeting an item entitled "Citizens Forum" wherein citizens may express any views or issues of concerns to the Commission and Union County citizens; provided, however, that in order to allow the County Manager, staff, and Commission to respond adequately to citizens comments, interested citizens who wish to address the Commission in the Citizens Forum may be required to provide the Union County

Administrative staff with notice of the substance of the proposed comments at least two (2) days prior to scheduled meetings.

SECTION 10. RESCINDING PRIOR RESOLUTIONS. Resolution No. 106-22, adopted on January 9, 2018, is hereby rescinded and superseded by this Resolution. Any prior resolutions concerning public notice under the Open Meetings Act are hereby rescinded and superseded by this resolution.

PASSED, ADOPTED, APPROVED AND SIGNED THIS 8TH DAY OF JANUARY 2019.



Mary Lou Harkins
Mary Lou Harkins, County Clerk

BOARD OF UNION COUNTY COMMISSIONERS

Justin Bennett
Chairman

Alan Vines
Member

Clytus Kinsley
Member