

Resolution No. 1999-8

Open Meetings Resolution

**A RESOLUTION REPEALING RESOLUTIONS NO. 1999-1 & 1999-6 RELATING TO THE OPEN MEETINGS ACT; A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND PUBLIC NOTICE REQUIRED.**

WHEREAS, the Town of Edgewood desires to repeal Resolutions No. 1999-1 & 1999-6 relating to the Open Meetings Act; and

WHEREAS, Section 10-15-1B, NMSA 1978 provides that "All meetings of a quorum of members of any board, commission or other policy-making body of any state agency, or any 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 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 or the provision of the Open Meetings Act"; and,

WHEREAS, Section 10-15-3A, NMSA 1978 provides that "No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policy-making 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 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense"; and,

WHEREAS, Section 10-15-1D 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 is given. The effected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to such body."

NOW, THEREFORE BE IT RESOLVED by the governing body of the municipality of Edgewood, New Mexico that:

1. Notice shall be given at least 72 hours 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 discussing 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 6:30 p.m. on the first Wednesday of each month at the Edgewood Community Center, located at Frontage Road and Cactus Road, Edgewood. 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 at the regular meeting prior to the holiday and shall cause advance notice of the changed 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.
3. Notice shall be given at least 72 hours 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 held for the purpose of discussing public business or taking any formal action within the authority of such body.
4. Notice shall be given at least 72 hours in advance of any worksession meeting of a quorum of the member of the governing body, board, commission, committee, agency, authority or other policy-making held for the purpose of discussing public business.
5. The notice requirements of Section 1, 2, 3 and 4 of this Resolution are complied with if notice of the date, time, place and subject matter of any regular, special or worksession 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 twenty-four 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 nondaily 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 six public places within the municipality, and one of the public places where posting shall be made is the office of the municipal clerk, who shall maintain the posting for public inspection within the time limits specified.

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 hand delivered 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 provision of sections 1 through 5 of this


Resolution, the governing authority may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.

7. If any meeting is closed pursuant to exclusions contained in Section 10-15-1, Subsection H, NMSA 1978, such closed meeting called by a policy-making body shall not be held until public notice, appropriate under the circumstances, and in compliance with Sections 1 through 5 of this Resolution, has been given. In addition, such notice shall state the exclusion or exclusions in Section 10-15-1, Subsection H, NMSA 1978 of the Open Meetings Act, under which such closed meeting is permitted.
8. Notwithstanding any other provision of sections 1 through 7 of this Resolution, the governing authority of the municipality of Edgewood may call, with whatever notice is possible under the circumstances, a meeting of the governing body, any board, commission, committee or other policy-making body of the municipality to consider or act on any emergency matter which appears to be a clear and immediate danger to the health, welfare or safety of the inhabitants of the municipality of Edgewood.

PASSED, ADOPTED AND APPROVED this 6<sup>th</sup> day of October, 1999.

  
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Mayor Pro-Tem / Bob Starley

ATTEST:

  
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Clerk-Treasurer / Karen Alarid

