VILLAGE OF ANGEL FIRE, NEW MEXICO

RESOLUTION 2019-01

A RESOLUTION ESTABLISHING THE OPEN MEETING RESOLUTION AND RESCINDING ALL OTHER OPEN MEETING RESOLUTIONS

WHEREAS, Section 10-15-1-B, NMSA 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 of authority of any county, municipality, district of 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 for 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 10-15-3-A, 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 10-5-1, NMSA 1978"; and

WHEREAS, Section 10-15-14, NMSA 1978, provides that "Any person violating any of the provisions of Section 10-15-1 NMSA 1978 is guilty of a petty 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 10-15-1-C, requires that "any such meeting at which the discussion of 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 that at least annually in the public meeting that notice for public meeting shall be reasonable when applied to such body.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Village of Angel Fire, New Mexico that:

1. Notice shall be given at least five (5) 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 discussing public business or taking any formal action within the authority of such body.

2. Notice shall be given at least 72 hours in advance of any special meeting of a quorum of the members of the governing body or any board, commission, committee, agency, authority, or any other policy-making body held for the purpose of discussing public business of taking any formal action within the authority of such body.

3. The regularly scheduled meetings of the governing body will be held at 5:30 P.M. on the second (2) and fourth (4) Tuesday of each month at the Angel Fire Meeting Room located in Angel Fire. In the event that the regular meeting date falls on a legal holiday or cannot be held as prescribed above, 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 time or location, advance notice of the meeting location shall be published as provided in this Resolution.

4. The regularly scheduled meetings for the Planning and Zoning Commission will be held at 5:00 P.M. on the first (1st) Thursday of each month at the Angel Fire Meeting Room located in Angel Fire. In the event that the regular meeting date falls on a legal holiday, the commission 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.

5. The notice requirements of Section 1, 2 and 3 of this Resolution are complied with if notice of the date, time and subject matter of any regular or special meeting are printed in a newspaper which maintains an office in the municipality and is of general circulation within the municipality or, if such newspaper is a non-daily paper which will not be circulated to the public in time to meet publication requirements or if there is no newspaper which maintains an office in the municipality and is of general circulation within the municipality, then "publish" or "publication" means positing in six public places within the municipality on the first day that publication is required in a newspaper which maintains an office in the municipality and is of general circulation within the municipality. One of the public place where posting shall be made is in the office of the municipal clerk who shall maintain the posting during the length of time necessary to comply with the provisions relating to the number of times publication is required in a newspaper of general circulation within the municipality. The municipal clerk may, in addition to posting, publish one or more times in the newspaper of general circulation in the municipality.

6. Notwithstanding with other provisions of Section 1 through 3 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 Meeting Act.

7. If any meeting is closed pursuant to exclusions contained in Section 10-15-1, Subsection E, NMSA 1978, such closed meeting called by a policy-making body, shall not be held until public notice shall state the exclusion or exclusions in Section 10-15-1, subsection E, NMSA 1978 of the Open Meetings Act, under which such closed meeting called by a policy-making body, shall not be held until the public notice shall state the exclusion or exclusions in Section 10-15-1, Subsection E, NMSA 1978 of the Open Meetings Act, under which such closed meeting is permitted.

8. Notwithstanding any other provision of Section 1 through 6 of this Resolution, the governing authority of the Village of Angel Fire, may call, with whatever notice is possible under the circumstances, a meeting of the governing body of the municipality to consider or act on any emergency matter which appears to be clear and immediate danger to the health, welfare or safety of the inhabitants of the Village of Angel Fire.

9. A member of the governing body may participate and be included in a meeting for the transaction of business by the governing body by means of a conference telephone or other similar telecommunication device when it is difficult or impossible for the member to attend a meeting in person. In order for telephone participation to satisfy the Open Meetings Act and this resolution, each member participating by conference telephone must be capable of being identified when speaking, all participants must be able to hear each other at the same time and members of the public attending the meeting must be able to hear any member of the public body who speaks during the meeting.

PASSED, ADOPTED, AND APPROVED this 8th day of January 2019.

Barbara Cottam, Mayor

ATTEST:

Terry Cordova, Village Clerk