

**CITY OF ESPAÑOLA RESOLUTION 2018-23**

**OPEN MEETING RESOLUTION;  
A RESOLUTION CONCERNING GOVERNING BODY MEETINGS,  
COMMITTEE MEETINGS AND PUBLIC NOTICE REQUIRED**

**WHEREAS,** Section 10-15-1(B), NMSA 1978 provides that “All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking 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 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 policymaking 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 or 10-15-2 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense”; and

**WHEREAS,** Section 10-15-1(D) 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. 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. That notice shall include broadcast stations licensed by the federal communication commission and newspapers of general circulation that have provided a written request for such notice.”

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the City of Española, New Mexico that:

1. Public 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 and the agenda for such meeting shall be posted seventy-two (72) hours in advance of 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 Governing Body of the City of Española shall conduct two (2) City Council Open Meetings at 6:00 p.m. on the second and last Tuesday of each month in the Council Chambers. The Board of Finance (Governing Body) will meet at the call of the Mayor but at least once each quarter.
  - a. Each City Department Director shall provide to the City Clerk by Wednesday at 5:00 p.m. prior to the Council meeting a written report summarizing all department objectives and progress toward meeting them.
  - b. The Director of Finance/Administrative Services Director Or designee shall provide by Wednesday 5:00 p.m. prior to the Council meeting a monthly Finance Report.
3. All meetings shall be at the City Council Chambers; 405 North Paseo de Oñate in Española, New Mexico. Alternative location(s) may be the Española Public Library within the Mayors Conference RM., 313 North Paseo de Oñate, Española NM 87532 and the Plaza de Española Mision located at; 101 Calle de Las Españolas, Española NM 87532.
4. In the event the regular meeting falls on a legal holiday, the governing body shall designate an alternate meeting date and/or time and shall publish notice of such changes as provided in this Resolution.
5. Open Meetings of the established Committees of the Governing Body shall be held according to this schedule:
  - Public Works Committee Meeting shall be conducted the first Tuesday of the month;
  - Public Safety Committee Meeting shall be conducted the first Wednesday of the month;
  - Community Services shall be conducted the third Monday of the month;
  - Finance Committee shall be conducted the third Tuesday of the month;

All meetings shall be scheduled to begin at 6:00 p.m.

6. Notice shall be given at least 24 hours in advance of any special meeting and no notice shall be required for an emergency meeting of a quorum of the members of the governing body, 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. An emergency meeting shall be only as authorized by the Open Meetings Act.

7. Packet Materials for all Public Meeting(s) mentioned in paragraph two (2) and five (5) shall be provided to all members of the Governing Body and Department heads in the form of a digital hyperlink and administered through designated City email at least seventy two (72) hours prior to the meeting. At the meeting, on request, a hard copy will be provided.
8. A special meeting may be called by the Mayor with notice to the Governing Body or by a majority of the Governing Body with notice to the Mayor and all members, served in accordance with Section 3-12-3(D.), NMSA 1978 by notice to each member of the Governing Body, served or left at his usual place of residence. Further, notice shall be provided by email.
9. Notice of a quorum of the Governing Body shall be published or posted on the City Website and in four (4) public places for any event at which there may be a quorum of Governing Body members present.
10. The notice requirements of Sections 1 through 4 of this Resolution are satisfied if the date, time, place and agenda of any regular or special meeting is published. "Publish" means printing in a newspaper that provides circulation within the municipality. If such newspaper is a non-daily paper which will not be circulated to the public in time to meet publication requirements: "publish" shall mean posting in five (5) public places within the municipality, one of the public places will be the office of the municipal clerk, who shall maintain the posting for public inspection within the time limits specified.
11. Notwithstanding any other provisions of Sections 1 through 4 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, Section 10-15-1, NMSA 1978.
12. If any meeting is closed pursuant to exclusions contained in Section 10-15-1(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 4 of this Resolution, has been given. Such notice shall state the exclusion(s) in Section 10-15-1(H.), NMSA 1978 of the Open Meetings Act, under which such closed meeting is permitted.
13. Notwithstanding any other provision of Sections 1 through 6 of this Resolution, the governing authority of the City of Española 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 City of Española, New Mexico.

14. This Resolution repeals and replaces Open Meetings Act Resolution No. 2018-07.

**PASSED, ADOPTED AND APPROVED** by the Governing Body of the City of Española this 14<sup>th</sup> day of August, 2018.

  
Javier E. Sánchez, Mayor

ATTEST:

  
Melissa Velasquez, Interim City Clerk



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