



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 2019-37**

**REPEALING AND REPLACING RESOLUTION 2019-09
PUBLIC PARTICIPATION AT VALENCIA COUNTY COMMISSION MEETINGS**

WHEREAS, the Valencia County Commission met upon notice of meeting duly published on July 17, 2019 at 5:00 P.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

WHEREAS, the Valencia 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 Valencia 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 Valencia 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 “[e]very 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 Valencia County Government; and,

WHEREAS, the Valencia 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; and,

WHEREAS, the Valencia County Board of Commissioners adopted resolution 2019-09 on January 2, 2019 setting forth the Public Participation Rules for the Board's meetings; nevertheless the Board has determined that it is in the best interest of the County to repeal and replace Resolution 2019-09 in order to change the placement of public comment on the agenda to maximize public participation.

NOW, THEREFORE, BE IT RESOLVED by the Valencia County Commission that each member of the public wishing to address the Commission shall be given an opportunity to address the Commission during the public comment period at regular meetings.

NOW THEREFORE, BE IT FURTHER 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 regular Commission meetings prior to the commencement of action items.
 - B. Speakers may discuss any subject during the public comment period.
- 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. Individuals desiring to speak during public comment must sign in on the public comment sign in sheet prior to the commencement of the public comment period.
 - E. Comments, applause and other interruptions from the audience are not allowed.
- III. In order to promote orderly meetings so that attendees feel safe and secure in their attendance:
 - A. Threatening/abusive comments that disrupt the meeting will not be allowed.

- B. All speakers must address the Board of County Commissioners and speak from the podium.

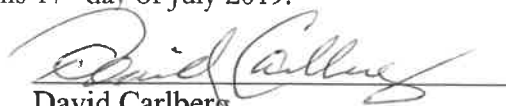
NOW THEREFORE, BE IT FURTHER RESOLVED that this resolution does not in any way diminish the Chair's authority to conduct meetings consistent with the rules and powers granted to the Chair by virtue of this Board's adoption of Roberts Rules of Order or any special rules.

BE IT FURTHER RESOLVED THAT resolution 2019-09 is hereby repealed and replaced with the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this 17th day of July 2019.



Jhonathan Aragon
Chair, District V



David Carlberg
Vice-Chair, District II



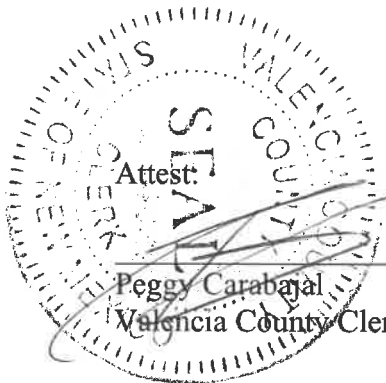
Gerard Saiz
Commissioner, District I



David A. Hyder
Commissioner, District III



Charles D. Eaton
Commissioner, District IV



Peggy Carabara
Valencia County Clerk