



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 2021- 02**

OPEN MEETINGS ACT

WHEREAS, the Valencia County Board of Commissioners met upon notice of a Re-Organizational Business Meeting, duly published, at the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031 on Wednesday, January 6, 2021, at 5:00 PM as required by law; and,

WHEREAS, Section 10-15-1 (B) of the Open Meetings Act (NMSA 1978, Section 10-15-1 to - 4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission or their policy-making body of any state or local public agency held for the purpose of formulating public policy, or for the purpose of taking any action within the authority of such body, are declared to be public meetings open to the public at all times; and,

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and,

WHEREAS, Section 10-15-1 (D) of the Open Meetings Act requires the Valencia County Commission to determine at least annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED, by the Valencia County Commission that:

1. All meetings shall be held at the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031 or as indicated on the meeting notice.
2. Regular business meetings and regular public hearing business meetings shall begin at 5:00 p.m. or as indicated in the meeting notice. Regular business meetings will be held the 1st Wednesday of each month and public hearing business meetings will be held on the 3rd Wednesday of each month. The agenda will be available at least seventy-two (72) hours prior to a regular business meeting or a regular public hearing business meeting from the County Manager, whose office is located at 444 Luna Avenue, Los Lunas, New Mexico 87031. Notice of any other regular meetings will be given at least seventy-two (72) hours in advance of the meeting date. The notice shall include a copy of the agenda or information on how a copy of the agenda may be obtained.

3. Special meetings may be called by the Chair or a majority of the members upon seventy-two (72) hours' notice. Special business meetings should only be called to address items that require consideration prior to the next regularly scheduled business meeting. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda.
4. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of the citizens or to protect the public body from substantial financial loss. The Valencia County Commission will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon twenty-four (24) hours' notice, unless protecting Valencia County from substantial financial loss or a threat to the health, safety and property of the citizens of Valencia County requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten (10) days of taking action on an emergency matter, the County Manager on behalf of the Commission shall report to the New Mexico Attorney General's office the action taken and the circumstance creating the emergency unless the made pursuant to a declaration of state or national emergency.
5. For the purposes of regular meetings, special meetings and emergency meetings described in paragraphs 2, 3 & 4 of this resolution, notice requirements are met if the notice of the date, time, place and agenda, or information on how members of the public may obtain a copy of the agenda, is published online at the County's website www.co.valencia.nm and is posted at the following locations:

- A. Valencia County Administration Office, 444 Luna Avenue, Los Lunas, New Mexico 87031;
- B. All Valencia County Operated Senior Centers;

County staff is requested to place the date, time, and place of the meeting and information on how the public may obtain a copy of the agenda or the a copy of the agenda, in a newspaper of general circulation in Valencia County, though this shall not be considered a notice requirement. Copies of the written notice shall also be mailed, faxed or emailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings. County Staff shall also provide notice of the meetings to the County's municipalities with a request that it be placed on their website.

6. In addition to the information specified above, all agendas shall include the following language:

"If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting please contact the Valencia County Manager, at 444 Luna Avenue,

Los Lunas, New Mexico 87031, phone (505) 866-2014 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager if a summary or other type of accessible format is needed.”

7. The Valencia County Commission may close a meeting to the public only if the subject matter of such discussion or action is exempted from the Open Meeting requirement under Section 10-15-1 (H) (1 through 10) of the Open Meetings Act.
 - A. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the County Commission taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
 - B. If a closed meeting is conducted when the Valencia County Commission is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members of the general public.
 - C. Following completing 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 whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
 - D. Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a close meeting shall be made by vote of the Valencia County Commission in an open public meeting.
8. A member of the Board of County Commissioners or any of its Boards may participate in a meeting by means of a conference telephone, internet or other similar communications equipment when necessary as a COVID Safe Practice or when it is difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.
9. During the pendency of the COVID-19 declared emergency, when mass gatherings are prohibited by the New Mexico Public Health Order, meetings will not be physically open to the public. All members of the public will be able to attend and listen to the meeting via Facebook Live at the link published on the agenda. Public comment may be made via email and will be entered and/or read into the meeting minutes (if less than 3 minutes) by emailing comments to: angie.womack@co.valencia.nm.us the deadline for written public comments to be received is 3:00 pm prior to the meeting. Emailed public comment must contain the author's name and physical address.

APPROVED, ADOPTED, AND PASSED on this 6th day of January 2021.


BOARD OF COUNTY COMMISSIONERS



Gerard Saiz
Commissioner, District I



Troy Richardson
Commissioner, District II



David A. Hyder
Commissioner, District III



Joseph Bizzell
Commissioner, District IV



Jhonathan Aragon
Commissioner, District V

Attest:



Michael Milam, County Clerk