



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 2023-03**

**PUBLIC PARTICIPATION AT VALENCIA COUNTY COMMISSION MEETINGS FOR
2023**

WHEREAS, the Valencia County Commission met upon notice of a Special Business Meeting duly published on January 4, 2023 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.

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 meeting.
 - 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. The public comment period will be on the Commission's agenda just prior to Discussion Items.
 - D. 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. Public comments must be made in person unless it is impossible to do so due to an undue hardship in which case the speaker may request a waiver of this rule by the County Manager. Speakers are requested to state their name and address for the record.

For virtual meetings, individuals desiring to make comment may submit comments via email that include the author's name and physical address to the County Manager's Office as per direction and deadline noted in the agenda.
 - E. Comments, applause and other interruptions from the audience are not allowed.