Agenda Item Number: 1-9-14.6A

SANDOVAL COUNTY
BOARD OF COUNTY COMMISSIONERS

Date of Commission Meeting:	January 9, 2014
Division / Elected Office:	Commission/County Manager
Staff Contact:	Phillip Rios, County Manager
Title of Item:	Open Meetings Act Resolution
Action Requested:	Motion to Adopt Resolution No. 1-9-14.6A Establishing the Sandoval County Board of County Commissioners 2014 Open Meetings Act - Compliance and Public Meeting Notification Procedures
Summary:	In accordance with NM Statutes, Chapter 10, Article 15, all meetings of the Board of County Commissioners are required to be open to the public and all final decisions must be made in public. The proposed resolution was revised to include the Rules of Procedures for the Commission. Last year's Open Meetings Act Resolution No. 1-10-13.6A or any amendments are rescinded.
Attachments:	Resolution No. 1-9-14.6A

STAFF ANALYSIS SUMMARY

County Manager:	N/A
Initiating Elected Official / Division Director:	N/A
Legal:	Approved as to form. NSD 1/3/14
Finance:	N/A

SANDOVAL COUNTY, NEW MEXICO
RESOLUTION NO. 1-9-14.6A

OPEN MEETINGS ACT AND RULES OF PROCEDURE

WHEREAS, the Board of County Commissioners, Sandoval County, met in regular session on January 9, 2014, at 6 p.m., as required by law; and

WHEREAS, upon adoption of this Resolution, Resolution No. 1-10-13.6A and any amendments thereto are hereby rescinded in their entirety; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, §10-15-1 to §10-15-4) states that, except as may otherwise be provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policy-making body of any state or local public agency 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 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 Board of County Commissioners, Sandoval County, to determine annually what constitutes reasonable notice of its public meetings.

WHEREAS, the Board of County Commissioners, Sandoval County, wishes to establish Rules of Procedure for the conduct of meetings and preparation of commission agendas.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners, Sandoval County (hereinafter referred to as "the Board").

A. Meetings

1. All meetings shall be held at the Sandoval County Administrative Building, 1500 Idalia Road, Building D, 3rd Floor, Bernalillo, New Mexico, at 6 p.m. or as indicated in the meeting notice.

2. Unless otherwise specified, regular meetings of the Board shall be held each month on the first and third Thursday of the month, the agenda will be available at least twenty-four (24) hours prior to the meeting from the Office of the County Manager, located at 1500 Idalia Road, Building D, 3rd Floor, Bernalillo, New Mexico. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.

3. A member of the Board may participate in a meeting by means of a telephone conference when it is otherwise difficult or impossible for the member to attend the meeting in person. Any member participating by telephone conference shall be identified when speaking. The Board shall ensure that all members of the Board and of the public are able to hear any member of the Board who speaks during the meeting.

4. Special meetings may be called as required by law or by the Chair or a majority of the members (in a prior open meeting) upon 72 hours notice. The notice shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. The agenda shall be available to the public at least twenty-four (24) hours before any special meeting.

5. The Chair or County Manager may schedule informal meetings, inspections, trips, or retreats. When a quorum of the Commission is present, notice of these meetings shall be given in the same manner as special meetings. Minutes of these meetings shall be made by an individual designated by the Chair.

6. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or the County Manager upon twenty-four (24) hours notice, unless threat of personal injury or property damage 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.

B. <u>Notices</u>

1. For the purpose of regular meetings, as described in Paragraph (A)2 of this Resolution, notice requirements are met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and posted on the first floor official bulletin board located in the Sandoval County Administrative Building, 1500 Idalia Road, Building D, Bernalillo, New Mexico and posted on the Sandoval County website. Copies of the written notice shall also be provided 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.

2. For the purpose of special meetings and emergency meetings, as described in paragraph (A)4 and (A)6 of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone or e-mail to newspapers of general circulation in the state and posted on the first floor official bulletin board located in the Sandoval County Administrative Building, 1500 Idalia Road, Building D, Bernalillo, New Mexico and posted on the Sandoval County Website. Telephone notice also shall be given 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.

3. In addition to the information specified above, all notices shall include the following language:
   If you are an individual with a disability who is need of a reader, amplifier, qualified sigh or language interpreter, or any other form of auxiliary aid or service to attend or participate in the meeting, please contact the County Manager's Office at (505) 867-7500 at least one (1) week prior or the meeting or as soon as possible. Public documents, including agenda and minutes, can be provided in various accessible formats. Please contact the County Clerk's Office at (505) 867-7572, if a summary or other type of accessible format is needed.

C. Closed Meetings

1. The Board may close a meeting to the public only if the subject matter of such discussion or action is excerpted from the open meeting requirements under §10-15-1(H) 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 Board taken during the open meeting. The authority of 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 Board 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 and to the general public.

   (c) Following completion 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 closed meeting were limited only to those specified in the motion or notice for closure.

   (d) Except provided in §10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Board in an open public meeting.

D. Rules of Procedure

1. Rules of Order and Debate.

   (a) The maker of a motion shall be entitled to the floor first for debate.

   (b) A Commissioner once recognized should not be interrupted when speaking unless to call said Commissioner to order. The Commissioner should then cease speaking until the question of order is determined, without debate, by the Chair. If in order, said Commissioner will be at liberty to proceed.

(c) Any matter not covered by these rules shall be governed by Robert's Rules of Order (latest edition), or, if not covered by Robert's Rules of Order, by a decision of the Chair, subject to the Right of Appeal.

(d) Commissioners shall confine their remarks to the question under discussion or debate, avoiding personalities. No Commissioner shall engage in private discourse or commit any other act tending to distract the attention of the Commission from the business before it.

2. Suspension of Rules. Except for rules related to introduction and adoption of Ordinances, these rules, or any part thereof, may be temporarily suspended by a majority vote of the Commission's quorum.

3. Amendment of Rules. These rules, or any part thereof, may be amended, repealed, altered or rescinded by a majority vote of all Commissioners after two week's notice of his/her intention to amend. Such notice shall be presented in writing at a Regular Administrative meeting of the Commission.

4. Motions.

(a) No motion shall be entertained or debated until announced by the Chair, and every motion shall be seconded to be considered for action. When a question is before the Commission, only the following additional motion(s) shall be entertained and such motion(s) shall have precedence in the following order:

(1) To adjourn
(2) To recess
(3) To reconsider
(4) To table
(5) To move the previous question
(6) To postpone to a time certain (to defer)
(7) To amend or substitute
(8) To postpone indefinitely
(9) Any other motion

(b) A motion to adjourn, to recess, to table, or move the previous question shall be decided without debate and cannot be amended.

(c) A motion to move the previous question must be approved by a majority of those present and voting, and may apply to only the immediate pending question.

(d) All other motions are debatable.

(e) A motion to amend or substitute shall be clearly stated.

(f) A motion to adjourn when no fixed time is set shall mean an adjournment to the next Regular Administrative meeting of the Commission.

5. Voting. The votes during all Commission meetings should be transacted as follows:

   (a) Except for the election of the Chair and Vice Chair, when the Chair calls for a vote on a motion, every member, in the Commission Chambers, must give his/her vote, unless the member has publicly stated that s/he is abstaining from voting due to a conflict of interest. If any Commissioner declines to vote "aye" or "nay" by voice, his or her vote shall be counted as an "aye" vote.

   (b) The passage of any motion shall require the affirmative vote of at least a majority of the membership of the Commissioners who are present and eligible to vote. In case of a tie in votes on any proposal, the proposal shall be considered lost.

   (c) Certain votes of the Commission regarding land use decisions shall require a super-majority of the Commission's quorum, as defined and required by the New Mexico Zoning Act.

   (d) A Commissioner shall be allowed to change his/her vote, but only before the result has been announced.

   (e) Any Commissioner shall have the right to express dissent from, or protests against, any item being acted on by the Commission, and to have the reason therefore entered in the minutes.

   (f) If a motion is not carried by at least a majority of Commission's quorum, the proposal shall be considered lost.

   (g) A record of each Commissioners vote shall be entered in the minutes of each meeting.

6. Election of Chair and Vice Chair. The Procedures for electing officers are as follows:

   (a) At the first meeting of the Commission, in the month of January of each year, the Commission shall elect one of its members to act as Chair of the Commission (Section 4-38-10, NMSA 1978). The Chair shall serve until the election of a Chair at the first meeting of the Commission in January of each year.

   (b) The current Chair calls for nominations for Chair. Nominations require a second. A roll-call vote is conducted if there is more than one nomination. If a vacancy occurs in the office of the Chair, the Commission shall, at its next meeting, select a Chair for the remainder of the term.

   (c) In conjunction with the above election, a Vice Chair is also elected in a like manner. The Vice Chair continues to have all the rights, privileges and immunities of a member of the Commission.

(d) In case of the absence or temporary disability of the Chair, the Vice Chair serves as Chair during the absence. In case of the absence or temporary disability of the Chair and the Vice Chair, an Acting Chair and Vice Chair, selected by members of the Commission, serves during the continuance of the absences or disabilities.

E. Agendas

1. Preparation of Agenda – Regular Administrative Meetings.

   (a) The County Manager shall prepare and disseminate the agenda. The Chair, the County Manager or a majority of the members in a previous open meeting may place an item on the agenda.

   (b) The Chair and County Manager will meet to discuss each agenda. Items for Final Action on an Administrative Meeting agenda may be placed on the Consent Agenda by the County Manager, after consultation with the Chair, if s/he believes that no discussion or amendment is needed. Thereafter, the County Manager shall finalize the agenda.

2. Agenda Material. A copy of the agenda and supporting materials shall be prepared for Commissioners and made available to them within a reasonable time before the meeting but no later than 72 hours prior to the Regular Administrative meeting. The agenda, as well as supporting documents that are part of agenda documentation, shall be available for review in the County Manager's Office.

PASSED by the Board of County Commissioners, Sandoval County this ____ day of January 2014.

BOARD OF COUNTY COMMISSIONERS OF SANDOVAL COUNTY

_____
Chair

_____
Vice Chair

_____
Member

_____
Member

_____
Member

ATTEST:

_____
Eileen Garbagni, County Clerk

APPROVED AS TO FORM:

_____
Patrick F. Trujillo, County Attorney