Resolution No. 2018-06

2018 CITY OF BELEN OPEN MEETINGS ACT COMPLIANCE

WHEREAS, the Belen City Council met in regular session in the City Council Chambers on the 19th day of March 2018 at 6:00 P.M. as required by law; and

WHEREAS, Section 10-15-1(B) of the New Mexico Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4) states, except as may be otherwise provided in the Constitution of the State of New Mexico 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 policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or taking any action within their authority be open to the public at all times and held with reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the City of Belen to determine annually the time and place of holding its meetings and what constitutes reasonable notice of its public meetings; and

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Belen that:

1. **Regular Meetings:** Unless otherwise specified, regular meetings shall be held in the Belen City Council Chambers each month on the first and third Monday of each month beginning at 6:00 P.M. If a holiday is observed on the same day of a regular scheduled meeting, the meeting shall be held the following weekday. The draft agenda will be available by 9:00 A.M. on the Wednesday prior to the meeting from the City Clerk, whose office is located in City Hall at 100 South Main Street in Belen, New Mexico.

2. **Special Meetings:** Special meetings may be called by the Mayor or a majority of the members of the City Council upon 72 hours' notice.

3. **Emergency Meetings:** Emergency meetings may be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The City of Belen will avoid emergency meetings whenever possible. Emergency meetings may be called by the Mayor or a majority of the members of the City Council 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 meeting information and how a copy of the agenda may be obtained. Within ten days of taking action on an emergency matter, the City of Belen will notify the Attorney General's Office.

4. **Notice:** Notice of the regular and special meetings shall be given 72 hours in advance. Notice requirements are met if notice of the date, time, place and agenda is placed in a newspaper of general circulation in Valencia County, the City's Web-Site at www.belennm.gov, posted inside City Hall, and on the City's Facebook page.

If such newspaper is a nondaily paper which will not be circulated to the public in time to meet publication requirements, or, if no such newspaper exist, "publish" shall mean posting in six public places within the municipality, and one of the public places where posting shall be made is the office of the municipal clerk, who shall maintain the posting for public inspection within the time limits specified. The six public places notice shall be posted are:

- City Hall
- Community Center
- Municipal Court
- Belen Public Library
- Belen Motor Vehicle Department
- Belen Public Health Department.

The notice shall indicate how a copy of the agenda may be obtained.

5. **Required Language:** The English language shall be specified on all agendas. 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 City Clerk at City Hall, located at 100 South Main Street in Belen, New Mexico, at least one 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 City Clerk at City Hall if a summary or other type of accessible format is needed. The notice must also include that all council meetings are audio and video recorded.

6. **Quorums:** Quorums of the governing body may take place or trainings, workshops, and a variety of city functions not called upon by the Mayor or a majority of the City Council. The City Clerk will issue a Notice of Quorum when such a quorum is foreseen. The notice may be posted in the newspaper, web-site and/or posting in the six public places listed in #4 above.

7. **Teleconference:** In the event that a majority of all council members are needed for a vote, a member of the Governing Body may participate in a meeting of the City Council by means of a conference telephone or other similar communications equipment when it is otherwise 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.

8. **Closed Meetings:** The City Council of the City of Belen 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) 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 City Council taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion for closure and the vote on closure of each

individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.

b. If the decision to hold a closed meeting is made when the City Council is not in an open meeting, the closed meeting shall not be held until the public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subject to be discussed with reasonable specificity is given to the members and to the 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 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 discussion in a closed meeting shall be made by vote of the City Council in an open meeting.

9. **Commissions, Committees & Boards:** Council Appointed Commissions, Committees, and Boards of the City of Belen shall submit a copy of their meeting notices in the local newspaper, the City of Belen website, and on the bulletin board at City Hall.

10. **Minutes:** The City Council shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the City Council and will then be posted on the City's website and maintained in record within the City Clerk's Office as a permanent record.

Be it ordained by the Governing Body of the City of Belen this 19th day of March 2018.

Mayor Jerah R. Cordova

Attest:

Belen City Clerk