



**SIERRA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 110-048**

OPEN MEETINGS ACT

WHEREAS, the Sierra County Board of Commissioners met upon notice of a regularly scheduled and duly published Commission meeting at the Sierra County Administration Building, 1712 N. Date Street, Truth or Consequences, New Mexico 87901, commencing at 10:00 A.M., on January 11, 2022; and,

WHEREAS, a democratic ideal is best served by a well-informed public; and,

WHEREAS, with the limited exceptions set forth in the Open Meetings Act, NMSA 1978, Sections 10-15-1 to -4, the Board of County Commissioners reaffirms its commitment that the business of the public will be conducted in full public view, that the actions of the Board will be taken openly, and that the deliberations of the Board will be open to the public; and,

WHEREAS, the Open Meetings Act provides 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 Sierra County Commission to determine, at least annually, what constitutes reasonable notice of its public meetings;

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

1. All meetings shall be held at the Sierra County Administration Building, 1712 N. Date Street, Truth or Consequences, New Mexico 87901, commencing at 10:00 A.M., or as indicated on the meeting notice.

2. Regular meetings shall begin at 10:00 a.m., or as indicated in the meeting notice. Regular meetings will be held on the third Tuesday of each month. The agenda will be available at least seventy-two (72) hours prior to a regular meeting from the County Manager, whose office is located at 1712 N. Date Street, Truth or Consequences, NM 87901. 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 by a majority of the members of the Board, 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 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 where unforeseen circumstances demand immediate action to protect the health, safety and property of the citizens or to protect the public body from substantial financial loss. The Sierra 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 Sierra County from substantial financial loss or a threat to the health, safety and property of the citizens of Sierra 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 such action was taken 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.sierraco.org, and is posted at the Sierra County Administration Office, 1712 N. Date Street, Truth or Consequences, NM 87901.

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 a copy of the agenda, in a newspaper of general circulation in Sierra 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.

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 Sierra County Manager, at 855 Van Patten, phone (575) 894-6215 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 Sierra County Manager if a summary or other type of accessible format is needed.”

7. The Sierra 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) (1-10) 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 Sierra 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 Sierra 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 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 cwebb@sierraco.org . The deadline for written public comments to be received is by 5:00 p.m. on the day prior to the meeting. Emailed public comment must contain the author's name and physical address to be read at the meeting.

APPROVED, ADOPTED, AND PASSED on this 11th day of January 2022.

BOARD OF COUNTY COMMISSIONERS

Travis Day
TRAVIS DAY

Hank Hopkins
HANK HOPKINS

James E. Paxon
JAMES PAXON

ATTEST BY:

Shelly Trujillo
SHELLY TRUJILLO, COUNTY CLERK