

TAOS SWCD OPEN MEETINGS RESOLUTION

Resolution No. 03-21-22

A RESOLUTION CONCERNING TAOS SOIL AND WATER CONSERVATION DISTRICT MEETINGS AND PUBLIC NOTICE REQUIRED

WHEREAS, Section 10-15-1B, NMSA 1978 provides that "All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such board, commission or other policymaking body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act"; and,

WHEREAS, Section 10-15-3A, NMSA 1978 provides that "No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and,

WHEREAS, Section 10-15-4, NMSA 1978 provides that "Any person violating any of the provisions of Section 10-15-1 or 10-15-2 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense"; and

WHEREAS, Section 10-15-1D requires that "Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to such body."

NOW, THEREFORE BE IT RESOLVED by the TAOS SOIL AND WATER CONSERVATION DISTRICT on this 17th day of November 2021, that:

1. Notice shall be given at least ten (10) days in advance of any regular meeting of a quorum of the members of the governing body or any board, commission, committee, agency, authority or other policymaking body held for the purpose of discussing public business or taking any formal action within the authority of such body.
2. The regularly scheduled meetings of the Taos Soil & Water Conservation District will be held at 9 AM on the third Wednesday of each month at the Taos Soil and Water Conservation District Complex, located at 220 Chamisa Rd in Taos, New Mexico except as otherwise stated on public schedule. In the event that a regular meeting date falls on legal holiday, the Taos Soil & Water Conservation District shall designate an alternate meeting date and/or time at the regular meeting prior to the holiday and shall cause advance notice of the changed meeting date an/or time to be published as provided in this Resolution. In the event that a regular board meeting of the Taos Soil & Water Conservation District is changed to a different location, advance notice of the meeting location shall be published as provided in this Resolution. The agenda for the meeting will be available at www.tswcd.org and at the Taos Soil and Water Conservation District Complex, (located at 220 Chamisa Road, Taos, New Mexico) at least seventy-two hours prior to the meeting. The notice shall indicate how a copy of the agenda may be obtained. Meetings will be held virtually

via Zoom if current New Mexico Public Health Order(s) prevent the Taos Soil & Water Conservation District from meeting in person. Agenda and virtual meeting access information will be available at least 72 hours before the meeting at <https://tswcd.org/about-taos-swcd/agendas/> or by calling 575-751-0584.

3. Special meetings may be called by the Chairman or a majority of the members of the Taos Soil & Water Conservation District Board of Supervisors upon three (3) days notice. The notice shall include a copy of the agenda for the meeting or information on how a copy of the agenda may be obtained. The agenda for the meeting will be available at least twenty-four hours prior to the meeting.
4. Emergency meetings will be called only under circumstances which demand immediate action to protect the health, safety and property of citizens. The Taos Soil & Water Conservation District will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members of the Taos Soil & Water Conservation District Board of Supervisors upon twenty-four (24) hours'* notice, unless threat of personal injury or property damage require less notice.
5. The notice requirements of Section 1, 2 and 3 of this Resolution are complied with if notice of the date, time, place and subject matter of any regular or special meeting are published. "Publish" means printing in a newspaper which maintains an office in Taos County and is of general circulation within Taos County. If such newspaper is a non-daily paper which will not be circulated to the public in time to meet publication requirements, "publish" shall mean posting in six public places within Taos County. The six public places notice shall be posted are:

Taos Soil and Water Conservation District Complex
Taos County Complex
Town of Taos
Ranchos de Taos Post Office
Costilla Post Office; and
Peñasco Post Office.

The District may, in addition to posting, publish one or more times in a newspaper of general circulation within the municipality, even though it does not maintain an office within Taos County. In addition, written notice of such meetings shall be mailed or hand delivered to federally licensed broadcast stations and newspapers of general circulation in Taos County which have provided a written request for such notice. The District shall also mail copies of the written notice of regular meetings to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings. For purposes of special meetings and emergency meetings, the District shall provide telephone notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings.

6. Notwithstanding any other provisions of sections 1 through 4 of this Resolution, the governing authority may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.
7. All notices shall contain 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 Taos Soil & Water Conservation District at (575) 751-0584

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 Taos Soil & Water Conservation District at (575) 751-0584 if a summary or other type of accessible format is needed.

8. The Taos Soil & Water Conservation District may close a meeting 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 Taos Soil & Water Conservation District taken by roll call during the open meeting. The authority for such closure and the subjects to be discussed shall be stated with reasonable specificity in the motion for closure. The vote of each member on the motion shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
 - (b) If the decision to hold a closed meeting is made at a time when the Taos Soil & Water Conservation District 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 Taos Soil & Water Conservation District Board of Supervisors 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 contain an announcement that only those matters specified in the motion or notice of closed meeting were discussed during the closed meeting.
 - (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 closed meeting shall be made by a vote of the Taos Soil & Water Conservation District in an open meeting.

PASSED, ADOPTED, AND APPROVED this 17th day of November 2021.

Maureen Johnson
Chairman, Board of Supervisors

ATTEST:

Charlotte Martinez
Administrative Services Manager