

COMMUNITY GOVERNANCE ATTORNEY COMMISSION
OPEN MEETINGS ACT RESOLUTION
Resolution No. 21-01

WHEREAS, the New Mexico Community Governance Attorney Commission (“Commission”) met at its general meeting at the University of New Mexico School of Law, 1117 Stanford Drive NE, Albuquerque, New Mexico on December 1, 2021 at 11:00 a.m.; and,

WHEREAS, Section 10-15-1(B), NMSA 1978, of the Open Meetings Act states 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 the Commission, held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of the Commission, 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) NMSA 1978 of the Open Meetings Act requires the Commission to determine at least annually what constitutes reasonable notice of its public meetings;

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

1. Notice of any regular meeting shall be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
2. Notice of any special meeting shall be given three (3) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. Notice of emergency meetings shall be given twenty-four (24) hours in advance of the meeting date and time, unless threat of personal injury or property damage requires less notice. Emergency meetings shall 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 Commission shall avoid emergency meetings whenever possible. 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.
4. The agenda for general and special meetings shall be available at least seventy-two (72) hours prior to the meeting on the Commission’s website (<https://uttoncenter.unm.edu/resources/cgaa.html>) and shall be posted at the University of New Mexico School of Law located at 1117 Stanford Drive NE Albuquerque, New Mexico.
5. For regular and special meetings described in Paragraphs 1 and 2 of this Resolution, notice requirements are met if notice of the date, time and place is posted on the Commission’s website (<https://uttoncenter.unm.edu/resources/cgaa.html>) or is published at least once in a newspaper of general circulation in Bernalillo County,


New Mexico. Copies of the written notice of general and special meetings shall also be mailed 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. For emergency meetings described in paragraph 3 of this Resolution, notice requirements are met if notice of the date, time, place and agenda is posted on the Commission's website (<https://uttoncenter.unm.edu/resources/cgaa.html>) Telephone notice 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.
7. In addition to the information specified above, all notices 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 Utton Transboundary Resources Center, Lauren Rust, at 505-277-1946 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 Utton Transboundary Resources Center, Lauren Rust, at 505-277-1946 if a summary or other type of accessible format is needed.
8. The Commission may close a meeting to the public only if the subject matter of such discussion or action is exempt from the open meeting requirements under Section 10-15- 1(H), NMSA 1978 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 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 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 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 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 closed meeting shall be made by vote of the Commission in an open public meeting.

9. A Community Governance Act Commissioner may participate in a meeting of the Commission by means of a conference telephone, video, 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. This rule shall not apply unless a quorum of the Commissioners is physically present at the beginning of the meeting at which such Commissioner or Commissioners are participating by conference telephone or other similar communications equipment. In the event a quorum ceases to be physically present during such meeting, the meeting may continue as long as a quorum exists as to those Commissioners physically present and those participating by conference telephone or other similar communications equipment.

10. In the event that any public health executive orders halt the allowance of in-person meetings the Commission will follow all requirements set forth in said public health executive orders as well as any guidance from the Office of the New Mexico Attorney General for holding virtual meetings.

Passed by the New Mexico Community Governance Commission on this 1st day of December, 2021 by a vote of 4 for and 0 against.



Chair, Community Governance Attorney Commission