

BERNALILLO COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. AR 2014-1

1 Resolution No. AR 1-2013 is repealed and the following resolution substituted therefore;

2 **WHEREAS**, the New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4,
3 NMSA, 1978, as amended provides that affected bodies... “shall determine at least annually in
4 a public meeting what notice shall be reasonable when applied to such bodies...and keep
5 written minutes of all its meetings,” except as otherwise provided in Section 10-15-1.H.

6 **NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners, the
7 governing body of the County of Bernalillo, New Mexico, pursuant to the provisions of the New
8 Mexico Open Meetings Act, that:

- 9 1. Reasonable notice was given to the public of the meeting of the County
10 Commissioners of the County of Bernalillo, New Mexico, held this 7th day of January, 2014.
- 11 2. Reasonable notice to the public of any meetings of the Board of County
12 Commissioners of Bernalillo County, New Mexico shall consist of notice to newspapers of
13 general circulation and FCC licensed broadcast media, who have made written request for such
14 notice, according to the notice periods set forth hereafter, including but not limited to:
- 15 A. Any regular meetings:
- 16 1) public announcement at any previous meeting of the date, time and place
17 it is to be held, and
- 18 2) giving notice of the date, time and place thereof either by telephone, or in
19 person, or by written notice to the City Desk of at least one (1) daily newspaper
20 having circulation in Bernalillo County, New Mexico, not less than five (5) days
21 before the meeting is to commence, or

**CONTINUATION PAGE 2, BERNALILLO COUNTY RESOLUTION NO. AR 2014-1
NOTICE/OPEN MEETINGS**

1 3) giving notice of the date, time and place thereof either by telephone, or in
2 person, or by letter at least five (5) days in advance of the meeting to a
3 representative of any radio or television station which regularly broadcasts news
4 within Bernalillo County, New Mexico, or

5 4) giving notice of the date, time and place of the meeting in a daily
6 newspaper having a general circulation in Bernalillo County, New Mexico, not
7 less than five (5) days in advance of the time the meeting is to commence, or

8 5) during business hours have available for inspection by members of the
9 public five (5) days in advance of the meeting, a file containing the legal notices
10 of meetings at One Civic Plaza, NW, 10th floor, Albuquerque, New Mexico, or

11 6) providing a list of regular meetings to be published in the weekly calendar
12 of a daily newspaper having a general circulation in Bernalillo County, New
13 Mexico, or

14 7) posting a list of all regular meetings to be held in the calendar year,
15 including date, time and place of the meetings, on the County's website.

16 B. As to any special meeting:

17 1) publishing notice of the date, time and place in a daily newspaper having
18 a general circulation in Bernalillo County, New Mexico, not less than 72 hours in
19 advance of the time the meeting is to commence, or

20 2) giving notice in person, by telephone or by written notice to the City Desk
21 of at least one (1) daily newspaper having general circulation in Bernalillo
22 County, New Mexico at least 72 hours before the commencement of the meeting,
23 or

**CONTINUATION PAGE 3, BERNALILLO COUNTY RESOLUTION NO. AR 2014-1
NOTICE/OPEN MEETINGS**

1 3) public announcement of the date, time and place of such special meeting
2 at any regular or special meeting held at least 24 hours before the
3 commencement of the special meeting is announced or

4 4) giving notice of the date, time and place thereof either by telephone, or in
5 person, or by hand delivered letter at least 72 hours in advance of the meeting to
6 an employee of any radio or television station which regularly broadcasts news
7 within Bernalillo County, New Mexico.

8 C. As to any emergency meetings:

9 1) An emergency meeting is a meeting called by a majority of the Board to
10 deal with an emergency affecting life, safety or property, where the notice of the
11 emergency is such that substantial harm would be caused by the delay needed
12 to conform to the notice requirements for a regular or special meeting. The
13 Board should avoid emergency meetings wherever possible but understands that
14 these type of circumstances may necessarily arise.

15 2) Notice shall be as much notice as is permitted by the nature of the
16 emergency.

17 D. Each of the above described notices for regular and special meetings shall
18 include notice that a printed agenda for the meeting will be available at the reception desk on
19 the 10th floor of the City/County Building not later than 12:00 noon the day preceding the
20 meeting.

21 E. In addition to the information specified above, all notices shall include the
22 following language:

23 “If you are an individual with a disability who is in need of a reader, amplifier,
24 qualified sign language interpreter or any other form of auxiliary aid or service to
25 attend or participate in the hearing(s) or meeting(s), please contact the County

**CONTINUATION PAGE 4, BERNALILLO COUNTY RESOLUTION NO. AR 2014-1
NOTICE/OPEN MEETINGS**

1 Manager's Office at 468-7000 or TDD 468-7088 at least one week prior to the
2 meeting or as soon as possible. Public documents, including the agenda and
3 minutes, can be provided in various accessible formats. Please contact the
4 County Manager's Office at either of the above numbers if a summary or other
5 type of accessible format is needed."

6 F. No action shall be taken at a meeting on any items, other than a declared
7 emergency item, not appearing on the final agenda for the meeting. An emergency refers to
8 unforeseen circumstances that, if not addressed immediately by the Board, will likely result in
9 injury or damage to persons or property or substantial financial loss to Bernalillo County.

10 G. Closed meetings shall not be held except under the conditions provided in Sec.
11 10-15-1 (H) N.M.S.A. 1978 Comp. as amended.

12 G.1 Except as provided in Sec. 10-15-1 (H) N.M.S.A. 1978 Comp. as amended, any
13 necessary final action to be taken as a result of discussions in a closed meeting shall be made
14 by vote of the Board in an open public meeting.

15 It is further determined that substantial compliance with any one or more of the foregoing
16 alternatives which may be applicable is reasonable notice, but this determination shall not be
17 construed to prevent the use of additional means or methods of making known the date, time or
18 place of holding any public meeting, or other information with reference thereto, as may be
19 directed from time to time by or under authorization of the County Manager; further, this
20 resolution shall not be construed to require notice in instances where the same is not required
21 by law.

22 The foregoing determination shall be applicable to all meetings held after January 7,
23 2014.

CONTINUATION PAGE 6, BERNALILLO COUNTY RESOLUTION NO. AR 2014-1
NOTICE/OPEN MEETINGS

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Member

Tommy C. Salas

Member

[Signature]

Member

APPROVED AS TO FORM:

[Signature]
County Attorney

DATE: 1/7/14

ATTEST:

Maggie Toulouse Oliver

Maggie Toulouse Oliver, County Clerk

DATE: 1/7/14

