

## RESOLUTION NO. 2020-20

### OPEN MEETINGS ACT

**WHEREAS**, the Lincoln County Board of Commissioners met in regular session at Carrizozo, New Mexico, on the 17<sup>th</sup> day of November, 2020, at 8:30 a.m. as required by law; and

**WHEREAS**, Section 10-15-1(B) of the Open Meetings Act (Sections 10-15-1 to 10-15-4, NMSA 1978) 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 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 for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

**WHEREAS**, any meeting 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 Lincoln County Board of Commissioners to determine annually what constitutes reasonable notice of its public meetings.

**NOW, THEREFORE, BE IT RESOLVED** by the Lincoln County Board of Commissioners that:

1. Regular meetings of the Lincoln County Board of Commissioners shall ordinarily be held each month at a time and place designated in a public notice. The date, time and place, along with a list of specific items of business to be discussed or transacted shall appear on an agenda and shall be made available to the public and news media through email, posting on the County's website, and posting on the exterior window of the Lincoln County Commission Chamber Building located in Carrizozo, New Mexico by the Lincoln County Manager's Office at least seventy two (72) hours prior to the meeting.
2. Special meetings of the Lincoln County Board of Commissioners may be called by the Chair or a majority of the members upon three (3) days' notice. A public notice shall include an agenda for the meeting or information regarding how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy two (72) hours before any special meeting and shall be made available to the public and news media through email, posting on the County's website, and posting on the exterior window of the Lincoln County Commission Chamber Building, Carrizozo, New Mexico by the Lincoln County's Manager's Office.

3. Emergency meetings of the Lincoln County Board of Commissioners will 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 Lincoln County Board of Commissioners will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair or a majority of the members upon three (3) hours notice, unless threat of personal injury or property damage requires less notice. Notice for all emergency meetings shall include an agenda for the meeting or information regarding how the public may obtain a copy of the agenda and shall be made available to the public and news media through email, posting on the County's website, and posting on the exterior window of the Lincoln County Commission Chamber Building, Carrizozo, New Mexico by the Lincoln County Manager's Office. Within ten (10) days of taking action on an emergency matter, the public body shall report to the attorney general's office the action taken and the circumstances creating the emergency; provided that the requirement to report to the attorney general is waived upon the declaration of a state or national emergency as required by Section 10-15-1(F), NMSA 1978.
  4. For the purposes of regular meetings described in paragraph 1 of this resolution, notice requirements shall be met by the Lincoln County Manager annually posting and maintaining on the bulletin board at the Lincoln County Courthouse a copy of this resolution, as well as a notice setting forth the days and times of the regular meetings which have been set by resolution. Changes effecting the date of a regularly scheduled meeting will 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.
  5. For the purposes of special meetings and emergency meetings described in paragraphs 2 and 3 of this resolution, notice requirements shall be met by posting notices in the office of the Lincoln County Manager as described above and shall be made available to the public and news media through email and posting on the County's website. The Lincoln County Manager's Office shall provide notice 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.
- Every effort shall be made to follow the latest version of Robert's Rules of Order. Robert's Rules of Order shall be specifically modified to allow the Chair to vote in all instances.
6. The Lincoln County Board of Commissioners may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the Board specifies the date, time and place for continuation of the meeting and, immediately following the recessed meeting, posts notice of the date, time and place for the reconvened meeting on or near the door of the place

where the original meeting was held and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting under Section 10-15-1(E) of the Open Meetings Act.

7. Individuals with disabilities who are in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in hearings or meetings may contact the County Manager's Office at 575-648-2385 at a suggested minimum of one (1) week prior to the meeting or as soon as is possible. Individuals with disabilities who are in need of a summary or any other type of accessible format may contact the County Manager's Office.
8. The Lincoln County Board of Commissioners may close a meeting to the public only if the subject matter of such discussion or action is excepted from the Open Meeting requirement under Section 10-15-1(H) of the Open Meetings Act.
  - (A) The closure, if made in an open meeting, shall be approved by a majority vote of a quorum of the Lincoln County Board of Commissioners: the authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the Lincoln County Board of Commissioners may be discussed in the closed meeting.
  - (B) If a closure is called for when the Lincoln County Board of Commissioners 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 stating with reasonable specificity the subjects to be discussed, is given to the members and 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 that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the Lincoln County Board of County Commissioners as a part of the minutes.
9. Pursuant to Section 10-15-1(C) NMSA 1978, a member or members of the Lincoln County Board of Commissioners may participate in a meeting of the Board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member or members 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.

10. Public Comment.

A. So that freedom of speech is unrestricted:

i. Anyone will be allowed an opportunity to speak during the public comment period of a Lincoln County Board of Commissioner's open meeting.

ii. Speakers may discuss any subject during the public comment period.

B. In order to promote orderly, efficient meetings respectful of everyone's time:

i. Speakers shall be required to sign in prior to the beginning of an open meeting on the Public Comment Sign-In Sheet provided in Commission Chambers, and shall provide his/her name, and telephone number. Speakers shall be recognized by the Chair.

ii. A speaker shall state his/her name for the record.

iii. All speakers will be limited to a three (3) minute comment period unless extended by the Chair.

iv. No speaker will be permitted to speak more than one (1) time; no rebuttal to the comments of others will be permitted.

v. The public comment period will be on the Commission's agenda for regular meetings.

vi. Comments, applause and other interruptions from the audience are not permitted.

C. In order to promote orderly meetings so that attendees feel safe and secure in their attendance:

i. Threatening/abusive or personal attacks will not be allowed and the Chair of the Lincoln County Board of Commissioners may impose additional restrictions as necessary.

ii. Comments by speakers will only be addressed to the Lincoln County Board of County Commissioners.

PASSED, ADOPTED AND APPROVED this 17<sup>th</sup> day of November, 2020.

**BOARD OF COMMISSIONERS OF  
LINCOLN COUNTY, NEW MEXICO**

Approved Telephonically  
Dallas Draper, Chairman

Approved Telephonically  
Dr. Lynn Willard, Vice Chair

Approved Telephonically  
Preston Stone, Member

  
Elaine Allen, Member

Approved Telephonically  
Thomas F. Stewart, Member

ATTEST:

  
Whitney Whittaker, County Clerk

