

RESOLUTION NO. 24-1866

PROVIDING FOR ANNUAL NOTICE REQUIREMENTS UNDER  
THE  
OPEN MEETINGS ACT, SECTIONS 10.15-1 THROUGH 10-15-4,  
NMSA 1978  
AND THE GRANTS CITY CHARTER

WHEREAS, Section 10-15-1 of the Open Meetings Act (Sections 10-15-1 through 10-15-4 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 any 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."

WHEREAS, all persons desiring shall be permitted to attend the open meetings of the Governing Body for the City of Grants subject to the Open Meetings Act, and reasonable efforts shall be made to accommodate the public use of audio and video recording devices;

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;

WHEREAS, Section 10-15-1 (D) of the Open Meetings Act requires the City of Grants Governing Body to determine annually what constitutes reasonable notice of its public meetings;

WHEREAS, Section 2.09 Governing Body Procedure of the City of Grants Charter provides that notice of the meetings shall be given as provided in a resolution to be adopted by the Governing Body pursuant to the Open Meetings Act; and

WHEREAS, this Resolution provides for annual notice requirements for the year 2024, and such requirements shall continue to be determined annually by Resolution thereafter;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Grants on the 28<sup>nd</sup> day of February, 2024 that:

A. Regular Meetings: The Governing Body shall meet regularly at least once per month. Regular meetings of the Governing Body will ordinarily be the third Wednesday of the month beginning at 4 PM at the City Hall, 600 West Santa Fe Avenue, Grants, New Mexico or as such times and places designated in the notice of the meeting. A workshop may be scheduled prior to the Regular Meeting to discuss agenda items.

1. Notice of Regular Meetings shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such agenda.

2. Agenda items for Regular Meetings, may be submitted by the Mayor or a City Councilor, or the City Manager to the City Clerk. The submitted agenda items will then be placed on the agenda for the next Regular Meeting or, if not submitted in time to be placed on the agenda, for the subsequent Regular Meeting.

3. The agenda shall be made available to the public and posted on the City of Grants web site at least seventy-two (72) hours prior to the meeting.

4. Except in emergency matters, the Governing Body shall take action only on items appearing on the agenda. Within ten (10) days of taking action on an emergency matter, the Governing Body shall report to the State of New Mexico Attorney General's Office the action taken and the circumstances creating the emergency.

5. Notice of Regular Meetings will be given three (3) days in advance of the meeting date. Notice shall include the date, time, and place and be posted on the City of Grants Facebook page and website, and through such other media as may be directed by the Governing Body. The City Clerk shall also provide written notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation, which have made written request of the Governing Body for notice of public meetings. [This is required by the Open Meetings Act].

B. Special Meetings. Special meeting of the Governing Body may be called by the Mayor or by two (2) or more members of the City Council upon three (3) days' notice. Special meetings will ordinarily be held at City Hall, 600 West Santa Fe Avenue, Grants, New Mexico or at such times and places designated in the notice of the meeting.

1. Notice of Special Meetings shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of the agenda.

2. Agenda items for a Special Meeting shall be placed on the agenda if submitted by two or more Councilors or the Mayor.

3. The agenda shall be made available to the public and posted on the City of Grants website at least seventy-two (72) hours prior to the meeting.

4. Except in emergency matters, the Governing Body shall take action only on items appearing on the agenda. Within ten (10) days of taking action on an emergency matter, the Governing Body shall report to the State of New Mexico Attorney General's Office the action taken and the circumstances creating the emergency.

5. Notice of Special Meetings shall provide the date, time, and place of the meeting and be posted in the office of the City Clerk. The City Clerk shall provide notice by facsimile to those broadcast stations licensed by the Federal Communications Commission and newspapers of

general circulation that has made written requests of the Governing body for notice of public meetings. Notice shall also be given through other media as directed by the Governing Body.

C. Emergency Meeting. Emergency meetings of the Governing Body may be held by request of the chair or a majority of the Governing Body upon a twenty-four hour notice.

1. "Emergency" refers to unforeseen circumstances, that if not addressed immediately by the Governing Body, will likely result in injury or damage to persons or property or substantial financial loss to the public body.
2. Notice of Emergency Meetings shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such agenda.
3. Agenda items of the Emergency Meeting shall be by a majority of the members of the Governing Body.
4. The City will avoid emergency meetings whenever possible.
5. Notice of Emergency Meetings shall provide the date, time, place, and agenda and be posted in the office of the City Clerk. The City Clerk shall also provide written notice by facsimile to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation, which have made written requests of the Governing Body for notice of public meetings. Notice shall also be given through other media as directed by the Governing Body.
6. Prior to taking action on any "emergency matter" the Governing Body shall cause a factual basis to be made in the record of said meeting the basis for said "emergency".

D. Notices. In addition to the information specified above, all notices shall include the following language.

*If you are an individual with a disability and require a type of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 287-7927 at least one week in advance of the scheduled meeting or as soon as possible, to make necessary arrangements.*

E. Quorum. Three (3) members of the Governing Body shall constitute a quorum unless there are one (1) or more vacancies on the Governing Body; in which case, a quorum shall be a majority of the members of the Governing Body excluding those offices which are vacant.

1. A number less than a quorum may adjourn from time to time and may compel the attendance of an absent member in the manner subject to penalties prescribed by the rules of the Governing Body.

2. A member of the Governing Body may participate in a meeting of the public body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend in person, provided:

- (a) each member participating by conference telephone can be identified when speaking;
- (b) all participants are able to hear each other at the same time; and
- (c) members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

F. Recess; Reconvene. The Governing Body may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the Governing Body:

- 1. Specifies the date, time, and place for continuation of the meeting; and
- 2. 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
- 3. Immediately following the recessed meeting, additionally posts in the Office of the City Clerk notice of the continuation of the meeting.
- 4. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

G. Minutes. The Governing Body shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time, and place of the meetings, the names of the members in attendance and those absent, the substance of the proposals considered, and a record of any decisions and votes taken that show how each member voted.

- 1. Voting on resolutions and ordinances shall be by roll call and the ayes and nays shall be recorded in the minutes.
- 2. All actions and decisions of the Governing Body shall be by vote of a majority of the members present, except as follows:
  - (a) Resolutions and Ordinances shall be enacted by affirmative vote of majority of all of the members of the Governing Body; and
  - (b) Any other matter required under the Grants City Charter or the Constitution or laws of the State of New Mexico, to be enacted by a vote other than a majority of the members present

3. All minutes are open to public inspection.
4. Draft minutes shall be prepared within ten (10) working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present.
5. Minutes shall not become official until approved by the Governing Body.

H. Closed Session. The Governing Body may meet in closed session 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 and:

1. If any meeting is closed during an open meeting:
  - (a) the Governing Body shall approve it by a majority vote of the quorum;
  - (b) the Governing Body shall state the authority for the closure and the subject to be discussed with reasonable specificity in the motion calling for the vote on a closed session meeting;
  - (c) the vote shall be taken in an open meeting; and
  - (d) the vote of each individual member of the Governing Body shall be recorded in the minutes.
2. Only those subjects announced or voted upon prior to closure by the Governing Body may be discussed in a closed meeting,
3. If the decision to hold closed meeting is made when the Governing Body 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 the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed, is given to the members and to the general public.
4. 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 Governing Body as part of the minutes.
5. 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 Governing Body in an open public meeting.

APPROVED AND ADOPTED THIS 28<sup>th</sup> DAY OF August 2024.

ATTEST:

Frances Salas  
Frances Salas, City Clerk



Erik Garcia  
~~Erik Garcia, Mayor~~  
George Garcia, Mayor Pro-Tem