

# THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT BOARD OF DIRECTORS

## OPEN MEETINGS ACT RESOLUTION

**BD-01-13-20-50**

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**WHEREAS**, the Board of Directors ("Board") of the Middle Rio Grande Conservancy District ("District") met in regular session at 1931 Second Street, SW, Albuquerque, NM 87102 at 3:00 p.m. on January 13, 2020 as required by law; and

**WHEREAS**, the Open Meetings Act (NMSA 1978, §§ 10-15-1 to 10-15-4) states "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."(NMSA 1978, § 10-15-1); 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(C) of the Open Meetings Act Telephone Conferences; a member of the Board may participate in a meeting of the Board or committee meeting by means of a conference telephone or other similar communications equipment when it is otherwise "difficult" or "impossible" for the member to attend the meeting in person.

**WHEREAS**, Section 10-15-1(D) of the Open Meetings Act requires the District Board to determine annually what constitutes reasonable notice of its public meetings.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors that:

1. Except as set forth in this resolution, all District Board meetings shall be held at the MRGCD General Office, 1931 Second Street SW, Albuquerque, NM 87102 at 3:00 p.m. Mountain Standard Time/Mountain Daylight Time as otherwise indicated in the meeting notice. Unless otherwise specified by resolution of the District Board, regular meetings shall be held each month on the second Monday. When an approved District holiday falls on the second Monday of the month, the District Board shall schedule its regular meeting at another date and provide advance notice of such meeting date in accordance with this resolution.
2. The agenda will be available at least seventy-two (72) hours prior to the meeting from the Board Liaison, whose office is located at 1931 Second Street SW, Albuquerque, NM 87102. Notice of regular meetings other than those described in paragraph (1) will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.


3. Special meetings may be called by the Chair of the Board or a majority of the members of the Board upon three (3) days' notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least twenty-four (24) hours before any special meeting.
4. Emergency meetings 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 Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chair of the Board or a majority of the Board members upon twenty-four (24) hours' notice, unless threat of personal injury or property damage requires less notice. 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.
5. For the purposes of this Resolution, the term "meeting" does not include the gathering of a quorum of the Board at a social function unrelated to the public business that is conducted by the MRGCD, or the attendance by a quorum of the Board at a regional, state, or national convention or workshop, ceremonial event, or press conference, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, or press conference.
6. For the purposes of regular meetings described in Paragraph (1) and (2) of this resolution, notice requirements are met if notice of the date, time, and place is published in newspapers of general circulation in the state, along with the agenda posted at MRGCD Division offices and the MRGCD website [www.mrgcd.us](http://www.mrgcd.us). Copies of the written notice shall also be sent by facsimile, mailed by U.S. Mail and/or electronic mail 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. For the purposes of special meetings and emergency meetings described in paragraph (3) and (4) of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone, facsimile, and/or electronic mail to newspapers of general circulation in the state and posted in the offices of the MRGCD. Telephone, facsimile, and/or electronic mail notice also 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.
8. 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 Board Liaison at (505) 247-0234 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 Board

Liaison at (505) 247-0234 if a summary or other type of accessible format is needed.

9. The Chair of the Board 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) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Board taken during the open meeting. The authority for the closed meeting and 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 Board 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 Board of Directors in an open public meeting.

Passed by the District Board this 13<sup>th</sup> day of January, 2020.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

  
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Karen Dunning, Chair of the Board

ATTEST:

  
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Mike A. Hamman, CE/CEO