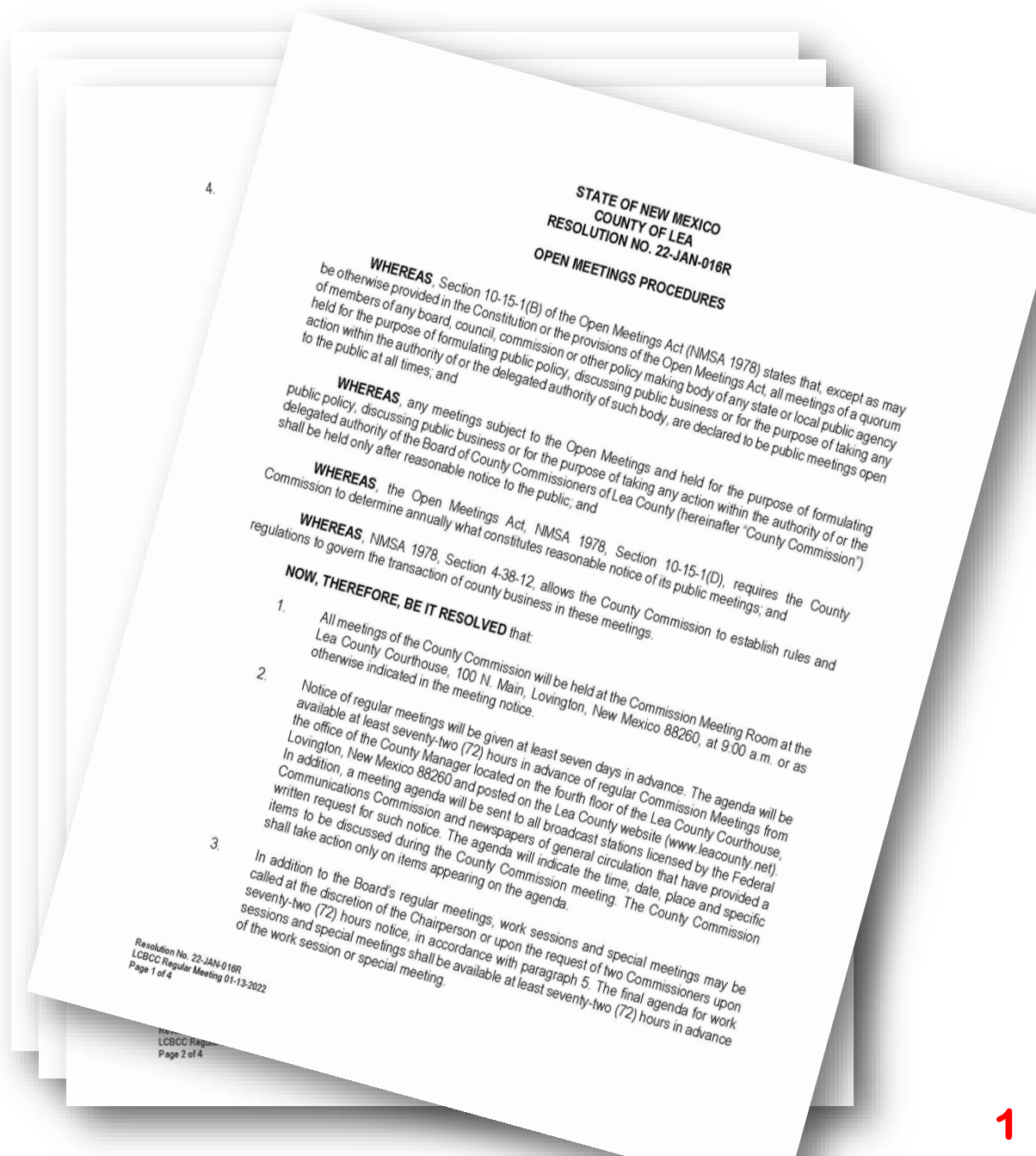




# Consideration of Lea County Resolution No. 22-JAN-016R Approving the Open Meetings Act Requirements and Procedures for Lea County

The New Mexico Open Meetings Act (NMSA 1978 Section 10-15-1 D) requires the Board of County Commissioners to determine annually what notice for a public meeting is reasonable when applied to the Board of County Commissioners. This resolution establishes reasonable notice as 7-days prior to regular meetings and 72-hours for work sessions and special meetings. Meeting agenda are to be published 72 hours in advance of regular meetings, work sessions, and special meetings. The resolution also establishes notice requirements for Boards and Committees appointed by the Board of County Commissioners.





# **LEA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY FORM**

LCBCC Meeting Date: Thursday, January 13, 2022

Submit this summary form & all attachments to the Finance Director [clow@leacounty.net](mailto:clow@leacounty.net) & cc the Executive Coordinator [sstout@leacounty.net](mailto:sstout@leacounty.net) by: **Monday, December 27, 2021**

County Manager Approval [mgallagher@leacounty.net](mailto:mgallagher@leacounty.net) required for all time sensitive issues that do not meet the above deadline.

<b>DATE SUBMITTED</b> mm-dd-yyyy: <p align="center">01/10/2022</p>		<b>SUBMITTED BY</b> Name, Title, Dept: <p>John W. Caldwell, County Attorney</p>	
<b>SUBJECT:</b> <p>Open Meetings Act Requirements &amp; Procedures for Lea County</p>		<b>ATTACHMENT(S):</b> <p>Resolution</p>	
<b>NO. OF ORIGINALS FOR SIGNATURE:</b> <p>1 Resolution</p>		<b>ACTION REQUESTED:</b> <p>Action Item</p>	
<b>BUDGET LINE ITEM NUMBER:</b> <p>N/A</p>		<b>FISCAL BUDGET YEAR:</b> <p>N/A</p>	
<b>STRATEGIC PLAN</b> Implementation of 5 Year Strategic Plan: <p>Section 2.6: Transparency and ethical decision making continue to be the framework in which the county operates.</p>			
<b>SUMMARY:</b> <p>The New Mexico Open Meetings Act (NMSA 1978 Section 10-15-1 D) requires the Board of County Commissioners to determine annually what notice for a public meeting is reasonable when applied to the Board of County Commissioners. This resolution establishes reasonable notice as 7-days prior to regular meetings and 72-hours for work sessions and special meetings. Meeting agenda are to be published 72 hours in advance of regular meetings, works sessions, and special meetings. The resolution also establishes notice requirements for Boards and Committees appointed by the Board of County Commissioners.</p>			
<b>Requested Items Needed for Presentation</b> Easels/Laptop/Projector/Etc.: Easel <input type="checkbox"/> If checked, how many: Laptop <input checked="" type="checkbox"/> Projector <input checked="" type="checkbox"/> Other:			<b>See Additional Summary Attached</b> <input type="checkbox"/>
<b>SUBMITTER'S RECOMMENDATION(S):</b> <p>Review/Approve the Open Meetings Procedures for Lea County</p>			<b>Submitter's Signature</b> <p>Department Director, Etc.</p>
<b>FINANCE REVIEW</b> Fiscal Impact/Cost:			<b>Reviewed by Finance Director</b>
<b>LEGAL REVIEW:</b> (Note: Travel does not need legal review)			<b>Reviewed by County Attorney</b>
<b>COUNTY MANAGER REVIEW:</b>			<b>Approved by County Manager</b> to be Placed on Agenda 
<b>Item No.</b> <u>0409</u> <b>RECORDING SECRETARY'S USE ONLY ~ COMMISSION ACTION TAKEN</b>			
Approved: _____ Resolution No. <u>22-JAN-016R</u> Continued To: _____		Denied: _____ Policy No. _____ Referred To: _____	
		Other: _____ Ordinance No. _____ Comments: _____	

STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 22-JAN-016R

OPEN MEETINGS PROCEDURES

**WHEREAS**, Section 10-15-1(B) of the Open Meetings Act (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 or other policy making 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 meetings subject to the Open Meetings and 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 the Board of County Commissioners of Lea County (hereinafter "County Commission") shall be held only after reasonable notice to the public; and

**WHEREAS**, the Open Meetings Act, NMSA 1978, Section 10-15-1(D), requires the County Commission to determine annually what constitutes reasonable notice of its public meetings; and

**WHEREAS**, NMSA 1978, Section 4-38-12, allows the County Commission to establish rules and regulations to govern the transaction of county business in these meetings.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. All meetings of the County Commission will be held at the Commission Meeting Room at the Lea County Courthouse, 100 N. Main, Lovington, New Mexico 88260, at 9:00 a.m. or as otherwise indicated in the meeting notice.
2. Notice of regular meetings will be given at least seven days in advance. The agenda will be available at least seventy-two (72) hours in advance of regular Commission Meetings from the office of the County Manager located on the fourth floor of the Lea County Courthouse, Lovington, New Mexico 88260 and posted on the Lea County website ([www.leacounty.net](http://www.leacounty.net)). In addition, a meeting agenda will be sent to all broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for such notice. The agenda will indicate the time, date, place and specific items to be discussed during the County Commission meeting. The County Commission shall take action only on items appearing on the agenda.
3. In addition to the Board's regular meetings, work sessions and special meetings may be called at the discretion of the Chairperson or upon the request of two Commissioners upon seventy-two (72) hours notice, in accordance with paragraph 5. The final agenda for work sessions and special meetings shall be available at least seventy-two (72) hours in advance of the work session or special meeting.

4. Emergency meetings will be called only under unforeseen circumstances that, if not addressed immediately by the County Commission, will likely result in injury or damage to persons or property or substantial financial loss to Lea County. The County Commission will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairperson or any two Commissioners upon twenty-four hours (24) notice, unless a threat of personal injury, property damage or substantial financial loss 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. Within ten days of taking action on an emergency matter, the County Commission 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.
5. For the purposes of regular meetings described in paragraph two of this resolution, as well as special meetings and work sessions described in paragraph three of this resolution, notice requirements are met if notice of the date, time, place and agenda or information on how the public may obtain a copy of such an agenda is posted on the Lea County website and provided to all broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for such notice.
6. For the purposes of emergency meetings described in paragraph four of this resolution, notice requirements shall be met if notice of the date, time, place and agenda is posted on the outermost doors of the Courthouse and in the offices of the County Manager, who shall also provide telephonic 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.
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 Lea County Manager's office located in the Lea County Courthouse in Lovington, New Mexico 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 Lea County Manager's Office at the Lea County Courthouse if a summary or other type of accessible format is needed.
8. The County Commission may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirements under the Open Meetings Act, Section 10-15-1(H) NMSA 1978 Comp.
  - A. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the County Commission taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.

- B. If a closed meeting is conducted when the County 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 County Commission in an open public meeting.
9. The notice requirements set forth above in paragraphs two, three, and four shall apply to all Boards and Committees appointed by the County Commission.
10. The public may address the County Commission on county matters not listed on a meeting's agenda during the portion of the meeting identified as Public Input. All persons, agencies or organizations who desire to discuss public business or matters with the County Commission at a County Commission meeting, must make their request to the County Manager prior to the commencement of the County Commission meeting.
- A. The request may be oral or written and must include the name of the person making the request and the subject on which they wish to address the County Commission. Such persons addressing the County Commission will be limited to three (3) minutes.
  - B. All persons, agencies or organizations that require additional time to discuss public business or matters with the County Commission, must make their request, in writing, at least seven (7) days prior to the County Commission meeting. Such persons addressing the County Commission will be allowed up to fifteen (15) minutes in the discretion of the Chairperson.
11. On matters involving agenda items, the Chairperson will ask for public comments before any vote or other action is taken by the County Commission. Such comments will be limited to three (3) minutes.
12. A member of the public body may participate 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, provided that each member participating by conference telephone can be identified when speaking and 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.

13. The County Commission may, by Resolution, adopt additional rules and regulations regarding the conduct of the meetings of the County Commission and any of its subordinate Boards or Committees.

**PASSED, APPROVED and ADOPTED** on this 13<sup>th</sup> day of January, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

**LEA COUNTY BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Dean Jackson (District 1), Member  
Voted: Yes No Abstain

\_\_\_\_\_  
Rebecca Long (District 2), Member  
Voted: Yes No Abstain

\_\_\_\_\_  
Gary G. Eidson (District 3), Member  
Voted: Yes No Abstain

\_\_\_\_\_  
Jonathan Sena (District 4), Member  
Voted: Yes No Abstain

\_\_\_\_\_  
Pat Sims (District 5), Member  
Voted: Yes No Abstain

**ATTEST:** Keith Manes  
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

By: \_\_\_\_\_  
Teri Davis, Deputy Clerk

\_\_\_\_\_  
John W. Caldwell, County Attorney