

Curry County Commission
Resolution 2011-01
Compliance with the New Mexico Open Meetings Act

WHEREAS, the Board of County Commissioners share the common belief that the democratic ideal is best served by a well-informed public; and

WHEREAS, the Board of County Commissioners is of the unanimous opinion that its business should be conducted in full public view, that its actions should be taken openly, and that its deliberations should be subject to public scrutiny; and

WHEREAS, the New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4 requires the Board of County Commissioners to conduct the business of the County by vote, and to form public policy in public meetings held after reasonable notice is given to the public of such meetings, as determined on an annual basis by the Board of County Commissioners.

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

1. Unless otherwise changed by a majority vote of the Board of County Commissioners of Curry County at a public meeting, regular meetings of the Board of County Commissioners of Curry County shall be held at nine o'clock (9:00) a.m. on the third Tuesday of each month except when such dates fall on a holiday, or when circumstances require other scheduled dates for meetings. When a holiday falls on Monday prior to a Commission Meeting, the meeting will be held on Wednesday. In the event circumstances require the rescheduling of a regular meeting of the Board of County Commissioners, notice of such rescheduled meeting shall be given not less than five (5) days prior to the meeting.
2. Special meetings of the Board of Commissioners of Curry County may be called by the Chairman of the Board after conference with the County Manager and shall require three (3) days notice to the media as set forth in Paragraph 5 below.
3. Emergency meetings of the Board of County Commissioners of Curry County may be called by the Chairman of the Board after conference with the County Manager to determine whether or not the subject matter is truly an emergency and shall require twenty-four (24) hours notice to the media as set forth in Paragraph 5 below.
4. Informal work sessions may be called by agreement of the Board of County Commissioners of Curry County with notice to the news media, and informal work sessions shall always be open to the public. The Board shall not formulate public policy or take action by vote at informal work sessions.

In addition, the Board of County Commissioners of Curry County herewith serves notice to the public that, during any meeting or after, the Board may adjourn for the purpose of lunch or dinner. During the meal, an informal work session may be conducted, provided that no public policy shall be formulated nor business conducted by vote. The media and public are invited to attend these sessions at their own expense.

The public should also be advised that after any meeting, commissioners may be required to congregate for the purpose of signing warrants or other pertinent documents in which a quorum may be present. No public policy shall be formulated nor will any business be conducted by vote. The media and public are invited to stay in the meeting room until all commissioners have left.

Committee Meetings and similar meetings that do not formulate recommendations that are binding in any legal or practical way on the Board of County Commissioners or otherwise establish policy for Curry County, where less than a majority of the Board of County Commissioners are present, are not open meetings for which notice is to be given.

5. Without intent of limitation, notice to the news media as above-mentioned shall be deemed effective upon an email or facsimile announcement, or announcement being made over the telephone to the persons answering the respective telephones at the telephone numbers published for newspapers, radio, or television stations with business addresses listed in the yellow pages of the US West Directory for Clovis, New Mexico.

6. The County Manager shall be responsible for drafting and delivery of all notices required herein and shall develop a system for safekeeping of proof of all notice required by this Resolution. Telephonic notice shall be noted by a Certificate of the Manager and/or their designee that each media organization has been contacted.

7. In addition to the information specified above, all notices shall include the following statement:

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 a hearing or meeting, please contact the Curry County Manager at 575-763-6016 at least one (1) week prior to the meeting or as soon as practical. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Curry County Manager at 575-763-6016 if a summary or other type of accessible format is needed.

8. The Curry 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 requirement under Section 10-15-1(H) of the Open Meetings Act.

To the extent possible, the Curry County Commission will include all planned executive sessions on the agenda for the meeting in which the executive session will be held. The Curry County Commission reserves the right to go into unscheduled executive session regarding items appearing on the agenda if warranted by the circumstances surrounding the agenda item, and if otherwise exempted under Section 10-15-1(H).

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Curry County Commission taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity 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 the decision to hold a closed meeting is made when the Curry 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 the 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 Curry County Commission in an open public meeting.

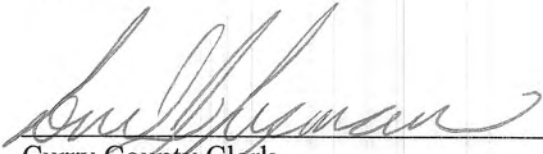
9. The Curry County Commission will allow participation by a Commissioner or Commissioners in the meeting of the public body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided 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.

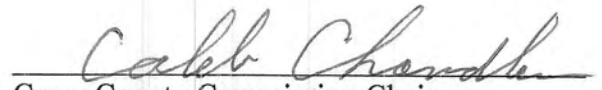
10. The Curry County Commission shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered, and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the board. Meetings may be taped. The tapings are notes for clerical and transcription use only; all notes will be destroyed after the official minutes have been approved unless otherwise approved by the Commission. Tapes shall be retained by the Commission in the Administration Office for a period of six months after the official minutes have been approved, at which time they shall be destroyed unless otherwise approved by the Commission.

RESOLVED by the Board of County Commissioners in regular session on the 13th day of January, 2011.

BOARD OF COUNTY COMMISSIONERS OF CURRY COUNTY, NEW MEXICO

Attest


Curry County Clerk


Curry County Commission Chairman

