Resolution No. 2014-22

A RESOLUTION PROVIDING FOR DETERMINATION OF REASONABLE NOTICE OF MEETINGS OF THE CITY OF RUIDOSO DOWNS GOVERNING BODY AND ITS BOARDS AND COMMITTEES

The City of Ruidoso Downs Council is informed that:

WHEREAS, the City of Ruidoso Downs Council met in regular session at 4:30 p.m. on Monday, December 8, 2014 as required by law; and

WHEREAS, Section 10-15-1 (D) of the Open Meetings Act requires the City of Ruidoso Downs Council to determine annually what constitutes reasonable notice of its public meetings.

NOW, THEREFORE, Be it resolved by the governing body of the City of Ruidoso Downs that:

Open Meetings

Pursuant to NMSA 1978, Section 10-15-1(A) and (B), all meetings of a quorum of the Governing Body of the City of Ruidoso Downs, New Mexico, held for the purpose of formulating public policy, discussing public business, or for the purpose of taking any action within the authority delegated to the City Council, as further described in Sections III and IV of this Policy, shall be open to the public, except as otherwise provided by law. Any member of the public may attend an open meeting and listen to the deliberations and proceedings of the City Council.

(I) Closed Meetings

Pursuant to NMSA 1978, Sections 10-15-1 (H) and (I), the City Council upon its own motion may close a meeting to the public if the subject matter of such discussion or action is included in Subsection H of the Open Meetings Act, NMSA 1978, Section 10-15-1, or if the need to close the meeting is required by other laws which specifically preserve the confidentiality of certain information that is to be considered at the closed meeting. If any meeting is closed pursuant to the exclusions contained in Subsection H of NMSA 1978, Section 10-15-1, such closure:

(1) if made in an open meeting, shall be approved by a majority vote of the quorum of the City Council and the specific statutory or other authority for such closure, and the subject to be discussed, shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting, and such vote shall be taken in an open meeting and the vote of each Councilor shall be recorded in the minutes;

(2) if called for when the City Council is not in an open meeting, such 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 subject to be discussed, is given to members of the general public. Only those subjects announced or voted upon prior to closure by the City Council shall be discussed in a closed meeting.

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.

Except as provided in Section 10-15-1 (H) of the Open Meetings Act, any action taken as a result of discussions in the closed meeting shall be made by vote of the City Council in an open public meeting.

(II) Open Meetings to take Formal Action

Meetings at which a quorum of City Councilors discuss or adopt any proposed resolution or ordinance or take any other formal action are open to the public.

Pursuant to NMSA 1978, Section 10-15-1 (C) a Councilor may participate in any open meeting called to take formal action by means of a conference telephone or other similar communications equipment. Participation by telephone or other similar communications equipment is permitted when requested by a Councilor. Provided that each Councilor 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 are able to hear any Councilor who speaks during the meeting.

A. Regularly Scheduled Open Meeting

Unless the business before the City Council dictates otherwise, the City Council conducts open meetings to take formal action the second and fourth Mondays of each month at 4:30 p.m. However, when that Monday is a City holiday, that meeting will be held on the next business day.

The City Clerk/Treasurer and staff are hereby authorized and directed to publish this resolution and a schedule of regular meetings one time as legal advertisement in a newspaper of general circulation in the City of Ruidoso Downs.

Except in the case of an emergency as defined in NMSA 1978, Section 10-15-1 (F), the City Council will conspicuously post an agenda of the meeting at least 72 hours prior to the meeting. In accordance with this resolution the agenda shall be issued and circulated to the press, radio and other public information media

who have provided a written request for such notice and posted on bulletin boards of the City of Ruidoso Downs Hall.

The agenda shall indicate the date, time and place of the meeting, a title of all action items to be considered at that meeting, and a list of any other specified items of business to be transacted. Except for emergency matters as defined by NMSA 1978, Section 10-15-1 (F), the City Council shall take action only on items appearing on agenda.

B. Hearings Before the Council

At any hearing at which a quorum of the City Council, the City Council will provide notice of the hearing as an open meeting to take formal action and shall issue an agenda as prescribed in Section III (A) or (C) of this policy. Within a reasonable time, but in no case less than 72 hours, prior to the hearing, the City Council also shall provide actual notice to all parties in that case or their counsel and to any other person who has requested such notice of the date, time, location and purpose of the hearing.

If during the course of a public hearing, at which a quorum of the City Council presides, the City Council determines that the hearing should be recessed and reconvened to a date subsequent to that stated in the meeting notice, the City Council will specify the date, time and place for the continuation of the meeting prior to recessing and will conspicuously post notice of the date, time and place for the reconvened meeting near the door of the place where the original meeting was held in the bulletin board in City Hall.

C. Other Open Meetings in between Regularly Scheduled Open Meetings.

If the public interest requires other formal action by the City Council between regularly scheduled open meetings, the City Council may conduct an open meeting to take formal action at such times. Except in the case of an emergency as defined in NMSA 1978, Section 10-15-1 (F), the City Council will provide notice of each such meeting by conspicuously posting an agenda and a notice of the date, time and location of such special open meeting in the bulletin board in City Hall and by delivering a copy of the notice to the press in the Public Information Office at least 72 hours prior to the special open meeting.

(III) Work Sessions

A quorum of the City Council also meets periodically in "Work Sessions". A "Work Session" is any meeting of a quorum of the City Council, which does not involve any formal action by the City Council. Such sessions include, but are not limited to:

(1) discussion related to the formulation of public policy prior to the formal discussion or adoption of any resolution or ordinance pending before the City Council,

(2) discussions of internal administrative actions concerning the operations of the City Council, and

(3) information discussions between staff and the City Council in preparation for formal discussions or action.

Work Sessions of a quorum of the City Council are open meetings and are open to the public, unless the subject of the work session is included in Subsection H of NMSA 1978, Section 10-15-1 and the City Council decides to close the work session to the public in accordance with NMSA 1978, Section 10-15-1 (I) and Section II of this policy. Any person wishing to attend a work session of the City Council, which has not been closed pursuant to NMSA 1978, Section 10-15-1 (H) and 10-15-1 (I) and this Open Meetings Policy, shall be allowed to attend and listen to the discussions.

(IV) Emergency Meetings

Emergency meetings will be called only under circumstances, which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The City of Ruidoso Downs Council will avoid emergency meetings whenever possible. The Mayor or a majority of the members upon four (4) hours notice may call emergency meetings, unless threat of personal injury or property damage requires less notice. An "Emergency Meeting" is for unforeseen circumstances that, if not addressed immediately substantial financial loss to the public body. 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. 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.

(V) Council Appointed Commissions, Committees and Board Meetings

Commissions, Committees and Advisory Board of the City of Ruidoso Downs shall similarly issue their agendas by posting on the City Hall bulletin board, furnishing copies to the news media and provide such other notice as may be required by ordinance or law. Such issuance and posting are determined to be reasonable notice.

(VI) All other meetings

All other meetings which may be called for informational purposes at which no action is taken shall be held only after written notice is issued to the news media no later than 12:00 noon of the day of such meeting, or four (4) hours before such meeting, whichever is greater.

(VII) Notice Compliance

Substantial compliance with any one of the appropriate foregoing methods of giving notice shall constitute compliance with this resolution and Section 10-15-1 to 10-15-4 NMSA 1978. Nothing herein shall prevent the use of additional means or methods of giving notice of regular or special meetings. Nothing herein shall require new notice of any public meeting for which notice has been given and which is recessed or adjourned. However, in recessing the meeting, the presiding officer shall announce the meeting, the time and place the meeting shall reconvene.

(VIII) Accommodations

In addition to the information specified above, all notices shall include the following language:

If you are an individual 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 City Clerk at City of Ruidoso Downs City Hall at least one week prior to the meeting or as soon as possible.

(IX) Validity

If any section, paragraph, clause or provision of this resolution shall be for any reason held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph or clause or provision shall not effect any of the remaining provisions of this resolution or its application to other situations.

(X) Repealer

All by-laws, orders and resolutions or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repeal shall not be construed to revive any prior by-law, order or resolution or part thereof, heretofore repealed.

DONE AND APPROVED this 8th Day of December, 2014

/S/ GARY L. WILLIAMS, MAYOR

ATTEST:

/S/ CAROL VIRDEN
CITY CLERK
(SEAL)

CITY COUNCIL MEETINGS CALENDAR YEAR 2015 TO COMMENCE AT 4:30 P.M CITY HALL COUNCIL CHAMBERS

JANUARY:
Monday: January 12, 2015
Monday: January 26, 2015

FEBRUARY:
Monday: February 9, 2015
Monday: February 23, 2015

MARCH:
Monday: March 9, 2015
Monday: March 23, 2015

APRIL:
Monday: April 13, 2015
Monday: April 27, 2015

MAY:
Monday: May 11, 2015
Tuesday: May 26, 2015

JUNE:
Monday: June 8, 2015
Monday: June 22, 2015

JULY:
Monday: July 13, 2015
Monday: July 27, 2015

AUGUST:
Monday: August 10, 2015
Monday: August 24, 2015

SEPTEMBER:
Monday: September 14, 2015
Monday: September 28, 2015

OCTOBER:
Tuesday: October 13, 2015
Monday: October 26, 2015

NOVEMBER:
Monday: November 9, 2015
Monday: November 23, 2015

DECEMBER:
Monday: December 14, 2015