

RESOLUTION NO. 2021-28

**REQUIREMENTS FOR NOTICE OF PUBLIC MEETINGS OF THE GOVERNING BODY, BOARDS, COMMISSIONS, COMMITTEES, AGENCIES, AUTHORITIES, OR OTHER POLICYMAKING BODIES OF THE CITY OF CARLSBAD.**

WHEREAS, the New Mexico Open Meetings Act, NMSA 1978, Sec. 10-15-1, et seq., (hereinafter the "Open Meetings Act") declares that it is the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them; and

WHEREAS, all meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of a municipality held for the purpose of formulating public policy, discussing public business, or taking any action within the authority of that board, commission, or other policy making body are declared by the Open Meetings Act to be public meetings open to the public at all times, except as otherwise provided by law; and

WHEREAS, the Open Meetings Act requires any meeting at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, must be held only after reasonable notice to the public; and

WHEREAS, NMSA 1978, Section 10-15-1(D), as amended, requires that, at least annually, there be a determination of what notice shall be reasonable to advise the public of meetings of the Governing Body, Boards, Commissions, Committees, Agencies, or other policy-making bodies of the City.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad that:

**Section 1. Definitions**

A. The term "City Body" shall mean the Governing Body of the City of Carlsbad, or any board, commission, committee, agency, authority, or other policymaking body of the City of Carlsbad.

**Section 2. Time of Notice**

A. Notice shall be given at least seventy-two (72) hours prior to any regular or special meeting of a quorum of the members of a City Body held for the purpose of formulating public policy, discussing public business, or for the purpose of taking action within the authority of such City Body.

- B. If a City Body ordinarily meets more frequently than once per week, notice shall be given by posting a draft agenda at least seventy-two (72) hours prior to the meeting and by posting a final agenda at least thirty-six (36) hours prior to the meeting.
- C. An emergency meeting can be called only under unforeseen circumstances that, if not addressed immediately by the City Body, will likely result in injury or damage to persons or property or substantial financial loss to the public body. Emergency meetings may be called by the Mayor, or chairperson, or a majority of the members of the City Body upon twenty-four (24) hours' notice, unless threat of personal injury or property damage requires less notice.

**Section 3. Content and Place of Notice**

- A. The notice requirements set forth in Section 2 of this Resolution are satisfied if notice of the date, time, and place of the meeting of the City Body, and an agenda containing a list of specific items of business to be discussed or transacted at the meeting is made available for inspection by the public:
  - 1. During the normal and regular business hours at the office of the Municipal Clerk within the time limits of paragraph A, B, or C of Section 2 hereof, whichever is applicable; or
  - 2. By posting in a conspicuous location for public viewing in the first floor lobby of the Carlsbad Municipal Building at 101 North Halagueno, Carlsbad, New Mexico within the applicable time limits of paragraph A, B, or C of Section 2 hereof, whichever is applicable; or
  - 3. By publishing in a newspaper of general circulation in the City of Carlsbad within the applicable time limits of paragraph A, B, or C of Section 2 hereof, whichever is applicable.
- B. A copy of the agenda shall be posted to the City of Carlsbad's web site, if the City maintains such a web site, within the time limits of paragraph A, B, or C of Section 2 hereof, whichever is applicable.
- C. Notice shall also be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings.
- D. Nothing herein shall prevent the use of additional means or methods of giving notice of meetings.
- E. Nothing herein shall require new notice for any public meeting for which notice has been given pursuant to this Resolution and which is recessed or adjourned, except an oral announcement of the date, time and place for the continuation of the meeting which shall be made by the City Body before such meeting is recessed or adjourned, and the posting of a 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 in a conspicuous location in the first floor lobby of the Carlsbad Municipal Building at 101 North Halagueno, Carlsbad, New Mexico. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

**Section 4. Reporting Emergency Matters**

As required by NMSA 1978, Sec. 10-15-1(F), within ten (10) days of taking action on an emergency matter, the City Body shall report to the New Mexico 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.

**Section 5. Accessibility Accommodations**

The City of Carlsbad will make all reasonable accommodation efforts to ensure the accessibility to all public meetings by persons with disabilities provided that such accommodation is requested at least 48 hours in advance of the public meeting. Such requests shall be directed to the attention of the City Administrator.

**Section 6. Severability**

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

**Section 7. Repeal of Inconsistent Material**

All bylaws, orders and resolutions or parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution or part thereof heretofore repealed.


**Section 8. Effective date**

This Resolution shall become effective upon passage and approval.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 8th day of June, 2021.



  
DALE JANWAY, MAYOR

  
NADINE MIRELES, CITY CLERK

CITY OF CARLSBAD  
AGENDA BRIEFING MEMORANDUM

JUN - 8 2021

COUNCIL MEETING DATE: June 08, 2021

DEPARTMENT: City Clerk	BY: Nadine Mireles <i>NM</i>	DATE: June 01, 2021
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**SUBJECT:** Requirements for Notice of Public Meetings of the Governing Body, Boards, Commissions, Committees, Agencies, Authorities, or other Policymaking Bodies of the City of Carlsbad

**SYNOPSIS, HISTORY and IMPACT** (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):  
**BACKGROUND:**

The City Clerk's Office is required by NMSA 1978, Section 10-15-1(D), which governs open meetings to annually adopt a Resolution stating the Requirements for Notice of Public Meetings. There have been no changes to the Open Meetings Act since 2013.

**DEPARTMENT RECOMMENDATION:**

There are no changes and staff recommends approval to be in compliance with the statute required by the State.

**BOARD/COMMISSION/COMMITTEE ACTION:**

- |  |  |  |                                       |
|--|--|--|---------------------------------------|
| <input type="checkbox"/> P&Z           | <input type="checkbox"/> Lodgers Tax Board | <input type="checkbox"/> Cemetery Board  | <input type="checkbox"/> APPROVED     |
| <input type="checkbox"/> Museum Board  | <input type="checkbox"/> San Jose Board    | <input type="checkbox"/> Water Board     | <input type="checkbox"/> DISSAPPROVED |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> N. Mesa Board     | <input type="checkbox"/> _____ Committee |                                       |

Reviewed by *[Signature]*  
City Administrator *[Signature]* Date: 6/5/21

ATTACHMENTS:  
Notice of Public Meetings Resolution