

**CITY OF ELEPHANT BUTTE
RESOLUTION NO. 22-23-107**

A RESOLUTION RELATING TO THE OPEN MEETINGS ACT – CITY COUNCIL

WHEREAS, the City Council of the City of Elephant Butte met in a regular meeting at Elephant Butte, New Mexico on December 14, 2022 at 2:00 p.m. as per law; and

WHEREAS, Section 10-15-1 (B) of the Open Meetings Act (NMSA 1978, Section 10-15-1 to 4) 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 policymaking 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 Act held for the purpose of formulating public policy, including the development of personnel policy, rules, regulation or formal action, discussing public business or for the purpose of taking any action shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-5-1 (D) of the Open Meetings Act requires the City of Elephant Butte to determine annually what constitutes reasonable notice of its public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elephant Butte that:

1. Regular Meetings shall be held once a month and shall be held on the third Wednesdays of each month. The meetings shall be held in the City of Elephant Butte Municipal Building, 103 Water Ave., at 2:00 p.m. A proposed agenda will be available three (3) business days in advance of the meeting from the City Clerk, whose office is located in the Municipal Building. Notice of the regular meetings will be given in the following manner:
 - a. By posting a copy of the agenda at four places of business or public accommodation in the city as follows:
 1. City Hall Bulletin Board outside Council Chambers
 2. City Hall's Outside Bulletin Board
 3. Elephant Butte Post Office
 4. Elephant Butte Community Center
 - b. By providing a copy of the agenda to local newspapers of general circulation. Meeting times will be published annually in local newspaper(s) of general circulation.

- c. By posting on the City website.
 - d. The agenda format will include items of normal business matters and will include a statement of open meetings resolution with a three minute limit per speaker for an item on the agenda for public input. If a member of the public would like an action item on the agenda, they must submit to the City Clerk the actual item, the action requested and approximate time for discussion. At the Mayor's discretion, the item can be placed on the agenda or referred to staff for administrative remedy.
2. Special Meetings may be called by the Mayor or the majority of the members of the City Council upon 3 days' written notice. Written notice of such special meetings shall be posted and distributed as provided in Paragraph 1 above.
 3. Emergency meetings will be called only when necessary to address unforeseen circumstances that if not addressed immediately by the City will likely result in injury or damage to persons or property or substantial financial loss to the City. The City Council will avoid emergency meetings whenever possible. Emergency meetings may be called by the Mayor or in his/her absence by the Mayor Pro-Tem or a majority of the members of the City Council upon twenty-four (24) hour notice unless the gravity of the unforeseen circumstances require less notice. Notice shall be in writing, posted and circulated as provided in Paragraph 1. Within ten (10) days of taking action on an emergency matter, the governing 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.
 4. For the purposes of regular meetings described in Paragraph 1 of this resolution, notice requirements are met if notice of the date, time, place and general subject matter to be discussed is included in the writing.
 5. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the City Council or other policymaking committees of the City taken during the open meeting. The authority for the closure and the subjects to be discussed shall be:
 - a. Stated in the motion for closure and the vote on closure of each individual shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting; and
 - b. If the decision to hold a closed meeting is made when the City Council or policymaking committee of the City is not in an open meeting, the closed meeting shall not be held until public notice appropriate under the circumstances and stating the specific provision of law authorizing the closed meeting and the subjects to be discussed, is given to the members and to the general public; and
 - c. Except as provided in Section 10-5-1-H, any action taken as a result of discussions in a closed meeting shall be made by vote of the City Council or policymaking


committee of the City in an open public meeting.

6. 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 that the matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of the separated closed meeting. This statement shall be approved by the City Council or other policymaking committee as part of the minutes.
7. The City Council or other policymaking committee shall keep written minutes of all meetings. The minutes shall include at a minimum the date, time and place of the meetings, the names of the 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 regular meeting where a quorum is present. Minutes shall not become official until approved by the City Council or other policymaking committee.
8. The policies and procedures adopted herein shall apply to each board or commission of the City, provided that the board or commission shall separately establish regular meeting dates, subject to approval by the City Council.

PASSED, APPROVED and ADOPTED by the governing body of the City of Elephant Butte at its regular meeting of December 14, 2022.


Phillip Mortensen
Mayor

Attest:


John Mascaro
City Manager



