



**Resolution 22-01
OPEN MEETINGS RESOLUTION**

WHEREAS, Section 10-15-1(B) of the New Mexico Open Meetings Act, NMSA 1978 Section 10-15-1, *et seq.*, 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, commission, administrative adjudicatory body, or other policymaking body of any state agency or any agency or authority of a municipality (including its Governing Body), held for the purpose of formulating public policy, discussing public business, or 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, Section 10-15-3A, NMSA 1978 provides that "No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policy-making body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and

WHEREAS, Section 10-15-4, NMSA 1978 provides that "Any person violating any of the provisions of Section 10-15-1 or 10-15-2 NMSA 1978 is guilty of a misdemeanor shall be punished by a fine of not more than five hundred dollars (\$500) for each offense"; and

WHEREAS, pursuant to Section 10-15-1(D) of the Open Meetings Act, any meetings of a quorum of such a public body at which the discussion or adoption of any proposed resolution, rule, regulation, ordinance or formal action occurs, and any closed meeting, shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Governing Body of Town of Taos, its Town Council, to determine annually what constitutes reasonable notice of its public meetings;

WHEREAS, Town Council Meetings and Workshops will continue to be held virtually until the termination of the public health emergency, declared by Governor Michelle Lujan Grisham on March 11, 2020, issued under Executive Order No. 2020-004, in compliance with the recommendations of the Attorney General of New Mexico, and until such public health guidelines and physical measures are in place so as to ensure the safety of the Council, staff and public.

NOW, THEREFORE, BE IT RESOLVED that:

1. Open Meetings Resolution 21-01 and Amended Open Meeting Resolution 21-01A is hereby repealed.

2. Due to the state of emergency in New Mexico, declared by Governor Michelle Lujan Grisham on March 11, 2020, issued under Executive Order 2020-004, and in compliance with the directives of the Attorney General of New Mexico, Town Council Meetings will be held virtually until the revocation of the public health emergency.
3. During the state of emergency in New Mexico, Town Council Meetings will only be held as necessary.
4. Virtual Town Council Regular Meetings are subsequently tentatively scheduled for the second and fourth Tuesday of each month at 4:00 p.m., as needed, *except for* December 27, 2022 (holiday), when the Town of Taos is closed due to a scheduled holiday.
5. Virtual Town Council Workshop Meetings are tentatively scheduled every fourth Monday of the month at 4:00 p.m., *except* when the Town of Taos is closed due to these scheduled holidays, February 21, 2022 (Presidents Day), and December 26, 2022 (holiday). Virtual Workshop meetings may be called by the Mayor or by request of a majority of the Town Council upon seventy-two-hour notice to the Mayor, members of the Town Council, and the public.
6. Virtual Special Meetings of the Town Council may be called by the Mayor or by request of a majority of the Town Council upon seventy-two-hour notice to the Mayor, members of the Town Council, and the public. Special meetings shall be held at the date and time set forth in the notice of the special meeting.
7. In the event that the date, time, or place of a scheduled Regular Meeting, Special Meeting, or Workshop Meeting is to be changed, or the meeting canceled, notice thereof shall be given in accordance with Paragraph 11.B, below.
8. Virtual Emergency meetings of the Town Council may be called by the Mayor or by request of a majority of the Town Council under unforeseeable circumstances which require immediate action by the Town to protect the health, safety and/or property of the Town or persons within the Town, or which require immediate action by the Town to prevent substantial financial loss to the Town. Emergency meetings may be called upon twenty-four (24) hours' notice to the members of the Town Council, unless threat of personal injury, property damage or financial loss requires less notice. Said meetings shall be held at the date, time and place set forth in the call of said emergency meeting.
9. Meetings of boards, committees, commissions, agencies or other policy-making advisory bodies of the Town of Taos shall establish their own individual meeting schedule and publish notice in accordance with this resolution to the extent required by the Open Meetings Act.
10. A member of the Governing Body may participate in a meeting of the Town Council 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.

11. Reasonable notice of meetings is hereby declared to exist when:
 - A. This Resolution is published in the Taos News, a newspaper of general circulation in the Town and County of Taos; and
 - B. Notices of each Regular, Workshop, Special Meeting or cancelation shall also be provided by delivery, telephone, fax, or e-mail to the local newspaper, radio media, television media and individuals that have made a written request for notice of public meetings, and by posting notice of the meeting on the glass-enclosed bulletin board by the front door of Town Hall, in the Town Clerk's office, at the meeting location and on the Town's website (www.taosgov.com) seventy-two hours before the regular, workshop or special meeting; and
 - C. Notices of Emergency Meetings as defined in Section 10-1-15-1(F) of the Open Meetings Act shall be provided by delivery, telephone, fax or e-mail to local newspaper, radio or television media (that have made a written request for notice of public meetings), and by posting notice of the meeting on the Town's website (www.taosgov.com) and at Town Hall twenty-four hours prior to the Emergency Meeting, or with as much time as practical in advance of the Emergency Meeting; and
 - D. In addition to the local media, notice shall also be provided to any licensed media (newspaper, radio or television) that has made a written request for notice of public meetings; and
 - E. The proposed agenda of a meeting shall be posted and available at Town Hall and on the Town's website (www.taosgov.com) seventy-two hours prior to a regular, workshop or special meeting. For Emergency Meetings the proposed agenda shall be posted and available at Town Hall twenty-four hours prior to the emergency meeting, or with as much time as practical in advance of the Emergency Meeting. An agenda may be combined with a notice of meeting in a single document. An agenda may be amended at any time before or during the meeting. Any amended agenda that is amended prior to a meeting shall be posted and available at Town Hall. Except for emergency matters, the Council shall take action only on items appearing on the agenda (or amended agenda) posted and available seventy-two hours in advance of the meeting. Copies of the agenda shall be available within the time periods set forth above at the Town Clerk's office and also shall be available at the meeting.
12. Individuals with a disability who need 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 must contact the Town Clerk at least one week prior to the meeting or as soon as possible. Public documents, including the agendas and minutes, can be provided to individuals with disabilities upon proper request. Please contact the Town Clerk at (575) 751-2004 if you have questions or require additional information.
13. A meeting or a portion of a meeting may be closed to the public only if the subject matter of such discussion is exempted from the open meeting requirements under Section 10-15-1(H) of the Open Meetings Act.

- A. If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Council or other policymaking body, taken during the open meeting. The authority for the closure and the subject(s) 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 Council or other body is not in an open meeting, the closed meeting shall not be held until reasonable public notice, appropriate under the circumstances and stating the specific provision of law authorizing the closed meeting and the subject(s) to be discussed, is given to the members and 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 otherwise allowed under Section 10-15-1(H), any action taken as a result of discussion in a closed meeting shall be made by vote in an open public meeting.
14. **Meeting Minutes.** The Town Council 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 Town Council. The Town Clerk shall also audio-visual recordings of open Town Council meetings, which shall constitute true records of the meetings and shall be available for public inspection.

PASSED, ADOPTED AND APPROVED this 11th day of January, 2022, at the Regular Meeting of the Town Council by the following vote:

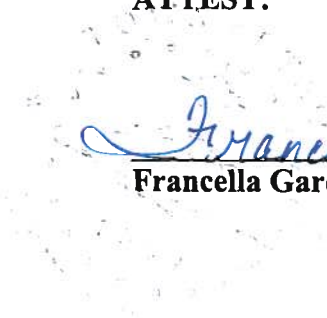
Mayor Pro Tem Nathaniel Evans	<u>Yes</u>
Councilmember Pascualito Maestas	<u>Yes</u>
Councilmember Darien D. Fernandez	<u>Yes</u>
Councilmember George "Fritz" Hahn	<u>Yes</u>

TOWN OF TAOS


Daniel R. Barrone, Mayor

ATTEST:

APPROVED AS TO FORM:



Francella Garcia

Francella Garcia, Town Clerk

Stephen C. Ross

Stephen C. Ross, Town Attorney