



## **RESOLUTION No. 2021-01**

### **OPEN MEETINGS**

**WHEREAS**, the Village of Magdalena Board of Trustees met upon notice of a duly published meeting at 6:00 P.M. on January 11, 2021 at Village Hall, 108 N. Main Street, Magdalena, New Mexico as required by 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 their policy-making body of any state or local public agency held for the purpose of formulating public policy, or for the purpose of taking any action within the 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 at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and,

**WHEREAS**, Section 10-15-1 (D) of the Open Meetings Act requires the Village of Magdalena Board of Trustees to determine at least annually what constitutes reasonable notice of its public meetings; and,

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Trustees that:

1. All meetings shall be held at Village Hall, 108 N. Main Street, Magdalena, New Mexico 87825 as detailed below or as indicated on the meeting notice.
2. Unless otherwise specified, regular meetings shall be held twice a month, on the second and fourth Mondays of the month at 5:00 p.m. The agenda will be available to the public at least seventy-two (72) hours prior to the meeting as specified in Paragraph 5 below.
3. Special meetings may be called by the Mayor or a majority of the members upon seventy-two (72) hours notice. The agenda shall be available to the public at least seventy-two (72) hours prior to any special meeting as specified in Paragraph 5 below.
4. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of the citizens or to protect the public body from substantial financial loss. The Board of Trustees will avoid emergency meetings whenever possible. Emergency meetings may be called by the Mayor or a

majority of the members upon twenty-four hours notice, unless protecting the Village of Magdalena from substantial financial loss or a threat to the health, safety and property of the residents of the Village requires less notice. 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. Within ten (10) days of taking action on an emergency matter, the Mayor on behalf of the Board shall report to the New Mexico Attorney General's office the action taken and the circumstance creating the emergency unless the made pursuant to a declaration of state or national emergency.

5. For the purposes of regular meetings and special meetings described in paragraphs 2 and 3 of this resolution, notice requirements are met if the notice of the date, time, place and a copy of the agenda is posted at Village Hall, 108 N. Main St., Magdalena, New Mexico 87825 and the Village's web site [www.villageofmagdalena.com](http://www.villageofmagdalena.com). Copies of the written notice shall also be mailed, faxed or emailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
6. For the purposes of emergency meetings described in paragraph 4 of this resolution, notice requirements are met if notice of the date, time, place and copy of agenda is posted at Village Hall, 108 N. Main St., Magdalena, New Mexico 87825 and the Village's web site [www.villageofmagdalena.com](http://www.villageofmagdalena.com). Notice shall also be given by telephone, facsimile or email to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
7. In addition to the information specified above, all notices shall include the following language:

*"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 the hearing or meeting please contact the Village Clerk/Treasurer, [clerk@villageofmagdalena.com](mailto:clerk@villageofmagdalena.com), phone (575) 854-2261 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Village Clerk/Treasurer if a summary or other type of accessible format is needed."*

8. The Board of Trustees 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) (1 through 10) 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 Board of Trustees taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
  - B. If a closed meeting is conducted when the Board of Trustees 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

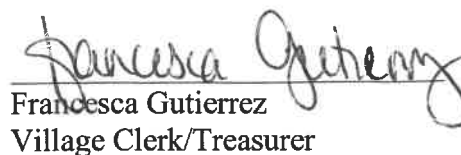
and the subjects to be discussed with reasonable specificity is given to the members of the general public.

- C. Following completing 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 proved 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 Board of Trustees in an open public meeting.
9. A member of the Board of Trustees or any of its Boards may participate in a meeting by means of a conference telephone, internet or other similar communications equipment when necessary as a COVID Safe Practice or when it is 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. During the pendency of the COVID-19 declared emergency, when mass gatherings are prohibited by the New Mexico Public Health Order, meetings will not be physically open to the public. All members of the public will be able to attend and listen to the meeting via Zoom at the link published on the agenda. Public comment may be made via email and will be entered and/or read into the meeting minutes (if less than 3 minutes) by emailing comments to: [clerk@villageofmagdalena.com](mailto:clerk@villageofmagdalena.com) and/or [mayor@villageofmagdalena.com](mailto:mayor@villageofmagdalena.com). The deadline for written public comments to be received is 12:00 pm on the Monday of the meeting. Emailed public comment must contain the author's name and physical address.

**APPROVED, ADOPTED, AND PASSED** on this 11<sup>th</sup> day of January, 2021.

  
Richard Rumpf  
Mayor

Attest:

  
Francesca Gutierrez  
Village Clerk/Treasurer

