

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2021-__**

3 **INTRODUCED BY:**

4
5 Mayor Alan Webber
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10 **A RESOLUTION**

11 **RESCINDING RESOLUTION NO. 2020-1 RELATING TO THE OPEN MEETINGS ACT; AND**
12 **ADOPTING ANNUAL NOTICE REQUIREMENTS FOR 2021.**
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14 **WHEREAS**, the New Mexico Open Meetings Act (“Open Meetings Act”), NMSA 1978,
15 Sections 10-15-1 to -4, requires that public bodies “determine at least annually in a public meeting what
16 notice for a public meeting is reasonable when applied to that body”; and

17 **WHEREAS**, the Open Meetings Act governs the Governing Body and the Governing Body’s
18 subordinate policymaking bodies;

19 **WHEREAS**, the City desires to rescind its prior year’s Open Meeting Act Resolution, Resolution
20 No. 2020-1, and to adopt new notice requirements for the City’s policymaking bodies; and

21 **WHEREAS**, the City of Santa Fe seeks to give annual notice to the public of its determination,
22 pursuant to NMSA 1978, Section 10-15-1(D), that seventy-two (72) hours’ notice prior to its meetings and
23 the meetings of its subordinate policymaking bodies is deemed by the City to be reasonable notice.

24 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY**
25 **OF SANTA FE:**

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- Section 1.** Resolution No. 2020-1 is hereby rescinded.
- Section 2.** The applicability of the Open Meetings Act to the City’s policymaking bodies is recognized.
- Section 3.** The notice requirements set forth below are hereby adopted.
- A. The City shall give a minimum of seventy-two (72) hours’ notice of all regular meetings of the Governing Body and its subordinate policymaking bodies.
 - B. The notice shall include the date, time, and place of the planned meeting and a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda.
 - C. The City shall make the notice available to the public and news media through reasonable means, including posting on the City’s website.
 - D. The agenda shall be filed, recorded, and posted with the office of the City Clerk.
- Section 4.** Regular Meetings of the Governing Body
- A. Unless otherwise specified, including in subsections B and C below, regular meetings of the Governing Body shall be held as follows:
 - i. On the second and last Wednesday of each month.
 - ii. In two sessions: the afternoon session, for approval of a consent agenda, discussion/action items, presentations, and executive session; and the evening session for petitions from the floor, public hearings, and other matters of public importance.
 - iii. At 5:00 p.m. for the afternoon session and at 7:00 p.m. or the conclusion of the afternoon session, but no earlier than 7:00 p.m., for the evening session.
 - iv. In the City Council Chambers of the municipal building of the City, located at 200 Lincoln Avenue, Santa Fe.

1 B. On December 9, 2020, the Governing Body adopted a Resolution temporarily
2 changing the start time of the afternoon session of Governing Body meetings to
3 4:00 p.m. and the evening session of Governing Body meetings to 6:00 p.m.
4 through the last meeting in June, 2021.

5 C. During the declared COVID-19 emergency, while it is difficult or impossible for
6 the Governing Body to meet in person, all regular meetings of the Governing
7 Body will be held virtually and broadcast via the City's YouTube channel, the
8 City's Government Channel on Comcast Channel 28 or Comcast Channel
9 HD928, and on the radio at KSFR 101.1 FM.

10 **Section 5:** Special Meetings

11 A. The City shall provide a minimum of 72 hours' notice of all special meetings of
12 the Governing Body and its subordinate policymaking bodies.

13 B. Unless otherwise specified, special meetings are held at the same place specified
14 in Paragraph A, subpart (iv) or Paragraph C of Section 4. The date, time, and
15 place of a special meeting shall appear on the agenda and be made available to
16 the public and news media through reasonable means including posting on the
17 City's website.

18 C. The agenda shall be filed, recorded, and posted with the office of the City Clerk.

19 **Section 6:** Quasi-Judicial Committees and Subordinate Policymaking Bodies

20 A. The Governing Body hereby requires that every quasi-judicial committee, board,
21 or commission, including but not limited to the planning commission, historic
22 design review board, and board of adjustment, follow the same notice
23 requirements as the Governing Body, and as provided in this resolution and the
24 Open Meetings Act.

25 B. The Governing Body of the City hereby requires that all other policymaking

boards, commissions, and committees shall follow the same notice requirements as provided by the Open Meetings Act.

Section 7: Emergency Meetings

A. Pursuant to its procedural rules, the Governing Body or subordinate policymaking body may call, with, if possible, up to 24-hours' notice, a meeting to consider any matter that needs emergency treatment because of a clear and present danger to the health, welfare, or safety of the people of the City. When possible, 24-hour telephonic notice will be given to all media who normally cover City meetings before the emergency meeting commences.

B. 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. Unless there is a state of national emergency already declared for the same reasons, within ten days of taking action on an emergency matter, the City will notify the Attorney General's Office that the emergency meeting took place.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2021.

ALAN WEBBER, MAYOR

ATTEST:

KRISTINE BUSTOS-MIHELICIC, CITY CLERK

1 APPROVED AS TO FORM:

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4 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/Resolutions/2021/Open Meetings Act - 2021*