

**Resolution 2015-107**  
**Open Meetings Act**

**WHEREAS**, Section 10-15-1B 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, administrative adjudicatory body or other policy making 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 any 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 Opens Meetings Act requires the governing body to determine annually what constitutes reasonable notice of its public meetings.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the municipality of Lovington, New Mexico that:

1. All meetings shall be held at 214 S. Love at 5:30 p.m. or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held each month the second and fourth Monday. The agenda will be available at least seventy-two hours prior to the meeting from the administrative assistant, whose office is located in Lovington, New Mexico. Notice of any other regular meetings will be given ten days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. The Mayor or a majority of the members upon three days notice may call special meetings. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at lease twenty-four hours before any special meeting.
4. Emergency meetings will be called only under foreseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The governing body will avoid emergency meetings whenever possible. The Mayor or a majority of the Commissioners upon twenty-four hours notice may call emergency meetings, unless threat of personal injury or property damage 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.

5. For the purposes of regular meetings described in paragraph 2 of this resolution, notice requirements are met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and posted in the following locations: U.S. Post Office, Lovington Public Library, City Hall, Bill McKibben Senior Center, Lovington Police Department and the Youth Center. Copies of the written notice shall also be mailed 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 special meetings and emergency meetings described in paragraphs 3 and 4 of this resolution, notice requirements are met if notice of the date, time, place and agenda is provided by telephone to newspapers of general circulation in the state and posted in the office of the City Clerk. Telephone notice also shall be given 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 City Clerk at 575-396-2884 at least one 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 City Clerk at 575-396-2884 if a summary or other type of accessible format is needed.
8. The governing body may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement 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 governing body 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 governing body 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 and to 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 provided 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 governing body in an open public meeting.

PASSED, ADOPTED AND APPROVED this 14<sup>th</sup> DAY OF December, 2015

SIGNED: \_\_\_\_\_  
Scotty Gandy, Mayor

ATTEST:

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Carol Ann Hogue, City Clerk