North Central Regional Transit District (NCRTD)

Resolution 2017-38

OPEN MEETINGS

WHEREAS, NMSA 1978, § 10-15-1 (B). Provides that "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 any county, municipality, district or political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act. No public meeting once convened that is otherwise required to be open pursuant to the Open Meetings Act shall be closed or dissolved into small groups or committees for the purpose of permitting the closing of the meeting."; and,

WHEREAS, NMSA 1978, § 10-15-3 (A), provides that "No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking 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, NMSA 1978, §10-15-4 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 and upon conviction shall be punished by a fine of not more than five hundred dollars ($500) for each offense."

NOW, THEREFORE, BE IT RESOLVED by the Board of the NCRTD, that the following standards are adopted to ensure transparent government and full compliance with the Open Meetings Act.
1. **NOTICE PERIOD.** Notice shall be given at least 72 hours in advance of any regular or special meeting of a quorum of the members of the Board and any committee, or other policy-making body at which the body will formulate public policy, discuss public business or take formal action on behalf of the District. This notice provision shall apply to any change to the established dates of regularly scheduled meetings contained in this Resolution and the scheduling of any special meetings.

2. **REGULARLY SCHEDULED MEETINGS.** Normally, the regularly scheduled meetings of the Board will be held on the first Friday of each month. Meetings will begin at 9:00 am. The location of Board meetings will be at the Jim West Transit Center, 1327 North Riverside Drive, Española, New Mexico. The following are the dates of the regular meetings for the Calendar year 2017:

   January 5th  
   April 6th  
   July 6th  
   October 5th

   February 2nd  
   May 4th  
   August 3rd  
   November 2nd

   March 2nd  
   June 1st  
   September 7th  
   December 7th

3. **MEETING RULES.** All meetings of the NCRTD Board and subcommittees of the NCRTD Board shall be conducted pursuant to the procedural rules as adopted and from time to time amended by the NCRTD Board.

4. **POSTING.** The notice requirements of this Resolution are complied with if the notice provides the date, time, place of any regular or special meeting in a place and manner accessible to the public by posting the notice on the "notice board" located at the NCRTD Administration Offices or by posting the notice online on the District’s website.

5. **AGENDAS.** Agendas shall contain a list of specific items of business to be discussed or transacted at the meeting. The District may either publish notice along with a copy of the agenda or provide information on how the public may obtain a copy of the agenda. The agenda may serve as notice of the meeting if it contains all required information. The agenda shall be posted or made publicly available at least 72 hours prior to the meeting except in emergencies. The Board shall only take action on items listed on the agenda unless the action is on an emergency matter as described in this Resolution.

6. **NOTICE TO MEDIA.** Notice shall be provided to all FCC licensed broadcast stations and newspapers of general circulation that have provided a written request for notice of meetings.

7. **ADA.** 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 of the meeting, please contact the NCRTD Executive Assistant at (505) 629-4702 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."

8. **MINIMUM STANDARDS.** Notwithstanding any other provisions of this Resolution, the NCRTD Board may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.

9. **CLOSING MEETINGS.** A meeting or portion thereof may be closed in accordance with provisions contained in NMSA 1978, § 10-15-1 (H) of the Open Meetings Act. The authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the policymaking body may be discussed in a closed meeting.

10. **EMERGENCY MATTERS.** Notwithstanding any other provision of this Resolution, the Board may address emergency matters at any time with or without notice and regardless of whether the item is on an agenda. Emergency matters are defined as “unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body.” Within ten days of taking action on an emergency matter, the District 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.

11. **TELEPHONIC PARTICIPATION.** Because the District encompasses a large geographical area, whenever it is difficult or impossible for a Board member to participate in a meeting in person the member may participate by means of a conference telephone or other similar communications equipment provided: a.) each member participating by conference telephone must be identifiable when speaking; b.) all participants must be able to hear each other at the same time; and c.) members of the public attending the meeting must be able to hear any member of the public body who speaks during the meeting.

12. **MINUTES.** The Board 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 policymaking body.
PASSED, APPROVED AND ADOPTED BY THE NORTH CENTRAL REGIONAL TRANSIT BOARD ON THIS 1ST DAY OF DECEMBER 2017.

Daniel Barrone, Chairman

Approved as to form:

Peter Dwyer, Counsel