North Central Regional Transit District (NCRTD)

Resolution 2013-14

OPEN MEETINGS ACT

WHEREAS, NMSA 1978, Section 10-15-1 (B) provides that "All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policy-making body of any state agency, or any agency or authority of any county, municipality, district or any political subdivision held for the purpose of formulating public policy, including the development of personnel policies, 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 policy-making 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"; and,

WHEREAS, NMSA 1978, Section 10-15-3 (A) 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 NMSA 1978, Section 10-15-1"; and,

WHEREAS, NMSA 1978, Section 10-15-4 provides that "Any person violating any of the provisions of NMSA 1978, Section 10-5-1 or 10-15-2 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"; and

WHEREAS, the State of New Mexico has recently amended the Open Meetings Act by way of 2012 House Bill 21 which changed the rules for posting meeting agendas and taking emergency actions; and

WHEREAS, it is the policy of the NCRTD to maintain policies in full compliance with the state laws as they may, from time to time, be amended and to ensure open and transparent government.
NOW, THEREFORE, BE IT RESOLVED by the NCRTD Board, that:

1. Notice shall be given at least 72 hours in advance of any regular meeting of a quorum of the members of the NCRTD Board and the draft agenda will be posted at least seventy-two (72) hours prior to the meeting. A final agenda shall be published at least thirty-six (36) hours prior to the meeting. Except for emergency matters the NCRTD Board shall take action only on items appearing on the agenda. Emergency matters are 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. 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 pursuant to NMSA 1978, Section 10-15-1 (D).

2. The regularly scheduled meetings of the NCRTD Board will normally be held on the first Friday of each month beginning at 9:00 am. The location of Board meetings will be at the Jim West Transit Center, 1327 North Riverside Drive, Espanola, New Mexico. In the event that the regular meeting date falls on a legal holiday, the NCRTD Board shall designate an alternate meeting date and/or time at the regular meeting prior to the holiday and shall cause advance notice of the changed meeting date and/or time to be published as provided in this Resolution. In the event that a regular meeting of the governing body is changed to a different location, advance notice of the meeting location shall be posted as provided in this Resolution. The following are the projected dates of the regular meetings for the Calendar 2013:

   January 4, 2013
   February 1, 2013
   March 1, 2013
   April 5, 2013
   May 3, 2013
   June 7, 2013
   July 12, 2013*
   August 2, 2013
   September 6, 2013
   October 4, 2013
   November 1, 2013
   December 6, 2013

   *moved from July 5th
3. Notice shall be given at least seventy-two (72) hours in advance of any special meeting of a quorum of the members of the NCRTD Board, or any committee or subcommittee, or other policy-making body where the meeting is held for the purpose of discussing public business or taking any formal action within the authority of such body.

4. All meetings of the NCRTD Board and committees of the NCRTD Board shall be conducted pursuant to the procedural rules as adopted and, from time to time amended, by the NCRTD Board.

5. The notice requirements of this Resolution are complied with by giving notice of the date, time, place and subject matter of any regular or special meeting along with the draft and final agendas for the particular meeting and publication of the draft and final agenda’s on the District’s web page. "Giving notice" shall mean posting of the agendas on the "notice board" located at the NCRTD Administration Offices and on the District’s web page. This Resolution and all agendas shall also be made available in the office of the NCRTD Executive Assistant to the Executive Director who shall maintain the posting for public inspection within the time limits specified.

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."

6. Notwithstanding any other provisions of Sections 1 through 5 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 or to ensure open and transparent operations by and for the District.

7. A meeting or portion thereof may be closed in accordance with provisions contained in NMSA 1978, Section 10-15-1 (H) of the Open Meetings Act.

8. Notwithstanding any other provision of this Resolution, the governing body of the NCRTD may call, with whatever notice is possible under the circumstances, a meeting of the NCRTD Board, or and subordinate board, commission, committee or other policy-making body of the District to consider or act on any emergency matter. Emergency matters are 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 any emergency matter, the NCRTD Board 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.
9. The District encompasses a large geographical area with board and committee membership spread over this large region. In recognition of this fact the Board members and any members of a subcommittee or subordinate body of the Board may participate in a meeting 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.

PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE NORTH CENTRAL REGIONAL TRANSIT ON THIS 7TH DAY OF JUNE 2013.

[Signature]
Daniel Barrone, Chairman

Approved as to form:

[Signature]
Peter Dwyer, Counsel