

1 RESOLUTION

2 of the

3 BOARD OF DIRECTORS

4 of the

5 MID REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

6 (R-14-08 MRCOG)

7 **OPEN MEETINGS RESOLUTION**

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16 WHEREAS, Section 10-15-1(B) of the Open Meetings Act (Sections 10-15-1  
17 through 10-15-4 NMSA 1978) states that all meetings of a quorum of members of any  
18 board, commission, administrative adjudicatory body, or other policy making body of  
19 any state agency, any agency or authority of any county, municipality, district, or any  
20 political subdivision, held for the purpose of formulating public policy, including the  
21 development of personnel policy, rules, regulations or ordinances, discussing public  
22 business or for the purpose of taking any action within the authority of or the delegated  
23 authority of any board, commission or other policymaking body are declared to be public  
24 meetings open to the public at all times, except as otherwise provided in the constitution  
25 of New Mexico or the Open Meetings Act. No public meeting, once convened, that is  
26 otherwise required to be open pursuant to the Open Meetings Act shall be closed or  
27 dissolved into small groups or committees for the purpose of permitting the closing of  
28 the meeting;

29 WHEREAS, Section 10-15-1 (C) allows a public body to provide members of a  
30 public body to participate in a meeting of the public body by means of a conference  
31 telephone or other similar communicating equipment when it is otherwise difficult or  
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June 12, 2014

1 impossible for the member to attend the meeting in person, provided that each member  
2 participating, by conference telephone can be identified when speaking, all participants  
3 are able to hear each other at the same time and members of the public attending the  
4 meeting are able to hear any member of the public body who speaks during the  
5 meeting;

6 WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Board of  
7 Directors of the Mid Region Council of Governments (MRCOG) of New Mexico to  
8 determine annually what constitutes reasonable notice of its public meetings; and

9 WHEREAS, Section 10-15-4 of the Open Meetings Act provides that all  
10 provisions of the Open Meetings Act shall be enforced by the attorney general or by the  
11 district attorney in the county of jurisdiction. However, nothing in that act shall prevent  
12 an individual from independently applying for enforcement through the district courts,  
13 provided that the individual first provides written notice of the claimed violation to the  
14 public body and that the public body has denied or not acted on the claim within fifteen  
15 days of receiving it. A public meeting held to address a claimed violation of the Open  
16 Meetings Act shall include a summary of comments made at the meeting at which the  
17 claimed violation occurred; and

18 WHEREAS, Section 10-15-4(c) of the Open Meetings Act provides that the  
19 district courts of the state shall have jurisdiction, upon the application of any person to  
20 enforce the purpose of the Open Meetings Act, by injunction, mandamus or other  
21 appropriate order. The court shall award costs and reasonable attorney fees to any  
22 person who is successful in bringing a court action to enforce the provisions of the Open  
23 Meetings Act. If the prevailing party in a legal action brought under this section is a

1 public body defendant, it shall be awarded court costs. A public body defendant that  
2 prevails in court action brought under this section shall be awarded its reasonable  
3 attorney fees from the plaintiff if the plaintiff brought the action without sufficient  
4 information and belief that good grounds supported it.

5 NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Mid  
6 Region Council of Governments of New Mexico that:

- 7 1. Regular meetings of the Board of Directors, its Executive Board, the  
8 Metropolitan Transportation Board, Middle Rio Grande Water Resources  
9 Board, Transportation Coordinating Committee, Public Involvement  
10 Committee, and/or the Regional Planning Organization Transportation  
11 Advisory Committee shall ordinarily be held as established by the  
12 individual boards at their last meeting of the calendar year. For the  
13 purposes of regular meetings, notice requirements are met if notice of the  
14 date, time, place, and information on how the public may obtain an  
15 agenda, is placed as a legal notice in newspapers of general circulation in  
16 the state at least ten (10) days in advance of the meeting date. Written  
17 notice shall also be mailed to those broadcast stations licensed by the  
18 Federal Communications Commission and newspapers of general  
19 circulation which have made a written request of the MRCOG for notice of  
20 public meetings. A proposed agenda will be posted in the offices of the  
21 MRCOG one week before the meeting, located at 809 Copper Ave. NW,  
22 Albuquerque, New Mexico; and will be available on the MRCOG website  
23 at [www.mrcog-nm.gov](http://www.mrcog-nm.gov) one week before the meeting; and

- 1           2.     The final agenda will be posted in the offices of the MRCOG not less than  
2                   seventy-two (72) hours prior to the meeting; and will be available on the  
3                   MRCOG website at [www.mrcog-nm.gov](http://www.mrcog-nm.gov) not less than seventy-two (72)  
4                   hours before the meeting; and
- 5           3.     Up to three (3) members of the Board of Directors, its Executive Board,  
6                   the Metropolitan Transportation Board, Middle Rio Grande Water  
7                   Resources Board, Transportation Coordinating Committee, Public  
8                   Involvement Committee, and/or the Regional Planning Organization  
9                   Transportation Advisory Committee may participate by conference  
10                  telephone in any meetings that are held in the MRCOG Conference  
11                  Room; and
- 12          4.     Special meetings of the Board of Directors, its Executive Board, the  
13                  Metropolitan Transportation Board, Middle Rio Grande Water Resources  
14                  Board, Transportation Coordinating Committee, Public Involvement  
15                  Committee, and/or the Regional Planning Organization Transportation  
16                  Advisory Committee may be called by the Chairman or a majority of the  
17                  members upon three (3) days notice. For the purposes of special  
18                  meetings, notice requirements shall be met by posting notices in the  
19                  offices of the MRCOG. Facsimile notice of such meetings shall be  
20                  provided to those broadcast stations licensed by the Federal  
21                  Communications Commission and newspapers of general circulation that  
22                  have made a written request of the MRCOG for notice of public meetings;  
23                  and

1           5.     Emergency meetings of the Board of Directors, its Executive Board, the  
2                     Metropolitan Transportation Board, Middle Rio Grande Water Resources  
3                     Board, Transportation Coordinating Committee, Public Involvement  
4                     Committee, and/or the Regional Planning Organization Transportation  
5                     Advisory Committee are meetings called under circumstances which  
6                     demand immediate action by those boards. Although the boards would  
7                     avoid emergency meetings whenever possible, such circumstances may  
8                     occasionally arise. Emergency meetings of those boards may be called  
9                     by the Chairman or a majority of the members upon twenty-four (24) hours  
10                    notice. For the purposes of emergency meetings, notice requirements  
11                    shall be met by posting notices in the offices of the MRCOG. Facsimile  
12                    notice of such meetings shall be provided to those broadcast stations  
13                    licensed by the Federal Communications Commission and newspapers of  
14                    general circulation that have made a written request of the MRCOG for  
15                    notice of public meetings; and

16           6.     Pursuant to Section 10-15-1(H)(I) NMSA 1978, the Board of Directors, its  
17                     Executive Board, the Metropolitan Transportation Board, Middle Rio  
18                     Grande Water Resources Board, Transportation Coordinating Committee,  
19                     Public Involvement Committee, and/or the Regional Planning Organization  
20                     Transportation Advisory Committee may close a meeting to the public if  
21                     the subject matter of such discussion or action is included in Subsection I  
22                     of the Open Meetings Act, Section 10-15-1 NMSA 1978. If any such  
23                     board meeting is closed pursuant to Section 10-15-1(H)(I) NMSA 1978,


1 such closure:

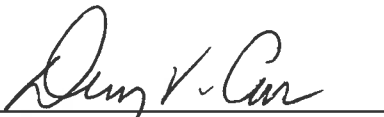
2 (a) if made in an open meeting, shall be approved by a majority vote of  
3 a quorum of the members of such board and authority for the  
4 closure and subject to be discussed shall be stated in the motion  
5 calling for the vote on a closed meeting. The vote on a closed  
6 meeting shall be taken in an open meeting and the vote of each  
7 individual member is to be recorded in the minutes. Only those  
8 subjects announced or voted upon prior to closure by such board  
9 may be discussed in a closed meeting; and

10 (b) if called for when such boards are not in an open meeting, the  
11 closed meeting shall not be held until public notice, appropriate  
12 under the circumstances, stating the specific provision of law  
13 authorizing the closed meeting and subject matter is given to the  
14 members and to the general public; and

15 6. Notwithstanding any provision, the Chairman may establish such  
16 additional notice as may be deemed advisable.

17 PASSED, ADOPTED, AND APPROVED this 12<sup>th</sup>, day of June, 2014 by the  
18 Board of Directors of the Mid Region Council of Governments of New Mexico.

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21   
22 Philip Gasteyer, Chair  
23 MRCOG Board of Directors

ATTEST:   
Dewey V. Cave  
Executive Director