



Resolution No. 21-002

A RESOLUTION APPROVING PUBLIC MEETING NOTICE REQUIREMENTS OF THE SOUTHEAST REGIONAL TRANSPORTATION PLANNING ORGANIZATION (SERTPO)

WHEREAS, the SERTPO Policy Committee met in regular session by virtual meeting on May 6, 2021, at 10:00 a.m. as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 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 policymaking 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 such 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 Open Meetings Act requires the SERTPO Policy Committee to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the SERTPO Policy Committee that:

1. All meetings shall be held at the Roswell Public Library at 10:00 a.m. or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held as often as needed to conduct business. The agenda will be available at least seventy-two hours prior to the meeting from the Southeastern New Mexico Economic Development District (SNMEDD)/Council of Governments (COG) whose offices are located in Roswell, New Mexico and the Eastern Plains Council of Governments (EPCOG) whose offices are located in Clovis, New Mexico.

The agenda will be posted at the offices of SNMEDD and on SNMEDD's website at <http://snmedd.com/sertpo-committees/> and at the offices of EPCOG and on RTPO New Mexico's webpage at <https://www.rtpnm.org/meetings>.

3. Notice of regular meetings other than those described in Paragraph 2 will be given ten days in advance of the meeting date. The notice will include a copy of the agenda or information on how a copy of the agenda may be obtained. If not included in the notice, the agenda will be available at least seventy-two hours before the meeting and posted on SNMEDD's website at <http://snmedd.com/sertpo-committees/> and on RTPO New Mexico's webpage at <https://www.rtpnm.org/meetings>.



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4. Special meetings may be called by the Chairman or a majority of the members upon three days notice. The notice for a special meeting shall include an agenda for the meeting or information on how a copy of the agenda may be obtained. The agenda will be available at least seventy-two hours before the meeting and posted on SNMEDD's website at <http://snmedd.com/sertpo-committees/> and on RTPO New Mexico's webpage at <https://www.rtpnm.org/meetings>.
5. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. SERTPO will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon twenty-four hours prior notice, 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. Within ten days of taking action on an emergency matter, SERTPO will notify the Attorney General's Office.
6. For the purposes of regular meetings described in paragraph 3 of this resolution, notice requirements are met if notice of the date, time, place and agenda are posted in the following locations:

1600 SE Main, Suite D, Roswell, New Mexico and
418 Main Street, Clovis, New Mexico

At a minimum, copies of the written notice shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation in the region that have made a written request for notice of public meetings.

7. For the purposes of special meetings and emergency meetings described in paragraph 4 and 5, notice requirements are met if notice of the date, time, place and agenda is provided by telephone to newspapers of general circulation in the region and posted in the offices of the SNMEDD and EPCOG. 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.
8. In addition to the information specified above, all notices shall include the following language:

Southeastern New Mexico Economic Development District

Pursuant to the *Americans with Disabilities Act of 1990* (ADA), if anyone requires accommodations for this meeting, please contact the Southeastern New Mexico Economic Development District (SNMEDD) at (575) 624-6131 or 1600 SE Main, Suite D, Roswell, NM 88203.



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Eastern Plains Council of Governments

Pursuant to the *Americans with Disabilities Act of 1990* (ADA), if anyone requires appropriate accommodations for this meeting, please contact the Eastern Plains Council of Governments (EPCOG) at (575) 762-7714 or 418 Main Street, Clovis, NM 88101.

9. SERTPO 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 SERTPO 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 SERTPO 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 the vote of the SERTPO in an open public meeting.

PASSED, APPROVED AND ADOPTED by the SERTPO Policy Committee this 6th day of May 2021.

Policy Committee Chair/Vice-Chair
Southeast Regional Transportation Planning Organization

ATTEST:

SERTPO Program Manager