



# CITY OF ANTHONY

## OPEN MEETINGS ACT

### RESOLUTION

2020-001

A RESOLUTION ESTABLISHING THE CITY OF ANTHONY GOVERNING BODY'S MEETING AND NOTICE PROCEDURES FOR CALENDAR YEAR 2020 IN ACCORDANCE WITH THE STATE OF NEW MEXICO OPEN MEETINGS ACT, NMSA 1978, CHAPTER 10, ARTICLE 15.

**WHEREAS, § 10-15-1 (B) NMSA 1978,** 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, 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 policy, rules, regulations or ordinances, discussing public business or for the purpose of 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, § 10-15-4, NMSA 1978,** 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.", and;

**WHEREAS, § 10-15-1 (D), NMSA 1978,** provides that: "Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body. That notice shall include broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice.", and;

**WHEREAS, § 3-1-2 (J), NMSA 1978,** provides that: "Publish" or "publication" "means printing in a newspaper that maintains an office in the municipality and is of general circulation within the municipality or, if such newspaper is a non-daily paper that will not be circulated to the public in time to meet publication requirements or if there is no newspaper that maintains an office in the municipality and is of general circulation within the municipality, then "publish" or "publication" means posting in six public places within the municipality on the first day that publication is required in a newspaper that maintains an office in the municipality and is of general circulation within the municipality. One of the public places where posting shall be made is the office of the municipal clerk who shall maintain the posting during the length of time necessary to comply with the provisions relating to the number of times publication is required in a newspaper of general circulation within the municipality. The municipal clerk may, in addition to posting, publish one or more times in a newspaper of general circulation in the municipality", and;

**WHEREAS,** the Governing Body of the City of Anthony is vested in its Board of Trustees consisting of the Mayor and four (4) Trustees. The Governing Body will be meeting on a regular basis to manage the affairs of the citizens of the City of Anthony;

**WHEREAS,** this resolution will replace Resolution No. 2019-001 which was passed unanimously by the Board of Trustees on the 02<sup>nd</sup> day of January 2019.



**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the City of Anthony  
(Here after referred to as the "Governing Body") that:

1. The regular meetings of the Governing Body of the City of Anthony shall be held on the first and third Wednesdays at 6:00 p.m. in the Board of Trustees Chambers located at 820 HWY 478, Anthony, New Mexico. Although it is the intent of the Governing Body to fulfill these obligations, a regular meeting may convene in a location other than that described in this section provided due notice has been given to the public. Additionally, a regular meeting may be cancelled and postponed to an alternate date and time by a majority of the Governing Body provided due notice has been provided to the public. Each member of the Governing Body shall be notified of the alternate date. Furthermore, action by the Governing Body, and not the Mayor acting alone, is necessary to cancel a regularly scheduled meeting. (1971 Op. Atty. Gen. No. 71-46).
2. The Mayor or a majority of the members of the Governing Body may call special meetings by notice to each member of the Governing Body, personally served or left as his/her usual place of residence, or email or phone call. (§ 3-12-3 (D), NMSA 1978).
3. The date and time of workshops of the Governing Body of the City of Anthony shall be posted/published at least seventy-two (72) hours in advance of the meeting date and time. Workshops are to be held for the purpose of discussing City projects, issues, and other matters of interest which do not require or allow any official action of the Governing Body. Workshops will generally be convened in the Board of Trustees Chambers located at 820 HWY 478, Anthony, New Mexico unless a different location is listed on the posted/published notice to the public.
4. At least two (2) budget workshops will be scheduled during the Fiscal Year. The first budget workshop will be scheduled between July and December and the second workshop will be scheduled between January and June. (For financial review updates)
5. Posted/published notices for regular meetings of a quorum of the members of the Governing Body or any other committee meeting held for the purpose of taking formal action within the authority of the Governing Body of the City of Anthony shall be made available to the public at least five (5) calendar days in advance of the regular meeting.
6. Posted/published notice for any special meeting held for the purpose of taking formal action within the authority of the Governing Body of the City of Anthony shall be made available to the public at least three (3) business days in advance of the special meeting.
7. Except in the case of an emergency, the agenda for a regular meeting, special meeting, or workshop shall generally be available to the public at the time the meeting's notice is posted/published, but not less than three (3) business days prior to the meeting/workshop time. An "emergency meeting" called with little or no notice must involve issues that could not have been anticipated and that, if not addressed immediately by the public body, will likely threaten the health, safety or property of its citizens, or likely result in substantial financial loss to the public body. Except for emergency matters, the Governing Body shall take action only on those items appearing on the agenda.
8. Compliance with the published notice requirement of this Resolution consists of the posting of the date, time, place and subject matter, by having all pages of agenda fully displayed, of any meeting in six (6) public places in or near the City of Anthony. The posting places are as follows: City Hall (820 HWY 478), Anthony Post Office (1190 Anthony Dr.), and City of Anthony Library (750 Landers), El Paso Electric (400 Anthony Drive), Anthony Water & Sanitation District (1155



N. 4th Street), and Senior Citizens Center (865 N Anthony Drive). The agenda also will be available for continued viewing 72 hours in advance of the meeting at [www.cityofanthonymn.com](http://www.cityofanthonymn.com) and our City Facebook page.

9. 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, 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 Office of the City Clerk at (575) 882-2983 at least one (1) 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 Office of the City Clerk at (575) 882-2983 if a summary or other type of accessible format is needed.
10. Notwithstanding any other provisions of this Resolution, the Governing Body may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.
11. The Governing Body may close a meeting as allowed by and in full accordance with the New Mexico Open Meetings Act, § 10-15-1 (H) & (I), NMSA 1978. Only those subjects specified in the motion to close a meeting may be discussed by the Governing Body and, upon completion of any closed meeting, the Governing Body's minutes must indicate whether the subjects discussed in the closed meeting were limited to only the subjects specified in the initial motion.
12. The citizens of the City of Anthony have a right to see and hear how their elected officials are voting and likewise the elected officials have the obligation to see and hear their constituents official conversations. Therefore the only mechanism suitable for "remote participation" on the part of any member of the Governing Body would be via an electronic audio/video transmission devices at both the sending and receiving end. Cellphone cameras do not meet this requirement.
13. It is the intent of this document to mandate a logical adherence to the **CITY OF ANTHONY** Board of Trustees Regular Meeting Schedule 2020 Calendar Year:

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| (1) <b>Items to clerk due by 5:00 pm:</b>    | One week prior to meeting (Wednesday before) |
| (2) <b>Date agenda will be posted:</b>       | Friday prior to meeting (by 4:00pm)          |
| (3) <b>Agenda packet ready for Trustees:</b> | Friday prior to meeting (by 4:30pm)          |



**BE IT FURTHER RESOLVED THAT:** The provisions of this Resolution supersede all previously adopted or resolutions in conflict.

**ADOPTED, PASSED, AND APPROVED ON THIS 18<sup>th</sup> DAY OF DECEMBER 2019.**

**ATTEST:**



  
\_\_\_\_\_  
Diana Murillo-Trujillo, Mayor



\_\_\_\_\_  
Esther Motongo, City Clerk

**ROLL CALL VOTE:**

Trustee Fernie Herrera

YES    NO



Mayor Pro Tem Gloria Gameros

YES    NO



Trustee Elva Flores

YES    NO



Trustee Javier Silva

YES    NO

