

RESOLUTION NO. R2022-1

ANNUAL DETERMINATION OF NOTICE UNDER THE OPEN MEETINGS ACT

WHEREAS, the Gallup City Council met in regular session at Gallup City Hall, 110 West Aztec Avenue; Gallup, New Mexico, on Tuesday, January 11, 2022, at 6:00 p.m., as required by law; and

WHEREAS, Section 10-15-1B of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4) 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, the New Mexico Attorney General has provided guidance to public bodies in New Mexico regarding their obligation to comply with the Open Meetings Act during the COVID-19 public health crisis, in which the mass gathering of people have been restricted due to the public health orders issued by the State; 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 10-15-1D of the Open Meetings Act requires the Gallup City Council to determine annually what constitutes reasonable notice of its public meetings.

NOW THEREFORE, BE IT RESOLVED by the governing body of the City of Gallup, New Mexico, that:

1) All meetings shall be held at the Council Chambers of Gallup City Hall, 110 West Aztec Avenue; Gallup, New Mexico or as indicated in the meeting notice, unless the meetings are virtually held due to restrictions imposed under a public health order. The Gallup City Council will comply with the Attorney General's guidelines for conducting virtual meetings.

2) Unless otherwise specified, regular meetings shall be held on the second (2nd) and fourth (4th) Tuesdays of each month at 6:00 p.m. The agenda will be available at least seventy-two (72) hours prior to the meeting from the City Clerk, whose office is located at Gallup City Hall, 110 West Aztec Avenue; Gallup, New Mexico. The agenda will be posted on the bulletin board at the entrance to Gallup City Hall and the bulletin board at the Office of the City Clerk. The agenda will also be posted on the City of Gallup's website at www.GallupNM.gov.

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 the City of Gallup's website at www.GallupNM.gov.

4) Special meetings may be called by the Mayor or two (2) members of the governing body upon three (3) days notice, pursuant to Section 1-6-6D of the Gallup City Code. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda will be available to the public at least seventy-two (72) hours before the meeting and posted on the City of Gallup's website at www.GallupNM.gov.

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. The Gallup City Council will avoid emergency meetings whenever possible. Emergency meetings may be called by the Mayor or by two (2) members of the governing body upon twenty-four (24) 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 (10) days of taking action on an emergency matter, the Gallup City Council will notify the New Mexico Attorney General's Office.

6) For the purposes of regular meetings described in paragraph 3 of this Resolution, notice requirements are met by posting of the notice of the date, time, place, and the agenda on the bulletin board at the entrance to Gallup City Hall, on the bulletin board at the Office of the City Clerk and on the City of Gallup's website at www.GallupNM.gov. Copies of the written notice shall be electronically mailed to those broadcast stations licensed by the Federal Communications Commission (FCC) and newspapers of general circulation that made a written request for notice of public meetings.

7) For the purposes of special meetings and emergency meetings described in paragraphs 4 and 5 of this Resolution, notice requirements shall be met by posting notice of the date, time, place and the agenda on the bulletin board at the entrance to Gallup City Hall, on the bulletin board at the Office of the City Clerk and on the City of Gallup's website at www.GallupNM.gov. The City Clerk shall also provide notice by telephone or E-mail to those broadcast stations licensed by the FCC 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:

Auxiliary aides for the disabled are available upon request. Please contact the City Clerk at (505) 863-1254 at least one (1) week prior to the meeting or as soon as possible in advance of the meeting to make any necessary arrangements.

9) The Gallup City Council may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meetings requirement under Section 10-15-1H 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 the City Council 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 a closed meeting.

b) If a closed meeting is conducted when the City Council 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 the 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 10-15-1H of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the City Council in an open public meeting.

10) Nothing in this Resolution shall alter any legal requirement for greater or different notice of any specific public hearing.

PASSED, ADOPTED AND APPROVED this 11th day of January, 2022.

CITY OF GALLUP, NEW MEXICO

By: _____
Louie Bonaguidi, Mayor

ATTEST:

Alfred Abeita II, City Clerk