

RESOLUTION N^o. 16-01-01
ELDORADO AREA WATER & SANITATION DISTRICT
OPEN MEETINGS ACT RESOLUTION

07 January 2016

WHEREAS, the Board of Directors ("Board") of the Eldorado Area Water & Sanitation District ("District") met in regular session at 1 Hacienda Loop, Eldorado at Santa Fe, New Mexico at 7:00 p.m. on 07 Jan. 2016 as required by law; and

WHEREAS, The Open Meetings Act states "[a]ll meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking 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 policymaking 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."(NMSA 1978, § 10-15-1); and

WHEREAS, any meeting subject to the Open Meetings Act 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 the body so meeting, shall be held only after reasonable notice to the public; and

WHEREAS, the District is a quasi-municipal local governmental body subject to the provisions of the Open Meetings Act; and

WHEREAS, pursuant to the Open Meetings Act, the Board shall determine annually what notice for a public meeting of the Board is reasonable. (NMSA 1978, § Section 10-15-1).

NOW, THEREFORE, BE IT RESOLVED by the Board that:

1. All Board meetings shall be held in accordance with the annual schedule of meetings adopted by the Board. Provided that, dates and locations of Board meetings may be changed by the Board from time to time and notice of such changes shall be provided as appropriate.
2. Regular meetings of the Board shall be held monthly. A proposed agenda shall be available at least seventy-two (72) hours prior to the regular meeting at the District's office located at 1 Caliente Road, Suite F, Santa Fe NM 87508; the Eldorado Community Center, 1 Hacienda Loop, Eldorado at Santa Fe, New Mexico, the Agora Shopping Center on Avenida Vista Grande in Eldorado, and on the District's website at: <http://www.eldoradowaterdistrict.com/>. Notice of regular meetings shall be given at least seventy-two (72) hours in advance of the meeting date.
3. Public hearings may be held as necessary to gain public input on major issues regarding the District and shall be scheduled at the call of the President or by a majority of the Board members. Notice of public hearings shall be given at least seven (7) calendar days in advance of the hearing date.
4. Special meetings of the Board shall be called by the President or by a majority of the members of the Board upon no less than three (3) days notice. 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 shall be available to the public at least seventy-two (72) hours before any special meeting.
5. Informational and educational meetings may be called by the President or by a majority of the members of the Board upon no less than one (1) day notice. No decisions on matters of public policy or relating to public business will be made at such informational and educational meetings.
6. Emergency meetings shall be called only when necessary to address unforeseen circumstances that, if not addressed immediately by the District, would likely result in injury or damage to persons or property or substantial loss to the District. The District will avoid emergency meetings whenever possible. Emergency meetings may be called by the President or by a majority of the Board members, upon twenty-four (24) hours' notice, unless threat of personal 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. Except for emergency matters, action shall be taken only on items appearing on the final agenda. An "emergency" refers to "unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial loss to the public body." NMSA 1978, Section 10-15-1(F). Within ten (10) days of taking action on an emergency matter, the District shall report to the Attorney General's Office the action taken and the circumstances creating the emergency, except in the event of a declared state or federal emergency.

7. For the purposes of regular meetings and public hearings as described in Paragraphs 2 and 3 of this Resolution, notice requirements shall be met if notice of the date, time, place and information on how members of the public may obtain a copy of the agenda is placed in newspaper of general circulation in Santa Fe County and posted at the District's office located at 1 Caliente Rd, Suite F, Santa Fe NM 87508; at the Eldorado Community Center, 1 Hacienda Loop, Eldorado at Santa Fe, New Mexico, the Agora Shopping Center on Avenida Vista Grande in Eldorado, and on the District's website at: <http://www.eldoradowaterdistrict.com>.

8. For the purposes of special meetings, , emergency meetings, and informational and educational meetings as described in Paragraph 4, 5, 6 and 7 of this Resolution, notice requirements shall be met if notice of the date, time, place and agenda is provided by telephone to newspaper of general circulation in the state and posted at the District's office located at 1 Caliente Rd, Suite F, Santa Fe NM 87508; at the Eldorado Community Center, 1 Hacienda Loop, Eldorado at Santa Fe, New Mexico, the Agora Shopping Center on Avenida Vista Grande in Eldorado, and on the District's website at: <http://www.eldoradowaterdistrict.com>.

9. Notice of Board meetings shall be provided by mail, telefax, or e-mail to any broadcast station licensed by the federal communications commission or newspaper of general circulation that has submitted to the Board a written request for such notice.

10. Board meetings may be closed to the public only if the subject matter of the discussion or action is exempted from the open meetings 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 the Board taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those items specified in the motion may be discussed in the closed meeting.

(b) If the decision to hold a closed meeting is made when the Board is not in open meeting, the closed meeting shall not be held until public notice appropriate under the circumstances and stating the specific provisions of law authorizing the closed meeting and the subjects to be discussed is given to the members of the Board and to the general public by posting a notice at the District's office.

(c) 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 vote of the Board in an open public meeting.

11. Following completion of any closed Board meeting the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately held, shall state that the matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the Board as a part of the minutes.

12. The Board shall keep written minutes of all meetings. Minutes shall include as a minimum the date, time, and place of the meetings, the names of Board members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each Board member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten (10) working days after the meeting and shall be approved, amended or disapproved at the next meeting when a quorum is present. Minutes shall not become official until approved by the Board.


13. Provision shall be made for persons with handicaps to be able to attend and fully participate at regular meetings, public hearings, and special meetings of the Board, except only during closed meetings as described in Section 10 of this Resolution.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE ELDORADO AREA WATER & SANITATION DISTRICT on the 7th day of January, 2016.

ELDORADO AREA WATER & SANITATION DISTRICT

By: 
James Jenkins, PRESIDENT


Thomas L. Willmott, VICE PRESIDENT & SECRETARY


David Burling, DIRECTOR


John Calzada, DIRECTOR


Carolyn Horne, DIRECTOR