

**RESOLUTION ESTABLISHING THE OPEN MEETINGS POLICY OF THE CAMINO REAL REGIONAL UTILITY AUTHORITY (“AUTHORITY”)**

WHEREAS, the Open Meetings Act NMSA 1978 § 10-15-1 (B), 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 the members of any board, council, commission, administrative adjudicatory body or other policy making body of any state, political subdivision, county or municipal authority or public agency held for the purpose of formulating public policy, discussion of 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 Camino Real Regional Utility Authority (“Authority”) created jointly by Doña Ana County and the City of Sunland Park, pursuant to the Joint Powers Act (§ 11-1-1 et seq. NMSA), is a local governmental entity and public body subject to the Open Meetings Act; 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 (C) of the Open Meetings Act provides that a public body may authorize by its own rules the participation of its members in its meetings via telephone or other similar means of communication; and

WHEREAS, §10-15-1 (D) of the Open Meetings Act requires the Authority as a public body to determine at least annually what constitutes reasonable notice of its public meetings, and the Authority wishes to enact a resolution setting and announcing its public meeting notice policy.

NOW THEREFOR, IT IS HEREBY RESOLVED by the Authority, that:

1. Unless otherwise posted, all meetings of the Authority’s Board (“Board”) shall be held at the Gadsden Independent School District Board Room, 4950 McNutt Rd., Sunland Park, NM 88063.
2. Unless otherwise posted, regular meetings of the Board shall be held on the second Monday of each month at 5:00 p.m. Notice of the regular meeting’s Agenda shall be available seven (7) calendar days in advance of the meeting date, but may be amended so long as any amended agenda is available at least seventy-two (72) hours in advance of the meeting time. The Agenda shall be posted pursuant to the provisions of Paragraph 4 and be made available to the

public in the office of the Authority's Executive Director and in the Office of the City Clerk for the City of Sunland Park.

In addition to the Board's regular meetings, work sessions and special meetings may be called at the discretion of the Chair or upon the request of two board members upon seventy-two (72) hours notice, in accordance with paragraph 4.

3. Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety, and property of citizens or to protect the Authority from substantial financial loss. Emergency meetings may be called by the Chair or a majority of the board members upon twenty-four (24) hours notice, unless threat of personal injury or property damage requires less notice. Notice of emergency meetings shall be posted pursuant to the provisions of Paragraph 4 and made available to the public in the office of the Authority's Executive Director. Within ten (10) days of taking action on an emergency matter, the public body shall report to the Attorney General's Office the action taken and the circumstances creating the emergency.

4. Notice requirements are met if the notice, time, place, and agenda is posted at all of the unusual places the City of Sunland Park and Doña Ana County post notices according to their respective Open Meetings Act Resolutions, as well as notice provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for such notice. If notice of the meeting is published, a proof of publication shall be obtained from the newspaper by the Executive Director to be attached to the minutes.

5. Consistent with the Americans with Disabilities Act, all notices are to be made available in alternative formats and shall include the following language:

"If you are an individual with a disability who is in need of a reasonable accommodation to attend or participate in any Authority hearing or meeting open to the public, please contact the Authority's American's with Disabilities Act Coordinator at least seventy-two (72) hours prior to the meeting, or as soon as possible. Public documents, including the Agenda and Minutes, can be provided in various accessible formats. The Authority's Americans with Disabilities Act Coordinator may be contacted at:"

845 N. Motel Blvd.  
Las Cruces, NM 88007  
(575) 525-5884(voice)  
Fax (575) 525-2951(TTY)

6. The Authority may close a Board meeting to the public if the subject matter of such discussion or action is exempt from the open meetings requirement under § 10-15-1 (H) of the Open Meetings Act, which may involve discussions relating to: licensing; limited personnel matters; administrative adjudication deliberations; collective bargaining; certain purchases; litigation and attorney-client privileged communications; real property and water rights; and strategic planned and long-range business plans or trade secrets by a public hospital board.

A. If a meeting is closed to the public during a duly noticed upon 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 with reasonable specificity in the motion for closure. The motion may cross reference the printed Agenda, provided the items to be discussed in closed session are listed with reasonable specificity. The vote of each individual member regarding closure of the meeting shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in a closed meeting.

B. If the decision to hold a closed meeting is made when the Board is not is a duly noticed open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the close 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.

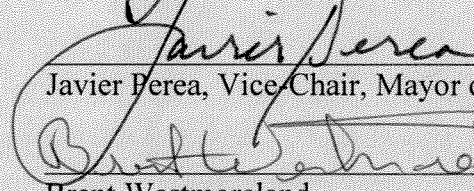
7. In accordance with NMSA 1978 § 10-15-1 , a member of the Board may participate in a meeting of the Board by means of conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member so participating is identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the Boar who speaks during the meeting.

**APPROVED AND ADOPTED** on this 13 day of January, 2014.

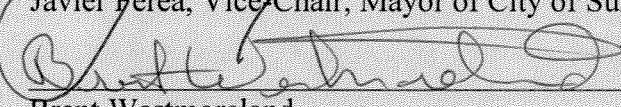
CAMINO REAL REGIONAL UTILITY AUTHORITY

  
Joshua Orozco, Chair

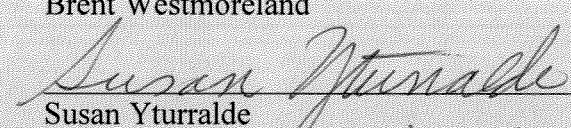
For /  Against

  
Javier Perea, Vice Chair, Mayor of City of Sunland Park

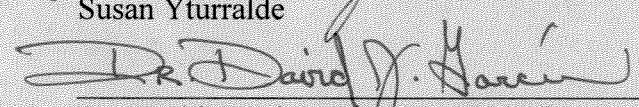
For /  Against

  
Brent Westmoreland

For /  Against

  
Susan Yturralde

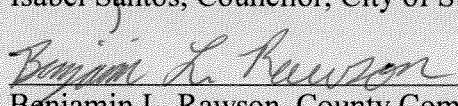
For /  Against

  
Dr. David Garcia, County Commissioner

For /  Against

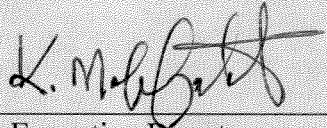
  
Isabel Santos, Councilor, City of Sunland Park

For /  Against

  
Benjamin L. Rawson, County Commissioner

For /  Against

ATTEST:

  
K. Mohr  
Acting Executive Director