

Memorandum



Buckman Direct Diversion

Date: January 9, 2025
To: Buckman Direct Diversion Board ("Board")
From: Nancy R. Long
Subject: Open Meetings Act Resolution 2025-1

Item and Issue:

Adoption and approval of the Annual (2025) Open Meetings Act Resolution.

Background and Summary:

As the Board is aware, public bodies are required by the New Mexico Open Meetings Act (Act) to annually address the issue of what determines reasonable notice for its public meetings in compliance with the Act. The Resolution is similar to last year's resolution.

The Resolution allows for remote attendance by Board members as permitted under the Act. It also retains the provisions for virtual meetings, altered meetings and allowing for the cancellation of meetings in the event a public health emergency is declared during the pendency of this Resolution.

Action Requested

Board counsel recommends adoption by the Board of Resolution 2025-1, a Resolution Determining Reasonable Notice for Public Meetings of the Buckman Direct Diversion Board; Rescinding Resolution No. 2024-1.



Buckman Direct Diversion 341 Caja del Rio Santa Fe, NM 87506



1 **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BUCKMAN DIRECT**
2 **DIVERSION BOARD, AS FOLLOWS:**

3 1. **Regular Meetings.** Unless otherwise specified, regular meetings of the Board shall
4 be held each month on the first Thursday of the month in the Santa Fe City Council Chambers or
5 at the Santa Fe County Commission Chambers. Notice of any regular meeting shall be provided
6 a minimum of seventy-two (72) hours prior to the meeting to the public and to those broadcast
7 stations licensed by the Federal Communications Commission and newspapers of general
8 circulation that have made written request for such notice. The notice shall include the date, time
9 and place of the meeting and a list of specific items of business to be discussed or transacted at the
10 meeting or information on how the public may obtain a copy of the agenda.

11 2. **Special Meetings.** A special meeting of the Board may be called by the Chair upon
12 at least seventy-two (72) hours' notice at such time and place as the Chair deems appropriate.
13 Notice of special meetings shall be provided to the public by posting notice of the date, time and
14 place on the City of Santa Fe's ("City") and the Board's websites at least seventy-two (72) hours
15 prior to a special meeting. Notice of a special meeting shall also be provided to those broadcast
16 stations licensed by the Federal Communications Commission and newspapers of general
17 circulation that have made written request for such notice.

18 3. **Emergency Meetings.** An emergency meeting of the Board may be called by the
19 Chair to consider unforeseen circumstances that, if not addressed immediately, will likely result in
20 injury or damage to persons or property or substantial financial loss. An emergency meeting may
21 be conducted at a time and place as the Chair deems appropriate. If possible, given the emergency
22 circumstances, notice of an emergency meeting shall be given at least twenty-four (24) hours prior
23 to the meeting. If twenty-four (24) hours advance notice cannot be given, notice shall be posted

1 as soon as possible under the emergency circumstances in existence. Notice of an emergency
2 meeting shall also be provided to broadcast stations licensed by the Federal Communications
3 Commission and newspapers of general circulation that have made written request for such notice.
4 Unless there is a state or national emergency that has been declared for the same reasons as the
5 emergency meeting, within ten (10) days of taking action on an emergency matter, the Board shall
6 report to the Attorney General's Office that an emergency meeting took place.

7 4. **Agendas.** Any notice for meetings of the Board shall include an agenda containing
8 a list of specific items of business to be discussed or transacted at the meeting, or information on
9 how the public may obtain a copy of an agenda. At least seventy-two (72) hours prior to a regular
10 or special meeting, the final agenda shall be posted on the City's and the Board's websites.

11 5. **Recessed Meetings.** The Board may recess and reconvene a meeting to a later day,
12 if, prior to recessing, the Board specifies the date, time and place for continuation of the meeting,
13 and, immediately following the recessed meeting, posts notice of the date, time and place for the
14 reconvened meeting on or near the door of the place where the original meeting was held. Only
15 matters appearing on the agenda of the original meeting may be discussed at the reconvened
16 meeting unless notice of the reconvened meeting is provided as otherwise set forth herein.

17 6. **Remote Attendance at Meetings.** If it is difficult or impossible for a Board
18 member or alternate member to attend a meeting in person, remote participation in meetings is
19 permissible by conference telephone, an online meeting platform or other similar communications
20 equipment or technology as permitted pursuant to the Act.

21 7. **Closed Meetings.** A meeting may be closed in the following manner:

22 a. If the Board is in an open meeting when a closed meeting is desired and
23 authorized by the Act, then the closed meeting shall be approved on motion by a majority of a

1 quorum of the Board and the authority for the closure shall be stated in the motion. The votes of
2 the voting members of the Board shall be recorded in the minutes.

3 b. If the Board is not in a public meeting and a closed meeting is desired and
4 authorized, public notice of the closed meeting, appropriate under the circumstances, shall be given
5 stating the authority for the closure.

6 c. Following completion of any closed meeting, the minutes of the open
7 meeting that was closed, or the minutes of the next open meeting if the closed meeting was
8 separately scheduled, or held after adjournment, shall state that the matters discussed in the closed
9 meeting were limited only to those specified in the motion or notice for closure.

10 **8. Public Health Emergency Provisions.** Notwithstanding any other provision of
11 this Resolution, meeting locations, in-person meetings, posting requirements and any other
12 deviation deemed necessary or advisable due to any public health emergency or conditions,
13 including any emergency as may be declared by the WHO and/or the New Mexico Department of
14 Health or other public health authority, may be made, while taking into account any guidance
15 provided by the New Mexico Attorney General's Office for public meetings during public health
16 emergencies. Specifically, board members may participate remotely in meetings by conference
17 telephone, video platforms or by other similar communications equipment provided that means are
18 provided to allow for the public to hear and/or view the Board meeting. Additionally, the Board
19 Chair has the authority to take the following actions: (i) exclude or limit the public from in-person
20 attendance at meetings, provided that the public may witness the meeting either by telephone or
21 video means; or (ii) cancel any meeting prior to commencement of such meeting to preserve the
22 public health, safety and welfare.


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1 9. **Definitions: "Meeting" and "Member."** For purposes of this Resolution, the
2 term "meeting" shall be defined as a meeting of a quorum of the Board held for the purpose of
3 formulating public policy, rules, regulations or ordinances, discussing public business, or taking
4 any action within the authority of or the delegated authority of the Board. For purposes of this
5 Resolution, the term "Member," when not otherwise qualified within this Resolution, shall mean
6 both the voting and non-voting members of the Board.


7 10. Resolution No. 2024-1 is hereby rescinded.

8 **PASSED, APPROVED AND ADOPTED this 9th day of January 2025.**

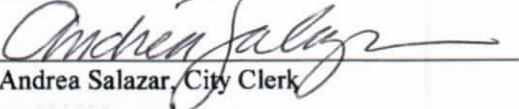
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11 **BUCKMAN DIRECT DIVERSION BOARD:**

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16 Carol Romero-Wirth, BDDDB Chair

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18 **APPROVED AS TO FORM:**

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22 Nancy R. Long, Board Counsel

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25 **ATTEST:**

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Andrea Salazar, City Clerk






Chair Signed OMA 2025-1

Final Audit Report

2025-01-27

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