

**LABOR MANAGEMENT RELATIONS
BOARD, SANDOVAL COUNTY, NEW
MEXICO
OPEN MEETINGS ACT AND RULES OF
PROCEDURE RESOLUTION NO. 2-28-19.7**

WHEREAS, the Labor Management Relations Board of Sandoval County, met in session on February 21, 2018, as required by law; and

WHEREAS, upon adoption of this Resolution, Resolution No. 2-21-18.7 and any amendments thereto are hereby rescinded in their entirety; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, §10-15-1 to §10-15-4) states that, except as may otherwise be 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 policy-making 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, 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(D) of the Open Meetings Act requires the Labor Management Relations Board of Sandoval County to determine annually what constitutes reasonable notice of its public meetings.

WHEREAS, the Labor Management Relations Board of Sandoval County wishes to establish Rules of Procedure for the conduct of meetings and preparation of Board agendas.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Labor Management Relations

Board of Sandoval County (hereinafter referred to as "the Board").

A. Meetings

1. All meetings shall be held at the Sandoval County Administrative Building, 1500 Idalia Road, Building D, 3rd Floor, Bernalillo, New Mexico, at 3:00 PM or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings of the Board shall be held quarterly (February, May, August and November) on or about the third Wednesday of the month, the agenda will be available at least seventy-two (72) hours prior to the meeting from the Sandoval County Human Resources Department, located at 1500 Idalia Road, Building D, 1st Floor, Bernalillo, New Mexico. Notice of any other regular meetings will be given three (3) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. A member of the Board may participate in a meeting by means of a telephone conference when it is otherwise difficult or impossible for the member to attend the meeting in person. Any member participating by telephone conference shall be identified when speaking. The Board shall ensure that all members of the Board and of the public are able to hear any member of the Board who speaks during the meeting.
4. Special meetings may be called as required by law or by the Chairman or a majority of the members (in a prior open meeting) upon 72 hours' notice. The notice shall include an agenda for the meeting or information on how 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. The Chairman or a majority of the members may schedule informal meetings, inspections, trips, or retreats. When a quorum of the Board is present, notice of these meetings shall be given in the same manner as special meetings. Minutes of these meetings shall be made by an individual designated by the Chairman.
6. 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 Board will avoid emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members upon twenty-four (24) hours' 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.

B. Notices

1. For the purpose of regular meetings, as described in Paragraph (A) 2 of this Resolution, notice requirements are met if notice of the date, time, place and agenda is posted on the first floor official bulletin board located in the Sandoval County Administrative Building, 1500 Idalia Road, Building D, Bernalillo, New Mexico and posted on the Sandoval County website. Copies of the written notice shall also be provided to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
2. For the purpose of special meetings and emergency meetings, as described in paragraph (A) 4 and (A) 6 of this resolution, notice requirements are met if notice of the date, time, place and agenda is posted on the first floor official bulletin board located in the Sandoval County Administrative Building, 1500 Idalia Road, Building D, Bernalillo, New Mexico and posted on the Sandoval County Website. Telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
3. In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is need of a reader, amplifier, qualified sign or language interpreter, or any other form of auxiliary aid or service to attend or participate in the meeting, please contact the County Clerk's Office at (505) 867-7572 at least one (1) week prior or the meeting or as soon as possible. Public documents, including agenda and minutes, can be provided in various accessible formats. Please contact the County Clerk's Office at (505) 867-7572, if a summary or other type of accessible format is needed.

C. Closed Meetings

1. The Board may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirements under §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 of 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 the closed meeting.

- (b) If a closed meeting is conducted when the Board 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 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 closed meeting were limited only to those specified in the motion or notice for closure.
- (d) Except provided in §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.

D. Rules of Procedure

1. Rules of Order and Debate.

- (a) The maker of a motion shall be entitled to the floor first for debate.
- (b) A Board Member once recognized should not be interrupted when speaking unless to call said Board Member to order. The Board Member should then cease speaking until the question of order is determined, without debate, by the Chairman. If in order, said Board Member will be at liberty to proceed.
- (c) Any matter not covered by these rules shall be governed by Robert's Rules of Order (latest edition), or, if not covered by Robert's Rules of Order, by a decision of the Chairman, subject to the Right of Appeal.
- (d) Board Members shall confine their remarks to the question under discussion or debate, avoiding personalities. No Board Member shall engage in private discourse or commit any other act tending to distract the attention of the Board from the business before it.

2. Suspension of Rules. Except for rules related to introduction and adoption of Ordinances, these rules, or any part thereof, may be temporarily suspended by a majority vote of the Board's quorum.

3. Amendment of Rules. These rules, or any part thereof, may be amended, repealed, altered or rescinded by a majority vote of all Board Members after two week's notice of his/her intention to amend. Such notice shall be presented in writing at a Regular Administrative meeting of the Board.

4. Motions.

- (a) No motion shall be entertained or debated until announced by the Chairman, and every motion shall be seconded to be considered for action. When a question is before the Board, only the following additional motion(s) shall be entertained and such motion(s) shall have precedence in the following order:
 - (1) To adjourn
 - (2) To recess
 - (3) To reconsider
 - (4) To table
 - (5) To move the previous question
 - (6) To postpone to a time certain (to defer)
 - (7) To amend or substitute
 - (8) To postpone indefinitely
 - (9) Any other motion
- (b) A motion to adjourn, to recess, to table, or move the previous question shall be decided without debate and cannot be amended.
- (c) A motion to move the previous question must be approved by a majority of those present and voting, and may apply to only the immediate pending question.
- (d) All other motions are debatable.
- (e) A motion to amend or substitute shall be clearly stated.
- (f) A motion to adjourn when no fixed time is set shall mean an adjournment to the next Regular Administrative meeting of the Board.

5. **Voting. The votes during all Board meetings should be transacted as follows:**

- (a) Except for the election of the Chairman, when the Chairman calls for a vote on a motion, every Board Member in the Chambers, must give his/her vote, unless the member has publicly stated that s/he is abstaining from voting due to a conflict of interest. If any Board Member declines to vote "aye" or "nay" by voice, his or her vote shall be counted as an "aye" vote.
- (b) The passage of any motion shall require the affirmative vote of at least a majority of the membership of the Board Members who are present and eligible to vote. In case of a tie in votes on any proposal, the proposal

shall be considered lost.

- (c) A Board Member shall be allowed to change his/her vote, but only before the result has been announced.
- (d) Any Board Member shall have the right to express dissent from, or protests against, any item being acted on by the Board, and to have the reason therefore entered in the minutes.
- (e) If a motion is not carried by at least a majority of Board's quorum, the proposal shall be considered lost.
- (f) A record of each Board Member's vote shall be entered in the minutes of each meeting.

6. Election of Chairman. The Procedures for electing officers are as follows:

- (a) At the first meeting of the Board each year, the Board shall elect one of its members to act as Chairman of the Board (Section 4-38-10, NMSA 1978). The Chairman shall serve until the election of a Chairman at the first meeting of the Board each year.
- (b) The current Chairman calls for nominations for Chairman. Nominations require a second. A roll-call vote is conducted if there is more than one nomination. If a vacancy occurs in the office of the Chairman, the Board shall, at its next meeting, select a Chairman for the remainder of the term.

E. Agendas

1. Preparation of Agenda-Regular Administrative Meetings.

- (a) The Human Resources Department Director shall prepare and disseminate the agenda. The Chairman or a majority of the members in a previous open meeting may place an item on the agenda.
- (b) The Chairman and the Human Resources Department Director will discuss each agenda. Items for Final Action on a Board Meeting agenda may be placed on the Agenda by the Human Resources Department Director, after consultation with the Chairman, if s/he believes that no discussion or amendment is needed. Thereafter, the Human Resources Department Director shall finalize the agenda.

2. Agenda Material. A copy of the agenda and supporting materials shall be prepared for Board Members and made available to them within a reasonable

time before the meeting but no later than 72 hours prior to the Regular Board meeting. The agenda, as well as supporting documents that are part of agenda documentation, shall be available for review in the Human Resources Office.

PASSED by the Labor Management Relations Board, Sandoval County this 28th day of February 2019.

**LABOR MANAGEMENT RELATIONS
BOARD OF SANDOVAL COUNTY**

Chairman

Member

Member

ATTEST:

Eileen Garbagni, County Clerk

APPROVED AS TO FORM:

Robin S. Hammer, County Attorney