



# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

### Resolution No. 2016-\_\_\_\_ Open Meetings Act - 2016

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**SPONSOR(S):** Mayor Gonzales and Councilor Ives

**SUMMARY:** The proposed resolution repeals Resolution No. 2015-3 relating to the Open Meetings Act; adopting the State of New Mexico Open Meetings Act by reference; and adopting notice requirements.

**PREPARED BY:** Rebecca Seligman, Legislative Liaison Assistant

**FISCAL IMPACT:** No

**DATE:** December 10, 2015

**ATTACHMENTS:** Resolution  
FIR

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2016-\_\_\_\_

3 INTRODUCED BY:

4  
5 Mayor Javier M. Gonzales

6 Councilor Peter Ives

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9  
10 A RESOLUTION

11 REPEALING RESOLUTION NO. 2015-3 RELATING TO THE OPEN MEETINGS ACT;  
12 ADOPTING THE STATE OF NEW MEXICO OPEN MEETINGS ACT BY REFERENCE;  
13 AND ADOPTING NOTICE REQUIREMENTS.

14  
15 WHEREAS, the City of Santa Fe desires to repeal Resolution No. 2015-3 relating to the Open  
16 Meetings Act; and

17 WHEREAS, the City of Santa Fe desires to adopt the New Mexico Open Meetings Act,  
18 Sections 10-15-1 through 10-15-4 NMSA 1978, for purposes of compliance with state law; and

19 WHEREAS, the City of Santa Fe desires to adopt notice requirements for the City of Santa Fe's  
20 governing body and its agencies, commissions, committees or other policy-making bodies; and

21 WHEREAS, the City of Santa Fe is hereby giving its annual notice to the public of its  
22 determination, pursuant to Section 10-15-1(D) NMSA 1978 that seventy two hours notice prior to  
23 meetings and the meetings of its agencies, commissions, or other policy-making bodies is deemed by the  
24 City to be reasonable notice.

25 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE

1 CITY OF SANTA FE that:

2 Section 1. Resolution No. 2015-3 is hereby repealed.

3 Section 2. The New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4  
4 NMSA 1978 is hereby adopted by reference and incorporated fully as if set out herein.

5 Section 3. The notice requirements set forth below are hereby adopted.

6 A. A minimum of 72 hours notice of all regular meetings of the governing body  
7 and its subordinate bodies shall be given in advance of such regular meetings. The date, time  
8 and place shall appear on an agenda and shall be made available to the public and news media  
9 through reasonable means including posting on the city's website. The agenda shall be filed,  
10 recorded and posted with the office of the city clerk.

11 B. Regular meetings of the governing body shall be held on the second and last  
12 Wednesday of each month in two sessions: the afternoon session, which will begin promptly at  
13 5:00 p.m. for purposes of presentations, committee hearings, and approval of consent calendar  
14 items and the evening session, which will begin promptly at 7:00 p.m. for the purposes of  
15 hearing petitions from the floor, public hearings or matters of public importance. Regular  
16 meetings are normally scheduled to be held at the city council chambers of the municipal  
17 building of the city, located at Lincoln and Marcy streets, Santa Fe. In the event a study session  
18 is called, notice shall follow the same requirements of a special meeting as specified in  
19 Subparagraph C.

20 C. A minimum of 72 hours notice of all special meetings of the governing body  
21 and its subordinate bodies shall be given in advance of such special meeting.

22 D. Special meetings are normally held at the same place specified in Subparagraph  
23 B of this resolution. The date, time and place of the special meeting shall appear on the agenda  
24 and be made available to the public and news media through reasonable means including posting  
25 on the city's website. The agenda shall be filed, recorded and posted with the office of the city

1 clerk.

2 E. The governing body of the city hereby requires that every quasi-judicial  
3 committee, board or commission, including but not limited to the planning commission, historic  
4 design review board and board of adjustment, shall follow the same notice requirements as the  
5 governing body, and as provided in this resolution and the New Mexico Open Meetings Act.

6 F. The governing body of the city hereby requires that all other boards,  
7 commissions, committees or other policy-making bodies shall follow the same notice  
8 requirements as provided by the New Mexico Open Meetings Act.

9 G. The mayor or city council of the city may call, with, if possible, up to 24 hours  
10 notice, a meeting of the governing body, or any board, commission, committee or other policy-  
11 making body of the municipality to consider any matter that needs emergency treatment because  
12 of a clear and present danger to the health, welfare or safety of the people of the city. When  
13 possible, 24 hour telephonic notice will be given to all media who normally cover city meetings  
14 before the emergency meeting commences.

15 PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

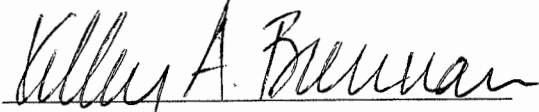
16  
17 \_\_\_\_\_  
18 JAVIER M. GONZALES, MAYOR

19  
20 ATTEST:

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22 \_\_\_\_\_  
23 YOLANDA Y. VIGIL, CITY CLERK  
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APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY

## City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

**Section A.      General Information**

(Check) Bill: \_\_\_\_\_ Resolution:   X    
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): **A RESOLUTION REPEALING RESOLUTION NO. 2015-3 RELATING TO THE OPEN MEETINGS ACT; ADOPTING THE STATE OF NEW MEXICO OPEN MEETINGS ACT BY REFERENCE; AND ADOPTING NOTICE REQUIREMENTS.**

Sponsor(s): Mayor Javier Gonzales and Councilor Peter Ives

Reviewing Department(s): City Clerk and City Attorney

Person Completing FIR: Yolanda Y. Vigil Date: December 10, 2015 Phone: 955-6521

Reviewed by City Attorney: *Kelley A. Brennan* Date: 12/15/15  
(Signature)

Reviewed by Finance Director: *[Signature]* Date: 12-17-2015  
(Signature)

**Section B.      Summary**

Briefly explain the purpose and major provisions of the bill/resolution.

The purpose of this resolution is to Repeal Resolution No. 2015-3, Relating to the Open Meetings Act; Adopt the State of New Mexico Open Meetings Act by Reference; and Adopt Notice Requirements.

**Section C.      Fiscal Impact**

**Note:** Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

**1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate:      "A" if current budget and level of staffing will absorb the costs  
                      "N" if new, additional, or increased budget or staffing will be required
- c. Indicate:      "R" – if recurring annual costs  
                      "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

X     Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$93,000	<u>  A  </u>	<u>  R  </u>	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$93,000	_____	_____	\$ _____	_____	_____	_____	_____

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

**2. Revenue Sources:**

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____	_____	\$ _____	_____	_____	_____



**3. Expenditure/Revenue Narrative:**

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

**General Fund – Professional Services Agreements for Stenographer Services**

**The monies for these agreements were approved in the City Clerk’s Fiscal Year 15/16 budget.**

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**Section D. General Narrative**

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

**Repeals Resolution No. 2015-3**

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**2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

**City would be in violation of the State Open Meetings Act.**

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**3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

**N/A**

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**4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

**N/A**

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Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08