

**OPEN MEETINGS ACT ANNUAL RESOLUTION
NEW MEXICO BORDER AUTHORITY
RESOLUTION NO. _____**

WHEREAS, the New Mexico Border Authority (“Border Authority”) met in regular session on April 22, 2025, commencing at 10:00 AM.; and

WHEREAS, Section 10-15-1(B) NMSA 1978 of the Open Meetings Act, Chapter 10, Article 15 NMSA 1978 (“Open Meetings Act”), states that all meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or 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; and

WHEREAS, Section 10-15-1(D) NMSA 1978 of the Open Meetings Act requires that any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) NMSA 1978 of the Open Meetings Act requires the Border Authority, as the affected body, to determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body.

NOW, THEREFORE, BE IT RESOLVED by the Border Authority:

1. All regular meetings of the Border Authority shall be held at its offices located at 221 Pete Domenici Highway, Santa Teresa, New Mexico, commencing at 11:00 AM, unless stated otherwise in the meeting notice. A regular meeting of the Border Authority may be canceled if there is no business to be discussed or transacted.

2. Notice of regular meetings of the Border Authority shall be given at least ten (10) days prior to the meeting date. The meeting notice shall include an agenda containing a list of specific items of business to be discussed or transacted by the Border Authority at the meeting, or information on how the public may obtain a copy of such an agenda. If not included in the notice, the agenda will be available at least seventy-two (72) hours before the meeting and posted at the Border Authority’s offices located at 221 Pete Domenici Highway, Santa Teresa, New Mexico and website at <http://www.nmborder.com/>, and shall be published beforehand at least one (1) time in the legal notice section of the *Las Cruces Sun News*.

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3. The Border Authority may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the Border Authority specifies the date, time and place for continuation of the meeting and, immediately following the recessed meeting, posts or causes to be posted notice of the date, time and place for the reconvened meeting on the Border Authority's website at <http://www.nmborder.com/>, and in a public location at the Border Authority's offices located at 221 Pete Domenici Highway, Santa Teresa, New Mexico, or such other place where the original meeting was held, and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

4. Special meetings of the Border Authority may be called by the Border Authority Chair or a majority of the Border Authority members upon three (3) days' prior notice. The meeting notice shall include an agenda containing a list of specific items of business to be discussed or transacted by the Border Authority at the meeting, or information on how the public may obtain a copy of such an agenda. Notice shall be posted in a public location at the Border Authority's offices located at 221 Pete Domenici Highway, Santa Teresa, New Mexico, and posted on the Border Authority's website at <http://www.nmborder.com/>. 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. If not included in the meeting notice, at least seventy-two (72) hours prior to the meeting, the agenda shall be available to the public and posted on the Border Authority's website at <http://www.nmborder.com/>, and copies provided to individuals or business entities that have requested them from the Border Authority or its staff.

5. Emergency meetings of the Border Authority shall only be called due to unforeseen circumstances that, if not addressed immediately by the Border Authority, will likely result in injury or damage to persons or property or substantial financial loss to the Border Authority. Emergency meetings of the Border Authority may be called by the Border Authority Chair or a majority of the Border Authority members upon twenty-four (24) hours' prior notice, unless imminent threat of injury or damage to persons or property or substantial financial loss to the Border Authority requires less notice. The meeting notice shall include an agenda containing a list of specific items of business to be discussed or transacted by the Border Authority at the meeting, or information on how the public may obtain a copy of such an agenda. Except for emergency matters, the Border Authority shall take action only on items appearing on the agenda. Within ten (10) days of taking action on an emergency matter, the Border Authority shall report to the New Mexico Office of the Attorney General the action taken and the circumstances creating the emergency. Telephone notice of the meeting shall also be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for notice of public meetings.

6. For the purpose of regular meetings of the Border Authority specified in paragraph 1 of this Resolution, notice requirements under the Open Meetings Act are met if notice of the date, time and place of the meeting and the agenda are published beforehand at least one (1) time in the

legal notice section of the *Las Cruces Sun News*, and are posted at a public location at the Border Authority's offices located at 221 Pete Domenici Highway, Santa Teresa, New Mexico, and on the Border Authority's website at <http://www.nmborder.com/>. Copies of the meeting notice and the agenda for the meeting shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for such notice.

7. For the purpose of special meetings or emergency meetings specified in paragraphs 4 and 5, respectively, of this Resolution, notice requirements under the Open Meetings Act are met if notice of the date, time and place of the meeting and the agenda for the meeting are provided by telephone to newspapers of general circulation that have provided a written request for such notice, and are posted at the following locations: (a) the Border Authority's offices located at 221 Pete Domenici Highway, Santa Teresa, New Mexico, and (b) the Border Authority's website at <http://www.nmborder.com/>. Telephone notice of those meetings shall also be given to those broadcast stations licensed by the Federal Communications Commission that have provided a written request for such notice.

8. In addition to the information required above, all meeting notices shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the meeting, please contact the Border Authority by emailing a request to Laura Chaparro at laura.chaparro@nmba.nm.gov, calling (575) 589-6501, faxing (575) 589-6499, or visiting its office at 221 Pete V. Domenici Hwy, Santa Teresa, NM at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Authority's office if a summary or other accessible format is needed.

9. When it is otherwise difficult or impossible for a member of the Border Authority to attend a meeting of the Border Authority in person, the member may participate in the meeting by means of a conference telephone or other similar communications equipment if otherwise allowed by law or rule of the Border Authority, as provided in Section 10-15-1(C) NMSA 1978 of the Open Meetings Act; provided that each member of the Border Authority participating by conference telephone or other similar communications device can be 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 Border Authority who speaks during the meeting.

10. The Border Authority may close a meeting to the public only if the subject of the discussion or action is excepted from the open meeting requirement under one or more the exclusions enumerated in Section 10-15-1(H) NMSA 1978 of the Open Meetings Act.

(a) If any Border Authority meeting is closed pursuant to any of the enumerated exclusions, the closure if made in an open meeting shall be approved by a majority vote of a quorum of the Border Authority; the authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member of the Border Authority shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the Border Authority may be discussed in a closed meeting.

(b) If a closure is called for when the Border Authority 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 stating with reasonable specificity the subject to be discussed is given to the Border Authority members and to the general public.

(c) Following completion of any closed Border Authority 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 that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the Border Authority under Section 10-15-1(J) NMSA 1978 of the Open Meetings Act as part of the official minutes of the meeting.

(d) Except as provided in Section 10-15-1(H) NMSA 1978 of the Open Meetings Act, any Border Authority action taken as a result of discussions in a closed meeting shall be made by vote of the Border Authority in an open public meeting.

PASSED AND ADOPTED by the Border Authority this 22th day of April, 2025.

DocuSigned by:

Joseph De La Rosa

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Joseph De La Rosa, Border Authority Chair

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