

RESOLUTION NO. 2002-23

**REQUIREMENTS FOR NOTICE OF PUBLIC MEETINGS OF
THE GOVERNING BODY, BOARDS, COMMISSIONS,
COMMITTEES, AGENCIES, OR OTHER POLICY-MAKING
BODIES OF THE CITY.**

WHEREAS, the Governing Body of the City of Carlsbad is required by Section 10-15-1D, NMSA, 1978, as amended, to determine annually what notice shall be reasonable to advise the public of meetings of the Governing Body, Boards, Commissions, Committees, Agencies, or other policy-making bodies of the City.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Carlsbad that:

Section 1.

- A. Notice shall be given at least 48 hours in advance of any regular meeting of a quorum of the members of the Governing Body, or any Board, Commission, Committee, Agency, Authority, or other policy-making body held for the purpose of discussing public business or taking action within the authority of such body.
- B. Notice shall be given at least 24 hours in advance of any special meeting of a quorum of the members of the Governing Body or any Board, Commission, Committee, Agency, Authority, or other policy-making body held for the purpose of discussing public business or taking any action within the authority of such body.

Section 2. The notice requirements set forth in Section 1 of this Resolution are satisfied if either:

- A. Notice of the date, time, place and subject matter to be discussed at the meeting is made available for inspection by the public during the normal and regular business hours at the office of the Municipal Clerk within the time limits of either paragraph A or B of Section 1 hereof, whichever is applicable; or
- B. An agenda containing the date, time, place and specific items of business to be

discussed or transacted at the meeting is posted in a conspicuous location for public viewing in the first floor lobby of the Carlsbad Municipal Building at 101 North Halagueno within the applicable time limits of either paragraph A or B of Section 1 hereof, whichever is applicable; or

- C. Notice of the date, time, place and subject matter to be discussed at the meeting is published in the newspaper of general circulation in the City of Carlsbad by at least the time prior to such meeting as is specified in either paragraph A or B of Section 1 hereof, whichever is applicable;
- D. Notice shall also be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation which have made a written request for notice of public meetings.

Section 3. Notwithstanding any provision herein contained, the Mayor may call with whatever notice is possible under the circumstances a meeting of any Board, Commission, Committee, or other policy-making body of the municipality to consider any matter which, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body.

Section 4. Nothing herein shall prevent the use of additional means or methods of giving notice of regular or special meetings and nothing herein shall require new notice for any public meeting for which notice has been given pursuant to this Resolution and which is recessed or adjourned, except an oral announcement of the date, time and place for the reconvened meeting which shall be made by the presiding officer before such meeting is recessed or adjourned, and the posting of a notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held and in a conspicuous location in the first floor lobby of the Carlsbad Municipal Building at 101 North Halagueno. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

Section 5. The City of Carlsbad will make all reasonable accommodation efforts to ensure the accessibility to all public meetings by persons with disabilities provided that such accommodation is requested at least 48 hours in advance of the public meeting. Such requests

shall be directed to the attention of the City Administrator.

Section 6. A member of the Governing Body, or any Board, Commission, Committee, Agency, Authority, or other policy-making body of the City may participate in a meeting of the public body by means of a conference telephone or similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone 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 public body who speaks during the meeting.

Section 7. If any section, paragraph, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provision of this Resolution or its application to other situations.

Section 8. All bylaws, orders and resolutions or parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution or part thereof heretofore repealed.

Section 9. This Resolution shall become effective upon passage and approval.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 25th day of June, 2002.

Bob Forrest
Mayor/Signature

ATTEST:

Pearlene Bradshaw
City Clerk/Signature