

Brazos Mutual Domestic Water Consumers Association

Open Meetings Act Resolution (2026)

Whereas, the Brazos Mutual Domestic Water Consumers Association (the Association or BMDWCA) By Laws require that “all meetings of the Association shall be held in accordance with the New Mexico Open Meetings Act”¹; and

Whereas, Section 10-15-1(B) of the Open Meetings Act (hereinafter “OMA”), NMSA 1978, Sections 10-15-1 to -4 (1974, as amended through 2013), states that, except as may otherwise be provided by law, “[a]ll 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”; and

Whereas, a public body subject to the Open Meetings Act may hold a meeting to discuss, formulate, or act on public business only after providing reasonable notice to the public; and

Whereas, Section 10-15-1(D) of the Open Meetings Act requires all public bodies to determine annually what constitutes reasonable notice for their public meetings; and

Whereas, the Brazos Mutal Domestic Water Consumers Association Board met in virtual regular session on December 15, 2025, at 6:30 p.m. to discuss and determine, in part, “what notice for a public meeting is reasonable,” Section 10-15-1(D), given its unique mission, character, and circumstances;

Now, therefore be it resolved by the Brazos Mutal Domestic Water Consumers Association that:

Meetings:

A. Unless otherwise specified, regular meetings of the Board shall be held on the second Tuesday of the month at 6:30 p.m. at the physical address on the agenda and the virtual videoconference address on the agenda. If technology fails, the meeting shall default to in person only (still subject to a quorum of the board). Members are encouraged to call a board member and review the website for updates. If weather, illness, or other circumstance

¹ BMDWCA By Laws (adopted May 25, 2008), Art. VIII, Sec. 3.

prevents an in person meeting, the meeting shall default to a virtual meeting only (still subject to a quorum of the board).

B. The annual meeting of the members of the Association shall be held at any location and time as the Board chooses, to be announced in the notification of the meeting.² It must have six (6) percent of the members of the Association as shown on the Voting Eligibility List shall

C. Special meetings of the Board may be called by the chair, by the Board during another open meeting, or when requested in writing by any two members of the Board with a minimum of a three-day notice.

D. Emergency meetings may only be called under unforeseen circumstances, which demand immediate action to protect the health, safety and property of citizens of New Mexico, including the members, contractors, or staff of the Association or the assets it holds in public trust, or to protect the public body from substantial financial loss.

(1) The Board shall avoid emergency meetings whenever possible.

(2) Emergency meetings may be called by the chair, by the Board during another open meeting, or when requested in writing by any two members of the Board.

(3) Within ten days of taking action on an emergency matter, the Board shall report to the attorney general's office the action taken and the circumstances creating the emergency; provided that the requirement to report to the New Mexico Department of Justice Attorney General's Office is waived upon the declaration of a state or national emergency.

E. Both the notice and the agenda of any video webcast or telephonic meeting shall provide information to the public on how the meeting may be accessed remotely, either through the video webcast, telephone, or similar technology.

F. At any video webcast or telephonic meeting, all votes shall be cast through a roll-call vote. The Chair shall suspend all discussion in the event that the audio is interrupted or becomes unintelligible.

Notice of Requirements:

All meetings shall be held at the times and places indicated in the notice. In the rare instance a video-link may need to change, check the Association's website or notice for a revised link.

² *Id.*, Art. V, Sec 2.

A. Regular meetings. Notice requirements for any regular meeting shall be met if notice is given at least ten (10) business days in advance of the meeting.³ The notice shall include the date, time and place of the meeting and an agenda for the meeting or information on how the members or the public may obtain a copy of the agenda.⁴

(1) Notices of regular meetings shall be posted on the BMDWCA website and on the community posting board, located in the Brazos Canyon in Chama, New Mexico across from the old Cliff View restaurant next to the fire bell.

(2) Notices shall also be sent to those broadcast stations licensed by the federal communications commission and those newspapers of general circulation that have made a written request within the last 12 month for notices of public meetings.

B. Annual meeting. Notice of the annual meeting of the members shall be mailed by the Secretary to each member of record...not more than forty (40) days or less than ten (10) days prior to the date of the meeting.⁵

(1) The notice must include the meeting location, all new business to be discussed, the slate of candidates for Board elections, and a ballot with proper validation.

C. Special and emergency meetings. Notice requirements for any special or emergency meeting shall be met if notice is given at least three (3) days in advance of any special, non-emergency meeting and 24 hours in advance of any emergency meeting, unless in the case of an emergency meeting, threat of personal injury or property damage requires less notice. The notice shall include the date, time and place of the meeting and the agenda.⁶

(1) Notices of special meetings shall be posted on the BMDWCA website and posted on the community posting board, located in the Brazos Canyon in Chama, New Mexico across from the old Cliff View restaurant next to the fire bell.

(2) Notices of emergency meetings shall be posted on the BMDWCA website if possible and posted on the community posting board, located in the Brazos Canyon in Chama, New Mexico across from the old Cliff View restaurant next to the fire bell.

(3) Notices shall also be provided to those broadcast stations licensed by the federal communications commission and those newspapers of general circulation that have made a written request for notices of public meetings. Within ten days of taking action on an emergency matter, the board shall report to the New Mexico Department

³ *Id.*, Art. VIII, Sec. 4.

⁴ *Id.*

⁵ *Id.*, Art. V, Sec. 3.

⁶ *Id.*, Art. VIII, Sec. 5.

of Justice Attorney General's Office the action taken and the circumstances creating the emergency.

D. In addition to the other information specified in this section, all notices shall include language providing information about whom an individual in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service may contact to obtain such aid or service. The notices shall further direct the individual to contact the named person at least one week prior to the meeting or as soon as possible. The notice shall also state that public documents, including the agenda and minutes, can be provided in various accessible formats and shall provide the name and telephone number of the person to contact for a summary or other accessible format.

Agenda:

The agenda for any regular or special meeting shall be available community posting board, located in the Brazos Canyon in Chama, New Mexico across from the old Cliff View restaurant next to the fire bell, at least 72 hours in advance of the meeting. The agenda shall also be posted on the BMDWCA website.

The agenda for the annual meeting shall be available in the same locations at least ten (10) days in advance of the meeting. The annual meeting must follow this agenda: Call to order, Proof of quorum, Proof of notice of meeting, Reading and approval of minutes, Financial report, Reports of officers and/or committees, Old business, New business, Election of directors, Adjournment.⁷

The agenda for an emergency meeting shall be available in the same locations 24 hours in advance of the meeting, except in the case when threat of personal injury or property damage requires less notice. When possible, the agenda shall also be posted on the BMDWCA website.

Participation by Phone or Video:

A member of the board may participate in a meeting by means of a conference telephone or video or other similar communications device when it is otherwise impossible or difficult for the member to attend the meeting in person, provided that the member participating by telephone or video can be identified when speaking and all meeting participants and members of the public attending the meetings are able to hear each other at the same time.⁸

⁷ *Id.*, Art. V, Sec. 4.

⁸ *Id.*, Art. VIII, Sec. 6.

Closed Meetings:

The board may close a meeting to the public only if the subject matter of the discussion or action is exempted from the open meeting requirement under Subsection H of Section 10-15-1 of the Open Meetings Act (Chapter 10, Article 15 NMSA 1978).

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. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion for closure⁹, and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.

B. If the decision to hold a closed meeting is made 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 the closed meeting were limited only to those specified in the motion or notice for closure.¹⁰

D. Except as provided in Subsection H of Section 10-15-1 of the Open Meetings Act (Chapter 10, Article 15 NMSA 1978), any action taken as a result of discussions in a closed meeting shall be made by a vote of the board in an open public meeting.¹¹

E. Proxy “voting” is not allowed for executive session matters.¹²

Minutes Requirements:

Minutes must include date, time, place of the meeting, names of members in attendance and absent, substance of proposals considered, and how each member voted.¹³ Draft minutes must be prepared within ten working days and approved/amended/disapproved at the next regular meeting.¹⁴ No minutes are kept on executive, or closed, sessions.

⁹ *Id.*, Art. VIII, Sec. 7(a) and (b).

¹⁰ *Id.*, Art. VIII, Sec. 7(c).

¹¹ *Id.*, Art. VIII, Sec. 7(d).

¹² *Id.*, Art. VIII, Sec. 7(e).

¹³ *Id.*, Art. VIII, Sec. 8.

¹⁴ New Mexico Open Meetings Act, Section 10-15-1(G) NMSA 1978.

Reasonable Notice Determination:

Pursuant to Subsection D of Section 10-15-1 of the Open Meetings Act (Chapter 10, Article 15 NMSA 1978), the board shall review annually the notice provisions of this Resolution and determine whether they constitute reasonable public notice. The review and determination shall be conducted at the last regular meeting in the calendar year.

Attest:

PASSED by the Brazos Mutual Domestic Water Consumers Association Board of Directors this 15th day of December, 2025.

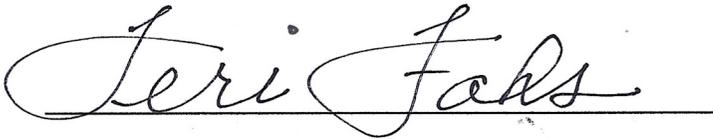
BMDWCA Board President

Reasonable Notice Determination:

Pursuant to Subsection D of Section 10-15-1 of the Open Meetings Act (Chapter 10, Article 15 NMSA 1978), the board shall review annually the notice provisions of this Resolution and determine whether they constitute reasonable public notice. The review and determination shall be conducted at the last regular meeting in the calendar year.

Attest:

*PASSED by the Brazos Mutual Domestic Water Consumers Association Board of Directors
this 15th day of December, 2025.*

A handwritten signature in cursive script that reads "Teri Fabs". The signature is written in black ink and is positioned above a solid horizontal line.

BMDWCA Board President