



City of Rio Communities Library Board Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Wednesday, February 01, 2023 5:30 PM
Agenda

Please silence all electronic devices.

Call to Order

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes

- [1.](#) Regular Library Board meeting 01/04/23

Action Items

- [2.](#) Discussion, Consideration, and Decision – Adoption of the City's Open Meetings Act Resolution
- [3.](#) Discussion – MOU with a Non-Profit Organization
4. Discussion – Library Budget
5. Discussion – Library Assistant Position

Public Comment: The Board will take public comments on ***this meeting's specific agenda items***. These should be in written form via email through 4:00 PM on Wednesday February 1, 2023 to info@riocommunities.net. These comments will be distributed to all Board Members for review. ***If you wish to speak during the public comment session in person:*** The Board will allow each member of the public three (3) minutes to address the Board. Both the public and Library Board will follow rules of decorum. Give your name and where you live. The public will direct comments to the Board. Comment(s) will not be disruptive or derogatory.

General Board Discussion/Future Agenda Items

Adjourn

Please join us from the comfort and safety of your own home by entering the following link: @ <https://www.facebook.com/riocommunities>

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT CITY HALL, 360 RIO COMMUNITIES BLVD, RIO COMMUNITIES, NM 87002. 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 AND OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE MUNICIPAL CLERK AT 505-861-6803 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.



City of Rio Communities Library Board Meeting
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Wednesday, January 04, 2023 5:30 PM
Minutes

Please silence all electronic devices.

Call to Order

- Chairman Caldwell called the library board meeting to order at 5:31pm.

Pledge of Allegiance

- Chairman Caldwell led the Pledge allegiance.

Roll Call

- PRESENT Chairman Bobby Caldwell, Vice Chair Merita Wilson, Secretary Lisa Tabet-Chavez, Member Rita White, Member Lisa La mana, Member Deborah Benavidez (zoom).
 - Present: City Manager Dr. Martin Moore, Deputy Clerk Lalena Aragon, City Attorney Randy Van Vleck.

Approval of Agenda

- Motion made by Vice Chair Marita Wilson to approve the agenda as written. Seconded by Secretary Lisa Tabet-Chavez. With a unanimous vote the library board agenda was approved as written.

Approval of minutes for Special Library Board meeting 9/21/22 Regular Library Board meeting 11/2/22 & 12/07/22

- Motion made by Secretary Lisa Tabet Chaves to approve the minutes as written for Special Library Board meeting 9/21/22 and Regular Library Board meeting 11/02/22 & 12/07/22. Seconded by member Lisa La Mana. With a unanimous vote the minutes were approved as written.

Discussion - Meet with attorney to explain MOU vs MOA (Memorandum of Understanding VS. Memorandum of Agreement)

- Manager Dr. Moore introduced the Attorney.
- Attorney Van Vleck explained the difference of MOA and a MOU to the commission.
- Chairman Caldwell asked what one is more legally binding.
- Attorney Van Vleck explained if you would want it to be legally binding then you would go with agreement that is basically a contract and explained what a contract was.
- Chairman Caldwell asked so a MOU is an agreement that can be walked away from by any party without the need to go to a legal remedy.
- Attorney Van Vleck explained that it is a classic MOU a mutual expectation of the parties' which allows either party to walk away without any penalty, sanctions, or consequences. The discussion continued.
- Chairman Caldwell asked so either one would give good guidance.
- Secretary Tabet Chavez asked if we have a volunteer that does something criminal what could we do.

- Attorney Van Vleck explained they would be prosecuted. The discussion continued.
 - Attorney Van Vleck explained that they are going to assist in fundraising and things like that so that in that case I wouldn't really be untoward because they are not going to be in the facility. The discussion continued.
 - Chairman Caldwell asked can we go through the trial from the Amigos to the board to the City Council.
 - Manager Dr. Moore explained the basic trail you make recommendations to the City Council for example you worked on the library procedures you vote on it and with a recommendation it gets moved to City Council and they have it and then Council votes and decides on it. The discussion continued.
 - Vice Chair Wilson talked about the Belen friends and that the president of the friends attends the Board meetings. She further explained that the Belen friends donate to other programs and to whatever the library needs of course.
 - Chairman Caldwell said that every organization will have their tweaks to suite the needs better for them. I do appreciate all the information you have from this experience from the working with them.
 - Attorney Van Vleck said the beauty is that you have two different boards that can go out for different kind of grants and raising money from two different angles.
 - Attorney Van Vleck continued to explain some ideas that the friends can do.
 - Secretary Tabet Chavez said I think it would be better to do a MOU. I don't think we need to be so aggressive. The commission agreed.
 - Chairman Caldwell said for the recorded most of the commission agreed to go with MOU.
 - Manager Dr. Moore explained that if that is the case, we will have a rough draft of the MOU at the next meeting.
- **Public Comment:** There were no public comments.

General Board Discussion/Future Agenda Items

- Manager Dr. Moore explained that one other thing that needs to be brought up is the re election of the Board on the agenda.
- Attorney Van Vleck talked about the open meeting act next on the agenda. The discussion continued about the open meeting act.
- Chairman Caldwell said agenda items should maybe us getting a list of what to do what we can do or like to do for the kid's spring break summer break. Maybe we can come up with five activities and go over them.
- Manager Dr. Moore explained that they have some general funds that needs to be spent that can help with some of the activities.
- Vice Chairman Wilson said she would get some information on the state board.

Adjourn

- Motion to adjourn made by Secretary Tabet-Chavez, Seconded by Vice Chair Wilson. With a unanimous vote the library board was adjourned at 6:11pm.

Respectfully submitted,

Elizabeth F. Adair, Municipal Clerk
(Taken and Transcribed by Lalena Aragon, (Deputy Clerk)

Date: _____

Approved:

Bobby Caldwell, Chairman

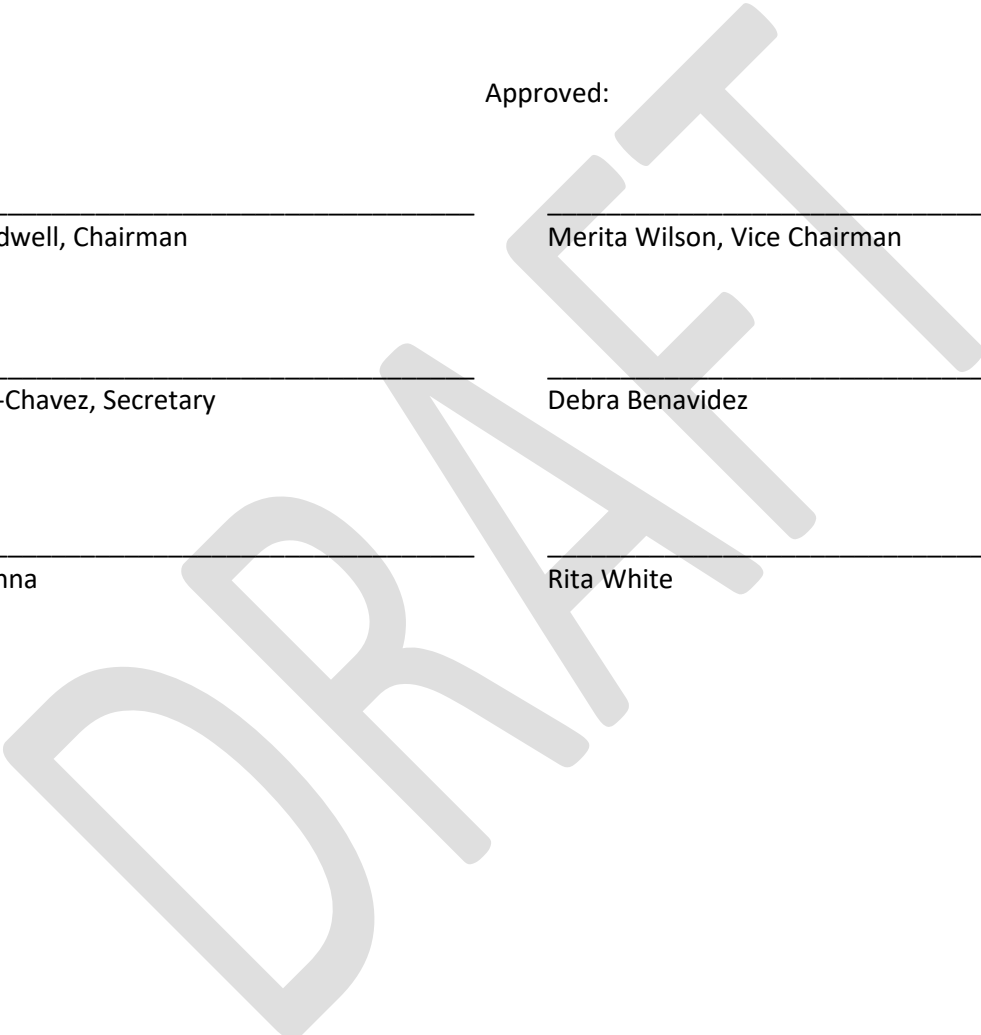
Merita Wilson, Vice Chairman

Lisa Tabet-Chavez, Secretary

Debra Benavidez

Lisa LaManna

Rita White



CITY OF RIO COMMUNITIES, NEW MEXICO

OPEN MEETINGS ACT RESOLUTION 2023 - 01

A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND THE PUBLIC NOTICE REQUIRED

WHEREAS, the Governing Body of the City of Rio Communities met in regular session at the City Council Chambers, 360 Rio Communities Blvd., Rio Communities, NM on January 9, 2023 at 6:00 p.m. as required by law; and

WHEREAS, Section 10-15-1 (B) NMSA 1978 provides that "All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or authority of any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of such 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 provision of the Open Meetings Act"; and

WHEREAS, Section 10-15-3 (A), NMSA 1978 provides that "No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and

WHEREAS, Section 10-15-4, NMSA 1978 provides that "Any person violating any of the provisions of Section 10-15-1 or 10-15-2 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense"; and

WHEREAS, Section 10-15-19 (D) 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. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to that body."

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Rio Communities, New Mexico that:

1. Notice shall be given Seventy-Two hours (72) 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 discussion public business or taking any formal action within the authority of

such body. The governing body so states that a draft agenda will be sent to the press no later than the Wednesday morning before a 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 such body.

2. The regularly scheduled meetings of the governing body will be held at 6:00 P.M. on the second and fourth Monday each month in the City Council Chambers located at 360 Rio Communities Blvd, Rio Communities, New Mexico. In the event that the regular meeting date falls on a legal holiday, the governing body shall designate an alternate meeting date and/or time to be published as provided in this Resolution. In the event that a regular meeting of the governing body is changed to a different location, advance notice of the meeting location shall be published as provided in this Resolution.

A member of the governing body may participate in a meeting of the governing body by means of a conference telephone or other 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 governing body who speaks during the meeting.

3. Notice shall be given at least three (3) days in advance of any special meeting of a quorum of the members of the governing body, board, commission, committee, agency, authority, or other policy-making body held for the purpose of discussing public business or taking any formal action within the authority of such body.
4. The notice requirements of Section 1, 2 and 3 of this Resolution are complied with if notice of the date, time, place, and subject matter of any regular or special meeting are published. Additionally, the notice shall contain information on how the public may obtain a copy of the meeting agenda, said agenda to be at least seventy-two (72) hours prior to the meeting. "Publish" means printing in a newspaper which maintains an office in the municipality and is of general circulation within the municipality. If such newspaper is a non-daily paper which will not be circulated to the public in time to meet publication requirements, or, if no such newspaper exists, "publish" shall mean posting in at least six (6) public places within the municipality, website and one of the public places where posting shall be made is the office of the municipal clerk, who shall maintain posting for public inspection
5. *Within the time limits specified. That at least six (6) of the seven (7) public places listed below a notice shall be posted:*

Rio Communities City Hall
 New Mexico Water Department
 Oasis Laundry Wash & Fold
 United Business Bank

Moose Lodge
 Oasis Cafe
 Tierra Grande HOA

The Clerk may, in addition to posting, publish one or more times in a newspaper of general circulation within the municipality, even though it does not maintain an office within the municipality. In addition, written notice of such meetings shall be mailed or faxed to federally licensed broadcast stations and newspapers of general circulation in the municipality, which have provided a written request for such notice.

6. Notwithstanding any other provisions of sections 1 through 4 of this Resolution, governing body may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.
7. The governing body of the City of Rio Communities may close a meeting to the public only pursuant to exclusions contained in Section 10-15-1, Subsection H, NMSA 1978. If a meeting is closed during an open meeting, such disclosure shall be approved by a majority vote taken during the open meeting. The authority for the closed meeting and 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. If a closed meeting is called when the governing body of the City or Rio Communities 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 the general public. 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. Except as provided in Section 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 a vote of the governing body of the City of Rio Communities in an open meeting.
8. Notwithstanding any other provision of sections 1 through 7 of this Resolution, the governing body of the City of Rio Communities may call emergency meetings of the governing body, any board, commission, committee or other policymaking body of the municipality. Emergency meetings will be called only under unforeseen circumstances, which demand immediate action to protect the health, safety, and property of the citizens or to protect the municipality from substantial financial loss. The City of Rio Communities will avoid emergency meetings whenever possible. Emergency meetings may be called upon twenty-four (24) hours' notice unless threats of personal injury or property damage require 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.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF JANUARY 2023 BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.

City of Rio Communities Governing Body

Joshua Ramsell,
Mayor

Margaret R. Gutjahr,
Councilor Mayor Pro-tem

Arthur Apodaca,
Councilor

Lawrence R. Gordon,
Councilor

Jimmie Winters,
Councilor

ATTEST:

Elizabeth F. Adair,
Municipal Clerk

**Memorandum of Understanding Between
The Friends of Rio Communities Public Library and
the City of Rio Communities Public Library**

The following will constitute an operating agreement between the Friends of the Rio Communities Public Library (Friends) and the Rio Communities Public Library (Library). It will stand until and unless it is modified by mutual agreement of the Friends Board of Directors and the Library Board of Trustees of the Rio Communities Public Library.

The Friends of the Rio Communities Public Library was inaugurated by the Library Friends Charter on _____ to promote public use of the City Public Library System and appreciation of its value as a cultural and educational asset to the community, and encourage the extension and improvement of its service. The Friends is a non-profit, 501(c)(3) organization that is a legally distinct entity from the Library, but recognizes that the Library Board of Trustees has been given authority for policy direction for the Library, through the ordinances of the City Rio Communities. This agreement recognizes the Library Director as the agent for the Library Board of Trustees and the City of Rio Communities.

The Library agrees to include the Friends in the long-term planning process to ensure that the Friends are aware of the goals and direction of the Library.

The Library agrees to inform the Friends of the Library's service initiatives at the beginning of each fiscal year and to discuss with Friends how their resources and support might forward these initiatives.

The Library agrees to inform the Friends when significant reduction of services is contemplated.

The Library agrees to support efforts of the Friends to raise funds, including through the sale of withdrawn Library materials, in accordance with the applicable provisions of State Statutes and City Ordinances. Such support may include provision of public space for sales and promotional materials, meetings, book storage and sorting at Library facilities, provided such space is available and the use of the space by the Friends does not directly impact public service.

The Library agrees to provide regular contributions of timely information to the Friends newsletter.

The Library agrees to provide consulting, when resources are available, to the Friends through the provision of select or in-house marketing advice and services, with the approval of the Library Director.

The Library agrees to provide public space for Friends membership brochures and promotional materials.

The Library agrees to provide the Friends with a "wishlist" each year that indicates the anticipated needs for Friends support.

The Library agrees to provide the Friends with space in the Library for book storage, sorting, and book sales.

The Friends agree to stay informed about issues facing the Library, to ask questions or communicate concerns to the designated Liaison to the Friends, and to publicly support the Library and its policies.

The Friends agree to support the Library and its programs and services through annual donations to the Library and its Branches, and through the purchase of products and services that will benefit Library users and/or employees. Use of donated funds will be at the sole discretion of the Library.

The Friends agree to assign a liaison to the Library who will meet with the Library Director as needed and will provide reports at the monthly meetings of the Library Board of Trustees.

The Friends agree that the Library will accept or decline any and all gifts in the sole discretion of the Library Director.

The Friends agree that the Library administration has the final say in accepting or declining all gifts made or proffered to the Library.

The Friends agree to act as enthusiastic advocates on behalf of the Library when provided with necessary information, and to coordinate all activities with the Library Director and Trustees.

The Friends agree to operate as outlined in the Bylaws and Standing Rules of the organization, statutes for non-profits in the state of New Mexico, and any other applicable laws. Professional accounting services and bank accounts will be utilized, and all necessary tax reports will be filed.

The Friends agree to assign a single point-of-contact to facilitate requests for consulting in the area of marketing.

This Memorandum of Understanding is entered into on _____, by the authority of:

_____, President
Friends of the Rio Communities Library

_____, Director
City of Rio Communities Library

_____, Manager
City of Rio Communities.