

1 **AMERICANS WITH DISABILITIES ADVISORY COUNCIL**

2 **RESOLUTION NO. 2018- (1)**

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4 **NOTICE REQUIREMENTS FOR MEETINGS OF THE COUNCIL**

5 WHEREAS, the City of Albuquerque (“City”) Americans With Disabilities
6 Advisory Council (“Council”) met in regular session at the City Council Committee Room,
7 9th Floor, Suite 9081 of the (City Hall) Albuquerque/Bernalillo County Government
8 Building, One Civic Plaza NW, Albuquerque, NM, _____, at 5:30 p.m., as
9 required by law; and

10 WHEREAS, Section 10-15-1(B) (NMSA 1978) of the Open Meetings Act states
11 that “[A]ll meetings of a quorum of members of any board, commission, administrative
12 adjudicatory body or other policymaking body of any state agency, any agency or authority
13 of any county, municipality, district or any political subdivision, held for the purpose of
14 formulating public policy, including the development of personnel policy, rules,
15 regulations or ordinances, discussing public business or for the purpose of taking any action
16 within the authority of or the delegated authority of any board, commission or other
17 policymaking body are declared to be public meetings open to the public at all times except
18 as may be otherwise provided in the Constitution of New Mexico, or the provisions of the
19 Open Meetings Act;” and

20 WHEREAS, any meetings subject to the Open Meetings Act at which the
21 discussion or adoption of any proposed resolution, rule, regulation or formal action occurs
22 shall be held only after reasonable notice to the public; and

23 WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Council to
24 determine annually what constitutes reasonable notice of its public meetings; and

25 WHEREAS, Section 2-6-1-4(B) (ROA 1994) of the City of Albuquerque Public
26 Boards, Commissions and Committees Ordinance requires that every public board,
27 commission or committee created by the City of Albuquerque must determine what is
28 reasonable notice to the public of its meetings; provided that in no event shall notice be
29 less than the notice required for Albuquerque City Council meetings;

30 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ALBUQUERQUE**
31 **AMERICANS WITH DISABILITIES ADVISORY COUNCIL that:**

32 Section 1. Unless otherwise specified, all meetings of the Board shall be held
33 monthly at the City Council Committee Room, 9th Floor, Suite 9081 of the (City Hall)
34 Albuquerque/Bernalillo County Government Center Building, One Civic Plaza NW;
35 Albuquerque, NM.

36 Section 2. Unless otherwise specified, regularly scheduled meetings of the Board
37 shall be held on the first Tuesday of every month. Public notice in writing of any other
38 regularly scheduled meetings will be given at least five (5) days in advance of the meeting
39 date. The agenda for a regularly scheduled meeting will be available to the public at least
40 72 hours (3 days) prior to such meeting. Copies of the agenda will be available to the
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42 public upon request from the Director of the Office of Diversity and Human Rights, whose
43 phone number is 505-768-4712 and whose office is located in the Albuquerque/Bernalillo
44 County Government Center Building at 1 Civic Plaza NW, Albuquerque, NM 87102.

45 Section 3. Special meetings of the Board may be called by the Chairperson of the
46 Board or by a majority of the Board members upon three (3) days' advance notice. The
47 agenda for a special meeting will be available to the public at least seventy-two (72) hours
48 prior to such special meeting. Copies of the agenda will be available to the public upon
49 request from the Director of the Office of Diversity and Human Rights, whose phone
50 number is 505-768-4712 and whose office is located in the Albuquerque/Bernalillo County
51 Government Center Building at 1 Civic Plaza NW, Albuquerque, NM 87102.

52 Section 4. Emergency meetings of the Board will be called only under unforeseen
53 circumstances that demand immediate action by the Board to protect the health, safety and
54 property of citizens or to protect the public body from substantial financial loss. The Board
55 will avoid holding emergency meetings whenever possible. Emergency meetings may be
56 called by the Chairperson or a majority of the Board members upon twenty-four (24) hours'
57 notice, unless threat of personal injury or property damage requires less notice. Public
58 notice for an emergency meeting shall include an agenda for the emergency meeting.

59 Section 5. For all meetings described in this resolution, public notice requirements
60 are met if:

61 A. A printed notice of the date, time and place of the meeting is posted for public
62 viewing in the following location: in the 1st floor lobby of the Albuquerque/Bernalillo
63 County Government Center (City-County Building) at 1 Civic Plaza NW, Albuquerque,
64 NM 87102.

65 B. An electronic copy of the notice is posted on the Board web page. Currently, the
66 Board web page address is:

67 <https://www.cabq.gov/americans-with-disabilities-act-advisory-council/?a> and this
68 website address may change from time to time as needed by the City or the Board.

69 C. Notice shall also be sent electronically to those broadcast stations (radio and
70 television) licensed by the Federal Communications Commission (FCC) and newspapers
71 of general circulation in the State of New Mexico that (i) have submitted a written request
72 for notice of public meetings to the Director of the Office of Diversity and Human Rights,
73 whose office is located in the Albuquerque/Bernalillo County Government Center Building
74 at 1 Civic Plaza NW, Albuquerque, NM 87102, and (ii) have provided an electronic mail
75 (e-mail) address to which public notices are to be sent. Currently, the Board finds that the
76 Director has not received any written requests for ongoing notice of all Board meetings
77 from any FCC licensed broadcast stations or from newspapers of general circulation,
78 located in New Mexico or anywhere else.

79 Section 6. In addition to the information specified above, all public notices shall
80 include the following language:

81 “NOTICE TO PERSONS WITH DISABILITIES: If you are a person with a disability and
82 require a reasonable accommodation to observe or participate in this meeting, please
83 contact Ms. Nikki Joseph, whose phone number is 505-768-4539 and whose email address
84 is: odhr@cabq.gov as soon as possible. Public documents, including the agenda and
85 minutes, can be provided in various accessible formats. Please contact the office if a
86 summary or other type of accessible format is needed. The meeting will occur in a room
87 that is accessible to persons in wheelchairs, by use of an elevator.”

88 Section 7. Notice of Cancellations of meetings of the Board, and notice of different
89 meeting times and/or dates and/or locations, may be announced at prior meetings of the
90 Board. Sudden cancellations of meetings may occur if a quorum of Board members cannot
91 or unexpectedly fail to attend a previously scheduled meeting time. Different meeting
92 dates and times may be needed if a regularly scheduled meeting date (such as a Monday)
93 is a federal, state or city holiday and City offices are closed that day. And different meeting
94 dates and/or times and/or locations may be needed for a regularly scheduled meeting date
95 if there is inclement weather, or if the meeting location is not available for use, or for other
96 reasons.

97 Section 8. Notice of committee meetings, if any committees are formed, shall be
98 equal to that specified in Sections 2 and 3 of this resolution.

99 Section 9. The Board may close a Meeting of the Board to the public only if the
100 subject matter of such discussion or action is exempted from the open to the public meeting
101 requirement under Section 10-15- 1(H) (NMSA 1978) of the Open Meetings Act.

102 A. If any open meeting is closed during such open meeting, the closure shall be
103 approved by a majority vote of a quorum of the Board taken during the open meeting. The
104 specific provision of law authorizing the closed meeting and the subject(s) to be discussed
105 shall be stated with reasonable specificity in the motion to close the meeting to public
106 observation and the vote of each individual member on the motion to close the meeting
107 shall be recorded in the minutes, in a roll call vote. Only those subjects specified in the
108 motion to close the meeting may be discussed by the Board in the closed meeting.

109 B. If a closed meeting is conducted when the Board is not in an open meeting, the
110 closed meeting shall not be held until a written public notice of the meeting of the Board,
111 appropriate under the circumstances, stating the specific provision of law authorizing the
112 closed meeting and the subjects to be discussed with reasonable specificity, is given to
113 Board members and to the public.

114 C. Following completion of any closed meeting, the minutes of the open meeting
115 that was closed, or the minutes of the next open meeting of the Board if the closed meeting
116 was separately scheduled, shall state whether the matters discussed in the closed meeting
117 were limited only to those specified in the motion to close the meeting or the public notice
118 of a closed meeting.

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

122 Section 10. All resolutions, rules or parts of resolutions or rules, inconsistent with
123 this resolution, are hereby repealed only to the extent of such inconsistency. Such implied
124 repeal shall not be construed to revive any resolution, rule or part of any resolution or rule
125 that was previously repealed.

126 Section 11. The official list of dates of the Regular Meetings of the City of
127 Albuquerque Americans with Disabilities Advisory Council for 2019 are as follows:

128 Tuesday, January 8, 2019 (first Tuesday falls on January 1)

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130 Tuesday, February 5, 2019

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132 Tuesday, March 5, 2019

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134 Tuesday, April 2, 2019

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136 Tuesday, May 7, 2019

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138 Tuesday, June 4, 2019

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140 Tuesday, July 2, 2019

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142 Tuesday, August 6, 2019

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144 Tuesday, September 3, 2019

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146 Tuesday, October 1, 2019

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148 Tuesday, November 5, 2019

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150 Tuesday, December 3, 2019

