

1 **ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD**

2 **RESOLUTION #2014-3**

3 **DETERMINING REASONABLE NOTICE OF PUBLIC MEETINGS OF THE**
4 **ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD**

5
6 **Whereas**, Section 10-15-1(B) of the *Open Meetings Act* (NMSA 1978, Sections 10-15-1 to 4)
7 states that: “All meetings of a quorum of members of any board, commission, administrative
8 adjudicatory body or other policy making body of any state agency, any agency or authority of any
9 county, municipality, district or any political subdivision, held for the purpose of formulating public
10 policy, including the development of personnel policy, rules, regulations or ordinances, discussing
11 public business or for the purpose of taking any action within the authority of or the delegated authority
12 of any board, commission or other policymaking body are declared to be public meetings open to the
13 public at all times, except as otherwise provided in the constitution of New Mexico or the *Open*
14 *Meetings Act.*”; and

15 **Whereas**, Section 10-15-1(D) of the *Open Meetings Act* (NMSA 1978, Section 10-15-1 to 4)
16 states that: “Any meetings at which the discussion or adoption of any proposed resolution, rule,
17 regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and
18 any closed meetings, shall be held only after reasonable notice to the public.”; and

19 **Whereas**, Section 10-15-1(D) of the *Open Meetings Act* requires the Albuquerque-Bernalillo
20 County Air Quality Control Board (Air Board) as an “affected body” to “determine at least annually in
21 a public meeting what notice for a public meeting is reasonable when applied to that body”; and

22 **Whereas**, the *Public Boards, Commissions and Committees Ordinance*, Chapter 2, Article 6,
23 Section 1-4, (B)(2) Revised Ordinances of Albuquerque, New Mexico 1994 (ROA 1994) requires that:
24 “Reasonable notice shall be given to the public prior to any meeting of any public board, commission

1 or committee. At least once a year, each public board, commission or committee shall determine what
2 is reasonable notice to the public; provided that in no event shall notice be less than the notice required
3 for Council (i.e. Albuquerque City Council) meetings.”; and

4 **Whereas**, the *Joint Air Quality Control Board Ordinance*, Chapter 9, Article 5, Section 1-3,
5 (C) ROA 1994 and Bernalillo County Ordinance 94-5, Section 3 (C), require that: “The Board shall
6 meet in public facilities with public seating available. The Board shall meet monthly if a quorum is
7 available unless a meeting is unnecessary or delayed for good reason. The Board shall hold a minimum
8 of six monthly meetings a year. Special additional meetings may be held as needed. Notice of time,
9 place and agenda of meetings shall be published according to the requirements of law. Meetings, work
10 sessions and hearings shall be open to the public.”; and

11 **Whereas**, the Air Board met in regular meeting in the Vincent E. Griego Chambers, Basement
12 Level of the Albuquerque-Bernalillo County Government Center at One Civic Plaza NW, near the
13 intersection of 5th Street and Marquette Avenue NW, Albuquerque, New Mexico 87102 on December
14 10, 2014, consistent with the notice requirements of the New Mexico Air Quality Control Act to
15 consider AQCB Resolution 2014-3.

16 **THEREFORE, BE IT RESOLVED THAT THE AIR QUALITY CONTROL BOARD HEREBY**
17 **ADOPTS THESE PUBLIC NOTICE REQUIREMENTS WHICH ARE CONSISTENT WITH**
18 **THOSE OF THE ALBUQUERQUE CITY COUNCIL AS ADOPTED ON OCTOBER 6, 2014**
19 **BY THE COUNCIL IN RESOLUTION R-14-117, ENACTMENT NO. R-2014-088.**

20 **Section 1. Location of Meetings.** Meetings of the Air Board shall normally be held in the
21 Vincent E. Griego Chambers, Basement Level of the Albuquerque-Bernalillo County Government
22 Center at One Civic Plaza NW, near the intersection of 5th Street and Marquette Avenue NW,
23 Albuquerque, New Mexico 87102, or other adequate city, county, or other publicly-owned location

1 after notice as required by law.

2 **Section 2. Regular Meetings.** Generally regular meetings will be held on the second
3 Wednesday of each month at 5:30 p.m. The agenda will normally be available on the Friday prior to the
4 meeting, but at least 72 hours prior to the meeting. The agenda may be obtained from the Albuquerque
5 Environmental Health Department (“Department”), Suite 3023, Albuquerque-Bernalillo County
6 Government Center or the Air Board website at www.cabq.gov/airquality/air-quality-control-board

7 **Section 3. Special Meetings.** Special meetings may be called by the Chairman or by three
8 members of the Air Board with 72 hours’ notice. The notice shall include information on how
9 members of the public may obtain a copy of the agenda. The agenda shall be available to the public at
10 least 72 hours before any special meeting.

11 **Section 4. Emergency Meetings.** Emergency meetings will be called only under circumstances
12 when an unexpected occurrence or condition, or the state resulting therefrom requires immediate
13 consideration or action to protect the health, safety and property of citizens or to protect the public
14 body from substantial financial loss. The Air Board will avoid emergency meetings whenever possible.
15 Emergency meetings may be called by the Chairman with 24 hours’ notice, unless the threat of
16 personal injury or property damage requires less notice. The notice for all emergency meetings shall
17 include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

18 **Section 5. Location of Notice for Regular Meetings.** For the purpose of regular meetings
19 described in Section 2 of this resolution, notice requirements are met if notice of the date, time and
20 location is published in one or more newspapers of general circulation in Albuquerque or posted in the
21 lobby of the Albuquerque-Bernalillo County Government Center. The Department shall also provide
22 copies of the above information as well as copies of the agendas to those broadcast stations licensed by
23 the Federal Communications Commission (“FCC”) and newspapers of general circulation in

1 Albuquerque, provided these entities have made a written request for notice of public meetings. Such
2 notice may be provided to the Government Access Cable TV Channel to be transmitted. The
3 Department may also provide notice to the State Records Center for publication in the New Mexico
4 Register.

5 **Section 6. Location of Notice for Special Meetings and Emergency Meetings.** For the
6 purpose of special meetings and emergency meetings described in Sections 3 and 4 of this resolution,
7 notice requirements shall be met by posting notice of the date, time, place and agenda in the lobby of
8 the Albuquerque-Bernalillo County Government Center. The Department shall also provide telephone
9 notice to those broadcast stations licensed by the FCC and newspapers of general circulation in
10 Albuquerque that have made a written request for notice of public meetings.

11 **Section 7. Hearing Notice.** For the purpose of hearings where testimony is sought from
12 proponents, opponents and interested parties, notice requirements shall be in accordance with the New
13 Mexico State Air Quality Control Act and Air Board procedural regulations. The Air Board staff shall
14 provide written notice to newspapers of general circulation in Albuquerque and Bernalillo County at
15 least thirty (30) days prior to the date of all hearings involving the adoption of, amendment to, and or
16 the appeal of a regulation of the Air Board. Notice of a hearing of the Air Board can be combined with
17 the notice for a meeting. In addition, notice of proposed rulemaking shall be published in the New
18 Mexico Register at least 30 days prior to the date of the hearing.


19 **Section 8. Cancellations and Changes of Venue and Meeting Time.** Cancellations and
20 changes to meeting times and locations may be announced at prior meetings of the Air Board or
21 following notice requirements of this Resolution.


22 **Section 9. Accessibility.** In addition to the information specified above, all notices shall include
23 the following language:

1 "NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require special assistance
2 to participate in this process, please call 311 (Voice) and special assistance will be made available to
3 you to receive any public meeting documents, including agendas and minutes. TTY users may request
4 special assistance by calling the New Mexico Relay at 1-800-659-8331."
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17 PASSED AND ADOPTED THIS 10th DAY OF December, 2014

18 BY A VOTE OF ___ FOR, AND ___ AGAINST.
19 Absent: _____
20

21  12/15/14
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23 Ms. Kelsey Curjan, Chair
24 Albuquerque-Bernalillo County
25 Air Quality Control Board
26

27
28 Attest:
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30  12/16/14
31
32 Margaret Nieto,
33 Secretary to the Air Quality Control Board