

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

2 **RESOLUTION NO. #2016-2**

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

5
6 **WHEREAS**, the Albuquerque-Bernalillo County Air Quality Control Board met in
7 regular session in the Vincent E. Griego Chambers, Basement Level of the Albuquerque-
8 Bernalillo County Government Center at One Civic Plaza NW, near the intersection of 5th Street
9 and Marquette Avenue NW, Albuquerque, New Mexico 87102, on November 16, 2016, at 5:30
10 PM as required by law and with notice as specified in AQCB Resolution No. #2015-4; and

11 **WHEREAS**, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-
12 15-1 to -4) states that, except as may be otherwise provided in the Constitution of New Mexico
13 or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board,
14 council, commission, administrative adjudicatory body or other policymaking body of any state
15 or local public agency held for the purpose of formulating public policy, discussing public
16 business or for the purpose of taking any action within the authority of or the delegated authority
17 of such body, are declared to be public meetings open to the public at all times; and

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

21 **WHEREAS**, Section 10-15-1(D) of the Open Meetings Act requires the Albuquerque-
22 Bernalillo County Air Quality Control Board to determine at least annually what constitutes
23 reasonable notice of its public meetings; and

24 **Whereas**, the *Public Boards, Commissions and Committees Ordinance*, Chapter 2,
25 Article 6, Section 1-4, (B)(2) Revised Ordinances of Albuquerque, New Mexico 1994 (ROA

1 1994) requires that: “Reasonable notice shall be given to the public prior to any meeting of any
2 public board, commission or committee. At least once a year, each public board, commission or
3 committee shall determine what is reasonable notice to the public; provided that in no event shall
4 notice be less than the notice required for Council (i.e. Albuquerque City Council) meetings.”;
5 and

6 **Whereas**, the *Joint Air Quality Control Board Ordinance*, Chapter 9, Article 5, Section
7 1-3, (C) ROA 1994 and Bernalillo County Ordinances, Section 30-32(c), require that: “The
8 Board shall meet in public facilities with public seating available. The Board shall meet monthly
9 if a quorum is available unless a meeting is unnecessary or delayed for good reason. The Board
10 shall hold a minimum of six monthly meetings a year. Special additional meetings may be held
11 as needed. Notice of time, place and agenda of meetings shall be published according to the
12 requirements of law. Meetings, work sessions and hearings shall be open to the public.”

13 **NOW, THEREFORE, BE IT RESOLVED THAT THE AIR QUALITY CONTROL**
14 **BOARD HEREBY ADOPTS THESE PUBLIC NOTICE REQUIREMENTS WHICH ARE**
15 **CONSISTENT WITH THOSE OF THE ALBUQUERQUE CITY COUNCIL AS**
16 **ADOPTED ON SEPTEMBER 19, 2016 BY THE COUNCIL IN RESOLUTION R-16-99,**
17 **ENACTMENT NO. R-2016-083.:**

18 **Section 1. Location of Meetings.** Meetings of the Albuquerque-Bernalillo County Air
19 Quality Control Board shall normally be held in the Vincent E. Griego Chambers, Basement
20 Level of the Albuquerque-Bernalillo County Government Center at One Civic Plaza NW, near
21 the intersection of 5th Street and Marquette Avenue NW, Albuquerque, New Mexico 87102, or as
22 indicated in the meeting notice.

23 **Section 2. Regular Meetings.** Unless otherwise specified, regular meetings shall be held

1 each month on the second Wednesday of the month at 5:30 PM. The agenda will be available at
2 least seventy-two hours prior to the meeting from the Albuquerque-Bernalillo County Air
3 Quality Control Board Liaison, whose office is located in the Albuquerque-Bernalillo County
4 Government Center at One Civic Plaza NW, 3rd Floor, Room 3023, near the intersection of 5th
5 Street and Marquette Avenue NW, Albuquerque, New Mexico 87102. The agenda will also be
6 posted on the Albuquerque-Bernalillo County Air Quality Control Board's website at
7 <https://www.cabq.gov/airquality/air-quality-control-board>.

8 **Section 3. Other Regular Meetings.** Notice of regular meetings other than those
9 described in Section 2 of this resolution will be given ten days in advance of the meeting date.
10 The notice will include a copy of the agenda or information on how a copy of the agenda may be
11 obtained. If not included in the notice, the agenda will be available at least seventy-two hours
12 before the meeting and posted on the Albuquerque-Bernalillo County Air Quality Control
13 Board's website at <https://www.cabq.gov/airquality/air-quality-control-board>.

14 **Section 4. Special Meetings.** Special meetings may be called by the Chair of the
15 Albuquerque-Bernalillo County Air Quality Control Board or a majority of the members upon
16 seventy-two hours' notice. The notice for a special meeting shall include an agenda for the
17 meeting or information on how a copy of the agenda may be obtained. The agenda shall be
18 available at least seventy-two hours before the meeting and posted on the Albuquerque-
19 Bernalillo County Air Quality Control Board's website at [https://www.cabq.gov/airquality/air-](https://www.cabq.gov/airquality/air-quality-control-board)
20 [quality-control-board](https://www.cabq.gov/airquality/air-quality-control-board).

21 **Section 5. Emergency Meetings.** Emergency meetings will be called only under
22 unforeseen circumstances that demand immediate action to protect the health, safety and
23 property of citizens or to protect the public body from substantial financial loss. The

1 Albuquerque-Bernalillo County Air Quality Control Board will avoid emergency meetings
2 whenever possible. Emergency meetings may be called by the Chair of the Albuquerque-
3 Bernalillo County Air Quality Control Board or a majority of the members with twenty-four
4 hours' prior notice, unless threat of personal injury or property damage requires less notice. The
5 notice for all emergency meetings shall include an agenda for the meeting or information on how
6 the public may obtain a copy of the agenda. Within ten days of taking action on an emergency
7 matter, the Albuquerque-Bernalillo County Air Quality Control Board will notify the Attorney
8 General's Office.

9 **Section 6. Regular Meeting Notice Requirements.** For the purposes of regular meetings
10 described in Sections 2 and 3 of this resolution, notice requirements are met by posting a notice
11 of the date, time, place and agenda in the lobby of the Albuquerque-Bernalillo County
12 Government Center at One Civic Plaza NW, near the intersection of 5th Street and Marquette
13 Avenue NW, Albuquerque, New Mexico 87102 and by posting on the Albuquerque-Bernalillo
14 County Air Quality Control Board's website at [https://www.cabq.gov/airquality/air-quality-](https://www.cabq.gov/airquality/air-quality-control-board)
15 [control-board](https://www.cabq.gov/airquality/air-quality-control-board). An annual calendar with notice of the date, time and location of the Albuquerque-
16 Bernalillo County Air Quality Control Board's meetings shall also be published in one or more
17 newspapers of general circulation in Albuquerque. For regular meetings other than those
18 described in Section 2 of this resolution, notice of the date, time and location of the meeting shall
19 also be published in one or more newspapers of general circulation in Albuquerque at least ten
20 days in advance of the meeting. The Albuquerque-Bernalillo County Air Quality Control Board
21 Liaison shall also provide copies of the agendas to those broadcast stations licensed by the
22 Federal Communications Commission and newspapers of general circulation in Albuquerque,
23 provided these entities have made a written request for notice of public meetings. The

1 Department may also provide notice to the State Records Center for publication in the New
2 Mexico Register.

3 **Section 7. Special and Emergency Meeting Notice Requirements.** For the purposes of
4 special meetings and emergency meetings described in Sections 4 and 5 of this resolution, notice
5 requirements are met by posting a notice of the date, time, place and agenda in the lobby of the
6 Albuquerque-Bernalillo County Government Center at One Civic Plaza NW, near the
7 intersection of 5th Street and Marquette Avenue NW, Albuquerque, New Mexico 87102 and by
8 posting on the Albuquerque-Bernalillo County Air Quality Control Board's website at
9 <https://www.cabq.gov/airquality/air-quality-control-board>. The Albuquerque-Bernalillo County
10 Air Quality Control Board Liaison shall also provide copies of the agendas to those broadcast
11 stations licensed by the Federal Communications Commission and newspapers of general
12 circulation in Albuquerque, provided these entities have made a written request for notice of
13 public meetings.

14 **Section 8. Hearing Notice.** For the purpose of hearings where testimony is sought from
15 proponents, opponents and interested parties, notice requirements shall be in accordance with the
16 New Mexico State Air Quality Control Act and Air Board procedural regulations. The Air Board
17 staff shall provide written notice to newspapers of general circulation in Albuquerque and
18 Bernalillo County at least thirty (30) days prior to the date of all hearings involving the adoption
19 of, amendment to, and or the appeal of a regulation of the Air Board. The Air Board staff shall
20 also post notice on the Albuquerque-Bernalillo County Air Quality Control Board's website at
21 <https://www.cabq.gov/airquality/air-quality-control-board> if technically feasible at the time.
22 Notice of a hearing of the Air Board can be combined with the notice for a meeting. In addition,
23 notice of proposed rulemaking shall be published in the New Mexico Register at least thirty (30)

1 days prior to the date of the hearing.

2 **Section 9. Cancellations and Changes of Venue and Meeting Time.** Cancellations and
3 changes to meeting times and locations may be announced at prior meetings of the Air Board or
4 following notice requirements of this Resolution.

5 **Section 10. Accessibility.** In addition to the information specified above, all notices shall include
6 the following language:

7 “NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and
8 require special assistance to participate in this meeting, please contact the
9 Albuquerque-Bernalillo County Air Quality Control Board Liaison as soon as
10 possible before the meeting date at 505-768-2601. Those in need of hearing
11 assistance may call 711.”

12 **Section 11. Closed Meetings.** The Albuquerque-Bernalillo County Air Quality Control
13 Board may close a meeting to the public only if the subject matter of such discussion or action is
14 excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings
15 Act.

16 **Section 11(a).** If any meeting is closed during an open meeting, such closure shall be
17 approved by a majority vote of a quorum of the Albuquerque-Bernalillo County Air Quality
18 Control Board taken during the open meeting. The authority for the closed meeting and the
19 subjects to be discussed shall be stated with reasonable specificity in the motion to close and the
20 vote of each individual member on the motion to close shall be recorded in the minutes. Only
21 those subjects specified in the motion may be discussed in the closed meeting.

22 **Section 11(b).** If a closed meeting is conducted when the Albuquerque-Bernalillo County
23 Air Quality Control Board is not in an open meeting, the closed meeting shall not be held until

1 public notice, appropriate under the circumstances, stating the specific provision of law
2 authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is
3 given to the members and to the general public.

4 **Section 11(c).** Following completion of any closed meeting, the minutes of the open
5 meeting that was closed, or the minutes of the next open meeting if the closed meeting was
6 separately scheduled, shall state whether the matters discussed in the closed meeting were
7 limited only to those specified in the motion or notice for closure.

8 **Section 11(d).** Except as provided in Section 10-15-1(H) of the Open Meetings Act, any
9 action taken as a result of discussions in a closed meeting shall be made by vote of the
10 Albuquerque-Bernalillo County Air Quality Control Board in an open public meeting.

1 Passed and Adopted by the Albuquerque-Bernalillo County Air Quality Control Board this 16th
2 day of November, 2016.

3 **BY A VOTE OF ___ FOR, AND ___ AGAINST.**
4 Absent: Deborah L. Stover; and James Peck, EPC Liaison

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6
7 _____
8 Ms. Jane Cudney-Black, Chair
9 Albuquerque-Bernalillo County
10 Air Quality Control Board

11
12
13 Attest:

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16 _____
17 Dario Rocha,
18 Secretary to the Air Quality Control Board

**CITY of ALBUQUERQUE
TWENTY SECOND COUNCIL**

COUNCIL BILL NO. R-16-99 ENACTMENT NO. R-2016-083

SPONSORED BY: Dan Lewis

1 RESOLUTION

**2 DETERMINING REASONABLE NOTICE OF PUBLIC MEETINGS OF THE CITY
3 COUNCIL.**

**4 WHEREAS, the Albuquerque City Council met in regular session in the
5 Vincent E. Griego Chambers, One Civic Plaza NW, on September 19, 2016 at
6 5:00 p.m. as required by law and with notice as specified in Council Resolution
7 R-15-242, Enactment No. R-2015-091; and**

**8 WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978,
9 Sections 10-15-1 to 4) states that, except as otherwise provided in the
10 constitution of New Mexico or the Open Meetings Act, all meetings of a
11 quorum of members of any board, commission, administrative adjudicatory
12 body or other policy making body of any state or local agency held for the
13 purpose of formulating public policy, discussing public business or for the
14 purpose of taking any action within the authority of or the delegated authority
15 of such body, are declared to be public meetings open to the public at all
16 times; and**

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

**21 WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the
22 Albuquerque City Council to determine at least annually what constitutes
23 reasonable notice of its public meetings.**

**24 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
25 ALBUQUERQUE:**

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1 **Section 1. Location of Meetings.** Meetings of the full Council shall
2 normally be held in the Vincent E. Griego Chambers, Basement Level of the
3 Albuquerque/Bernalillo County Government Center at One Civic Plaza NW,
4 near the intersection of 5th Street and Marquette Ave. NW, Albuquerque, New
5 Mexico 87102.

6 **Section 2. Regular Meetings.** Meetings will be held each month on the
7 dates specified by Council resolution, as provided in Section 2-1-1 ROA 1994.
8 Generally, Council meetings are held at 5:00 p.m. on the first and third
9 Mondays of each month. The final agenda will be available 72 hours prior to
10 the meeting from the Clerk of the Council, whose office is located in the
11 Albuquerque/Bernalillo County Government Center, One Civic Plaza NW, 9th
12 Floor, Suite 9087. The Clerk of the Council shall post, if possible, a draft listing
13 of agenda items to come before the full Council on the Albuquerque City
14 Council web site (www.cabq.gov/council) at least five days prior to the
15 meeting, subject to revision until the agenda is deemed final.

16 **Section 3. Special Meetings.** Special meetings may be called by the
17 President of the Council or by three Councilors upon 72 hours' notice. The
18 notice shall include information on how members of the public may obtain a
19 copy of the agenda. The agenda shall be available to the public at least 72
20 hours before any special meeting.

21 **Section 4. Emergency Meetings.** Emergency meetings will be called in
22 accordance with Section 2-1-4 ROA 1994. The Council will avoid emergency
23 meetings whenever possible. Emergency meetings may be called by the
24 President of the Council upon 24 hours' notice, unless the threat of personal
25 injury or property damage requires less notice. The notice for all emergency
26 meetings shall include an agenda for the meeting or information on how the
27 public may obtain a copy of the agenda.

28 **Section 5. Committee Meetings.** City Council Committee meetings may
29 be called by the chair of a committee upon 72 hours' notice. The notice shall
30 include information on how members of the public may obtain a copy of the
31 agenda. The agenda shall be available to the public at least 72 hours before
32 any committee meeting. Council Committees do not hold emergency
33 meetings.

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1 **Section 6. Location of Notice for all Meetings.** For the purpose of
2 meetings described in Sections 2, 3, 4 and 5 of this resolution, notice
3 requirements are met by posting a notice of the date, time, location and the
4 agenda in the lobby of the Albuquerque/Bernalillo County Government Center
5 and posted on the Albuquerque City Council web site (www.cabq.gov/council).
6 The Clerk of the Council shall also provide copies of the agendas to those
7 broadcast stations licensed by the Federal Communications Commission and
8 newspapers of general circulation in Albuquerque, which entities have made a
9 written request for notice of public meetings. Such notice shall be provided to
10 the Government Access Cable TV Channel.

11 **Section 7. Accessibility.** Public documents, including the agendas and
12 minutes, can be provided in various accessible formats. Please contact the
13 Clerk of the Council at the Council Office if a certain type of accessible format
14 is needed. In addition to the information specified above, all notices shall
15 include the following language:

16 **“NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and**
17 **require special assistance to participate in this meeting, please contact the**
18 **Council Office as soon as possible before the meeting date at 505-768-3100.**
19 **Those in need of hearing assistance may call 711.”**

20 **Section 8. Cancellations and Different Meeting Times and Locations.**
21 **Meetings may be cancelled or scheduled at different times and locations than**
22 **set forth herein. The announcement of such changes should be made, when**
23 **possible, at a prior meeting of the full Council or Council Committee.**
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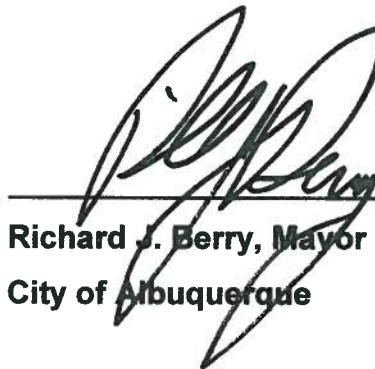
1 PASSED AND ADOPTED THIS 19th DAY OF September, 2016
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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7 **Dan Lewis, President**
8 **City Council**

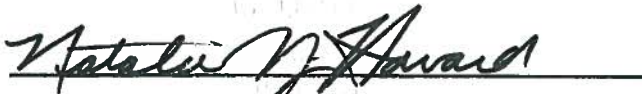
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13 APPROVED THIS 30th DAY OF September, 2016

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18 **Bill No. R-16-99**

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22 **Richard J. Berry, Mayor**
23 **City of Albuquerque**

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26 **ATTEST:**

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29 **Natalie Y. Howard, City Clerk**

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