

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

2 **RESOLUTION 2013-7**

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

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

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

1 **Whereas**, the *Public Boards, Commissions and Committees Ordinance*, Chapter
2 2, Article 6, Section 1-4, (B)(2) Revised Ordinances of Albuquerque, New Mexico 1994
3 (ROA 1994) requires that: “Reasonable notice shall be given to the public prior to any
4 meeting of any public board, commission or committee. At least once a year, each public
5 board, commission or committee shall determine what is reasonable notice to the public;
6 provided that in no event shall notice be less than the notice required for Council (i.e.
7 Albuquerque City Council) meetings.”; and

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

16 **Whereas**, the Air Board met in regular meeting in the Vincent E. Griego
17 Chambers in the basement level of the Albuquerque-Bernalillo County Government
18 Center, One Civic Plaza NW, in Albuquerque, New Mexico, on December 11, 2013,
19 consistent with the notice requirements of the New Mexico Air Quality Control Act to
20 consider AQCB Resolution 2013-7.

21 **THEREFORE, BE IT RESOLVED THAT THE AIR QUALITY CONTROL**
22 **BOARD HEREBY ADOPTS THESE PUBLIC NOTICE REQUIREMENTS**
23 **WHICH ARE CONSISTENT WITH THOSE OF THE ALBUQUERQUE CITY**

1 **COUNCIL AS ADOPTED ON OCTOBER 9, 2013 BY THE COUNCIL IN**
2 **RESOLUTION R-13-224, ENACTMENT NO. R-2013-091.**

3 **Section 1. Location of Meetings.** Meetings of the Air Board shall normally be
4 held at the Vincent E. Griego Chambers, on the lower level of the Albuquerque-
5 Bernalillo County Government Center at One Civic Plaza, near the intersection of Fourth
6 Street and Marquette Avenue NW, Albuquerque, New Mexico, or other adequate city,
7 county, or other publicly-owned location after notice as required by law.

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

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

18 **Section 4. Emergency Meetings.** Emergency meetings will be called only under
19 circumstances when an unexpected occurrence or condition, or the state resulting
20 therefrom requires immediate consideration or action to protect the health, safety and
21 property of citizens or to protect the public body from substantial financial loss. The Air
22 Board will avoid emergency meetings whenever possible. Emergency meetings may be
23 called by the Chairman with 24 hours notice, unless the threat of personal injury or

1 property damage requires less notice. The notice for all emergency meetings shall
2 include an agenda for the meeting or information on how the public may obtain a copy of
3 the agenda.

4 **Section 5. Location of Notice for Regular Meetings.** For the purpose of regular
5 meetings described in Section 2 of this resolution, notice requirements are met if notice
6 of the date, time and location is published in one or more newspapers of general
7 circulation in Albuquerque or posted in the lobby of the Albuquerque-Bernalillo County
8 Government Center. The Department shall also provide copies of the above information
9 as well as copies of the agendas to those broadcast stations licensed by the Federal
10 Communications Commission (“FCC”) and newspapers of general circulation in
11 Albuquerque, provided these entities have made a written request for notice of public
12 meetings. Such notice may be provided to the Government Access Cable TV Channel to
13 be transmitted. The Department may also provide notice to the State Records Center for
14 publication in the New Mexico Register.

15 **Section 6. Location of Notice for Special Meetings and Emergency Meetings.**
16 For the purpose of special meetings and emergency meetings described in Sections 3 and
17 4 of this resolution, notice requirements shall be met by posting notice of the date, time,
18 place and agenda in the lobby of the Albuquerque-Bernalillo County Government Center.
19 The Department shall also provide telephone notice to those broadcast stations licensed
20 by the FCC and newspapers of general circulation in Albuquerque that have made a
21 written request for notice of public meetings.

22 **Section 7. Hearing Notice.** For the purpose of hearings where testimony is
23 sought from proponents, opponents and interested parties, notice requirements shall be in

1 accordance with the New Mexico State Air Quality Control Act and Air Board
2 procedural regulations. The Air Board staff shall provide written notice to newspapers of
3 general circulation in Albuquerque and Bernalillo County at least thirty (30) days prior to
4 the date of all hearings involving the adoption of, amendment to, and or the appeal of a
5 regulation of the Air Board. Notice of a hearing of the Air Board can be combined with
6 the notice for a meeting. In addition, notice of proposed rulemaking shall be published in
7 the New Mexico Register at least 30 days prior to the date of the hearing.

8 **Section 8. Cancellations and Changes of Venue and Meeting Time.**

9 Cancellations and changes to meeting times and locations may be announced at prior
10 meetings of the Air Board or following notice requirements of this Resolution.

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

13 “Notice to persons with disabilities: If you have a disability and require special
14 assistance to participate in this process, please call 311 (Voice) and special assistance will
15 be made available to you to receive any public meeting documents, including agendas
16 and minutes. TTY users may request special assistance by calling the New Mexico Relay
17 at 1-800-659-8331.”

1 PASSED AND ADOPTED THIS 11TH DAY OF DECEMBER, 2013
2 BY A VOTE OF ____ FOR, AND ____ AGAINST.

3 Absent: ____

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7 Dr. Dona Upson Chair
8 Albuquerque-Bernalillo County
9 Air Quality Control Board

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12 Attest:

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16 Margaret Nieto
17 Secretary to the Air Quality Control Board