ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

RESOLUTION NO. 2026-1

DETERMINING REASONABLE NOTICE OF PUBLIC MEETINGS OF THE ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD.

WHEREAS, the Albuquerque-Bernalillo County Air Quality Control Board ("Air Board") met in open session in a hybrid format on November 18th, 2026, as required by law and with notice as specified in Albuquerque-Bernalillo County Air Quality Control Board Resolution No. #2025-1; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states: "All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of or taking any action within the authority of or the delegated authority of any board, commission or other policymaking 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 Open Meetings Act;" and

WHEREAS, the Air Board is a public board subject to the provisions of the Open Meetings Act; and

WHEREAS, under Section 10-15-1(D) of the Open Meetings Act, any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Air Board to determine at least annually in a public meeting what notice for a public meeting is reasonable

when applied to that body; and

WHEREAS, the Public Boards, Commissions and Committees Ordinance, Revised Ordinances of Albuquerque 1994 ("ROA 1994"), Section 2-6-1-4(B)(2) requires that: "Reasonable notice shall be given to the public prior to any meeting of any public board, commission or committee. At least once a year, each public board, commission or committee shall determine what is reasonable notice to the public; provided that in no event shall notice be less than the notice required for [Albuquerque City] Council meetings."; and

WHEREAS, the Joint Air Quality Control Board Ordinance, ROA 1994, Section 9-5-1-3(C), and Bernalillo County Code Section 30-32(c), require that: "The Board shall meet in public facilities with public seating available. The Board shall meet monthly if a quorum is available unless a meeting is unnecessary or delayed for good reason. The Board shall hold a minimum of six monthly meetings a year. Special additional meetings may be held as needed. Notice of time, place and agenda of meetings shall be published according to the requirements of law; and

WHEREAS, the Public Boards, Commissions and Committees Ordinance, ROA 1994, Section 2-6-1-4(B)(1), as amended in March 2023 by the Albuquerque City Council, states: "A meeting of a public board, commission or committee may be held remotely or hybrid-in person with a remote option. Any meeting held remotely or hybrid with a remote option is subject to the requirements of the Open Meetings Act. Any hybrid in-person meeting with a remote option shall also be subject to subparagraph (a) of this provision of the code", which states "[w]hen a meeting of any public board, commission or committee is held in person, the meeting shall be held in a city owned facility."; and

WHEREAS, the Public Boards, Commissions and Committees Ordinance, ROA 1994, Section 2-6-1-4(B)(5), as amended in March 2023 by the Albuquerque City Council, states: "A

member of a public board, commission or committee may participate in a meeting of the public board, commission or committee 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, members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting and a quorum of the public board commission or committee is physically or remotely present at the meeting."; and

WHEREAS, this Resolution shall control unless otherwise preempted by applicable law.

NOW, THEREFORE, BE IT RESOLVED BY THE ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD THAT:

Section 1. Location of Meetings. Except as provided in Section 10 below, meetings of the Air Board shall normally be held in the basement hearing room of the Plaza del Sol building located at 600 Second Street NW, Albuquerque, New Mexico 87102.

Section 2. Regular Meetings. Regular meetings will be held each month on the date specified by Albuquerque-Bernalillo County Air Quality Control Board Resolution No. 2025-2, which is generally the second Wednesday of each month at 5:30 p.m.

Section 3. Special Meetings. Special meetings may be called by the Chair of the Air Board or a majority of the members upon seventy-two (72) hours' notice.

Section 4. Emergency Meetings. Emergency meetings may be called for "unforeseen circumstances that, if not addressed immediately by the [Air Board] will likely result in injury or damage to persons or property or substantial financial loss to the [Air Board]." NMSA 1978, § 10-15-1(F). The Air Board will avoid emergency meetings whenever possible. Emergency

meetings may be called by the Chair of the Air Board or a majority of the members upon twenty-four (24) hours' prior notice, unless threat of personal injury or property damage requires less notice. In accordance with Section 10-15-1(F) of the Open Meetings Act, "within ten days of taking action on an emergency matter, the [Air Board] shall report to the New Mexico Attorney General's Office the action taken and the circumstances creating the emergency."

Section 5. Notice Requirements for Meetings. For the purposes of meetings described in Sections 2, 3 and 4 of this Resolution 2026-1, notice requirements are met if notice of the date, time, location and a copy of the agenda are provided at least one hundred-twenty (120) hours before the meeting for regular meetings described in Section 2, and at least twenty-four (24) hours before the meeting for emergency meetings described in Section 4 unless threat of personal injury or property damage requires less notice for the emergency meeting. Notice and the agenda shall be provided on the Air Board website maintained by the City of Albuquerque Environmental Health Department at https://www.cabq.gov/airquality/air-quality-control-board and sent to the Air Board electronic mailing list maintained by the Air Board Liaison. Notice and the agenda may also be obtained from the Air Board Liaison, whose office is located at One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, New Mexico 87102 and whom can be contacted at (505) 768-1915 or airboard@cabq.gov. The Air Board Liaison shall also send notice to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation in Albuquerque that have made a written request for notice of public meetings.

Section 6. Notice Requirements for Hearings. Notice requirements for hearings shall be in accordance with the New Mexico State Air Quality Control Act, local air quality ordinances, and Air Board regulations ("Applicable Law"). The Air Board Liaison will provide

the notice of hearings to newspapers of general circulation in Albuquerque and Bernalillo County in accordance with Applicable Law. The Air Board Liaison will also post the notice of hearings on the Air Board website and send the notice to the Air Board electronic mailing list in accordance with Applicable Law.

Section 7. Cancellations and Changes of Venue and Meeting Time. The Chair of the Air Board or a majority of the members may cancel or change meeting dates, times and locations. Cancellations and changes to meeting dates, times and locations shall be announced in advance at a meeting of the Air Board or by posting notice in accordance with the notice requirements of this Resolution for the specific type of meeting. In the event a meeting is canceled following the posting of the agenda, the Air Board will give at least twenty-four (24) hours' notice of such cancellation, unless otherwise impracticable, by posting notice of the cancellation on the Air Board website and sending notice to the Air Board electronic mailing list.

Section 8. Accessibility Notice. In addition to the information specified above, all notices and agendas shall include the following Notice to Persons with Disabilities or Special Needs, or similar language as determined by the Air Board Liaison:

"NOTICE TO PERSONS WITH DISABILITIES OR SPECIAL NEEDS:

If you have a disability or require special assistance to participate, including interpretation, you may contact the AQCB Liaison up to seventy-two (72) hours before the meeting at (505) 768-1915, or email airboard@cabq.gov. Those in need of hearing assistance may call 711. Assistive listening systems are available; please request to borrow a headset from the staff.

Except for any portion of the meeting that may be closed by the Board pursuant to the provisions of the New Mexico Open Meetings Act, the meeting will be open

to the public and can be viewed at:

https://www.cabq.gov/airquality/air-quality-control-board/past-air-quality-control-board-meetings.

Section 9. Closed Meetings. The Air Board may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirements under Section 10-15-1(H) of the Open Meetings Act. If any portion of an open meeting is closed, or if a separate closed meeting is called outside of an open meeting, such closure shall be in accordance with Section 10-15-1(I) of the Open Meetings Act and the requirements of this Resolution 2024-1. Only those subjects specified in the motion or notice for closure may be discussed in the closed session or meeting. Following completion of any closed session or meeting, the minutes shall be in accordance with Section 10-15-1(J) of the Open Meetings Act. Except as provided in Section 10-15-1(H), any action taken as a result of discussions in a closed meeting shall be made by vote of the Air Board in an open, public meeting.

Section 10. Virtual and Hybrid Meetings. In-person meetings held in accordance with Section 1 may be conducted in a hybrid format allowing for virtual attendance by video conferencing, telephone, or similar technology, or may be conducted in a virtual format where attendance is solely by video conferencing, telephone, or similar technology, subject to the requirements of the Open Meetings Act. The Chair shall decide the format of the meetings. In the absence of the Chair, the Vice Chair shall decide the format of the meetings.

a) Virtual Attendance by Board Members. Members of the Air Board "may participate in a meeting . . . by conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend in person, provided that each member participating" can be identified when speaking, all participants are

able to hear and communicate clearly with one another, and the members of the public in attendance are able to hear any member who speaks during the meeting, in accordance with Section 10-15-1(C) of the Open Meetings Act and the Public Boards, Commissions and Committees Ordinance, ROA 1994, Section 2-6-1-4(B)(5), unless otherwise prohibited by applicable law.

b) Virtual and Hybrid Meeting Notice. In addition to the information specified above, all notices and agendas will indicate whether a meeting has a virtual attendance option. Notices and agendas for meetings with a virtual attendance option shall provide information to the public on how the meeting may be accessed through video conferencing, telephone, or similar technology.

c) Virtual and Hybrid Meeting Special Procedures. At any virtual meeting where attendance is solely by video conferencing, telephone, or similar technology, or any hybrid meeting where one or more members of the Air Board attend virtually, all votes shall be cast through a roll-call vote. The Chair shall suspend all discussion in the event that the audio is interrupted or becomes unintelligible. All meeting documents, except those which are exempt from disclosure as a public record, shall be available on the Air Board's website before and during the meeting for public access and review, or shall be available during the meeting for downloading through whatever video conferencing service may be used for the meeting. The Board Liaison shall make an audio recording of any virtual meeting and, within five business days of the meeting, post the recording on the Board's website for a period of not less than thirty days. The Board Liaison shall maintain a copy of the recording in accordance with public record laws.

PASSED AND ADOPTED THIS 18th DAY OF NOVEMBER, 2026

BY A VOTE OF __ FOR, AND __ AGAINST.

Absent:

_____
Dennis Armijo Sr., Chair
Albuquerque-Bernalillo County
Air Quality Control Board

Attest:

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Catalina Lehner, Air Program Administrator and
AQ Planning/Control Strategies Manager
Environmental Health Department