

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

2   **RESOLUTION NO. #2019-1**

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, located in the basement level of the  
8 Albuquerque-Bernalillo County Government Center at One Civic Plaza NW, near the  
9 intersection of 5<sup>th</sup> Street and Marquette Avenue NW, Albuquerque, New Mexico 87102, on  
10 November 13, 2019, at 5:30 PM as required by law and with notice as specified in Air Quality  
11 Control Board Resolution No. #2018-2; and

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

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

22           **WHEREAS**, NMSA 1978, Section 10-15-1(D) of the Open Meetings Act requires the  
23 Albuquerque-Bernalillo County Air Quality Control Board to determine at least annually what  
24 constitutes reasonable notice of its public meetings; and

25           **WHEREAS**, the *Public Boards, Commissions and Committees Ordinance*, Chapter 2,

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

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

15 **NOW, THEREFORE, BE IT RESOLVED THAT THE AIR QUALITY CONTROL**  
16 **BOARD HEREBY ADOPTS THESE PUBLIC NOTICE REQUIREMENTS WHICH ARE**  
17 **CONSISTENT WITH THOSE OF THE ALBUQUERQUE CITY COUNCIL AS**  
18 **ADOPTED ON SEPTEMBER 18, 2019 BY THE COUNCIL IN RESOLUTION R-19-184,**  
19 **ENACTMENT NO. R-2019-073:**

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

1 indicated in the meeting notice.

2           **Section 2. Regular Meetings.** Meetings will be held each month on the date specified by  
3 Albuquerque-Bernalillo County Air Quality Control Board resolution. Unless otherwise  
4 specified, regular meetings shall be held each month on the second Wednesday of the month at  
5 5:30 PM. The agenda will be available at least seventy-two hours prior to the meeting from the  
6 Albuquerque-Bernalillo County Air Quality Control Board Liaison, whose office is located in  
7 the Albuquerque-Bernalillo County Government Center at One Civic Plaza NW, 3<sup>rd</sup> Floor, Room  
8 3023, near the intersection of 5<sup>th</sup> Street and Marquette Avenue NW, Albuquerque, New Mexico  
9 87102. If practicable, a preliminary draft agenda will be made available at least seven days prior  
10 to each meeting. The agenda will also be posted on the Albuquerque-Bernalillo County Air  
11 Quality Control Board’s website at <https://www.cabq.gov/airquality/air-quality-control-board>.

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

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

1 [quality-control-board](#).

2           **Section 5. Emergency Meetings.** Emergency meetings will be called only under  
3 unforeseen circumstances that demand immediate action to protect the health, safety and  
4 property of citizens or to protect the public body from substantial financial loss. The  
5 Albuquerque-Bernalillo County Air Quality Control Board will avoid emergency meetings  
6 whenever possible. Emergency meetings may be called by the Chair of the Albuquerque-  
7 Bernalillo County Air Quality Control Board or a majority of the members with twenty-four  
8 hours' prior notice, unless threat of personal injury or property damage requires less notice. The  
9 notice for all emergency meetings shall include an agenda for the meeting or information on how  
10 the public may obtain a copy of the agenda. Within ten days of taking action on an emergency  
11 matter, the Albuquerque-Bernalillo County Air Quality Control Board will notify the New  
12 Mexico Attorney General's Office.

13           **Section 6. Regular Meeting Notice Requirements.** For the purposes of regular meetings  
14 described in Sections 2 and 3 of this resolution, notice requirements are met by posting a notice  
15 of the date, time, location and agenda by posting on the Albuquerque-Bernalillo County Air  
16 Quality Control Board's website at <https://www.cabq.gov/airquality/air-quality-control-board>.  
17 An annual calendar with notice of the date, time and location of the Albuquerque-Bernalillo  
18 County Air Quality Control Board's meetings shall also be published in one or more newspapers  
19 of general circulation in Albuquerque. For regular meetings other than those described in Section  
20 2 of this resolution, notice of the date, time and location of the meeting shall also be published in  
21 one or more newspapers of general circulation in Albuquerque at least ten days in advance of the  
22 meeting. The Albuquerque-Bernalillo County Air Quality Control Board Liaison shall also  
23 provide copies of the agendas to those broadcast stations licensed by the Federal

1 Communications Commission and newspapers of general circulation in Albuquerque, provided  
2 these entities have made a written request for notice of public meetings. The Department may  
3 also provide notice to the State Records Center for publication in the New Mexico Register.

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

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

1           **Section 9. Cancellations and Changes of Venue and Meeting Time.** Cancellations and  
2 changes to meeting times and locations may be announced at prior meetings of the Air Board or  
3 following notice requirements of this Resolution. In the event a meeting must be canceled  
4 unexpectedly following the posting of the agenda at least seventy two hours prior to the meeting,  
5 the Air Board will, if possible, attempt to give at least twenty four hours' notice of such  
6 cancelation by posting the notice at the Air Board's website at  
7 <https://www.cabq.gov/airquality/air-quality-control-board>.

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

10           “NOTICE TO PERSONS WITH DISABILITIES OR SPECIAL NEEDS: the Air  
11 Board staff will take reasonable measures to provide access to services to  
12 individuals with limited ability to speak, write, or understand English or to those  
13 with disabilities at no cost to the requestor. If you would like this notice translated  
14 into one of seventeen different languages, please go to  
15 <https://www.cabq.gov/airquality/air-quality-control-board> and use the Google  
16 Translate at the top of the page.”

17           “If you have a disability or require special assistance to participate in this  
18 meeting, including interpretation, please contact the Albuquerque-Bernalillo  
19 County Air Quality Control Board Liaison as soon as possible before the meeting  
20 date at 505-768-1915 or 505-768-2637. The Air Quality Control Board Liaison  
21 may also be contacted at: City of Albuquerque, Environmental Health  
22 Department, Air Quality Program, One Civic Plaza NW, 3rd Floor, Room 3023,  
23 Albuquerque NM 87102.”

1 “Those in need of hearing assistance may call 711.”

2 “The City of Albuquerque, the City of Albuquerque Environmental Health  
3 Department, and the Albuquerque-Bernalillo County Air Quality Control Board  
4 do not discriminate on the basis of race, color, national origin, age, disability,  
5 religion, ancestry, sexual orientation, gender identity, spousal affiliation, or sex. If  
6 you believe you have been discriminated against, you may submit a complaint at  
7 <http://www.cabq.gov/civilrights/filing-a-discrimination-complaint>. You may also  
8 contact Torri Jacobus at [civilrights@cabq.gov](mailto:civilrights@cabq.gov) or (505) 768 - 4595.”

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

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

19 **Section 11(b).** If a closed meeting is conducted when the Albuquerque-Bernalillo County  
20 Air Quality Control Board is not in an open meeting, the closed meeting shall not be held until  
21 public notice, appropriate under the circumstances, stating the specific provision of law  
22 authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is  
23 given to the members and to the general public.

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

5           **Section 11(d).** Except as provided in NMSA 1978, Section 10-15-1(H) of the Open  
6 Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by  
7 vote of the 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 13<sup>th</sup>  
2 day of November 13, 2019.

3 **BY A VOTE OF \_\_\_ FOR, AND \_\_\_ AGAINST.**

4 Absent:

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10 \_\_\_\_\_  
11 Ms. Sandra Buffett, Chair  
12 Albuquerque-Bernalillo County  
13 Air Quality Control Board

14  
15 Attest:

16  
17  
18

19 \_\_\_\_\_  
20 Ms. Jolene Slowen,  
Secretary to the Albuquerque-Bernalillo County Air Quality Control Board