

1 **AMERICANS WITH DISABILITIES ADVISORY COUNCIL**

2 **RESOLUTION NO. 2017- (1)**

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4 **NOTICE REQUIREMENTS FOR MEETINGS OF THE COUNCIL**

5 WHEREAS, the City of Albuquerque (“City”) Americans With Disabilities
6 Advisory Council (“Council”) met in regular session at the City Council Committee
7 Room, 9th Floor, Suite 9081 of the (City Hall) Albuquerque/Bernalillo County
8 Government Building, One Civic Plaza NW, Albuquerque, NM _____ at 5:30
9 p.m. as required by law; and

10 WHEREAS, Section 10-15-1(B) (NMSA 1978) of the Open Meetings Act states
11 that “[A]ll meetings of a quorum of members of any board, commission, administrative
12 adjudicatory body or other policymaking body of any state agency, any agency or
13 authority of any county, municipality, district or any political subdivision, held for the
14 purpose of formulating public policy, including the development of personnel policy,
15 rules, regulations or ordinances, discussing public business or for the purpose of taking
16 any action within the authority of or the delegated authority of any board, commission or
17 other policymaking body are declared to be public meetings open to the public at all
18 times except as may be otherwise provided in the Constitution of New Mexico, or the
19 provisions of the Open Meetings Act;” and

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

23 WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Council
24 to determine annually what constitutes reasonable notice of its public meetings; and

25 WHEREAS, Section 2-6-1-4(B) (ROA 1994) of the City of Albuquerque Public
26 Boards, Commissions and Committees Ordinance requires that every public board,
27 commission or committee created by the City of Albuquerque must determine what is
28 reasonable notice to the public of its meetings; provided that in no event shall notice be
29 less than the notice required for Albuquerque City Council meetings;

30 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ALBUQUERQUE**
31 **AMERICANS WITH DISABILITIES ADVISORY COUNCIL that:**

32 Section 1. Unless otherwise specified, all meetings of the Board shall be held
33 monthly at the City Council Committee Room, 9th Floor, Suite 9081 of the (City Hall)
34 Albuquerque/Bernalillo County Government Center Building. One Civic Plaza NW;
35 Albuquerque, NM. Section 2. Unless otherwise specified, regularly scheduled meetings
36 of the Board shall be held on the first Tuesday of every Month. Public notice in writing of
37 any other regularly scheduled meetings will be given at least five (5) days in advance of
38 the meeting date. The agenda for a regularly scheduled meeting will be available to the
39 public at least 72 hours (3 days) prior to such meeting. Copies of the agenda will be
40 available to the public upon request from the Director of the Office of Diversity and
41

42 Human Rights, whose phone number is 505-768-4712 and whose office is located in the
43 Albuquerque/Bernalillo County Government Center Building at 1 Civic Plaza NW,
44 Albuquerque, NM 87102.

45 Section 3. Special meetings of the Board may be called by the Chairperson of the
46 Board or by a majority of the Board members upon three (3) days advance notice. The
47 agenda for a special meeting will be available to the public at least seventy two (72)
48 hours prior to such special meeting. Copies of the agenda will be available to the public
49 upon request from the Director of the Office of Diversity and Human Rights, whose
50 phone number is 505-768-4712 and whose office is located in the Albuquerque/Bernalillo
51 County Government Center Building at 1 Civic Plaza NW, Albuquerque, NM 87102.

52 Section 4. Emergency meetings of the Board will be called only under unforeseen
53 circumstances that demand immediate action by the Board to protect the health, safety
54 and property of citizens or to protect the public body from substantial financial loss. The
55 Board will avoid holding emergency meetings whenever possible. Emergency meetings
56 may be called by the Chairperson or a majority of the Board members upon twenty-four
57 (24) hours notice, unless threat of personal injury or property damage requires less notice.
58 Public notice for an emergency meeting shall include an agenda for the emergency
59 meeting.

60 Section 5. For all meetings described in this resolution, public notice
61 requirements are met if:

62 A. a printed notice of the date, time and place of the meeting is posted for public
63 viewing in the following location: in the 1st floor lobby of the Albuquerque/Bernalillo
64 County Government Center (City-County Building) at 1 Civic Plaza NW, Albuquerque,
65 NM 87102 and

66 B. an electronic copy of the notice is posted on the Board web page. Currently,
67 the Board web page address is

68 <https://www.cabq.gov/americans-with-disabilities-act-advisory-council/?a> and
69 this website address may change from time to time as needed by the City or the Board.

70 C. Notice shall also be sent electronically to those broadcast stations (radio and
71 television) licensed by the Federal Communications Commission (FCC) and newspapers
72 of general circulation in the State of New Mexico that (i) have submitted a written
73 request for notice of public meetings to the Director of the Office of Diversity and
74 Human Rights, whose office is located in the Albuquerque/Bernalillo County
75 Government Center Building at 1 Civic Plaza NW, Albuquerque, NM 87102, and (ii)
76 have provided an electronic mail (e-mail) address to which public notices are to be sent.
77 Currently, the Board finds that the Director has not received any written requests for
78 ongoing notice of all Board meetings from any FCC licensed broadcast stations or from
79 newspapers of general circulation, located in New Mexico or anywhere else.

80 Section 6. In addition to the information specified above, all public notices shall
81 include the following language:

82 “NOTICE TO PERSONS WITH DISABILITIES: If you are a person with a disability
83 and require a reasonable accommodation to observe or participate in this meeting, please
84 contact Ms. Shannon Triplett, whose phone number is 505-768-4712 and whose email
85 address is: odhr@cabq.gov as soon as possible. Public documents, including the agenda
86 and minutes, can be provided in various accessible formats. Please contact the office if a
87 summary or other type of accessible format is needed. The meeting will occur in a room
88 that is accessible to persons in wheelchairs, by use of an elevator.”

89 Section 7. Notice of Cancellations of meetings of the Board, and notice of
90 different meeting times and/or dates and/or locations, may be announced at prior
91 meetings of the Board. Sudden cancellations of meetings may occur if a quorum of Board
92 members cannot or unexpectedly fail to attend a previously scheduled meeting time.
93 Different meeting dates and times may be needed if a regularly scheduled meeting date
94 (such as a Monday) is a federal, state or city holiday and City offices are closed that day.
95 And different meeting dates and/or times and/or locations may be needed for a regularly
96 scheduled meeting date if there is inclement weather, or if the meeting location is not
97 available for use, or for other reasons.

98 Section 8. Notice of committee meetings, if any committees are formed, shall be
99 equal to that specified in Sections 2 and 3 of this resolution.

100 Section 9. The Board may close a Meeting of the Board to the public only if the
101 subject matter of such discussion or action is exempted from the open to the public

102 meeting requirement under Section 10-15- 1(H) (NMSA 1978) of the Open Meetings
103 Act.

104 A. If any open meeting is closed during such open meeting, the closure shall be
105 approved by a majority vote of a quorum of the Board taken during the open meeting.
106 The specific provision of law authorizing the closed meeting and the subject(s) to be
107 discussed shall be stated with reasonable specificity in the motion to close the meeting to
108 public observation and the vote of each individual member on the motion to close the
109 meeting shall be recorded in the minutes, in a roll call vote. Only those subjects specified
110 in the motion to close the meeting may be discussed by the Board in the closed meeting.

111 B. If a closed meeting is conducted when the Board is not in an open meeting, the
112 closed meeting shall not be held until a written public notice of the meeting of the Board,
113 appropriate under the circumstances, stating the specific provision of law authorizing the
114 closed meeting and the subjects to be discussed with reasonable specificity, is given to
115 Board members and to the public.

116 C. Following completion of any closed meeting, the minutes of the open meeting
117 that was closed, or the minutes of the next open meeting of the Board if the closed
118 meeting was separately scheduled, shall state whether the matters discussed in the closed
119 meeting were limited only to those specified in the motion to close the meeting or the
120 public notice of a closed meeting.

121 D. Except as provided in Section 10-15-1(H) (NMSA 1978) of the Open
122 Meetings Act, any action taken as a result of discussions in a closed meeting shall be
123 made by a public vote of the Board in an open meeting.

124 Section 10. All resolutions, rules or parts of resolutions or rules, inconsistent with
125 this resolution, are hereby repealed only to the extent of such inconsistency. Such
126 implied repeal shall not be construed to revive any resolution, rule or part of any
127 resolution or rule that was previously repealed.

128 Section 11. The official list of dates of the Regular Meetings of the City of
129 Albuquerque Americans with Disabilities Advisory Council for 2017 are as follows:

- 130 Tuesday, January 3, 2017
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- 132 Tuesday, February 7, 2017
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- 134 Tuesday, March 7, 2017
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- 136 Tuesday, April 4, 2017
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- 138 Tuesday, May 2, 2017
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- 140 Tuesday, June 6, 2017
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- 142 Tuesday, July 4, 2017- No Meeting
- 143
- 144 Tuesday, August 1, 2017
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- 146 Tuesday, September 5, 2017
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- 148 Tuesday, October 3, 2017
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- 150 Tuesday, November 7, 2017
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Tuesday, December 5, 2017

Section 12. If any section, paragraph, sentence, clause, word or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Board hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase of this resolution irrespective of any provision being declared invalid or unenforceable.

PASSED AND ADOPTED this _____

BY A VOTE OF _____ FOR, AND _____ AGAINST.

Members Absent: _____

Members voting against: _____

CITY OF ALBUQUERQUE
AMERICANS WITH DISABILITIES ADVISORY COUNCIL

By:

Chairperson of the Board

ATTEST:

Secretary to the Board