

## **INITIAL BY-LAWS FOR THE AMERICANS WITH DISABILITIES ACT ADVISORY COUNCIL OF THE CITY OF ALBUQUERQUE**

The **AMERICANS WITH DISABILITIES ADVISORY COUNCIL** (hereinafter “ADA Advisory Council”) was established by Ordinance 2015-018, and subsequently amended by Ordinance 2017-006 (the **AMERICANS WITH DISABILITIES ACT ADVISORY COUNCIL ORDINANCE**, §2-6-5-1 through § 2-6-5-6 ROA 1994, hereinafter “the ADA Advisory Council Ordinance”).

### **I. Controlling Law.**

1. The ADA Advisory Council is subject to the provisions of the ADA Advisory Council Ordinance and the **PUBLIC BOARDS, COMMISSIONS, AND COMMITTEES ORDINANCE** (§2-6-1-1 through §2-6-1-5, hereinafter “the Public Boards Ordinance”).
2. The Public Boards Ordinance provides for the qualifications, appointment and conduct of members of all public boards, commissions and committees, as well as the organization, meetings, and rules and regulations promulgated by such boards, commissions and committees. The provisions of the Public Boards Ordinance apply to the ADA Advisory Council. In the event of a conflict between the Public Boards Ordinance and the ADA Advisory Council Ordinance, the provisions of the latter as the more specific ordinance control.

### **II. Officers: Duties of Chair and Vice Chair**

1. The ADA Advisory Council is comprised of seven (7) members, pursuant to ROA §2-6-5-3.
2. The ADA Advisory Council shall select from its membership a chair, vice-chair and secretary by majority vote.
3. The term of each office shall be for one year.
4. Officers shall be elected at the ADA Advisory Council’s regularly scheduled meeting held in the month of August.
5. In the event of a vacancy in the office of chair, vice-chair or secretary, the ADA Advisory Council shall elect another of its member to serve out the balance of the term.
6. The Chair shall preside over meetings of the ADA Advisory Council. The Vice Chair shall preside in the absence of the Chair. In the absence of both the Chair and Vice Chair, the members present shall select one of the members present to act as Chair pro tem. The Chair may call for special meetings of the ADA Advisory Council.

### **III. Meetings; Quorum; Notice; Open Meetings Compliance; Participation by Telephonic and Other Means; Rules of Order**

1. The ADA Advisory Council is required to meet monthly (ROA §2-6-5-4 (A)).
2. Special meetings of the ADA Advisory Council may be called by the Chair.
3. Four members of the ADA Advisory Council shall constitute a quorum to conduct business.
4. Any action taken by the ADA Advisory Council or a quorum thereof shall be by majority vote of the members present OR of the ADA Advisory Council membership.

5. Meetings of the ADA Advisory Council shall be subject to the notice requirements of the Open Meetings Act and the Public Boards Ordinance.
6. All ADA Advisory Council meetings are subject to the Open Meetings Act (Chapter 10, Article 15, NMSA 1978) and shall be held at City Hall or such other designated building accessible to the public.
7. Members of the ADA Advisory Council may participate in meetings by means of conference telephone, web based broadcast such as skype or other similar communications equipment when it is difficult or not possible for a member to attend in person, provided that each member participating by such methods can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the ADA Advisory Council who speaks during the meeting. (§2-6-5-4 (B); NMSA 1978 § 10-15-1 C)
8. Meetings shall be conducted under the latest edition of Robert's Rules of Order, or such rules as may be adopted by the ADA Advisory Council, which shall supersede Robert's Rules in the event of a conflict.
9. Any member of the ADA Advisory Council may be removed from office by the Mayor or by an affirmative vote of two-thirds of all Councilors after due notice and hearing if such member has missed three consecutive meetings or has been absent from more than 50% of the meetings held during any twelve consecutive months. (§2-6-1- 3 (C) (1))
10. Any member of the ADA Advisory Council may be removed from office if such member has violated any law, regulation or charter provision, or for other good cause such as the intentional failure to carry out the duties of the board, commission or committee, in accordance with the provisions of §2-6-1- 3 (C) (2)).
11. Sign language interpreters will be provided at all meetings of the ADA Advisory Council.

#### **IV. Preparation of Agenda; Minutes of Meetings.**

1. The agenda shall be available and posted at least 72 hours in advance of any meeting and shall be posted on the City Clerk's website. The agenda shall include all materials and documents supporting specific agenda items.
2. The Chair shall be responsible for preparation of the agenda. The agenda, together with the materials and documents supporting agenda items, shall be forwarded by City staff to the member of the ADA Advisory Council by email.
3. Draft minutes of a meeting shall be prepared within ten (10) working days after the meeting and approved at the next meeting where a quorum is present.
4. Minutes of all meetings shall be approved by the ADA Advisory Council and thereafter filed with the City Clerk.

#### **V. Conduct of Members.**

1. Every member of the ADA Advisory Council shall:
  - a) Be respectful to persons appearing before the Council and to each other.
  - b) Refrain from acting on behalf of the ADA Advisory Council unless the member has been delegated such authority by the latter.
  - c) Comply with the City's Code of Ethics.

2. Members shall not email or otherwise attempt to communicate matters pertaining to the business of the ADA Advisory Council to others as a whole or groups so as to avoid conflicts with the Open Meetings Act, especially as to what the New Mexico Attorney General refers to as “rolling quorums”. Such emails or other communications should be routed through the City’s liaison for distribution to the ADA Advisory Council. Comments on such materials should be made at public meetings.

**VI. Amendment of By-Laws.**

- The ADA Advisory Council may amend the provisions of these By-Laws by a majority vote of the entire Council.

