

1 **CABLE FRANCHISE AND HEARING BOARD**

2
3 **RESOLUTION 2020-02**
4 **DETERMINING REASONABLE NOTICE OF THE PUBLIC MEETINGS OF**
5 **THE CABLE FRANCHISE AND HEARING BOARD**
6

7 **WHEREAS**, the Cable Franchise and Hearing Board (also “Cable Board”) met in a
8 special meeting via Zoom conference on June 30, 2020 at 5:30 p.m. upon proper notice as
9 required by law; and

10 **WHEREAS**, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-
11 15-1 to 4) states that, except as may be otherwise provided in the constitution of New Mexico or
12 the Open Meetings Act, all meetings of a quorum of members of any board, council,
13 commission, administrative adjudicatory body or policy-making body of any state or local
14 agency held for the purpose of formulating public policy, discussing public business, or taking
15 any action within the authority of such body, are declared to be public meetings open to the
16 public at all times; and

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

20 **WHEREAS**, Section 10-15-1(D) of the Open Meetings Act requires the Cable Franchise
21 and Hearing Board to determine at least annually what constitutes reasonable notice of its public
22 meetings.

23 **WHEREAS**, the Public Boards, Commissions and Committees Ordinance, Chapter 2,
24 Article 6, Section 1-4(B)(2) Revised Ordinances of Albuquerque, New Mexico 1994 requires
25 that: “Reasonable notice shall be given to the public prior to any meeting of any public board,
26 commission or committee. At least once a year, each public board, commission or committee

1 shall determine what is reasonable notice to the public; provided that in no event shall notice be
2 less than the notice required for Council ...”

3 **BE IT RESOLVED BY THE CABLE FRANCHISE AND HEARING BOARD THAT ITS**
4 **MEETING SCHEDULE UNTIL JUNE 23, 2020 WILL BE AS FOLLOWS:**

5 **SECTION 1. Location of Meetings.** Meetings of the Cable Franchise and Hearing
6 Board shall normally be held in the City Council Committee Room, Room 9081 on the ninth
7 floor of the Albuquerque City/Bernalillo County Government Center, One Civic Plaza NW, near
8 the intersection of Fifth Street and Marquette Avenue NW, Albuquerque, New Mexico 87102, or
9 as indicated on the applicable meeting notice. However, the Cable Board will hold these
10 meetings via Zoom conference during the Covid-19 health crisis pursuant to State of New
11 Mexico public health orders and instructions from the City administration.¹

12 **SECTION 2. Regular Meetings.** Unless otherwise specified, regular meetings of the
13 Cable Franchise and Hearing Board shall be held on the fourth (4th) Tuesday of every month
14 beginning August 25, 2020 until December 22, 2020. The agenda will be available at least
15 seventy-two (72) hours prior to the meeting from the City of Albuquerque Legal Department, on
16 the fourth floor of the Albuquerque City/Bernalillo County Government Center, One Civic Plaza
17 NW, Albuquerque, New Mexico 87102. The agenda will also be posted on the Cable Franchise
18 and Hearing Board’s webpage at [https://www.cabq.gov/cable-franchise/events/cable-franchise-](https://www.cabq.gov/cable-franchise/events/cable-franchise-and-hearing-board-meeting)
19 [and-hearing-board-meeting](https://www.cabq.gov/cable-franchise/events/cable-franchise-and-hearing-board-meeting) and also posted on the bulletin board in the main lobby of the City-
20 County Government Center.

21 **SECTION 3. Other Regular Meetings.** Notice of regular meetings other than those
22 described in Section 2 of this resolution will be given ten days in advance of the meeting date.

¹ See July 13, 2020 New Mexico Department of Health, Public Health Orders at <https://cv.nmhealth.org/wp-content/uploads/2020/07/7.13.20-PHO-1.pdf>

1 The notice will include a copy of the agenda or information on how a copy of the agenda may be
2 obtained. If not included in the notice, the agenda will be available at least seventy-two (72)
3 hours before the meeting and posted on the Cable Franchise and Hearing Board’s webpage at
4 <https://www.cabq.gov/cable-franchise/events/cable-franchise-and-hearing-board-meeting>.

5 **SECTION 4. Special Meetings.** The Chair of the Cable Franchise and Hearing Board
6 or a majority of the members may call additional special meetings upon notice of at least
7 seventy-two hours. The notice of meeting shall include a copy of the agenda or information on
8 how to obtain a copy of the agenda. The agenda must also be available at least seventy-two
9 hours before the meeting and posted on the Cable Franchise and Hearing Board’s webpage at
10 <https://www.cabq.gov/cable-franchise/events/cable-franchise-and-hearing-board-meeting>.

11 **SECTION 5. Emergency Meetings.** Emergency meetings will be called only under
12 unforeseen circumstances that demand immediate action to protect the health, safety and
13 property of citizens or to protect the public body from substantial financial loss. The Chair of the
14 Cable Franchise and Hearing Board or a majority of the members may call an emergency
15 meeting upon prior notice of at least twenty-four (24) hours unless threat of personal injury or
16 property damage requires less notice. The notice for any emergency meeting shall include a
17 copy of the agenda or information on how to obtain a copy of the agenda.

18 **SECTION 6. Regular Meeting Notice Requirements.** Notice requirements for regular
19 meetings are met by posting the notices containing the meeting date, time, place and agenda in
20 the lobby of the Albuquerque Bernalillo County Government Center at One Civic Plaza NW,
21 Albuquerque, New Mexico 87102 and posting the notices on the Cable Franchise and Hearing
22 Board’s webpage at [https://www.cabq.gov/cable-franchise/events/cable-franchise-and-hearing-](https://www.cabq.gov/cable-franchise/events/cable-franchise-and-hearing-board-meeting)
23 [board-meeting](https://www.cabq.gov/cable-franchise/events/cable-franchise-and-hearing-board-meeting).

1 **SECTION 7. Special and Emergency Meeting Notice Requirements.** Notice
2 requirements for special and emergency meetings are met by posting the notices containing the
3 meeting date, time, place and agenda in the lobby of the Albuquerque Bernalillo County
4 Government Center at One Civic Plaza NW, Albuquerque, New Mexico 87102 and posting the
5 notices on the Cable Franchise and Hearing Board’s webpage at [https://www.cabq.gov/cable-](https://www.cabq.gov/cable-franchise/events/cable-franchise-and-hearing-board-meeting)
6 [franchise/events/cable-franchise-and-hearing-board-meeting](https://www.cabq.gov/cable-franchise/events/cable-franchise-and-hearing-board-meeting).

7 **SECTION 8. Cancellations and Changes of Venue or Meeting Time.** Cancellations
8 and changes to meeting times and locations may be announced prior to the scheduled meetings
9 of the Cable Franchise and Hearing Board or through the notice requirements contained in this
10 Resolution.

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

13 If you need a reader, amplifier, qualified sign language interpreter or any
14 other form of auxiliary aid or service to attend or participate in the meeting,
15 please contact the City Attorney’s Office (768-4500) at least two days prior
16 to the meeting or as soon as possible. Public documents, including the
17 agenda and minutes, can be provided in various accessible formats. Please
18 contact the City Attorney’s Office if an accessible format is needed.
19

20 **SECTION 10. Closed Meetings.** The Cable Franchise and Hearing Board may close a
21 meeting to the public only if the Open Meetings Act in Section 10-15-1(H) exempts the subject
22 matter of such discussion or action from the open meeting requirements.

23 **SECTION 10(a).** If any meeting is closed during an open meeting, such closure shall be
24 approved by a majority vote of a quorum of the Cable Franchise and Hearing Board taken during
25 an open meeting. The authority for the closed meeting and the subjects to be discussed shall be
26 stated with reasonable specificity in the Motion to Close the Meeting. The vote of each

1 individual member on the Motion to Close the Meeting shall be recorded in the minutes. Only
2 those subjects specified in the Motion may be discussed in the closed meeting.

3 **SECTION 10(b).** The closed meeting shall not be held until public notice which is
4 appropriate under the circumstances, including the specific provision of the law authorizing the
5 closed meeting and the subjects to be discussed with reasonable specificity, is given to the
6 members and the general public.

7 **SECTION 10(c).** The minutes of the closed portion of the meeting shall state whether
8 the matters discussed in the closed meeting were limited only to those specified in the Motion or
9 Notice to Close the Meeting.

10 **SECTION 10(d).** Except as provided in Section 10-15-1(H) of the Open Meetings Act,
11 any action taken as a result of discussions in a closed meeting shall be made by vote of the Cable
12 Franchise and Hearing Board in an open meeting.

13 **SECTION 11. The Schedule of the Cable Franchise and Hearing Board's Regular**
14 **Meetings in 2020, all beginning at 5:30 p.m., is as follows:**

- 15 **1. August 25, 2020**
- 16 **2. September 22, 2020**
- 17 **3. October 27, 2020**
- 18 **4. November 24, 2020**
- 19 **5. December 22, 2020**

20
21 **PASSED AND ADOPTED BY THE CABLE FRANCHISE AND HEARING BOARD on**
22 **this 28th day of July 2020.**

23 **BY A VOTE OF: 2-0**

24

1

2 /s/ *Brian White*
3 **Chair**

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5

6 /s/ *Michael Marcotte*
7 **Member**

8

9

10 **Vacant**
11 **Member**