

1 **CABLE FRANCHISE AND HEARING BOARD**

2
3 **RESOLUTION 2019-01**
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 in the City Council Committee Room, ninth floor of the Albuquerque
9 City/Bernalillo County Government Center at One Civic Plaza NW on July 23, 2019 at 5:30 p.m.
10 upon proper notice as required by law; and

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

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

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

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

1 commission or committee. At least once a year, each public board, commission or committee
2 shall determine what is reasonable notice to the public; provided that in no event shall notice be
3 less than the notice required for Council ...”

4 **BE IT RESOLVED BY THE CABLE FRANCHISE AND HEARING BOARD THAT ITS**
5 **MEETING SCHEDULE IN 2019 WILL BE AS FOLLOWS:**

6 **SECTION 1. Location of Meetings.** Meetings of the Cable Franchise and Hearing
7 Board shall normally be held in the City Council Committee Room, Room 9081 on the ninth
8 floor of the Albuquerque City/Bernalillo County Government Center, One Civic Plaza NW, near
9 the intersection of Fifth Street and Marquette Avenue NW, Albuquerque, New Mexico 87102, or
10 as indicated on the applicable meeting notice.

11 **SECTION 2. Regular Meetings.** Unless otherwise specified, regular meetings of the
12 Cable Franchise and Hearing Board shall be held on the 4th Tuesday of every month until
13 October 22, 2019 at 5:30 p.m. beginning on August 27, 2019. The agenda will be available at
14 least seventy-two (72) hours prior to the meeting from the City of Albuquerque Legal
15 Department, on the fourth floor of the Albuquerque City/Bernalillo County Government Center,
16 One Civic Plaza NW, Albuquerque, New Mexico 87102. The agenda will also be posted on the
17 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)
18 [franchise/events/cable-franchise-and-hearing-board-meeting](https://www.cabq.gov/cable-franchise/events/cable-franchise-and-hearing-board-meeting) and also posted on the bulletin
19 board in the main lobby of the City-County Government Center.

20 **SECTION 3. Other Regular Meetings.** Notice of regular meetings other than those
21 described in Section 2 of this resolution will be given ten days in advance of the meeting date.
22 The notice will include a copy of the agenda or information on how a copy of the agenda may be
23 obtained. If not included in the notice, the agenda will be available at least seventy-two (72)

1 hours before the meeting and posted on the Cable Franchise and Hearing Board’s webpage at
2 <https://www.cabq.gov/cable-franchise/events/cable-franchise-and-hearing-board-meeting>.

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

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

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

22 **SECTION 7. Special and Emergency Meeting Notice Requirements.** Notice
23 requirements for special and emergency meetings are met by posting the notices containing the

1 meeting date, time, place and agenda in the lobby of the Albuquerque Bernalillo County
2 Government Center at One Civic Plaza NW, Albuquerque, New Mexico 87102 and posting the
3 notices on the Cable Franchise and Hearing Board’s webpage at [https://www.cabq.gov/cable-
franchise/events/cable-franchise-and-hearing-board-meeting](https://www.cabq.gov/cable-
4 franchise/events/cable-franchise-and-hearing-board-meeting).

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

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

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

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

20 **SECTION 10(a).** If any meeting is closed during an open meeting, such closure shall be
21 approved by a majority vote of a quorum of the Cable Franchise and Hearing Board taken during
22 an open meeting. The authority for the closed meeting and the subjects to be discussed shall be
23 stated with reasonable specificity in the Motion to Close the Meeting. The vote of each
24 individual member on the Motion to Close the Meeting shall be recorded in the minutes. Only
25 those subjects specified in the Motion may be discussed in the closed meeting.

26 **SECTION 10(b).** The closed meeting shall not be held until public notice which is
27 appropriate under the circumstances, including the specific provision of the law authorizing the

1 closed meeting and the subjects to be discussed with reasonable specificity, is given to the
2 members and the general public.

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

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

9 **SECTION 11. The Schedule of the Cable Franchise and Hearing Board’s Regular**
10 **Meetings in 2019, all beginning at 5:30 p.m., is as follows:**

11 **August 27, 2019**

12

13 **September 24, 2019**

14

15 **October 22, 2019**

16

17 **Meetings in November and December 2019 – TBA.**

18 **PASSED AND ADOPTED BY THE CABLE FRANCHISE AND HEARING BOARD on**
19 **this 23rd day of July 2019.**

20 **BY A VOTE OF: 2 to 0**

21 **/s/ Brian White**
22 **Chair**

23

24
25 **/s/ Michael V. Marcotte**
26 **Member**

27

28

29 **Sandy Barnhart y Chavez - absent**
30 **Member**