AMERICANS WITH DISABILITIES ADVISORY COUNCIL

RESOLUTION NO. 2021- 1

NOTICE REQUIREMENTS FOR MEETINGS OF THE COUNCIL

WHEREAS, the City of Albuquerque ("City") Americans With Disabilities Advisory Council ("Council") meets in regular session at the Legal, Policy & Civil Rights Conference Room, 3rd Floor, Suite 3020 of the (City Hall) Albuquerque Government Building. One Civic Plaza NW, Albuquerque, NM, 87103, or remotely via Zoom videoconference, at 5:30 p.m. once monthly as required by law; and

WHEREAS, Section 10-15-1(B) (NMSA 1978) of the Open Meetings Act states that "All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times except as may be otherwise provided in the Constitution of New Mexico, or the provisions of the Open Meetings Act;" and
WHEREAS, any meetings subject to the Open Meetings Act at which the
discussion or adoption of any proposed resolution, rule, regulation or formal action occurs
shall be held only after reasonable notice to the public; and

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

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

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

Section 1. Unless otherwise specified, all meetings of the Council shall be held in
Suite 3020 in the Legal, Policy, & Civil Rights Conference Room, 3rd Floor, Suite 3020 of
the (City Hall) Albuquerque Government Center Building. One Civic Plaza NW,
Albuquerque, NM.

Section 2. Unless otherwise specified, regularly scheduled meetings of the Council
shall be held on the first Tuesday of every Month. Public notice in writing of any other
regularly scheduled meetings will be given at least five (5) days in advance of the meeting
date. The agenda for a regularly scheduled meeting will be available to the public at least
72 hours (3 days) prior to such meeting. Copies of the agenda will be available to the
public upon request from the Program Coordinator of the Office of Civil Rights, whose phone number is 505-768-4544 and whose office is located in the Albuquerque Government Center Building at 1 Civic Plaza NW, Albuquerque, NM 87102.

Section 3. Special meetings of the Council may be called by the Chairperson of the Council or by a majority of the Council members upon at least three (3) calendar days advance notice. The agenda for a special meeting will be available to the public at least seventy-two (72) hours prior to such special meeting. Copies of the agenda will be available to the public upon request from the Program Coordinator of the Office of Civil Rights, whose phone number is 505-768-4544 and whose office is located in the Albuquerque Government Center Building at 1 Civic Plaza NW, Albuquerque, NM 87102.

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

Section 5. For all meetings described in this resolution, public notice requirements are met if:
A. A printed notice of the date, time and place of the meeting is posted for public viewing in the following location: in the 1st floor lobby of the Albuquerque Government Center (City Building) at 1 Civic Plaza NW, Albuquerque, NM 87102, unless posting such notice is made impossible due to ongoing public health restrictions or other legal limitations.

B. An electronic copy of the notice will be posted on the City website at https://www.cabq.gov/civilrights/events and this website address may change from time to time as needed by the City or the Council.

C. Notice shall also be sent electronically to those broadcast stations (radio and television) licensed by the Federal Communications Commission (FCC) and newspapers of general circulation in the State of New Mexico that (i) have submitted a written request for notice of public meetings to the Program Coordinator of the Office of Civil Rights, whose office is located in the Albuquerque Government Center Building at 1 Civic Plaza NW, Suite 3010, Albuquerque, NM 87102, and (ii) have provided an electronic mail (e-mail) address to which public notices are to be sent. Currently, the Council finds that the Program Coordinator has not received any written requests for ongoing notice of all Council meetings from any FCC licensed broadcast stations or from newspapers of general circulation, located in New Mexico or anywhere else.

Section 6. In addition to the information specified above, all public notices shall include the following language:
“NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and need an accommodation in order to participate in this public meeting, please contact Crystal Velarde at 505-768-4544 or cvelarde@cabq.gov. Please request any accommodations necessary at least 72 hours prior to the meeting. Further advance notice is preferred if possible, and you may request accommodations up to 10 days before the meeting. Best efforts will be made to provide the requester with their auxiliary aid of choice. If doing so is not possible due to time constraints or other logistical concerns, the City will work directly with the requester to provide an alternate method of accommodation.

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

Section 8. Notice of committee meetings, if any committees are formed, shall be equal to that specified in Sections 2 and 3 of this resolution.
Section 9. The Council may close a Meeting of the Board to the public only if the subject matter of such discussion or action is exempted from the open to the public meeting requirement under Section 10-15-1(H) (NMSA 1978) of the Open Meetings Act.

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

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

C. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting of the Council if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion to close the meeting or the public notice of a closed meeting.
D. Except as provided in Section 10-15-1(H) (NMSA 1978) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by a public vote of the Council in an open meeting.

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

Section 11. The official list of dates of the Regular Meetings of the City of Albuquerque Americans with Disabilities Advisory Council for 2022 are as follows:

Tuesday, January 4, 2022
Tuesday, February 1, 2022
Tuesday, March 1, 2022
Tuesday, April 5, 2022
Tuesday, May 3, 2022
Tuesday, June 7, 2022
Tuesday, July 5, 2022
Tuesday, August 2, 2022
Tuesday, September 6, 2022
Tuesday, October 4, 2022
Tuesday, November 1, 2022
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 Council 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 7TH day of December

BY A VOTE OF 4 FOR, AND 0 AGAINST.

Members Absent: Kerry Houlihan, Sean King, Kaatje van der Gaarden

Members voting against: 0

CITY OF ALBUQUERQUE
AMERICANS WITH DISABILITIES ADVISORY COUNCIL

By:

Travis Davis
Chairperson of the Council

ATTEST:
Leigh Brunner, Attorney to the Council