

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-66 ENACTMENT NO. O-2023-008

SPONSORED BY: Klarissa Peña

1 **ORDINANCE**
2 **AMENDING THE PUBLIC BOARDS, COMMISSIONS AND COMMITTEES**
3 **ORDINANCE, CHAPTER 2, ARTICLE 6 OF THE REVISED ORDINANCES OF**
4 **ALBUQUERQUE TO PROVIDE FOR REMOTE AND HYBRID MEETINGS.**

5 **WHEREAS, in 2020 during the public health crisis, public boards,**
6 **commissions and committees began holding meetings remotely; and**

7 **WHEREAS, remote meetings have provided the public increased access to**
8 **participate in public meetings; and**

9 **WHEREAS, remote meetings have increased the ease of participation for**
10 **members of public boards, commissions and committees; and**

11 **WHEREAS, City Council passed Resolution R-22-30 (Enactment Number R-**
12 **2022-043) staying the enforcement of §§ 2-6-1-4 (B)(1) & (5) of the City of**
13 **Albuquerque Code of Ordinances, which provides in relevant part, “meetings**
14 **of any public board, commission or committee...insofar as possible, shall be**
15 **held at a City-owned facility”; requiring that a “...quorum of the public board,**
16 **commission or committee is physically present at the meeting”; and calling**
17 **for a study to be conducted of Board and Commission members regarding**
18 **their sentiments towards remote and hybrid meeting options; and**

19 **WHEREAS, that study found the majority of Board and Commission**
20 **members would like the City to continue to offer remote and hybrid meeting**
21 **options.**

22 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
23 **ALBUQUERQUE:**

24 **SECTION 1. Chapter 2, Article 6 of the Revised Ordinances of**
25 **Albuquerque, New Mexico, 1994 is hereby amended as follows:**

26 **“ARTICLE 6: PUBLIC BOARDS, COMMISSIONS AND COMMITTEES**

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1 **PART 1: GENERAL PROVISIONS**

2 **§ 2-6-1-4 ORGANIZATION.**

3 **(B) Meetings.**

4 **(1) All meetings of any public board, commission or committee shall be**
5 **open to the public.**

6 **(a) When a meeting of any public board, commission or committee is**
7 **held in person, the meeting shall be held in a City owned facility.**

8 **(b) A meeting of a public board, commission or committee may be held**
9 **remotely or hybrid in-person with a remote option. Any meeting held**
10 **remotely or hybrid with a remote option is subject to the requirements**
11 **of the Open Meetings Act. Any hybrid in-person meeting with remote**
12 **option shall also be subject to subparagraph (a) of this provision of the**
13 **code.**

14 **(2) Reasonable notice shall be given to the public prior to any meeting of**
15 **any public board, commission or committee. At least once a year, each public**
16 **board, commission or committee shall determine what is reasonable notice to**
17 **the public; provided that in no event shall notice be less than the notice**
18 **required for Council meetings. Each public board, commission and committee**
19 **shall post on the City Clerk's web site: its annual schedule of meetings upon**
20 **adoption of its annual schedule of meetings; all changes in the annual**
21 **schedule of meetings; notice of special meetings; and notice of emergency**
22 **meetings, giving the time, date and location of each meeting with a phone**
23 **number of a contact person for those disabled people needing assistance to**
24 **attend and observe the meeting.**

25 **(3) Minutes shall be kept of each meeting and filed electronically with the**
26 **City Clerk by each public board, committee, and commission upon the**
27 **approval of such minutes by the public board, committee, or commission. The**
28 **City Clerk shall post all minutes received on the City Clerk's web site.**

29 **(4) Each public board, commission or committee shall meet at least**
30 **quarterly provided that hearings by a public body in connection with an**
31 **administrative adjudicatory proceeding need only occur as such cases are**
32 **brought before such board, commission or committee.**

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1 **(5) A majority of all the members of a public board, commission or**
2 **committee shall constitute a quorum for the transaction of business. A motion**
3 **shall carry upon the affirmative vote of the majority of the members present at**
4 **any meeting. A member of a public board, commission or committee may**
5 **participate in a meeting of the public board, commission or committee by**
6 **means of a conference telephone or other similar communications equipment**
7 **when it is otherwise difficult or impossible for the member to attend the**
8 **meeting in person, provided that each member participating by conference**
9 **telephone can be identified when speaking, all participants are able to hear**
10 **each other at the same time, members of the public attending the meeting are**
11 **able to hear any member of the public body who speaks during the meeting**
12 **and a quorum of the public board, commission or committee is physically or**
13 **remotely present at the meeting.”**

14 **SECTION 2. SEVERABILITY CLAUSE. If any section paragraph, sentence,**
15 **clause, word, or phrase of this Ordinance is for any reason held to be invalid**
16 **or unenforceable by any court of competent jurisdiction, such decision shall**
17 **not affect the validity of the remaining provisions of this Ordinance. The**
18 **Council hereby declares that it would have passed this Ordinance and each**
19 **section, paragraph, sentence, clause, word, or phrase thereof irrespective of**
20 **any provisions being declared unconstitutional or otherwise invalid.**

21 **SECTION 3. COMPILATION. “SECTION 1” of this Ordinance amends, is**
22 **incorporated in, and made part of the Revised Ordinances of Albuquerque,**
23 **New Mexico, 1994.**

24 **SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect five (5)**
25 **days after publication by title and general summary.**

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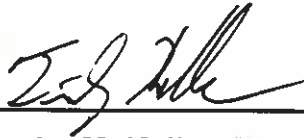
1 PASSED AND ADOPTED THIS 22nd DAY OF February, 2023
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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8 _____
9 Pat Davis, President
10 City Council

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13 APPROVED THIS 9 DAY OF March, 2023

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16 Bill No. O-22-66

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22 Timothy M. Keller, Mayor
23 City of Albuquerque

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26 ATTEST:

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29 Ethan Watson, City Clerk

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