

1 **ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD**

2 **RESOLUTION 2010-8**

3 **DETERMINING REASONABLE NOTICE OF PUBLIC MEETINGS OF THE**
4 **ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL**
5 **BOARD**

6
7 **Whereas**, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-
8 1 to 4) states that: “except as otherwise provided in the constitution of New Mexico or the Open
9 Meetings Act; all meetings of a quorum of members of any board, commission, administrative
10 adjudicatory body or other policy making body of any state or local agency, held for the purpose
11 of formulating public policy; discussing public business or for the purpose of taking any action
12 within the authority of or the delegated authority of such body are declared to be public meetings
13 open to the public at all times”; and

14 **Whereas**, any meetings subject to the Open Meetings Act “at which the discussion or
15 adoption of any proposed resolution, rule, regulation or formal action occurs; shall be held only
16 after reasonable notice to the public”; and

17 **Whereas**, Section 10-15-1(D) of the Open Meetings Act requires the Albuquerque City
18 Council to “determine at least annually in a public meeting what notice for a public meeting is
19 reasonable”; and

20 **Whereas**, the Public Boards, Commissions and Committees Ordinance, Chapter 2,
21 Article 6, Section 1-4(B)(2) Revised Ordinances of Albuquerque, New Mexico 1994 (ROA
22 1994) requires the Board to determine what is reasonable notice to the public; provided that in no
23 event shall notice be less than the notice required for Albuquerque City Council meetings; and

24 **Whereas**, the Joint Air Quality Control Board Ordinance, Chapter 9, Article 5, Section
25 1-3 (C) ROA 1994 and Bernalillo County Ordinance 94-5, Section 3 (C), require that: “the

1 notice of time, place and agenda of meetings shall be published according to the requirements of
2 law and that meetings, work sessions and hearings of the Board shall be open to the public.”

3 **THEREFORE, BE IT RESOLVED THAT THE AIR QUALITY CONTROL BOARD**
4 **HEREBY ADOPTS THESE PUBLIC NOTICE REQUIREMENTS WHICH ARE**
5 **CONSISTENT WITH THOSE OF THE ALBUQUERQUE CITY COUNCIL AS**
6 **ADOPTED ON SEPTEMBER 20, 2010 BY THE COUNCIL IN RESOLUTION R-10-137,**
7 **ENACTMENT NO. R-2010-112.**

8 **Section 1.** Meetings of the Board shall normally be held at the Vincent E. Griego Chambers,
9 on the lower level of the Albuquerque-Bernalillo County Government Center at One Civic Plaza,
10 near the intersection of Fifth Street and Marquette Avenue NW, Albuquerque, New Mexico, or other
11 adequate city, county, or other publicly-owned location after notice as required by law.

12 **Section 2.** Generally regular meetings will be held on the second Wednesday of each month
13 at 5:30 p.m. The agenda will normally be available three days prior to the meeting, but at least 24
14 hours prior to the meeting. The agenda may be obtained from the Albuquerque Environmental
15 Health Department, Room 3023, Albuquerque-Bernalillo County Government Center or the Air
16 Quality Division website at <http://www.cabq.gov/airquality/aqcb/events>.

17 **Section 3.** Special meetings may be called by the Chairman or by three members of the
18 Board with 24 hours notice. The notice shall include information on how members of the public
19 may obtain a copy of the agenda. The agenda shall be available to the public at least 24 hours before
20 any special meeting.

21 **Section 4.** Emergency meetings will be called only under circumstances when an
22 unexpected occurrence or condition, or the state resulting from such occurrence or condition,
23 requires immediate consideration or action to protect the health, safety and property of citizens or to

1 protect the public body from substantial financial loss. The Board will avoid emergency meetings
2 whenever possible. Emergency meetings may be called by the Chairman with 24 hours notice,
3 unless the threat of personal injury or property damage requires less notice. The notice for all
4 emergency meetings shall include an agenda for the meeting or information on how the public may
5 obtain a copy of the agenda.

6 **Section 5.** For the purpose of regular meetings described in Section 2 of this resolution,
7 notice requirements are met if notice of the date, time and location is published in one or more
8 newspapers of general circulation in Albuquerque or posted in the lobby of the Albuquerque-
9 Bernalillo County Government Center. The Albuquerque Environmental Health Department shall
10 also provide copies of the above information as well as copies of the agendas to those broadcast
11 stations licensed by the Federal Communications Commission and newspapers of general circulation
12 in Albuquerque, provided these entities have made a written request for notice of public meetings.
13 Such notice may be provided to the Government Access Cable TV Channel to be transmitted. The
14 Albuquerque Environmental Health Department may also provide notice to the State Records Center
15 for publication in the New Mexico Register.

16 **Section 6.** For the purpose of special meetings and emergency meetings described in
17 Sections 3 and 4 of this resolution, notice requirements shall be met by posting notice of the date,
18 time, place and agenda in the lobby of the Albuquerque-Bernalillo County Government Center. The
19 Albuquerque Environmental Health Department shall also provide telephone notice to those
20 broadcast stations licensed by the Federal Communications Commission and newspapers of general
21 circulation in Albuquerque that have made a written request for notice of public meetings.

22 **Section 7.** For the purpose of hearings where testimony is sought from proponents, opponents
23 and interested parties, notice requirements shall be in accordance with the New Mexico State Air

1 Quality Control Act, and Air Quality Control Board procedural regulations. The Board staff shall
2 provide written notice to newspapers of general circulation in Albuquerque and Bernalillo County at
3 least thirty (30) days prior to the date of all hearings involving the adoption of, amendment to, and or
4 the appeal of a regulation of the Board. Notice of a hearing of the Board can be combined with the
5 notice for a meeting. In addition, notice of proposed rulemaking shall be published in the New
6 Mexico Register at least 30 days prior to the date of the hearing.

7 **Section 8.** Cancellations and changes to meeting times and locations may be announced at
8 prior meetings of the Board or following notice requirements of this Resolution.

9 **Section 9.** In addition to the information specified above, all notices shall include the
10 following language:

11 “Notice to individuals with disabilities: If you have a disability and require special assistance to
12 participate in a Board meeting please call: 311 (Voice) or 1-800-659-8331 (TTY).”

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20 **PASSED AND ADOPTED THIS 10TH OF NOVEMBER, 2010**
21 **BY A VOTE OF _____ AND _____ AGAINST**

22 **Absent:** _____

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Jens Deichmann, Chair
Albuquerque-Bernalillo County Air Quality

Control Board
ATTEST:

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Margaret Nieto
Board Secretary