

Albuquerque Americans with Disabilities Act Advisory Council  
Albuquerque Office of Civil Rights  
2023 ADAAC Amended Open Meetings Act Resolution

1 AMERICANS WITH DISABILITIES ACT ADVISORY COUNCIL (ADAAC)  
2 **RESOLUTION 2023**  
3  
4 **AMENDED NOTICE REQUIREMENTS FOR MEETINGS OF THE**  
5 **COUNCIL**

6 WHEREAS, the City of Albuquerque (“City”) Americans with  
7 Disabilities Act Advisory Council (“Council”) met in regular session remotely via  
8 Zoom videoconference, at 5:30 pm as required by law; and

9 WHEREAS, NMSA 1978, §10-15-1(B) of the Open Meetings Act states  
10 that “[A]ll meetings of a quorum of members of any board, commission,  
11 administrative adjudicatory body or other policymaking body of any state agency,  
12 any agency or authority of any county, municipality, district or any political  
13 subdivision, held for the purpose of formulating public policy, including the  
14 development of personnel policy, rules, regulations or ordinances, discussing  
15 public business or for the purpose of taking any action within the authority of or  
16 the delegated authority of any board, commission or other policymaking body are  
17 declared to be public meetings open to the public at all times except as may be  
18 otherwise provided in the Constitution of New Mexico, or the provisions of the  
19 Open Meetings Act;” and

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

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

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

32                   **NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF**  
33                   **ALBUQUERQUE AMERICANS WITH DISABILITIES ACT ADVISORY**  
34                   **COUNCIL that:**

35                   Section 1. Unless otherwise specified, all meetings of the Council shall be  
36                   held virtually via Zoom or other video communications platform starting at 5:30  
37                   p.m. Mountain Time Zone.

38                   Section 2. Unless otherwise specified, regularly scheduled meetings of the  
39                   Council shall be held on the first Tuesday of the month. Public notice in writing  
40                   of any other regularly scheduled meetings will be given at least ten (10) days in  
41                   advance of the meeting date. The agenda for a regularly scheduled meeting will  
42                   be available to the public at least 72 hours (3 days) prior to such meeting. Copies  
43                   of the agenda will be available to the public upon request from the Office of Civil  
44                   Rights, whose phone number is 505-768-4595 and whose office is located in the

45 Albuquerque Government Center Building at 1 Civic Plaza NW, Suite 4012,  
46 Albuquerque, NM 87102.

47 Section 3. Special meetings of the Council may be called by the  
48 Chairperson of the Council or by a majority of the Council members upon three  
49 (3) days advance notice. The agenda for a special meeting will be available to the  
50 public at least seventy-two (72) hours prior to such special meeting. Copies of the  
51 agenda will be available to the public upon request from the Office of Civil  
52 Rights, whose phone number is 505-768-4595 and whose office is located in the  
53 Albuquerque Government Center Building at 1 Civic Plaza NW, Suite 4012,  
54 Albuquerque, NM 87102.

55 Section 4. Emergency meetings of the Council will be called only under  
56 unforeseen circumstances that demand immediate action by the Council to protect  
57 the health, safety and property of citizens or to protect the public body from  
58 substantial financial loss, pursuant to the Open Meetings Act, NMSA 1978, §10-  
59 15-1 (F). The Council will avoid holding emergency meetings whenever  
60 possible. Emergency meetings may be called by the Chairperson or a majority of  
61 the Council members upon twenty-four (24) hours' notice unless threat of  
62 personal injury or property damage or substantial financial loss to the public body  
63 requires less notice. Public notice for an emergency meeting shall include an  
64 agenda for the emergency meeting.

65 Section 5. For all meetings described in this resolution, public notice  
66 requirements are met if:

67                   A. The notice containing the date, time and place of the meeting is posted  
68 for public viewing in the following location: in the 1<sup>st</sup> floor lobby of the  
69 Albuquerque Government Center at 1 Civic Plaza NW, Albuquerque, NM 87102,  
70 unless posting such notice is made difficult or impossible due to ongoing public  
71 health restrictions or other legal limitations. An electronic copy of the notice will  
72 be posted on the City website at <https://www.cabq.gov/civilrights/events> and this  
73 website address may change from time to time as needed by the City or the  
74 Council.

75                   B. Notice shall also be sent electronically to those broadcast stations (radio  
76 and television) licensed by the Federal Communications Commission (FCC) and  
77 newspapers of general circulation in the State of New Mexico that (i) have  
78 submitted a written request for notice of public meetings to the Director of the  
79 Office of Civil Rights, whose office is located in the Albuquerque Government  
80 Center Building at 1 Civic Plaza NW, Suite 4012, Albuquerque, NM 87102, and  
81 (ii) have provided an electronic mail (e-mail) address to which public notices are  
82 to be sent. Currently, the Council finds that the Director has not received any  
83 written requests for ongoing notice of all Council meetings from any FCC  
84 licensed broadcast stations or from newspapers of general circulation, located in  
85 New Mexico or anywhere else.

86                   Section 6. In addition to the information specified above, all public  
87 notices shall include the following language: English and any requested language.

88 “NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and  
89 need an accommodation in order to participate in this public meeting, please  
90 contact Crystal Velarde at 505-768-4595 or [civilrights@cabq.gov](mailto:civilrights@cabq.gov). Please request  
91 any accommodations necessary at least 72 hours prior to the meeting. Further  
92 advance notice is preferred if possible, and you may request accommodations up  
93 to 10 days before the meeting. Best efforts will be made to provide the requester  
94 with their auxiliary aid of choice. If doing so is not possible due to time  
95 constraints or other logistical concerns, the City will work directly with the  
96 requester to provide an alternate method of accommodation.

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

107 Section 8. Notice of committee meetings, if any committees are formed  
108 that are delegated the authority to make decisions on behalf of, formulate  
109 recommendations that are binding in any legal or practical way on, or otherwise

110 establish policy for the public body, shall be equal to that specified in Sections 2  
111 and 3 of this resolution.

112 Section 9. The Council may close a Meeting of the Council to the public  
113 only if the subject matter of such discussion or action is exempted from the open  
114 to the public meeting requirement under §10-15- 1(H) (NMSA 1978) of the Open  
115 Meetings Act.

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

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

129 C. Following completion of any closed meeting, the minutes of the open  
130 meeting that was closed, or the minutes of the next open meeting of the Council if  
131 the closed meeting was separately scheduled, shall state whether the matters

132 discussed in the closed meeting were limited only to those specified in the motion  
133 to close the meeting or the public notice of a closed meeting.

134 D. Except as provided in §10-15-1(H) of the Open Meetings Act, any  
135 action taken as a result of discussions in a closed meeting shall be made by a  
136 public vote of the Council in an open meeting.

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

141 Section 11. The official list of dates of the Regular Meetings of the City of  
142 Albuquerque Americans with Disabilities Act Advisory Council for January 2023  
143 to December 2023 are as follows:

144 Tuesday, January 3, 2023

145 Tuesday, February 7, 2023

146 Tuesday, March 7, 2023

147 Tuesday, April 4, 2023

148 Tuesday, May 2, 2023

149 Tuesday, June 6, 2023

150 Tuesday, July 4, 2023

151 Tuesday, August 1, 2023

152 Tuesday, September 5, 2023

153 Tuesday, October 3, 2023

154 Tuesday, November 7, 2023

155 Monday, December 4, 2023

156 Section 12. If any section, paragraph, sentence, clause, word or phrase of  
157 this resolution is for any reason held to be invalid or unenforceable by any court  
158 of competent jurisdiction, such decision shall not affect the validity of the  
159 remaining provisions of this resolution. The Council hereby declares that it  
160 would have passed this resolution and each section, paragraph, sentence, clause,  
161 word or phrase of this resolution irrespective of any provision being declared  
162 invalid or unenforceable.

163 PASSED AND ADOPTED this 13<sup>th</sup> day of November, 2023.

164 BY A VOTE OF 4 FOR and 0 AGAINST.

165

166 Members Absent: 0

167


168 Members voting against: \_\_\_\_\_

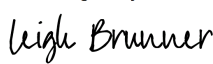
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170 CITY OF ALBUQUERQUE  
171 AMERICANS WITH DISABILITIES ACT  
172 ADVISORY COUNCIL  
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By:  
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Manuel Baca  
Chairperson of the Board

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Leigh Brunner, Attorney for the Americans with Disabilities Act Advisory Council