

1 committee shall determine what is reasonable notice to the public; provided that in no event shall
2 notice be less than the notice required for Council (i.e. Albuquerque City Council) meetings.”;
3 and

4 **WHEREAS**, the *Joint Air Quality Control Board Ordinance*, Chapter 9, Article 5,
5 Section 1-3, (C) ROA 1994 and Bernalillo County Ordinances, Section 30-32(c), require that:
6 “The Board shall meet in public facilities with public seating available. The Board shall meet
7 monthly if a quorum is available unless a meeting is unnecessary or delayed for good reason.
8 The Board shall hold a minimum of six monthly meetings a year. Special additional meetings
9 may be held as needed. Notice of time, place and agenda of meetings shall be published
10 according to the requirements of law. Meetings, work sessions and hearings shall be open to the
11 public.”

12 **WHEREAS**, the requirement that the Board shall meet in public facilities with public
13 seating available has been temporarily revised pursuant to the Governor’s declaration of a Public
14 Health Emergency on March 11, 2020, and all public health orders and declarations comprised of
15 local orders entered thereafter, as set forth in the City of Albuquerque, Office of the Mayor
16 Timothy M. Keller’s Twenty Fourth Declaration of Local Emergency Due to Novel Coronavirus
17 COVID-19, signed on October 22, 2021, including but not limited to paragraph 7, stating that all
18 public boards “are hereby authorized to conduct virtual meetings via teleconference or video
19 conference for the duration of this order, should they choose.”

20 **NOW, THEREFORE, BE IT RESOLVED THAT THE AIR QUALITY CONTROL**
21 **BOARD HEREBY ADOPTS THESE PUBLIC NOTICE REQUIREMENTS WHICH ARE**
22 **CONSISTENT WITH THOSE OF THE ALBUQUERQUE CITY COUNCIL AS**
23 **ADOPTED ON OCTOBER 4, 2021 BY THE COUNCIL IN RESOLUTION R-21-196,**

1 **ENACTMENT NO. R-2021-068**

2 **Section 1. Location of Meetings.** Except for virtual meetings via teleconference or video
3 conference as allowed, meetings of the Albuquerque-Bernalillo County Air Quality Control
4 Board shall normally be held in the Vincent E. Griego Chambers, Basement Level of the
5 Albuquerque-Bernalillo County Government Center at One Civic Plaza NW, near the
6 intersection of 5th Street and Marquette Avenue NW, Albuquerque, New Mexico 87102. In the
7 event that meeting with in-person, physical attendance is not possible or advisable due to a
8 public health emergency or otherwise, virtual meetings will be held using video conferencing
9 and as indicated in the meeting notice, which will be posted on the Albuquerque-Bernalillo
10 County Air Quality Control Board website at [http://www.cabq.gov/airquality/air-quality-control-](http://www.cabq.gov/airquality/air-quality-control-board)
11 [board](http://www.cabq.gov/airquality/air-quality-control-board).

12 **Section 2. Regular Meetings.** Meetings will be held each month on the date specified by
13 Albuquerque-Bernalillo County Air Quality Control Board resolution. Unless otherwise
14 specified, regular meetings shall be held each month on the second Wednesday of the month at
15 5:30 PM. The agenda will be available at least seventy-two hours prior to the meeting from the
16 Albuquerque-Bernalillo County Air Quality Control Board Liaison, whose office is located in
17 the Albuquerque-Bernalillo County Government Center at One Civic Plaza NW, 3rd Floor, Room
18 3023, near the intersection of 5th Street and Marquette Avenue NW, Albuquerque, New Mexico
19 87102. If practicable, a preliminary draft agenda will be made available at least seven days prior
20 to each meeting. The agenda will also be posted on the Albuquerque-Bernalillo County Air
21 Quality Control Board's website at <https://www.cabq.gov/airquality/air-quality-control-board>.

22 **Section 3. Other Regular Meetings.** Notice of regular meetings other than those
23 described in Section 2 of this resolution will be given ten days in advance of the meeting date.

1 The notice will include a copy of the agenda or information on how a copy of the agenda may be
2 obtained. If not included in the notice, the agenda will be available at least seventy-two hours
3 before the meeting and posted on the Albuquerque-Bernalillo County Air Quality Control
4 Board's website at <https://www.cabq.gov/airquality/air-quality-control-board>.

5 **Section 4. Special Meetings.** Special meetings may be called by the Chair of the
6 Albuquerque-Bernalillo County Air Quality Control Board or a majority of the members upon
7 seventy-two hours' notice. The notice for a special meeting shall include an agenda for the
8 meeting or information on how a copy of the agenda may be obtained. The agenda shall be
9 available at least seventy-two hours before the meeting and posted on the Albuquerque-
10 Bernalillo County Air Quality Control Board's website at [https://www.cabq.gov/airquality/air-](https://www.cabq.gov/airquality/air-quality-control-board)
11 [quality-control-board](https://www.cabq.gov/airquality/air-quality-control-board).

12 **Section 5. Emergency Meetings.** Emergency meetings will be called only under
13 unforeseen circumstances that demand immediate action to protect the health, safety and
14 property of citizens or to protect the public body from substantial financial loss. The
15 Albuquerque-Bernalillo County Air Quality Control Board will avoid emergency meetings
16 whenever possible. Emergency meetings may be called by the Chair of the Albuquerque-
17 Bernalillo County Air Quality Control Board or a majority of the members with twenty-four
18 hours' prior notice, unless threat of personal injury or property damage requires less notice. The
19 notice for all emergency meetings shall include an agenda for the meeting or information on how
20 the public may obtain a copy of the agenda. Within ten days of taking action on an emergency
21 matter, the Albuquerque-Bernalillo County Air Quality Control Board will notify the New
22 Mexico Attorney General's Office.

23 **Section 6. Regular Meeting Notice Requirements.** For the purposes of regular meetings

1 described in Sections 2 and 3 of this resolution, notice requirements are met by posting a notice
2 of the date, time, location and agenda by posting on the Albuquerque-Bernalillo County Air
3 Quality Control Board’s website at <https://www.cabq.gov/airquality/air-quality-control-board>.

4 An annual calendar with notice of the date, time and location of the Albuquerque-Bernalillo
5 County Air Quality Control Board’s meetings shall also be published in one or more newspapers
6 of general circulation in Albuquerque. For regular meetings other than those described in Section
7 2 of this resolution, notice of the date, time and location of the meeting shall also be published in
8 one or more newspapers of general circulation in Albuquerque at least ten days in advance of the
9 meeting. The Albuquerque-Bernalillo County Air Quality Control Board Liaison shall also
10 provide copies of the agendas to those broadcast stations licensed by the Federal
11 Communications Commission and newspapers of general circulation in Albuquerque, provided
12 these entities have made a written request for notice of public meetings. The Department may
13 also provide notice to the State Records Center for publication in the New Mexico Register.

14 **Section 7. Special and Emergency Meeting Notice Requirements.** For the purposes of
15 special meetings and emergency meetings described in Sections 4 and 5 of this resolution, notice
16 requirements are met by posting a notice of the agenda, date, time, and location to the
17 Albuquerque-Bernalillo County Air Quality Control Board’s website at
18 <https://www.cabq.gov/airquality/air-quality-control-board>. The Albuquerque-Bernalillo County
19 Air Quality Control Board Liaison shall also provide copies of the agendas to those broadcast
20 stations licensed by the Federal Communications Commission and newspapers of general
21 circulation in Albuquerque, provided these entities have made a written request for notice of
22 public meetings.

23 **Section 8. Hearing Notice.** For the purpose of hearings where testimony is sought from

1 proponents, opponents and interested parties, notice requirements shall be in accordance with the
2 New Mexico State Air Quality Control Act, local air quality ordinances, and Air Board
3 procedural regulations. The Air Board staff shall provide written notice to newspapers of general
4 circulation in Albuquerque and Bernalillo County at least thirty (30) days prior to the date of all
5 hearings involving the adoption of, amendment to, or the repeal of a regulation of the Air Board.
6 The Air Board staff shall also post notice on the Albuquerque-Bernalillo County Air Quality
7 Control Board’s website at <https://www.cabq.gov/airquality/air-quality-control-board> if
8 technically feasible at the time. Notice of a hearing of the Air Board can be combined with the
9 notice for a meeting. In addition, notice of proposed rulemaking shall be published in the New
10 Mexico Register at least thirty (30) days prior to the date of the hearing.

11 **Section 9. Cancellations and Changes of Venue and Meeting Time.** Cancellations and
12 changes to meeting times and locations may be announced at prior meetings of the Air Board or
13 following notice requirements of this Resolution. In the event a meeting must be canceled
14 unexpectedly following the posting of the agenda at least seventy two hours prior to the meeting,
15 the Air Board will, if possible, attempt to give at least twenty four hours' notice of such
16 cancelation by posting the notice at the Air Board's website at
17 <https://www.cabq.gov/airquality/air-quality-control-board>.

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

20 “NOTICE TO PERSONS WITH DISABILITIES OR SPECIAL NEEDS: the Air
21 Board staff will take reasonable measures to provide access to services to
22 individuals with limited ability to speak, write, or understand English or to those
23 with disabilities at no cost to the requestor. If you would like this notice translated

1 into one of seventeen different languages, please go to
2 <https://www.cabq.gov/airquality/air-quality-control-board> and use the Google
3 Translate at the top of the page.

4 If you have a disability or require special assistance to participate in this meeting,
5 including interpretation, please contact the Albuquerque-Bernalillo County Air
6 Quality Control Board Liaison as soon as possible before the meeting date at 505-
7 768-1915 or 505-768-2637. The Air Quality Control Board Liaison may also be
8 contacted at City of Albuquerque, Environmental Health Department, Air Quality
9 Program, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque NM 87102.

10 Those in need of hearing assistance may call 711.

11 The City of Albuquerque, the City of Albuquerque Environmental Health
12 Department, and the Albuquerque-Bernalillo County Air Quality Control Board
13 do not discriminate on the basis of race, color, national origin, age, disability,
14 religion, ancestry, sexual orientation, gender identity, spousal affiliation, or sex. If
15 you believe you have been discriminated against, you may submit a complaint at
16 <http://www.cabq.gov/civilrights/filing-a-discrimination-complaint>. You may also
17 contact Torri Jacobus at civilrights@cabq.gov or (505) 768 - 4595.”

18 **Section 11. Closed Meetings.** The Albuquerque-Bernalillo County Air Quality Control
19 Board may close a meeting to the public only if the subject matter of such discussion or action is
20 excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings
21 Act.

22 **Section 11(a).** If any meeting is closed during an open meeting, such closure shall be
23 approved by a majority vote of a quorum of the Albuquerque-Bernalillo County Air Quality

1 Control Board taken during the open meeting. The authority for the closed meeting and the
2 subjects to be discussed shall be stated with reasonable specificity in the motion to close and the
3 vote of each individual member on the motion to close shall be recorded in the minutes. Only
4 those subjects specified in the motion may be discussed in the closed meeting.

5 **Section 11(b).** If a closed meeting is conducted when the Albuquerque-Bernalillo County
6 Air Quality Control Board is not in an open meeting, the closed meeting shall not be held until
7 public notice, appropriate under the circumstances, stating the specific provision of law
8 authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is
9 given to the members and to the general public.

10 **Section 11(c).** Following completion of any closed meeting, the minutes of the open
11 meeting that was closed, or the minutes of the next open meeting if the closed meeting was
12 separately scheduled, shall state whether the matters discussed in the closed meeting were
13 limited only to those specified in the motion or notice for closure.

14 **Section 11(d).** Except as provided in Section 10-15-1(H) of the Open Meetings Act, any
15 action taken as a result of discussions in a closed meeting shall be made by vote of the
16 Albuquerque-Bernalillo County Air Quality Control Board in an open public meeting.

1 Passed and Adopted by the Albuquerque-Bernalillo County Air Quality Control Board this 10th
2 day of November, 2021.

3 **BY A VOTE OF ___ FOR, AND ___ AGAINST.**

4 Absent:

5
6
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8
9

10 _____
11 Ms. Kitty Richards, Chair
12 Albuquerque-Bernalillo County
13 Air Quality Control Board

14
15 Attest:

16
17
18

19 _____
20 Mara Burstein, Deputy Director
Environmental Health Department