

1 **AMERICANS WITH DISABILITIES ADVISORY COUNCIL**

2 **RESOLUTION NO. 2021- 1**

3
4 **NOTICE REQUIREMENTS FOR MEETINGS OF THE COUNCIL**

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

10 WHEREAS, Section 10-15-1(B) (NMSA 1978) of the Open Meetings Act states
11 that “All meetings of a quorum of members of any board, commission, administrative
12 adjudicatory body or other policymaking body of any state agency, any agency or authority
13 of any county, municipality, district or any political subdivision, held for the purpose of
14 formulating public policy, including the development of personnel policy, rules,
15 regulations or ordinances, discussing public business or for the purpose of taking any action
16 within the authority of or the delegated authority of any board, commission or other
17 policymaking body are declared to be public meetings open to the public at all times except
18 as may be 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 action occurs
22 shall be held only after reasonable notice to the public; and

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

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

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

32 Section 1. Unless otherwise specified, all meetings of the Council shall be held in
33 Suite 3020 in the Legal, Policy, & Civil Rights Conference Room, 3rd Floor, Suite 3020 of
34 the (City Hall) Albuquerque Government Center Building. One Civic Plaza NW,
35 Albuquerque, NM.
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37 Section 2. Unless otherwise specified, regularly scheduled meetings of the Council
38 shall be held on the first Tuesday of every Month. Public notice in writing of any other
39 regularly scheduled meetings will be given at least five (5) days in advance of the meeting
40 date. The agenda for a regularly scheduled meeting will be available to the public at least
41 72 hours (3 days) prior to such meeting. Copies of the agenda will be available to the

42 public upon request from the Program Coordinator of the Office of Civil Rights, whose
43 phone number is 505-768-4544 and whose office is located in the Albuquerque
44 Government Center Building at 1 Civic Plaza NW, Albuquerque, NM 87102.

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

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

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

62 A. A printed notice of the date, time and place of the meeting is posted for public
63 viewing in the following location: in the 1st floor lobby of the Albuquerque Government
64 Center (City Building) at 1 Civic Plaza NW, Albuquerque, NM 87102, unless posting such
65 notice is made impossible due to ongoing public health restrictions or other legal
66 limitations.

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

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

80 Section 6. In addition to the information specified above, all public notices shall
81 include the following language:

82 "NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and need an
83 accommodation in order to participate in this public meeting, please contact Crystal
84 Velarde at 505-768-4544 or cvelarde@cabq.gov. Please request any accommodations
85 necessary at least 72 hours prior to the meeting. Further advance notice is preferred if
86 possible, and you may request accommodations up to 10 days before the meeting. Best
87 efforts will be made to provide the requester with their auxiliary aid of choice. If doing so
88 is not possible due to time constraints or other logistical concerns, the City will work
89 directly with the requester to provide an alternate method of accommodation.

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

99 Section 8. Notice of committee meetings, if any committees are formed, shall be
100 equal to that specified in Sections 2 and 3 of this resolution.

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

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

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

116 C. Following completion of any closed meeting, the minutes of the open meeting
117 that was closed, or the minutes of the next open meeting of the Council if the closed
118 meeting was separately scheduled, shall state whether the matters discussed in the closed
119 meeting were limited only to those specified in the motion to close the meeting or the public
120 notice of a closed meeting.

121 D. Except as provided in Section 10-15-1(H) (NMSA 1978) of the Open Meetings
122 Act, any action taken as a result of discussions in a closed meeting shall be made by a
123 public vote of the Council in an open meeting.

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

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

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131 Tuesday, January 4, 2022
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133 Tuesday, February 1, 2022
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135 Tuesday, March 1, 2022
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137 Tuesday, April 5, 2022
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139 Tuesday, May 3, 2022
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141 Tuesday, June 7, 2022
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143 Tuesday, July 5, 2022
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145 Tuesday, August 2, 2022
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147 Tuesday, September 6, 2022
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149 Tuesday, October 4, 2022
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151 Tuesday, November 1, 2022
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Tuesday, December 6, 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
Travis Davis
Chairperson of the Council

ATTEST:
Leigh Brunner
Leigh Brunner, Attorney to the Council