

1 AMERICANS WITH DISABILITIES ACT ADVISORY COUNCIL (ADAAC)

2 **RESOLUTION 2023**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

143 Tuesday, January 3, 2023

144 Tuesday, February 7, 2023

145 Tuesday, March 7, 2023

146 Tuesday, April 4, 2023

147 Tuesday, May 2, 2023

148 Tuesday, June 6, 2023

149 Tuesday, July 4, 2023

150 Tuesday, August 1, 2023

151 Tuesday, September 5, 2023

152 Tuesday, October 3, 2023

153 Tuesday, November 7, 2023

154 Tuesday, December 5, 2023

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

162 PASSED AND ADOPTED this 3rd day of January, 2023.

163 BY A VOTE OF 4 FOR and 0 AGAINST.

164

165 Members Absent: Pamela Britton, Deann Griego, & Rand Lara Porter-Park

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167 Members voting against: 0

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CITY OF ALBUQUERQUE
AMERICANS WITH DISABILITIES ACT
ADVISORY COUNCIL

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By: 
Manuel Baca
Chairperson of the Board

ATTEST:


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

