

1                   **AMERICANS WITH DISABILITIES ADVISORY COUNCIL**

2                                   **RESOLUTION NO. 2020- (1)**

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

5                   WHEREAS, the City of Albuquerque (“City”) Americans With Disabilities  
6                   Advisory Council (“Council”) met in regular session at the City Council Committee Room,  
7                   9<sup>th</sup> Floor, Suite 9081 of the (City Hall) Albuquerque/Bernalillo County 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 “[A]ll 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 Board shall be held  
33 monthly at the City Council Committee Room, 9<sup>th</sup> Floor, Suite 9081 of the (City Hall)  
34 Albuquerque/Bernalillo County Government Center Building. One Civic Plaza NW;  
35 Albuquerque, NM. Section 2. Unless otherwise specified, regularly scheduled meetings  
36 of the Board shall be held on the first Tuesday of every Month. Public notice in writing of  
37 any other regularly scheduled meetings will be given at least five (5) days in advance of  
38 the meeting date. The agenda for a regularly scheduled meeting will be available to the  
39 public at least 72 hours (3 days) prior to such meeting. Copies of the agenda will be  
40 available to the public upon request from the Program Coordinator of the Office of Civil  
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42 Rights, whose phone number is 505-768-4544 and whose office is located in the  
43 Albuquerque/Bernalillo County Government Center Building at 1 Civic Plaza NW,  
44 Albuquerque, NM 87102.

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

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

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

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

66           B. An electronic copy of the notice is posted on the Board web page. Currently, the  
67 Board web page address is:  
68           <https://www.cabq.gov/americans-with-disabilities-act-advisory-council/?a> and this  
69 website address may change from time to time as needed by the City or the Board.

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 Director of the Office of Civil Rights, whose office is  
74 located in the Albuquerque/Bernalillo County Government Center Building at 1 Civic  
75 Plaza NW, Albuquerque, NM 87102, and (ii) have provided an electronic mail (e-mail)  
76 address to which public notices are to be sent. Currently, the Board finds that the Director  
77 has not received any written requests for ongoing notice of all Board meetings from any  
78 FCC licensed broadcast stations or from newspapers of general circulation, located in New  
79 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 are a person with a disability and  
83 require a reasonable accommodation to observe or participate in this meeting, please  
84 contact Ms. Crystal Velarde, whose phone number is 505-768-4544 and whose email  
85 address is: [cvelarde@cabq.gov](mailto:cvelarde@cabq.gov) as soon as possible. Public documents, including the  
86 agenda and minutes, can be provided in various accessible formats. Please contact the  
87 office if a summary or other type of accessible format is needed. The meeting will occur in  
88 a room that is accessible to persons in wheelchairs, by use of an elevator.”

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

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

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

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

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

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

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

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

127 Section 11. The official list of dates of the Regular Meetings of the City of  
128 Albuquerque Americans with Disabilities Advisory Council for 2021 are as follows:

- 129 Tuesday, January 5, 2021
- 130
- 131 Tuesday, February 2, 2021
- 132
- 133 Tuesday, March 2, 2021
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- 135 Tuesday, April 6, 2021
- 136
- 137 Tuesday, May 4, 2021
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- 139 Tuesday, June 1, 2021
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- 141 Tuesday, July 6, 2021
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- 143 Tuesday, August 3, 2021
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- 145 Tuesday, September 7, 2021
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- 147 Tuesday, October 5, 2021
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- 149 Tuesday, November 9, 2021
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Tuesday, December 7, 2021

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 Board 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 10<sup>th</sup> day of November**

**BY A VOTE OF 6 FOR, AND 0 AGAINST.**

**Members Absent: 0**

**Members voting against: 0**

CITY OF ALBUQUERQUE  
AMERICANS WITH DISABILITIES ADVISORY COUNCIL

By:

\_\_\_\_\_  
Chairperson of the Board

ATTEST:

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Adam Leuschel, Attorney to the Board