

## ~~Human Rights Board ~ Operational Rules & Regulations~~

### ~~● HRB Operational Rules~~

- ~~○ Be responsive to Crystal regarding attendance for quorum purposes~~
- ~~○ Attendance must be in-person unless sick or traveling or if physical disabilities effect your in-person attendance.~~
- ~~○ Cameras on at all times during recorded session~~
- ~~○ Use reactions and wait for acknowledgment by the board chair before entering conversation~~
- ~~○ Equity of voice~~
- ~~○ Address personal business offline (We are here to serve our community)~~
- ~~○ Be respectful of each other and our community~~
- ~~○ Maintain professionalism at all times~~

### **CITY OF ALBUQUERQUE** **HUMAN RIGHTS BOARD** **OPERATIONAL RULES**

PURPOSE: The purpose of the Human Rights Board (HRB or Board) is to promote the Albuquerque Human Rights Ordinance (HRO), which is the city law prohibiting discrimination in the areas of housing, public accommodation, and employment on the basis of a protected status **AS LISTED IN THE HRO. THE BOARD ALSO IS TASKED WITH FULFILLING CERTAIN OBLIGATIONS ESTABLISHED IN THE HRO.** The following operational rules were created to establish guiding principles for those who participate as an HRB member or attending an HRB meeting.

#### ~~I. DUTIES OF THE HUMAN RIGHTS BOARD~~

##### ~~A. The Human Rights Board shall:~~

- ~~1. Set rules and regulations as are necessary for the operation of the Board.~~
- ~~2. Conduct public hearings upon the request of the City Council or Mayor upon such matters as the City Council or Mayor may from time to time direct.~~
- ~~3. Receive complaints alleging unlawful discriminatory practice as defined by the HRO in coordination with the staff director.~~
- ~~4. The Board shall advise complainants of resources available to them for resolution of their problem.~~
- ~~5. Use the Board's best efforts to:~~
  - ~~a) Promote mutual trust, understanding and respect among members of the Albuquerque community and between them and governmental agencies;~~
  - ~~b) Endeavor that all constituents may enjoy their rights and pursue their opportunities on an equal basis without discrimination;~~

- ~~c) Conduct programs of information and education within the community so as to advise them of their existing rights and opportunities and the means by which they may lawfully be attained; and,~~
- ~~d) Work in close cooperation with all public and private agencies within the community whose aims or activities are consistent with the purpose of the HRO.~~
- ~~6. Review all existing and proposed city ordinances and policies which relate to civil rights.~~
- ~~7. Recommend to the City Council concerning problems of prejudice or discrimination and corrective action.~~
- ~~8. Work with the Office of Civil Rights (OCR) to produce an annual report of activities and an evaluation of the HRO's effectiveness to the City Council and Mayor with recommendations for changes.~~
- ~~B. The HRB may:~~
  - ~~1. Hold hearings, request witness appearances and the production of relevant evidence relating to any matter under investigation or in question before the Board.~~
  - ~~2. Investigate or study human relations as in the judgment of the Board in effectuating the general purposes of the Board.~~
  - ~~3. Recommend to the City Council and Mayor legislation to aid in carrying out the purposes of the HRO.~~
  - ~~4. Issue complaints through or in collaboration with the OCR when it has reason to believe an HRO violation occurred.~~

## ~~II. PROMULGATION OF~~ I. RULES AND REGULATIONS

- A. Notice of the Board's intention to consider the adoption of a rule or regulation shall be given by posting in the lobby of City Hall, posting notice electronically on the City Clerk's website dedicated to the schedule of rulemaking hearings and meetings of public boards, commissions and committees and by giving written notice to the Mayor and the Chief Administrative Officer.
- B. All such notices shall be given at least 14 days prior to the meeting at which the proposed rule or regulation will be considered and shall be in addition to the notice to be given to the public pursuant to division (B)(2) of Public Boards, Commissions and Committees Ordinance (~~Sections~~ § 2-6-1-1 et seq. ROA 1994).
- C. All such notices shall state the time and location of the meeting and contain a brief description of the proposed rule or regulation and a location where the full text of the proposed rule or regulation may be obtained.
- D. The meeting, at which the proposed rule or regulation is considered, shall be open to the public and any person may give testimony in favor of or in opposition to the proposed rule or regulation, whether such testimony is given orally or in writing. In considering the proposed rule or regulation, the Board shall give due consideration to all such testimony.

- E. All rules and regulations, and any subsequent amendments to rules or regulations, shall be adopted upon majority vote by the Board.
- F. All rules and regulations adopted by the Board shall be promptly filed with the City Clerk and shall bear the signature of the presiding officer. In addition to filing the signed rule or regulation, the Board shall file the adopted rule or regulation electronically on the City Clerk's website.

### ~~III.~~ II. MEMBERSHIP

- A. The Board is composed of seven members, all of whom shall be Albuquerque residents. Members are named by the Mayor and appointed with the consent of City Council.
- B. The term of office for an HRB member is three years. The terms of office for each member is maintained by OCR.
- C. Every Board member shall hold office until a successor has been appointed, unless the City Council has voted not to approve that member for reappointment. In such a case, the member shall not serve beyond the date the Board member's current term expires or the date in which City Council votes not to approve the member, whichever is later.
- D. No person shall serve more than two consecutive terms. If a person is appointed to fill an unexpired term of another, that term shall not be considered a term for the purpose of this limitation if the time remaining in the term at the time of the appointment is one year or less.
- E. In the event of a Board vacancy, OCR will facilitate the process of obtaining applicants and coordination with the Mayor's office for recommendation and appointment.
- F. The Board Chairperson may submit a request to the Mayor for the removal of a Board member for any one or more of the following reasons.
  - 1. The member has been absent from three consecutive meetings, unless the absence was excused by the Chairperson. For this purpose, being absent is defined as not being in attendance 75% or more of the duration of each officially called meeting.
  - 2. The member has been absent from more than 50% of the meetings during any twelve consecutive months.
  - 3. The member is incapacitated, neglectful of duty, or commits malfeasance in office, as determined by the appointing entity.
- G. A member who seeks to resign from the Board shall submit a written resignation to the Chairperson or OCR as soon as practicable. If possible, the resignation should allow for a thirty-day notice so that the Board and/or OCR can seek a replacement.

### ~~IV.~~ III. OFFICERS

- A. The Board shall elect a Chairperson, who is tasked with carrying out the usual duties of the Board and other duties as described in the HRO.
- B. The Board shall elect a Vice Chairperson for the purpose of performing all duties of the Chairperson.

- C. The Board may elect other officer positions as deemed appropriate by a majority vote of the Board.
- D. Officers shall be elected annually by a majority vote of the Board prior to the close of the calendar year. Elected officers shall begin their term the following calendar year.
- E. No officer shall serve more than two consecutive terms.
- F. A member may not hold more than one office at a time.

~~V.~~ **IV.** DUTIES OF OFFICERS

- A. The Chairperson shall preside at Board meetings, appoint all committees, represent the Board at ceremonial functions, and sign meeting minutes once approved by a majority vote of the Board.

~~VI.~~ **V.** AGENDAS

- A. A Board member may place an item on the agenda by oral or written request to OCR at least one week prior to the next HRB meeting. After first consulting with and receiving input from OCR staff, the Chairperson shall approve the agenda for posting.
- B. Draft agenda must be posted on the HRB website at least 72 hours prior to that Board meeting in accordance with the New Mexico Open Meetings Act (Chapter 10, Article 15 NMSA 1978; **HEREFORTH REFERRED TO AS "OMA"**).
- C. Meeting agendas must include, at a minimum, the date, time and place of the meeting and a list of specific items of business to be discussed or transacted at the meeting in accordance with ~~the New Mexico Open Meetings Act (Chapter 10, Article 15 NMSA 1978)~~ **OMA**.

~~VII.~~ **VI.** MEETINGS

- A. The Board meetings shall comply with the ~~New Mexico Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4~~ **OMA**) and the Public Boards, Commissions and Committees Ordinance (~~Sections § 2-6-1-1 et seq.~~ ROA 1994).
- B. At least once per year, the Board shall determine what is reasonable notice to the public, provided that in no event shall notice be less than the notice required for City Council meetings.
- C. The Board shall meet at least quarterly, but may meet more frequently. An annual schedule of meetings, upon adoption, shall be posted to the City Clerk's website. Any changes to the annual schedule of meetings, notice of special meetings, and notice of emergency meetings, giving the time, date and location of each meeting with a phone number of a contact person for those needing assistance to attend and observe the meeting.
- D. The Chairperson may call a special meeting and the Chairperson shall call a special meeting if requested by 4 or more Board members. The call for said special meeting shall state its purpose.
  - 1. Agenda for a special meeting shall be made available to the public at least 72 hours prior to the meeting unless the meeting is deemed an emergency. If the meeting is an emergency, the Board Chairperson shall

provide notice and the agenda in accordance with ~~the New Mexico Open Meetings Act (Chapter 10, Article 15 NMSA 1978)~~ **OMA**.

- E. Four HRB members constitute a quorum.
- F. If a quorum for a meeting does not convene within 10 minutes of the posted time for the meeting, then the meeting may not be held.
- G. Chair has discretion to add additional 5 minutes.
- H. All board action must be adopted by an affirmative vote of the members necessary to constitute a quorum of the Board.
- I. The Chairperson has the same voting privileges as any other Board member.
- J. Chair will determine the amount of time each speaker is given for public comment.
- K. OCR shall prepare Board minutes. The minutes of the Board shall include the vote of each Board member for each item before the Board and indicate whether a member is absent or failed to vote on an item.
- L. Board minutes shall be filed electronically with the City Clerk upon the approval of such minutes by the Board in accordance with the Public Boards, Commissions and Committees Ordinance (~~Sections~~ § 2-6-1-1 et seq. ROA 1994). The City Clerk shall post all minutes received on the City Clerk's website.
- M. **IF THE CITY IS UNABLE OR FAILS TO PROVIDE STAFF THROUGH OCR, THE BOARD CHAIR OR VICE CHAIR SHALL BE RESPONSIBLE FOR ENSURING THAT THE FOLLOWING OBLIGATIONS ARE FULFILLED IN ORDER TO CONTINUE THE SUCCESSFUL OPERATION OF THE BOARD:**
  - 1. **CREATING & DISTRIBUTING AGENDAS, MINUTES, AND OTHER DOCUMENTS AS NEEDED;**
  - 2. **SCHEDULING MEETING LOCATIONS FOR ALL REGULAR MEETINGS; AND**
  - 3. **PREPARING DOCUMENTS TO PRESENT TO THE BOARD ATTORNEY TO ENSURE COMPLIANCE WITH CITY AND STATE REGULATIONS INCLUDING BUT NOT LIMITED TO THE OPEN MEETINGS ACT AND THE CITY'S BOARD, COMMISSIONS AND COMMITTEES ORDINANCE (§ 2-6-1-1 ET SEQ ROA 1994).**

## ~~VIII.~~ **VII.** DECORUM

- A. The Board Chairperson shall be the presiding officer of any HRB meeting and is the individual tasked with maintaining decorum. The Vice Chairperson shall preside over an HRB meeting if the Chairperson is absent.
- B. The Chairperson may interrupt a speaker at any time to inform them if they are out of compliance with the operational rules.
- C. Board members should refrain from speaking until recognized by the Chairperson to minimize crosstalk or interruption.
- D. Board members shall refer to other Board members, City staff, and members of the public only in a respectful manner.
- E. Remarks made during an HRB meeting must be confined to the merits of the pending matter.

- F. Board members shall refrain from engaging in debate with members of the public.
- G. **BOARD MEMBERS SHALL REFRAIN FROM DISCUSSING PERSONAL MATTERS DURING BOARD MEETINGS.**
- H. **BOARD MEMBERS ATTENDING REMOTELY THROUGH VIDEOCONFERENCE SOFTWARE ARE ASKED TO TURN THEIR MICROPHONES OFF WHEN NOT SPEAKING AND THEY ARE ASKED TO LEAVE THEIR CAMERAS ON WHENEVER THEY ARE PRESENT FOR THE MEETING.**
- I. The Chairperson may remove a Board member or attendee from a Board meeting if continual offenses to decorum occur or if the offense is so great that failure to remove the individual would prevent the meeting from continuing.

## VIII. **POWERS OF THE BOARD** **THE BOARD MAY:**

- A. **HOLD PUBLIC HEARINGS AS OUTLINED IN SECTION IX OF THESE OPERATIONAL RULES AND REGULATIONS.**
- B. **INVESTIGATE OR STUDY HUMAN RELATIONS AS IN THE JUDGMENT OF THE BOARD IN EFFECTUATING THE HRO.**
- C. **MAKE RECOMMENDATIONS TO THE CITY COUNCIL AND MAYOR LEGISLATION TO AID IN CARRYING OUT THE PURPOSES OF THE HRO.**
- D. **ISSUE COMPLAINTS THROUGH OR IN COLLABORATION WITH THE OCR WHEN IT HAS REASON TO BELIEVE AN HRO VIOLATION OCCURRED AS OUTLINED IN SECTION IX-B OF THESE OPERATIONAL RULES AND REGULATIONS.**

## IX. **PUBLIC HEARINGS**

- A. **THE BOARD MAY FROM TIME TO TIME ELECT TO HOLD A PUBLIC HEARING WITHOUT A REQUEST FROM THE CITY COUNCIL OR THE MAYOR.**
  - 1. **THESE HEARINGS SHALL BE REFERRED TO AS “ADVISORY HEARINGS”.**
  - 2. **ADVISORY HEARINGS SHALL BE ORDERED IN A BOARD RESOLUTION THAT IS APPROVED BY A MAJORITY OF THE BOARD.**
  - 3. **ONCE THE RESOLUTION IS ADOPTED, THE AUTHOR OF THE RELEVANT RESOLUTION AND/OR OCR STAFF AND/OR THE BOARD CHAIR SHALL CREATE A NOTICE OF PUBLIC HEARING.**
    - a) **THE NOTICE SHALL CONTAIN INFORMATION ON THE TIME, DATE, LOCATION, AND SUBJECT MATTER OF THE HEARING AS WELL AS DESCRIBE THE PROCESS FOR THE PUBLIC TO PARTICIPATE IN THE HEARING.**
    - b) **ADVISORY HEARINGS MUST BE OPEN TO THE PUBLIC AND MEET ALL THE REQUIREMENTS OF OMA.**
    - c) **AT LEAST A QUORUM OF THE BOARD MEMBERS MUST BE PRESENT IN ORDER TO CONDUCT A HEARING.**

- d) THE HEARING MUST BE CONDUCTED NO SOONER THAN 30 DAYS AFTER THE NOTICE IS PUBLISHED AND NO LATER THAN 60 DAYS AFTER THE NOTICE IF PUBLISHED.
  - 4. ADVISORY HEARINGS SHALL NOT BE RELATING OR PERTAINING TO ANY CRIMINAL ALLEGATIONS. ADVISORY HEARINGS SHALL BE ON A TOPIC THAT IS DECIDED BY THE BOARD.
  - 5. ADVISORY HEARINGS SHALL NOT RESULT IN THE BOARD RULING ANY PARTY GUILTY OF ANY CRIME.
  - 6. ADVISORY HEARINGS MAY RESULT IN A REPORT WHICH MAY OR MAY NOT INCLUDE RELEVANT FINDINGS THAT RELATE TO THE CONTENTS OF THE HEARING.
    - a) THE REPORT SHALL BE DISTRIBUTED BY THE STAFF DIRECTOR TO THE MAYOR AND CITY COUNCIL AND OTHER PARTIES DECIDED BY THE BOARD WITHIN 10 DAYS OF THEIR ADOPTION BY A QUORUM OF THE BOARD.
- B. QUASI-JUDICIAL HEARINGS
- 1. AT THE REQUEST OF THE STAFF DIRECTOR, THE MAYOR, OR THE CITY COUNCIL, THE BOARD SHALL HOLD A PUBLIC HEARING RELATING TO A SPECIFIC INCIDENT WHEREIN THE AGGRIEVED PARTY HAS FILED A COMPLAINT WITH OCR.
    - a) HEARINGS OF THIS NATURE SHALL BE REFERRED TO AS “QUASI-JUDICIAL HEARINGS” OR “PROCEDURAL HEARINGS” AS THESE ARE THE ONLY SITUATION WHERE THE BOARD WOULD PRODUCE A RULING.
    - b) PROCEDURAL HEARINGS SHALL BE CONDUCTED IN THE MANNER DESCRIBED IN § 11-3-6 AND § 11-3-9 OF THE HRO.