
Meeting Date: December 7, 2022
Staff Contact: Mark S. Sanchez, Executive Director

TITLE: R-22-40 – Determining Reasonable Notice of Public Meeting of the Albuquerque Bernalillo County Water Utility Authority

ACTION: Recommend Approval

SUMMARY:

This Resolution fulfills the requirements of Section 10-15-1 (D) of the Open Meetings Act, which states that an affected public body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body.

Requirements for notice of public meetings have been modified due to building renovations of the Albuquerque/Bernalillo County Government Center. There will no longer be an available space to post notice of meetings in the Government Center lobby. Meeting notice requirements will be compliant by posting notice and the agenda on the Water Authority website and in the Water Authority Reception of the Albuquerque/Bernalillo County Government Center.

The Water Authority notice requirements comply with state law.

FISCAL IMPACT:

None

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-22-40

1 RESOLUTION

2 DETERMINING REASONABLE NOTICE OF PUBLIC MEETINGS OF THE
3 ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

4 WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978,
5 Sections 10-15-1 to 4) states that, except as otherwise provided in the constitution of
6 New Mexico or the Open Meetings Act, all meetings of a quorum of members of any
7 board, commission, administrative adjudicatory body or other policy making body of
8 any state or local agency held for the purpose of formulating public policy,
9 discussing public business or for the purpose of taking any action within the authority
10 of or the delegated authority of such body, are declared to be public meetings open
11 to the public at all times; and

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

15 WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires that the
16 Albuquerque Bernalillo County Water Utility Authority (Water Authority) determine at
17 least annually what constitutes reasonable notice of its public meetings.

18 BE IT RESOLVED BY THE WATER AUTHORITY:

19 Section 1. Meetings of the Water Authority shall normally be held at the Vincent
20 E. Griego Chambers, lower level of the Albuquerque/Bernalillo County Government
21 Center at One Civic Plaza, near the intersection of Fifth Street and Marquette
22 Avenue, NW, Albuquerque, New Mexico.

23 Section 2. Meetings will be held each month on the dates specified by Water
24 Authority resolution. Generally, Water Authority meetings are regularly held at 5
25 p.m. on the third Wednesday of each month. Reasonable notice for regular
26 meetings shall be five (5) days prior to the meeting and the agenda shall be
27 available seventy-two (72) hours prior to the meeting on the Water Authority website

[+Bracketed Material+] - New
[-Bracketed Material-] - Deletion

1 at www.abcwua.org and posted in the Water Authority reception lobby located on the
2 fifth floor, Room 5012, Albuquerque/Bernalillo County Government Center.

3 Section 3. Special meetings may be called by the Chair of the Water Authority
4 upon seventy-two (72) hours' notice. The notice shall include information on how
5 members of the public may obtain a copy of the agenda. The agenda shall be
6 available to the public on the Water Authority website at www.abcwua.org at least
7 seventy-two (72) hours before any special meeting.

8 Section 4. Emergency meetings will be called only under circumstances when
9 an unexpected occurrence or condition, or the state resulting therefrom requires
10 immediate consideration or action to protect the health, safety, and property of
11 citizens or to protect the public body from substantial financial loss. The Water
12 Authority will avoid emergency meetings whenever possible. Emergency meetings
13 may be called by the Chair of the Water Authority upon twenty-four (24) hours notice
14 unless the threat of personal injury or property damage requires less notice. The
15 notice for all emergency meetings shall include an agenda for the meeting or
16 information on how the public may obtain a copy of the agenda.

17 Section 5. For the purpose of meetings described in Section 2 of this
18 resolution, notice requirements are met if notice of the date, time and place of the
19 meeting is placed in one or more newspapers of general circulation in Albuquerque,
20 published on the Water Authority website at www.abcwua.org at least five (5) days
21 prior to the meeting and posted in the Water Authority reception lobby located on the
22 fifth floor, Room 5012, of the Albuquerque/Bernalillo County Government Center.

23 Section 6. For the purpose of special meetings and emergency meetings
24 described in Sections 3 and 4 of this resolution, notice requirements shall be met by
25 publishing notice of the meeting date, time, place and agenda on the Water
26 Authority website at www.abcwua.org prior to the meeting and posting notice and
27 the agenda in the Water Authority reception lobby located on the fifth floor, Room
28 5012, of the Albuquerque/Bernalillo County Government Center. The Executive
29 Director of the Water Authority shall also provide telephone notice to those
30 broadcast stations licensed by the Federal Communications Commission and
31 newspapers of general circulation in Albuquerque that have made a written request
32 for notice of public meetings.

1 Section 7. In addition to the information specified above, all notices shall
2 include the following language:

3 "NOTICE TO PERSONS WITH DISABILITIES: If you have a disability and require
4 special assistance to participate in this meeting, please contact the Water Authority
5 Office, Suite 5012, Albuquerque/Bernalillo County Government Center, phone 289-
6 3100 or by the TTY 1-800-659-8331, as soon as possible prior to the meeting date.
7 Public documents, including the agendas and minutes, can be provided in various
8 accessible formats. Please contact the Executive Director of the Water Authority at
9 the Water Authority Office if a summary or other type of accessible format is
10 needed."

11 Section 8. Cancellations and different meeting times and places may be
12 announced at prior meetings of the Water Authority.

13 Section 9. Minutes or a transcription shall be made of all open meetings with
14 at least the following minimal information:

15 A. Date, time, and place of meeting;

16 B. Names of members present;

17 C. A general statement of each discussion topic and of how each
18 member voted on any motion before the Water Authority. A draft copy of the
19 minutes shall be available within three (3) working days prior to the next meeting.
20 Minutes become official when approved by the Water Authority at a subsequent
21 meeting.

22 Section 10. Closed meetings shall not be held except as provided in Open
23 Meetings Act.

24 Section 11. All or any part of this resolution may be amended or modified by
25 the Board from time to time.

26 Section 12. All ordinances, resolutions, rules or parts thereof, inconsistent
27 herewith, are hereby repealed to the extent only of such inconsistency. This
28 repealer shall not be construed to revive any ordinance, resolution, rule or part
29 thereof heretofore repealed.
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