



**Agenda Item No. 8b**

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Meeting Date: February 9, 2022  
Staff Contact: Mark S. Sanchez, Executive Director

**TITLE:** R-22-2 – 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.

The Water Authority notice requirements comply with state law.

**FISCAL IMPACT:**

None

# ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. R-22-2

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## 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 the  
16 Albuquerque Bernalillo County Water Utility Authority (Water Authority) to determine  
17 at 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 72 hours prior to the meeting where practicable or as required by law, but

1 shall be available at least twenty-four (24) hours prior to the meeting at the office of  
2 the Albuquerque Bernalillo County Water Utility Authority located on the fifth floor,  
3 Room 5012, Albuquerque/Bernalillo County Government Center.

4 Section 3. Special meetings may be called by the Chair of the Water Authority  
5 upon seventy-two (72) hours' notice. The notice shall include information on how  
6 members of the public may obtain a copy of the agenda. The agenda shall be  
7 available to the public at least twenty-four (24) 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  
14 notice, unless the threat of personal injury or property damage requires less notice.  
15 The 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](http://www.abcwua.org) at least five (5) days  
21 prior to the meeting and/or posted in the lobby of the Albuquerque/Bernalillo County  
22 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 posting notice of the meeting date, time, place and agenda in the lobby of the  
26 Albuquerque/Bernalillo County Government Center. The Executive Director of the  
27 Water Authority shall also provide telephone notice to those broadcast stations  
28 licensed by the Federal Communications Commission and newspapers of general  
29 circulation in Albuquerque that have made a written request for notice of public  
30 meetings.

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

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

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

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

13             A.     Date, time, and place of meeting;  
14             B.     Names of members present;  
15             C.     A general statement of each discussion topic and of how each  
16      member voted on any motion before the Water Authority. A draft copy of the  
17      minutes shall be available within three (3) working days prior to the next meeting.  
18      Minutes become official when approved by the Water Authority at a subsequent  
19      meeting.

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

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

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

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