



Mid-Region Metropolitan Planning Organization
of the Mid-Region Council of Governments
METROPOLITAN TRANSPORTATION BOARD
Friday, June 24, 2022 (A hybrid meeting)
10:00 a.m.- 11:00 a.m.



Jack Torres, Chair

Vice-Chair Klarissa Peña

AGENDA

**This will be a hybrid meeting. Please let us know if you will be attending in person (voluntary).
The Zoom link can be found below.**

Call to Order

A roll-call of those in attendance will be done. The presence of a quorum will be noted

TAB 1 Approval of the June 24, 2022 Agenda

TAB 2 Approval of the May 20, 2022 Action Summary

PUBLIC COMMENTS AND REPORTS

TAB 3 Public Comments

Anyone who wishes to address the MTB must call-in and identify themselves

TAB 4 Reports

- ❖ Staff
- ❖ TCC
- ❖ ATC
- ❖ CMP
- ❖ ITS

ACTION ITEMS

TAB 5 - R-22-05 MTB Approval of TIP Amendment

TAB 6 - R-22-06 Approval of Open Meeting Resolution

DISCUSSION ITEMS

TAB 7 Draft MRMPO Project Selection Process Update

INFORMATION ITEMS

There are no information items

NOTES

NEXT MEETING: Friday, July 15, 2022 from 10:00 a.m. to 11:00 a.m.
Mid-Region Council of Governments
809 Copper Ave. NW
(505) 724-3616

Anyone requiring special accommodations is requested to notify the MRCOG office at (505) 247-1750 seven (7) days prior to the meeting or e-mail cpmerlo@mrcog-nm.gov

INVITATION

Topic: JUNE MTB Meeting

Time: Jun 24, 2022 10:00 AM Mountain Time (US and Canada)

In-Person Attendance:

MRCOG Boardroom
809 Copper Ave NW, Albuquerque, NM 87102

Virtual Attendance:

<https://us06web.zoom.us/j/82345797230?pwd=OCtkUHFUd3ZlclRrczhXY2hocWlXUT09>

Meeting ID: 823 4579 7230

Passcode: 910744

Find your local number: <https://us06web.zoom.us/j/82345797230>

Join by Skype for Business

<https://us06web.zoom.us/j/82345797230>



Mid-Region Council of Governments
METROPOLITAN TRANSPORTATION BOARD
Action Summary



May 20, 2022 (A hybrid meeting)

Jack Torres, Chair

Klarissa Peña, Vice-Chair

AGENDA

Call to Order

Jack Torres, Town of Bernalillo, called the meeting to order at 10:02 AM. Roll was called, and the presence of a quorum was noted. The attendance sheet is included in this Action Summary.

Note that this meeting was in a hybrid format.

TAB 1 Approval of the May 20, 2022 Agenda

Action Taken:

Jack Torres, Town of Bernalillo, made a motion to:

APPROVE THE AGENDA FOR MAY 20, 2022

Tammy Fiebelkorn, City of Albuquerque, seconded the motion and passed unanimously on a roll-call vote of 22 in favor, one abstained from voting, and none opposed. See voting sheet.

TAB 2 Approval of the March 18, 2022 Action Summary

Action Taken:

Jack Torres, Town of Bernalillo, made a motion to:

APPROVE THE ACTION SUMMARY OF MARCH 18, 2022

David Heil, Sandoval County, seconded the motion and passed unanimously on a vote of 22 in favor, one abstained from voting, and none opposed. See voting sheet.

PUBLIC COMMENTS AND REPORTS

TAB 3 Public Comments

Justin Gibson, NMDOT District 3, requested a letter of support from MRCOG and the City of Albuquerque Board Members for the mega-grant for the I-25/Comanche-Montgomery Project.

TAB 4 Reports

❖ **Staff –**

Steven Montiel, MRMPO Program Manager, shared with the MTB Members the highlights for the May 2-3, 2022 Quadrenial Federal Certification Review. Mr. Montiel commended the MRMPO Staff for their performance during this certification.

Mr. Montiel, informed of the two open positions within the MRMPO, one for Travel Modeler and the second one for a GIS Social Economic position. Also, there were two intern positions, but no candidates applied. Mr. Montiel mentioned that the MRMPO reaches out to students and offer them opportunities to acquire planning experience.

❖ **TPTG –**

Mr. Montiel informed the MTB that staff reviewed the status of FFY 2022 projects programmed in the TIP and the inactive projects of District 3. Mr. Montiel emphasized on the support and collaboration from MRMPO, NMDOT and the FHWA to help The Village of Los Lunas completing the river crossing project.

As a final point on the TPTG updates, Mr. Montiel mentioned the preliminary targets that came from the Bipartisan Infrastructure Law (BIL).

❖ **TCC –**

Steven Montiel, MRMPO Program Manager, informed that during the month of May there were no action items to review and the TCC May 4, 2022 meeting was cancelled. He mentioned that the MTB meeting was still scheduled in order to present the safety targets and safe roads for all presentation to the board members.

ACTION ITEMS

There were no Action Items.

DISCUSSION ITEMS

TAB 5

Review of preliminary MRMPO targets for FFY 2022 and FFY 2023 (STP-Large Urban Funds, TAP Large Urban Funds, and the new Carbon Reduction Program (CRP) Large Urban Funds)

Mr. Montiel went over the MRMPO targets for FFY 2022 and 2023. He explained that the MPO receives formula based funding targets per Federal Fiscal Year (FFY). Mr. Montiel reviewed all fund sources for FFY's 2023-2026. Mr. Montiel mentioned that funding targets are increasing by 4.5 million per year for STP-Large Urban Funds, TAP -Large Urban Funds and the New Carbon Reduction Program, combined. The total increase in formula funds results in approximately a \$25 Million to \$30 Million increase for the next 5 years for the Albuquerque Metropolitan Planning Area. Mr. Montiel also reviewed NMDOT targets with the MTB and explained that targets were anticipated to decrease for District 3 due to debt service payments. Ms. Herrera, NMDOT STIP manager, elaborated on the NMDOT and NHPP target reductions for the district and explained that the debt service for the state was scheduled to be completed over the next couple of years which would allow targets to increase back to normal levels.

TAB 6**Safety As a Priority Presentation**

Kendra Montanari, MRMPO Planning and Technical Services Manager, and Willy Simon, MRMPO Transportation Planner gave a presentation to the board members about the importance of making Albuquerque's safety a priority. Following the presentation Ms. Montanari asked for direction and guidance of the MTB members to address three points or potential action items: 1) A Safety Resolution, 2) Safety "Set-Aside", and 3) Safe Streets and Roads for All Grant Program – BIL.

The formation of a Safety Working Group was proposed and a follow up email inviting the board members to participate was sent shortly after the MTB meeting. It was also determined that MPO staff should focus on all three points/action items in the near future to ensure safety is addressed in the region and to make safety more of a priority for the region. MPO staff will report back to the MTB with updates from the safety subcommittee. MPO staff will also bring forward items for board review and adoption.

INFORMATION ITEMS

There were no information items

Adjournment

The May 20, 2022 meeting of the Transportation Coordinating Committee was adjourned at 11:31 AM.

Jack Torres, Chair
Metropolitan Transportation Board

ATTEST

Dewey V. Cave, Executive Director



**Metropolitan Transportation Board
Action Item
Friday, June 24, 2022**

**R-22-05 MTB
Amending the
FFY 2020-2025 Transportation Improvement Program (TIP)**

Background

The requests for amendments to the current Transportation Improvement Program (TIP), for the AMPA come from various entities. These amendments to the TIP have been requested as part of the quarterly amendment cycle.

MPO Staff Recommendation

All proposals meet the qualifications for a TIP Amendment and are consistent with Connections 2040 Metropolitan Transportation Plan (2040 MTP).

Public Comment

The amendment has been posted for the MPO's 15-day public review period. Any comments received will be presented at the meeting.

TPTG Recommendation

This amendment will be reviewed at the meeting of the Transportation Program Technical Group (TPTG) on Tuesday, May 31, 2022.

TCC Recommendation

This amendment was reviewed at the June 3rd, 2022 TCC meeting and is recommended for approval.

Attachment(s)

1. R-22-05 MTB Resolution
2. MRMPO TIP Amendment Attachment A

1
2 RESOLUTION

3 of the

4 METROPOLITAN TRANSPORTATION BOARD

5 of the

6 MID-REGION METROPOLITAN PLANNING ORGANIZATION

7 Division of the

8 MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

9 (R-22-05 MTB)

10 **AMENDING THE FFY 2020-2025 TIP**
11 **TO ACCOMMODATE VARIOUS CHANGES**
12

13 **WHEREAS**, the FFY 2020-2025 Transportation Improvement Program (TIP) is
14 the TIP for the Albuquerque Metropolitan Planning Area (AMPA) and has been
15 reviewed for conformity in conjunction with the *Futures 2040, Metropolitan*
16 *Transportation Plan* and became effective October 1, 2019; and

17 **WHEREAS**, the TIP must contain all federally-funded transportation projects in
18 the metropolitan transportation planning area prior to the distribution of funds to those
19 projects; and

20 **WHEREAS**, the TIP must contain all regionally significant projects in the
21 metropolitan transportation planning area regardless of the source of funding; and

22 **WHEREAS**, the TIP may be revised in accordance with 23 CFR part 450.328.

23 **NOW THEREFORE BE IT RESOLVED** by the Metropolitan Transportation Board
24 of the Mid-Region Metropolitan Planning Organization, a division of the Mid-Region
25 Council of Governments of New Mexico, that the FFY 2020-2025 TIP for the
26 Albuquerque Metropolitan Planning Area is revised to reflect the changes as set out in

27 ATTACHMENT A.

28 **AND BE IT FURTHER RESOLVED**, the Metropolitan Transportation Board, in
29 accordance with 23 CFR 450.336, certifies that the transportation planning process is
30 being conducted in accordance with all applicable requirements of:

- 31 a) fiscal constraint required in 23 CFR 450;
- 32 b) 23 U.S.C. 134 and 135, 49 U.S.C. Section 5303 through 5306 and 5323(1)
33 and 23 U.S.C. 450.220;
- 34 c) Sections 174 and 176(c) and (d) of the Clean Air Act as amended (42 U.S.C.
35 7504, 7506(c) and (d) and 40 CFR part 93;
- 36 d) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and
37 49 CFR part 21 and the Title VI assurance executed by each State under 23
38 U.S.C. 324 and 29 U.S.C. 794;
- 39 e) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed,
40 national origin, sex, or age in employment or business opportunity;
- 41 f) Section 1101(b) of the Transportation Equity Act for the 21st Century (Pub. L.
42 105-178) regarding the involvement of Disadvantaged Business Enterprises
43 in FHWA and FTA funded planning projects (Sec. 105(f), Pub. L. 97-424, 96
44 Stat. 2100; 49 CFR, Subtitle A, Part 26);
- 45 g) 23 CFR part 230, regarding the implementation of an equal employment
46 opportunity program on Federal and Federal-aid highway construction
47 contracts;
- 48 h) The provisions of the Americans with Disabilities Act of 1990 (Pub. L. 101-
49 336, 104 Stat. 327, as amended) and U. S. DOT implementing regulation;
- 50 i) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting

- 51 discrimination on the basis of age in programs or activities receiving Federal
52 financial assistance;
- 53 j) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based
54 on gender; and
- 55 k) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR
56 part 27 regarding discrimination against individuals with disabilities;
- 57 l) The provision of 49 U.S.C. Part 20 regarding restrictions on influencing
58 certain activities;
- 59 m) 23 CFR 490, Final Rule on the Highway Safety Improvement Program;
- 60 n) 23 CFR 490 Subpart C, National Performance Management Measures for
61 Assessing Pavement Condition;
- 62 o) 23 CFR 490 Subpart D, National Performance Management Measures for
63 Assessing Bridge Condition;
- 64 p) 23 CFR 490, Final Rule on System Performance, Freight, and Congestion
65 Mitigation Air Quality (CMAQ);
- 66 q) 49 CFR 625, Transit Asset Management; and
- 67 r) 23 CFR 450.326(d), Linking the TIP to the MTP and Performance Targets.

68 **PASSED, APPROVED, AND ADOPTED** this 24th day of June 2022 by the
69 Metropolitan Transportation Board of the Mid-Region Metropolitan Planning
70 Organization, a division of the Mid-Region Council of Governments of New Mexico.

71
72
73 ATTEST: _____
Jack Torres, Chairperson
Metropolitan Transportation Board
74

75
76 _____
Dewey V. Cave
77 Executive Director, Mid-Region Council of Governments
78 Executive Director, Mid-Region Metropolitan Planning Organization

Control Number	Existing Project Title	Existing Terminus From	Existing Terminus To	Proposed Project Title	Proposed Terminus From	Proposed Terminus To	Existing Project Description	Proposed Project Description	Lead Agency	Project Type	Ph. Env. Doc	Ph. Design	Ph. ROW	Ph. Consv	Ph. O/Vner	Total Est. Proj Cost	FFY	Funding Category	Existing Fed Amt	Proposed Fed Amt	Existing State Amt	Proposed State Amt	Existing Local Amt	Proposed Local Amt	Existing Total Amt for Fund Source	Proposed Total Changes for Fund Source	Resulting Total Amt for Fund Source	WorkType	Notes	
A301901							mm structure as needed										2026	Local Bond Fund	\$0	\$0	\$0	\$0	\$0	\$39,182,893	\$0	\$39,182,893	\$39,182,893	03		
A301901																	2026	NHPP	\$85,440,000	\$0	\$14,559,997	\$0	\$0	\$0	\$99,999,997	\$0	\$99,999,997	03		
A301901																	2026	State Bond Fund	\$0	\$0	\$39,182,893	\$0	\$0	\$0	\$39,182,893	\$0	\$39,182,893	03		
A300378	I-25 (South) Pavement Preservation	MP 188.5	MP 190.5				District 3 project for the pavement program.		NMDOT D-3	Hwy & Brg Pres	T	T	T	T		\$1,600,000	2023	NHPP (Non-Char)	\$1,367,040	(\$1,367,040)	\$0	\$0	\$232,960	(\$232,960)	\$1,600,000	(\$1,600,000)	\$0	06	Removing NHPP NC & adding NHPP in 2027	
A300378																	2027	NHPP	\$0	\$1,367,040	\$0	\$232,960	\$0	\$0	\$0	\$1,600,000	\$1,600,000	06		
A301001																	2023	NHPP	\$0	\$2,563,200	\$0	\$0	\$0	\$436,800	\$0	\$3,000,000	\$3,000,000	43		
A301001																	2023	NHPP	\$0	\$5,980,800	\$0	\$0	\$0	\$1,019,200	\$0	\$7,000,000	\$7,000,000	16	Adding NHPP in FFY 2023, 24, 25, & 26.	
A301001	NM 500 Rio Bravo Bridge Replacement	Isleta Blvd.	Poco Loco Rd				Replacement of structurally deficient bridges on NM 500 over the Rio Grande.		NMDOT D-3	Hwy & Brg Pres	T	T	T	T		\$75,509,468	2025	NHPP	\$0	\$17,523,291	\$0	\$2,986,178	\$0	\$0	\$0	\$20,509,469	\$20,509,469	10	Removing FFY 2027 NHPP	
A301001																	2026	NHPP	\$18,817,107	\$19,630,893	\$3,206,660	\$3,345,339	\$0	\$0	\$22,023,767	\$22,976,232	\$44,999,999	10		
A301001																	2027	NHPP	\$18,817,107	(\$18,817,107)	\$3,206,660	(\$3,206,660)	\$0	\$0	\$22,023,767	(\$22,023,767)	\$0	10		
A301161	District 3 Bridge Replacements-NM	Bridge # 5155,					Replace five deficient slab bridges on NM 165 with culverts. Bridge # 5155, 5156,		NMDOT D-3	Hwy & Brg Pres	T	T	T	T		\$1,500,000	2025	STP-Flex	\$1,281,600	(\$1,281,600)	\$218,400	(\$218,400)	\$0	\$0	\$1,500,000	(\$1,500,000)	\$0	11	Advancing FFY 2027 flex to 2025	
A301161																	2027	STP-Flex	\$0	\$1,281,600	\$0	\$218,400	\$0	\$0	\$0	\$1,500,000	\$1,500,000	11		
A301349	DISTRICT 3 BRIDGE REPAIRS - MATEO OVERPASS BRIDGE REPLACEMENT						BRIDGE REPLACEMENT ON NM 22 MATEO OVERPASS.		NMDOT D-3	Hwy & Brg Pres	T	T	T	T		\$6,500,000	2027	STP-Flex	\$0	\$5,553,600	\$0	\$946,400	\$0	\$0	\$0	\$6,500,000	\$6,500,000	11	Adding project back into TIP with 2027 STP flex funds	
A301442																	2021	STP-Flex (Non-C)	\$512,640	\$0	\$87,360	\$0	\$0	\$0	\$600,000	\$0	\$600,000	15		
A301442																	2022	STP-Flex (Non-C)	\$114,905	\$0	\$19,581	\$0	\$0	\$0	\$134,486	\$0	\$134,486	15		
A301442																	2023	STP-Flex	\$1,197,183	(\$1,197,183)	\$204,014	(\$204,014)	\$0	\$0	\$1,401,197	(\$1,401,197)	\$0	21		
A301442																	2023	STP-Flex (Non-C)	\$0	\$64,080	\$0	\$10,920	\$0	\$0	\$0	\$75,000	\$75,000	21	Adding Rural, Flex, Flex NC, and NHPP in various years.	
A301442	NM14/NM 536/Frost Rd intersection Improvements	NM 14 / NM 536 / Frost Rd Intersecti on					Intersection improvements with possible reconfiguration to increase safety and decrease confusion at intersection.		NMDOT D-3	Safety	T	T	T	T		\$9,634,643	2023	STP-Flex (Non-C)	\$21,109	\$0	\$3,597	\$0	\$0	\$24,706	\$0	\$24,706	15			
A301442																	2023	STP-Rural	\$0	\$302,458	\$0	\$51,542	\$0	\$0	\$354,000	\$354,000	16	Removing FFY 2023 STP flex.		
A301442																	2023	STP-Rural	\$493,726	\$1,370,930	\$84,137	\$233,623	\$0	\$0	\$577,863	\$1,604,553	\$2,182,416	21		
A301442																	2024	NHPP	\$0	\$2,571,291	\$0	\$0	\$0	\$438,179	\$0	\$3,009,470	\$3,009,470	21		
A301442																	2024	STP-Flex	\$0	\$613,587	\$0	\$104,563	\$0	\$0	\$0	\$718,150	\$718,150	21		
A301442																	2024	STP-Rural	\$643,208	\$1,523,905	\$0	\$0	\$109,610	\$259,692	\$752,818	\$1,783,597	\$2,536,415	21		
A302121	I-40 Pavement Preservation	MP 182.5	MP 184				Perform pavement preservation on I-40 EB and WB lanes.		NMDOT D-3	Hwy & Brg Pres	T	T	T	T		\$6,200,000	2023	HB2 Section 9	\$0	\$0	\$3,200,000	\$0	\$0	\$0	\$3,200,000	\$0	\$3,200,000	06	Adding NHPP to FFY 2024 funds	
A302121																	2024	NHPP	\$0	\$2,563,200	\$0	\$436,800	\$0	\$0	\$0	\$3,000,000	\$3,000,000	06		
A302123																	2023	NHPP	\$0	\$9,278,331	\$0	\$1,581,138	\$0	\$0	\$0	\$10,859,469	\$10,859,469	06		
A302123	I40 Pavement Preservation (canyon) Phase II	Tijeras	Sedillo				Perform pavement preservation on I40 EB and WB lanes and ramps between mm 173.5 and 182, erosion repair near mm 171		NMDOT D-3	Hwy & Brg Pres							\$20,859,470	2024	NHPP	\$0	\$8,544,000	\$0	\$0	\$0	\$1,456,000	\$0	\$10,000,000	\$10,000,000	06	Adding FFY 2023 and 2024 NHPP funds while removing FLEX and rural from FFY 26 & 27
A302123																	2026	STP-Flex	\$4,079,271	(\$4,079,271)	\$695,157	(\$695,157)	\$0	\$0	\$4,774,428	(\$4,774,428)	\$0	06		
A302123																	2026	STP-Rural	\$643,208	(\$643,208)	\$109,610	(\$109,610)	\$0	\$0	\$752,818	(\$752,818)	\$0	06		
A302123																	2027	STP-Flex	\$3,652,071	(\$3,652,071)	\$622,357	(\$622,357)	\$0	\$0	\$4,274,428	(\$4,274,428)	\$0	06		
A302123																	2027	STP-Rural	\$643,208	(\$643,208)	\$109,610	(\$109,610)	\$0	\$0	\$752,818	(\$752,818)	\$0	06		
A302125	I-40 Pavement Preservation						Perform pavement preservation on I-40 between Carlisle and Wyoming		NMDOT D-3	Hwy & Brg Pres							\$7,000,000	2022	NHPP (Non-Char)	\$2,819,520	\$0	\$480,480	\$0	\$0	\$3,300,000	\$0	\$3,300,000	06	Adding FFY 2023 NHPP and NHPP NC	
A302125																	2023	NHPP	\$0	\$341,760	\$0	\$58,240	\$0	\$0	\$0	\$400,000	\$400,000	06		
A302125																	2023	NHPP (Non-Char)	\$1,452,480	\$1,367,040	\$247,520	\$232,960	\$0	\$0	\$1,700,000	\$1,600,000	\$3,300,000	06		
A302206	AMPA Wide Motorist Assistance Courtesy Patrols (FFY 2025)	AMPA Wide					Operate courtesy patrols (H.E.L.P. vehicles) AMPA Wide		NMDOT D-3	ITS-TSM							\$1,000,000	2025	NHPP	\$427,200	\$427,200	\$72,800	\$72,800	\$0	\$0	\$500,000	\$500,000	\$1,000,000	24	Adding FFY 2025 NHPP
TA00372																	2022	CRP- Carbon Red	\$0	\$2,478,558	\$0	\$0	\$0	\$422,376	\$0	\$2,900,934	\$2,900,934	23		
TA00372	Commuter Rail: Main 2 Extension	Hahn Control Point 899.1	Milepost 897.9 (north of Montano				Design and extend Main Track #2 by approx. 1.5 miles. Improvements include reconstructing the Hahn Lead with new ballast, concrete ties, existing roadbed,		Rio Metro NMRRX	Transit	T	T	T	T		\$5,412,089	2023	CRP- Carbon Red	\$0	\$2,145,531	\$0	\$0	\$0	\$365,624	\$0	\$2,511,155	\$2,511,155	23	Changing the fund source from STP U to CRP	
TA00372																	2023	STP-U	\$562,706	(\$562,706)	\$0	\$0	\$95,892	(\$95,892)	\$658,598	(\$658,598)	\$0	23		
TA00372																	2024	STP-U	\$4,061,383	(\$4,061,383)	\$0	\$0	\$692,108	(\$692,108)	\$4,753,491	(\$4,753,491)	\$0	23		
TA00434	New Project			Commuter Rail-			New Project	Operating assistance for the New Mexico	Rio Metro Transit	Transit							\$4,681,648	2024	CMAQ-Flex	\$0	\$2,000,000	\$0	\$0	\$0	\$340,824	\$0	\$2,340,824	\$2,340,824	23	New project adding CMAQ funds
TA00434																	2025	CMAQ-Flex	\$0	\$2,000,000	\$0	\$0	\$0	\$340,824	\$0	\$2,340,824	\$2,340,824	23		



**Metropolitan Transportation Board
Action Item
Friday, June 24, 2022**

**R-22-06 MTB
Open Meetings Act Resolution**

Action Requested:

Approval of R-22-06 MRCOG/MRMPO Open Meetings Act Resolution, to remain in compliance with statutory regulations.

Background:

NMSA 1978, Section 10-15-1B (1974 as Amended), of the Open Meetings Act states that, except as otherwise provided in the Constitution of New Mexico or the Provisions of the Open Meetings Act, all meetings of a quorum of members of any board, commission or other policy-making body of any state agency, any agency or authority of formulation public policy, discussion public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings.

Policy Ramifications:

Section 10-15-1D of the Open Meetings Act requires MRCOG/MRMPO to determine annually what constitutes reasonable notice of its public meetings.

Financial Impact:

None

1 RESOLUTION

2 of the

3 METROPOLITAN TRANSPORTATION BOARD

4 of the

5 MID-REGION METROPOLITAN PLANNING ORGANIZATION

6 Division of the

7 MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

8 (R-22-06 MTB)

9 **OPEN MEETINGS RESOLUTION**
10

11 **WHEREAS**, the Metropolitan Transportation Board is the governing body of the
12 Mid-Region Metropolitan Planning Organization, a division of the Mid-Region Council of
13 Governments; and

14 **WHEREAS**, Section 10-15-1(B) of the Open Meetings Act (Sections 10-15-1
15 through 10-15-4 NMSA 1978) states that all meetings of a quorum of members of any
16 board, commission, administrative adjudicatory body, or other policy making body of
17 any state agency, any agency or authority of any county, municipality, district, or any
18 political subdivision, held for the purpose of formulating public policy, including the
19 development of personnel policy, rules, regulations or ordinances, discussing public
20 business or for the purpose of taking any action within the authority of or the delegated
21 authority of any board, commission or other policymaking body are declared to be public
22 meetings open to the public at all times, except as otherwise provided in the constitution
23 of New Mexico or the Open Meetings Act. No public meeting, once convened, that is
24 otherwise required to be open pursuant to the Open Meetings Act shall be closed or
25 dissolved into small groups or committees for the purpose of permitting the closing of

26 the meeting; and

27 **WHEREAS**, Section 10-15-1 (C) allows a public body to provide members of a
28 public body to participate in a meeting of the public body by means of a conference
29 telephone or other similar communicating equipment when it is otherwise difficult or
30 impossible for the member to attend the meeting in person, provided that each member
31 participating, by conference telephone can be identified when speaking, all participants
32 are able to hear each other at the same time and members of the public attending the
33 meeting are able to hear any member of the public body who speaks during the
34 meeting; and

35 **WHEREAS**, Section 10-15-1(D) of the Open Meetings Act requires the Board of
36 Directors of the Mid-Region Council of Governments (MRCOG) of New Mexico to
37 determine annually what constitutes reasonable notice of its public meetings; and

38 **WHEREAS**, Section 10-15-4 of the Open Meetings Act provides that all
39 provisions of the Open Meetings Act shall be enforced by the attorney general or by the
40 district attorney in the county of jurisdiction. However, nothing in that act shall prevent
41 an individual from independently applying for enforcement through the district courts,
42 provided that the individual first provides written notice of the claimed violation to the
43 public body and that the public body has denied or not acted on the claim within fifteen
44 days of receiving it. A public meeting held to address a claimed violation of the Open
45 Meetings Act shall include a summary of comments made at the meeting at which the
46 claimed violation occurred; and

47 **WHEREAS**, Section 10-15-4(c) of the Open Meetings Act provides that the
48 district courts of the state shall have jurisdiction, upon the application of any person to
49 enforce the purpose of the Open Meetings Act, by injunction, mandamus or other
50 appropriate order. The court shall award costs and reasonable attorney fees to any

51 person who is successful in bringing a court action to enforce the provisions of the Open
52 Meetings Act. If the prevailing party in a legal action brought under this section is a
53 public body defendant, it shall be awarded court costs. A public body defendant that
54 prevails in court action brought under this section shall be awarded its reasonable
55 attorney fees from the plaintiff if the plaintiff brought the action without sufficient
56 information and belief that good grounds supported it.

57 **NOW, THEREFORE, BE IT RESOLVED** by the Metropolitan Transportation
58 Board, of the Mid-Region Metropolitan Planning Organization, a division of the Mid-
59 Region Council of Governments of New Mexico, that:

- 60 1. Regular meetings of the Metropolitan Transportation Board, and the
61 Transportation Coordinating Committee, shall ordinarily be held as
62 established by the individual boards at their last meeting of the calendar
63 year. For the purposes of regular meetings, notice requirements are met if
64 notice of the date, time, place, and information on how the public may obtain
65 an agenda, is placed as a legal notice in newspapers of general circulation
66 in the state at least ten (10) days in advance of the meeting date. Written
67 notice shall also be mailed to those broadcast stations licensed by the
68 Federal Communications Commission and newspapers of general
69 circulation which have made a written request of the MRCOG for notice of
70 public meetings. A proposed agenda will be posted in the offices of the
71 MRCOG one week before the meeting, located at 809 Copper Ave. NW
72 Albuquerque, New Mexico; and will be available on the MRCOG website at
73 www.mrcog-nm.gov one week before the meeting; and
- 74 2. The final agenda, with all supporting documents will be posted in the offices
75 of the MRCOG and will also be available on the MRCOG website

76 (www.mrcog-nm.gov) not less than seventy-two (72) hours before the
77 meeting. The agenda with all supporting documents will be sent by e-mail to
78 Board members not less than 72 hours before the meeting; and

79 3. Members of the Metropolitan Transportation Board, and the Transportation
80 Coordinating Committee may participate by teleconference in any meetings
81 that are held in the MRCOG Conference Room; and

82 4. Special meetings of the Metropolitan Transportation Board, and the
83 Transportation Coordinating Committee, may be called by the Chairman or
84 a majority of the members upon three (3) days' notice. For the purposes of
85 special meetings, notice requirements shall be met by posting notices in the
86 offices of the MRCOG. Facsimile notice of such meetings shall be provided
87 to those broadcast stations licensed by the Federal Communications
88 Commission and newspapers of general circulation that have made a
89 written request of the MRCOG for notice of public meetings; and

90 5. Emergency meetings of the Metropolitan Transportation Board, and the
91 Transportation Coordinating Committee are meetings called under circum-
92 stances which demand immediate action by those boards. Although the
93 boards would avoid emergency meetings whenever possible, such
94 circumstances may occasionally arise. Emergency meetings of those
95 boards may be called by the Chairman or a majority of the members upon
96 twenty-four (24) hours' notice. For the purposes of emergency meetings,
97 notice requirements shall be met by posting notices in the offices of the
98 MRCOG. Facsimile notice of such meetings shall be provided to those
99 broadcast stations licensed by the Federal Communications Commission
100 and newspapers of general circulation that have made a written request of

101 the MRCOG for notice of public meetings; and
102 6. Pursuant to Section 10-15-1(H)(I) NMSA 1978, the Metropolitan
103 Transportation Board, and the Transportation Coordinating Committee may
104 close a meeting to the public if the subject matter of such discussion or
105 action is included in Subsection I of the Open Meetings Act, Section 10-15-1
106 NMSA 1978. If any such board meeting/ is closed pursuant to Section 10-
107 15-1(H)(I) NMSA 1978, such closure:

108 (a) if made in an open meeting, shall be approved by a majority vote of a
109 quorum of the members of such board and authority for the closure
110 and subject to be discussed shall be stated in the motion calling for
111 the vote on a closed meeting. The vote on a closed meeting shall be
112 taken in an open meeting and the vote of each individual member is
113 to be recorded in the minutes. Only those subjects announced or
114 voted upon prior to closure by such board may be discussed in a
115 closed meeting; and

116 (b) if called for when such boards are not in an open meeting, the closed
117 meeting shall not be held until public notice, appropriate under the
118 circumstances, stating the specific provision of law authorizing the
119 closed meeting and subject matter is given to the members and to
120 the general public; and

121 (c) Notwithstanding any provision, the Chairman may establish such
122 additional notice as may be deemed advisable.

123 **PASSED, ADOPTED, AND APPROVED** this 25th day of June 2021 by the
124 Metropolitan Transportation Board of the Mid-Region Metropolitan Planning
125 Organization a division of the Mid-Region Council of Governments of New Mexico.

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134 **ATTEST:**

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Jack Torres, Chairperson
Metropolitan Transportation Board

Dewey V. Cave,
Executive Director, Mid-Region Council of Governments
Executive Director, Mid-Region Metropolitan Planning Organization