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[~~ARTICLE XII~~] ARTICLE 6: PUBLIC BOARDS, COMMISSIONS AND COMMITTEES

Albuquerque ~ [~~Chapter 1~~] Chapter 2: Government

PART 1: GENERAL PROVISIONS

§ 2-6-1-1 SHORT TITLE.

Sections 2-6-1-1 et seq. shall be known and may be cited as the "Public Boards, Commissions and Committees Ordinance."
('74 Code, § 1-12-1) (Ord.55-1992)

§ 2-6-1-2 DEFINITION.

For the purpose of §§ 2-6-1-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC BOARDS, COMMISSIONS and COMMITTEES. Every board, commission, committee and other similar body whose meetings are required by the Open Meetings Act, Chapter 10, Article 15 NM8A 1978, as amended and as supplemented from time to time, to be open to the public.
('74 Code, § 1-12-2) (Ord. 55-1992)

[~~1-12-1~~] § 2-6-1-3 MEMBERSHIP.

The following shall govern the qualifications, appointment and conduct of members of the public boards, commissions and committees of the city [~~of Albuquerque~~]; provided that the provisions relating to qualifications and appointment of members of public boards, commissions and committees of the city [~~of Albuquerque~~] shall apply only to members who are appointed after the effective date of [~~this ordinance~~] §§ 2-6-1-1 et seq. and that any member of any public board, commission or committee in existence on the effective date of [~~this ordinance~~] §§ 2-6-1-1 et seq. shall complete the term of office for which such member was appointed, unless said member's conduct is in violation of [~~this ordinance~~] §§ 2-6-1-1 et seq.

(A) *Qualifications*

(1) [~~All persons~~] Each person appointed to any public board, commission or committee shall normally be [~~residents of the City of Albuquerque~~] a resident of the city.

(2) No person regularly employed on a full-time basis by the City [~~of Albuquerque~~] shall be appointed to any public board, commission or committee; provided that the Mayor, Councillors or administrative officers of the City [~~of Albuquerque~~] may be appointed as ex officio members.

(3) No member of the immediate family of any elected city official shall be appointed to any public board, commission or committee.

(4) No person shall be a member of more than one public board, commission or committee at any one time

(5) No person shall serve more than two consecutive terms on any public board, commission or committee; provided that [~~neither a term of less than three years nor an unexpired term shall be considered to be a term as used in this limitation~~] if a person is appointed to fill an unexpired term of another person, 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.

(B) *Appointments*.

(1) Except as otherwise provided by ordinance the Mayor, with the advice and consent of the Council, shall appoint the members of the public boards, commissions and committees. An appointment is not effective until Council approves it.

(2) The members of each public board, commission or committee shall be appointed from the broadest possible base of the community at large and, to the fullest extent possible, the Mayor will seek information from interest groups as to potential appointees.

(3) [~~All appointments shall be made by~~] The Mayor shall send written notice of the appointment to the appointee, which notice shall clearly state that such appointment is made subject to all the provisions outlined herein, and the member so appointed may be removed by the Mayor for violation of any of the provisions hereby established.

(4) [~~All appointments~~] Each appointment shall be accepted in writing by the appointee confirming that such appointee accepts the policies outlined herein as a condition precedent to such appointee's appointment and holding office

(5) [~~All appointments~~] Each appointment shall be for [~~terms~~] a term of three years unless the appointment is to fill a vacancy. [~~provided that~~] The initial terms of members of newly established public boards, commissions and committees shall be staggered and shall be for either one, two or three years.

(6) Every member, unless removed as provided herein, shall hold office until a successor has been duly qualified unless the Council has voted not to approve that member for a reappointment, in which case, the member shall not serve beyond the date the member's current term expires or the date the Council votes not to approve the member, whichever is later.

(7) For all public boards, commissions or committees, whose members are not appointed based on recommendations of individual Councilors, the Council President may notify

the Mayor in writing that a term has expired or a position is otherwise vacant and the Mayor shall have 60 days to submit a recommended appointment to fill that position. If the Mayor fails to submit a name within 60 days of notification, the Council President shall have the right to make the appointment subject to the advice and consent of the City Council.

(C) *Conduct.*

(1) Any member of a public board, commission or committee may be removed from office by the Mayor or by an affirmative vote of two-thirds of all Councillors after due notice and hearing if such member has missed three consecutive meetings or has been absent from more than 50% of the meetings held during any twelve consecutive months.

(2) Any member of a public board, commission or committee may be removed from office by the majority of Mayor or by an affirmative vote of two-thirds of all Councillors after due notice and hearing if such member has violated any [~~of the provisions contained herin~~] law, regulation or charter provision, or for other good cause such as the intentional failure to carry out the duties of the board, commission or committee.

(D) *Number of Members*. Except as may be expressly provided otherwise in the ordinance or resolution establishing a specific public board, commission or committee, each public board, commission and committee shall consist of five members.
('74 Code, § 1-12-3) (Ord. 54-1975; Am. Ord. 60-1975; Am. Ord. 55-1992; Am. Ord. 35-2003; Am. Ord. 57-2003; Am. Ord. 1-2008; Am. Ord. 2-2008; Am. Ord. 8-2009)

[~~1-12-2~~] § 2-6-1-4 ORGANIZATION.

The following provisions shall govern the organizational structure of the public boards, commissions and committees.

(A) *Officers*.

(1) The minimum number of officers of any public board, commission or committee shall be not less than two officers (such as the [~~Chairman~~] Chairperson and Vice-[~~Chairman~~] Chairperson) and such other officers as such public board, commission or committee may deem necessary.

(2) All officers shall be elected by the members for a term of one year and no officer shall serve more than two consecutive terms.

(B) *Meetings*.

(1) All meetings of any public board, commission or committee shall be open to the public and, insofar as possible, shall be held at a city-owned facility.

(2) Reasonable notice shall be given to the public prior to any meeting of any public board, commission or committee. At least once a year, each public board, commission or committee shall determine what is reasonable notice to the public; provided that in no event shall notice be less than the notice required for Council meetings. Each public board, commission and committee shall post on the City Clerk's web site: its annual schedule of meetings upon adoption of its annual schedule of meetings; all changes in 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 disabled people needing assistance to attend and observe the meeting.

(3) Minutes shall be kept of each meeting and filed electronically with the City Clerk [~~and copies of the minutes shall be sent to the Mayor~~] by each public board, committee, and commission upon the approval of such minutes by the public board, committee, or commission. The City Clerk shall post all minutes received on the City Clerk's web site.

(4) Each public board, commission or committee shall meet at least quarterly provided that hearings by a public body in connection with an administrative adjudicatory proceeding need only occur as such cases are brought before such board, commission or committee.

(5) A majority of all the members of a public board, commission or committee shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting. A member of a public board, commission or committee may participate in a meeting of the public board, commission or committee by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time, members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting and a quorum of the public board, commission or committee is physically present at the meeting.

(6) Whenever a public meeting of a public board, commission or committee is allowed to go into closed session pursuant to the Open Meetings Act, Chapter 10, Article 15 NMSA 1978, only members of such public boards, commissions and committees, City staff assigned to such public board, commission or committee, attorneys representing the public board, commission or committee on the subject discussed in the closed session and people with expert knowledge concerning the subject matter discussed in the closed session may attend the closed session.

(C) *Rules and Regulations.*

(1) Each public board, commission or committee may promulgate such rules and regulations for its conduct as may be deemed necessary.

(2) If an ordinance or resolution establishing a public board, commission or committee provides that the public board, commission or committee may adopt rules and regulations pertaining to matters within its jurisdiction, the public board, commission or committee shall comply with the following procedures in adopting such rules and regulations.

(a) Notice of the public board, commission or committee'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 web site dedicated to the schedule of rule making hearings and meetings of public boards, commissions and committees and by giving written notice to the Mayor and the Chief Administrative Officer. 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 [~~Section 1-12-2B(2)~~] division (B)(2) hereof. 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.

(b) 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 [~~be~~] is given orally or in writing. In considering the proposed rule or regulation, the public board, commission or committee shall give due consideration to all such testimony.

(c) Notwithstanding [~~Section 1-12-2B(5)~~] division (B)(5) hereof, a proposed rule or regulation shall be deemed to have been adopted by the public board, committee or commission upon the affirmative vote of a majority of the entire membership of the public board, commission or committee plus one additional member thereof. The rules or regulations shall not go into effect until filed with the City Clerk as required in this section.

(d) All rules and regulations adopted by a public board, commission or committee 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 public board, commission or committee shall file the adopted rule or regulation electronically on the City Clerk's web site.

(e) The electronic filing requirement contained in the previous subparagraph shall also apply to all rules and regulations adopted by a pUblic board, commission or committee prior to the effective date of the requirement in this section to file rules and regulations electronically.

(D) Report. At least once each year, every public board, commission or committee shall present a written report to the Mayor and Council of its activities for the past year and any recommendations as may be deemed appropriate.
('74 Code, § 1-12-4) (Ord. 54-1975; Am. Ord. 60-1975; Am. Ord. 55-1992; Am. Ord. 43-2007)

[~~1-12-3~~] § 2-6-1-5 APPLICABILITY.

(A) The provisions contained herein shall apply to every public board, commission and committee of the City [~~of Albuquerque whether such public Board, commission or committee is established by ordinance, resolution or oterwise.~~]. In the event that any of the provisions contained herein conflict with any specific provision of any ordinance or resolution establishing a specific public board, commission or committee, such specific provision shall control.

(B) The provisions contained herein shall not apply to those boards, commissions, committees, task forces and other similar bodies established by city officials or employees but not appointed or consented to by the City Council, provided that such groups have no authority to make city policy, including the power to make rules and regulations.

(C) The prohibition contained in § 2-6-1-3(A)(2) shall not apply to the appointment of city employees to those public boards, commissions and committees which are established to perform a specific task or tasks and submit a report and which have a duration of not more than one year.

('74 Code, § 1-12-5) (Ord. 54-1975; Am. Ord. 60-1975; Am. Ord. 55-1992)