AQD EXHIBIT
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PENGAD 800-631-6989

CITY OF ALBUQUERQUE

LEGAL DEPARTMENT
(505) 768-4500

July 6, 1990

INTER-OFFICE CORRESPONDENCE REF:

TO: Sarah B. Kotchian, Director, Environmental Health Department

FROM: Adelia W. Kearny, Assistant City Attorney

SUBJECT: City of Albuquerque and County of Bernalillo Conflict of Interest Submissions

At the request of the Environmental Protection Agency, certified copies of the following are attached:

1. Sections 1-12-1 through 1-12-3, Public Boards, and Sections 2-3-1 through 2-3-13, Conflicts of Interest, Revised City of Albuquerque Ordinances, 1974; and Article XII, the Code of Ethics, from the City Charter; and

2. Bernalillo County Ordinance 85-3, the Code of Ethics.

The above ordinances and excerpt from the City Charter require the disclosure of all potential conflicts of interest by members of the Albuquerque-Bernalillo County Air Quality Control Board and meet the requirements of the Clean Air Act, Section 7428(a)(2), U.S.C.A.

CITY OF ALBUQUERQUE

By David S. Campbell
David S. Campbell
City Attorney

Dated: 7/6/90

Adelia W. Kearny
Adelia W. Kearny
Assistant City Attorney

AWK:ps
Attachments
3054Y
cc: Robert Harley, Chief Engineer

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

OFFICE OF THE CITY CLERK
(505) 768-3030

KAREN M. ACEVES
CITY CLERK

June 28, 1990

I, Karen M. Aceves City Clerk of the City of Albuquerque, New Mexico, a municipal corporation, hereby certify that Chapter 1 Article XII (Public Boards, Commissions and Committees, Chapter 2 Article III (Conflict of Interest) and Article XII (Code of Ethics) of The City of Albuquerque Revised Ordinance 1974, are true and correct copies of the original documents as maintained in the City Clerk's Office of which I am the Custodian.

Karen Aceves
City Clerk

June 28, 1990
Date

(Seal)

AN EQUAL OPPORTUNITY EMPLOYER

ARTICLE XII

PUBLIC BOARDS, COMMISSIONS AND COMMITTEES

Sections

1-12-1 Membership.
1-12-2 Organization.
1-12-3 Applicability.

1-12-1 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 and that any member of any public board, commission or committee in existence on the effective date of this ordinance shall complete the term of office for which such member was appointed, unless said member's conduct is in violation of this ordinance.

A. Qualifications:

1. All persons appointed to any public board, commission or committee shall normally be residents of the City of Albuquerque.

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 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.

B. Appointments:

1. The Mayor, with the advice and consent of the Council, shall appoint the members of the public boards, commissions and committees.

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 written notice of appointment to the appointee, which notice shall clearly state that such appointment is made subject to all the provisions outlined herein, and that members so appointed may be removed by the Mayor for violation of any of the provisions hereby established.

4. All appointments 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 shall be for terms 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.

C. Conduct:

1. Any member of a public board, commission or committee may be removed from office by the Mayor after due notice and hearing if such member has missed three consecutive meetings or has been absent from more than fifty percent of the meetings held during any twelve months' period of time.

2. Any member of a public board, commission or committee may be removed from office by the Mayor after due notice and hearing if such member has violated any of the provisions contained herein.

(54-1975, 60-1975)

1-12-2 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 and Vice-Chairman) 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.

3. Minutes shall be kept of each meeting and filed with the City Clerk and copies of the minutes shall be sent to the Mayor.

4. Each public board, commission or committee shall meet at least quarterly.

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.

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 and by giving written notice to the Mayor. Such notice shall be given at least fourteen 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) hereof. All such notices shall state the time and location of the meeting and contain a brief description of the proposed rule or regulation.

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 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) 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.

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.

D. 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.

(54-1975, 60-1975)

1-12-3 APPLICABILITY.

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 otherwise. 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.

(54-1975, 60-1975)