CITY OF ALBUQUERQUE

Office of the City Clerk
Amy B. Bailey, City Clerk
(505) 768-3030

May 21, 2012

I, Amy B. Bailey, City Clerk for the City of Albuquerque, New Mexico, a Municipal Corporation, hereby certify that the attached: Chapter 2: GOVERNMENT Article 6: PUBLIC BOARDS, COMMISSIONS AND COMMITTEES; is a true and correct copy of the original document which has been maintained by the office of the City Clerk and of which I am the custodian.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Amy B. Bailey, City Clerk

CITY OF ALBUQUERQUE

Office of the City Clerk
Amy B. Bailey, City Clerk
(505) 768-3030

May 21, 2012

I, Amy B. Bailey, City Clerk for the City of Albuquerque, New Mexico, a Municipal Corporation, hereby certify that the attached: Chapter 2: GOVERNMENT Article 6: PUBLIC BOARDS, COMMISSIONS AND COMMITTEES; is a true and correct copy of the original document which has been maintained by the office of the City Clerk and of which I am the custodian.

PO Box 1293

Albuquerque

NM 87103

Amy B. Bailey, City Clerk

www.cabq.gov

ARTICLE 6: PUBLIC BOARDS, COMMISSIONS AND COMMITTEES

Section

Part 1: General Provisions

2-6-1-1 Short title
2-6-1-2 Definition
2-6-1-3 Membership
2-6-1-4 Organization
2-6-1-5 Applicability

Part 2: Boards, Commissions and Committees Defense and Indemnification

2-6-2-1 Short title
2-6-2-2 Purpose
2-6-2-3 Definition
2-6-2-4 Defense and indemnification

Part 3: Information Services Committee

2-6-3-1 Committee created
2-6-3-2 Duties, responsibilities, and powers
2-6-3-3 Process

Part 4: Records Analysis and Disposal Committee

2-6-4-1 Policy
2-6-4-2 Committee
2-6-4-3 Definition
2-6-4-4 Procedure
2-6-4-5 Correlation
2-6-4-6 Further recommendation

Part 5: Joint Advisory Commission on Persons with Disabilities

2-6-5-1 Membership
2-6-5-2 Terms
2-6-5-3 Powers and duties
2-6-5-4 Organization
2-6-5-5 Assistance

Part 6: Commission on Indian Affairs

2-6-6-1 Intent
2-6-6-2 Creation
2-6-6-3 Terms and appointment
2-6-6-4 Powers and duties

Part 7: Youth Advisory Council

2-6-7-1 Intent
2-6-7-2 City of Albuquerque Youth Advisory Council created
2-6-7-3 Membership
2-6-7-4 Duties
2-6-7-5 Organization

Part 8: Water Protection Advisory Board

2-6-8-1 Short title
2-6-8-2 Definitions
2-6-8-3 Purpose
2-6-8-4 Board created
2-6-8-5 Organization; meetings
2-6-8-6 Staff
2-6-8-7 Duties and powers of the Board

Part 9: Albuquerque Commission on Immigrant Affairs and Services

2-6-9-1 Purpose
2-6-9-2 Membership
2-6-9-3 Terms of office
2-6-9-4 Organization
2-6-9-5 Responsibilities, powers and duties
2-6-9-6 Assistance and staff support

Part 10: New Mexico Veterans Memorial Review Committee

2-6-10-1 Purpose
2-6-10-2 Definitions
2-6-10-3 Findings
2-6-10-4 The New Mexico Veterans Memorial Review Committee created
2-6-10-5 Authorization of other permanent memorials and policies for the creation and installation of memorials at the New Mexico Veterans Memorial

Part 11: Public Safety Tax Advisory Board

2-6-11-1 Short title
2-6-11-2 Findings and public policy
2-6-11-3 Membership, terms and appointments
2-6-11-4 Duties

Cross-reference:

Accountability in Government Oversight Committee, see § 2-10-5
Administrative Real Property Review Board, see § 5-2-2(A)
Airport Advisory Board, see § 7-1-2-1 et seq.
Albuquerque Arts Board, see § 10-5-3
Albuquerque Cable Television Advisory Board, see § 13-5-2-1
Albuquerque Sister-City Board, see § 10-7-1
Anderson/Abruzzo International Balloon Museum Board of Trustees, § 10-4-5-1
Beautification Committee, § 14-13-3-5
Biological Park Advisory Board, § 10-2-2-1 et seq.
City Labor-Management Relations Board, see § 3-2-15
City of Albuquerque's Greater Albuquerque Bicycling Advisory Committee, see § 14-13-3-6
City of Albuquerque's Greater Albuquerque Recreational Trails Committee, see § 14-13-3-8
City Purchasing Standards and Specifications Committee, see § 5-5-8
Commission on Alcohol and Substance Abuse, see §§ 9-1-1-1 et seq.
Conference Committee on the Budget, see § 2-11-11
Debarment Appeals Board, see § 5-7-5
Development Commission, see § 14-8-6-1 et seq.
Energy Conservation Council, see § 14-8-5-1 et seq.
Environmental Planning Commission, see §§ 14-13-3-1 et seq.
Explora Science Center Advisory Board, see § 10-4-2-2
Government Cable Channel Board of Directors, see § 13-5-2-2
Hispanic Cultural Center Advisory Committee, see § 10-4-4-1 et seq.
Housing and Neighborhood Economic Development Committee, see § 4-2-2-4(A)
Human Rights Board, see §§ 11-3-4 - 11-3-6
Investment Committee, see § 4-1-9
Joint Air Quality Control Board, see § 9-5-1-3
Landmarks and Urban Conservation Commission, see § 14-12-5
Library Advisory Board, see § 10-6-1
Lodgers' Tax Advisory Board, see § 4-4-13
Metropolitan Environmental Health Advisory Board, see §§ 9-5-6-1 et seq.
Metropolitan Parks and Recreation Advisory Board, see §§ 10-1-2-1 et seq.
Metropolitan Redevelopment Agency, see § 14-8-4-1 et seq.
Municipal Golf Advisory Board, see § 10-8-1
Neighborhood Associations, see § 14-8-2-1 et seq.
Old Town Portal Market Advisory Board, see § 13-3-2-7
Open Space Advisory Board, see § 14-13-3-7
Performing Arts Center Board of Trustees, see § 10-4-3-1 et seq.
Personnel Board, see § 3-1-4
Police Oversight Commission, see §§ 9-4-1-1 et seq.
Public Museum Board of Trustees, see § 10-4-1-3
Risk Management Claims Review Board, see § 2-8-2-6
Selection Advisory Committee for professional services, see §§ 14-7-2-1 et seq.
Supplemental Retirement Fund Committee, see § 3-7-3
Technical Standards Committee, see § 14-5-2-15
Urban Enhancement Trust Fund Citizens Committee, see § 4-2-1-3(D)
Urban Renewal Agency, see § 14-8-3-1 et seq.
(Zoning) Board of Appeals for Special Zoning Exceptions, see §§ 14-8-7-1 et seq.

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 NMSA 1978, as amended and as supplemented from time to time, to be open to the public.
('74 Code, § 1-12-2) (Ord. 55-1992)

§ 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; provided that the provisions relating to qualifications and appointment of members of public boards, commissions and committees of the city shall apply only to members who are appointed after the effective date of §§ 2-6-1-1 et seq. and that any member of any public board, commission or committee in existence on the effective date of §§ 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 §§ 2-6-1-1 et seq.

(A) *Qualifications.*

(1) Each person appointed to any public board, commission or committee shall normally be a resident of the city.

(2) No person regularly employed on a full-time basis by the city 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 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) 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) 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) Each appointment shall be for a term of three years unless the appointment is to fill a vacancy. 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 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)

§ 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 Chairperson and

Vice-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 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 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 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 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)

§ 2-6-1-5 APPLICABILITY.

(A) The provisions contained herein shall apply to every public board, commission and committee of the city. 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)

PART 2: BOARDS, COMMISSIONS AND COMMITTEES DEFENSE AND INDEMNIFICATION

§ 2-6-2-1 SHORT TITLE.

Sections 2-6-2-1 et seq. shall be known and may be cited as the "Boards, Commissions and Committees Defense and Indemnification Ordinance."
('74 Code, § 1-23-1) (Ord. 7-1991)

§ 2-6-2-2 PURPOSE.

The purpose of §§ 2-6-2-1 et seq. is to establish a policy of the city that the city will defend and indemnify members of the city's boards, commissions and committees from claims brought against such members while acting within the scope of the members' duties, responsibilities and service on city boards, commissions and committees.
('74 Code, § 1-23-2) (Ord. 7-1991)

§ 2-6-2-3 DEFINITION.

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

MEMBER. A member of any of the city's boards, commissions and committees established by Charter, ordinance or resolution.
('74 Code, § 1-23-3) (Ord. 7-1991)

§ 2-6-2-4 DEFENSE AND INDEMNIFICATION.

(A) The city shall provide a defense, including costs and attorneys' fees, for a member when liability is sought for:

(1) Any tort alleged to have been committed by the member while acting within the scope of the member's duties, responsibilities and service on a city board, commission or committee; or

(2) Any violation of property rights or any rights, privileges or immunities secured by the constitution and laws of the United States or the constitution and laws of New Mexico when alleged to have been committed by the member while acting within the scope of the member's duties, responsibilities and service on a city board, commission or committee.

(B) The city shall pay any settlement or final judgment entered against a member for:

(1) Any tort alleged to have been committed by the member while acting within the scope of the member's duties, responsibilities and service on a city board, commission or committee; or

(2) Any violation of property rights or any rights, privileges or immunities secured by the constitution and laws of the Unites States or the constitution and laws of New Mexico when alleged to have been committed by the member while acting within the scope of the member's duties, responsibilities and service on a city board, commission or committee.

(C) The city shall have the right to recover from a member of the city's boards, commissions and committees the amount expended by the city to provide a defense and pay a settlement agreed to by the member or to pay a final judgment if it is shown that while acting within the scope of the member's duties, responsibilities and service, the member acted fraudulently or with actual intentional malice causing bodily injury, wrongful death or property damage resulting in the settlement or final judgment.
('74 Code, § 1-23-4) (Ord. 7-1991)

PART 3: INFORMATION SERVICES COMMITTEE

§ 2-6-3-1 COMMITTEE CREATED.

(A) An Information Services Committee is hereby created.

(B) The Committee shall be composed of seven members serving staggered terms; terms shall be three years, except the initial terms shall vary in length so that at least one position of the Committee shall expire each year. Four members shall be city employees, no two of whom shall be from the same department; one shall be the Director of the Information Systems Division of the Department of Finance and Management and one shall be from City Council staff. Three members shall not be city officials or employees; they shall be people knowledgeable in information systems, who would have no conflict of interest or likely future conflict of interest in making recommendations and decisions as members of the Committee.

(C) The chairmanship of the Committee shall annually rotate between the two city members other than the Director of Information Systems Division, or the City Council staff member.

(D) Matters concerning membership and organization shall be as set forth in §§ 2-6-1-1 et seq. unless otherwise provided herein.

(E) The Committee should report, administratively, to the Mayor. The Mayor shall provide staff support to the Committee.
('74 Code, § 1-21-1) (Ord. 46-1990)

§ 2-6-3-2 DUTIES, RESPONSIBILITIES, AND POWERS.

(A) The Committee shall develop and recommend to the City Council for adoption an Information Services Master Plan for the evaluation of information technology within the city government; the Committee shall recommend amendments of the Master Plan when appropriate. The Master Plan should be amended by the City Council at appropriate intervals to keep it current, but no amendment may be made without the evaluation of the Committee. The Master Plan should contain city-wide objectives such as the following:

(1) Data and software within the city will be shared to the extent possible; and

(2) The city will develop an integrated communications network for delivery of data, voice, image, and video information.

(B) The Committee shall study and establish standards governing the city's acquisition and use of information technology. These city-wide standards should include but not be limited to the following:

(1) Methodologies for project management and system development;

(2) Centrally coordinated spending for equipment, software contracts, and consultants, to assure consistency with the city's Information Services Master Plan;

(3) Compatibility standards for equipment, software languages, distributed-processing policy, security control, and data base management;

(4) Standards for all network services and interface requirement;

(5) Data base standards for compatibility, consistency, retrieval, and consolidation;

(6) Standards for quality assurance governing consulting, advising, monitoring, and auditing distributed processing activities;

(7) Standards for disaster recovery; and

(8) Standards for an information systems security program.

(C) The Committee shall review and, working with the Chief Administrative Officer, assure that a data administration function is implemented and is effectively being performed.

(D) Each city department shall prepare an information systems plan annually and submit it to the Committee for approval. In addition to reviewing these annual plans, the Committee shall also review, on an ongoing basis, all proposed information services activities for adherence to the Information Services Master Plan and to city-wide standards. No significant change in type or level of information services activities and no significant information services initiative shall occur without the approval of the Committee. The Committee shall establish a minimum level of information services activities which shall require review and approval by the Committee.
('74 Code, § 1-21-2) (Ord. 46-1990)

§ 2-6-3-3 PROCESS.

(A) *Budgeting.* Information systems projects should come before the Committee prior to presentation to the City Council as part of a proposal for the operating budget or capital improvements program; this includes joint city-county projects. While the Mayor has the right to make a proposal contrary to the advice of the Committee, the action of the Committee shall be conveyed to the Council along with each information systems project proposed for funding.

(B) *Appeal.* Binding decisions of the Committee may be appealed to the Mayor by filing an appeal within 15 days of the Committee decision. The Mayor shall decide the matter within 15 days.
('74 Code, § 1-21-3) (Ord. 46-1990)

PART 4: RECORDS ANALYSIS AND DISPOSAL COMMITTEE

§ 2-6-4-1 POLICY.

The City Council recognizes its responsibility to encourage the modernization and development of business methods in City government which result in efficiency and improvement of service. The Council also recognizes its responsibility for the retention of records for the orderly processes of government in the event that disaster should reduce records and procedures to chaos.
('74 Code, § 1-5-1) (Ord. 1796)

§ 2-6-4-2 COMMITTEE.

The Mayor is hereby authorized and directed to establish a committee for the study and disposal of City government records, papers and instruments of every kind and nature.
('74 Code, § 1-5-2) (Ord. 1796)

§ 2-6-4-3 DEFINITION.

For the purpose of §§ 2-6-4-1 et seq. the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC RECORDS. All documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of the city and relate to public business, whether or not the records are required by law to be created or maintained. Library or museum material made or acquired solely for reference, circulation or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.
('74 Code, § 1-5-3) (Ord. 1796; Am. Ord. 29-2007)

§ 2-6-4-4 PROCEDURE.

The committee shall proceed expeditiously to analyze the public records of the City in an orderly manner and to perform the following functions:

(A) Classify public records as distinguished from excluded public records hereinabove described.

(B) Authorize the destruction of retained items which do not come within the fair meaning of "public records" above described and prepare concise and accurate records of such action.

(C) Analyze the public records and insofar as possible determine:

(1) What records if any are retained by law;

(2) What records, if any, are retained by ordinance;

(3) For what period such records are required to be retained;

(4) What other items should be retained and in what way or place, having in mind the possibility of war or other disaster;

(5) What records would be copied for further preservation; and

(6) Methods by which unnecessary duplication of records and maintenance thereof may be avoided.
('74 Code, § 1-5-4) (Ord. 1796)

§ 2-6-4-5 CORRELATION.

In the performance of this duty the Mayor is directed to correlate this program where possible with that of the State Commission of Public Records.
('74 Code, § 1-5-5) (Ord. 1796)

§ 2-6-4-6 FURTHER RECOMMENDATION.

The committee is directed to recommend to the City Council as soon as possible such further action in this matter as is consistent with efficient record keeping.
('74 Code, § 1-5-6) (Ord. 1796)

PART 5: JOINT ADVISORY COMMISSION ON PERSONS WITH DISABILITIES

§ 2-6-5-1 MEMBERSHIP.

The Joint Advisory Commission on Persons with Disabilities, hereinafter referred to as the "Commission," shall be composed of ten members to be appointed as follows:

(A) Four members shall be residents of Bernalillo County and shall be appointed by the Bernalillo County Commission;

(B) Six members shall be residents of the City of Albuquerque and shall be appointed by the Mayor with the advice and consent of the Council;

(C) At least two of the members appointed by the Bernalillo County Commission and four of the members appointed by the Mayor shall be persons with a disability.
(Ord. 37-1994)

§ 2-6-5-2 TERMS.

The terms of the members of the Commission shall be for three years and shall begin on October 1; the years in which terms begin shall be staggered, consistent with the continuing Commission terms created under prior resolutions; no more than four members' terms shall terminate in any given year.
(Ord. 37-1994)

§ 2-6-5-3 POWERS AND DUTIES.

The powers and duties of this Commission shall be as follows:

(A) The Commission shall study the problems and the programs for people with disabilities, including, but not limited to, those in the areas of housing, human rights, employment, recreation and transportation.

(B) The Commission shall review and recommend program funding sources.

(C) The Commission shall advise the Mayor, City Council and Bernalillo County Commission on programs to provide services to persons with disabilities, including but not limited to the areas outlined in division (A) above. The Commission shall make recommendations regarding short- and long-range priorities in these areas, regarding a comprehensive program for persons with disabilities and regarding coordination of programs funded by different sources.

(D) The Commission shall promote the understanding of the problems of and the programs for persons with disabilities among public officials, volunteer agencies and residents of the city and county.

(E) The Commission shall comply with all applicable policies, ordinances, resolutions, rules and regulations of the City of Albuquerque and the County of Bernalillo. Except as otherwise provided herein, the city members of the Commission shall be governed by the provisions of §§ 2-6-1-1 et seq., the Public Boards, Commissions and Committees Ordinance.

(F) The Commission shall cooperate with other boards, commissions and committees to further the cause of persons with disabilities.

(G) The Commission shall make written annual reports to the Bernalillo County Commission, City Council and Mayor.
(Ord. 37-1994)

§ 2-6-5-4 ORGANIZATION.

The organizational structure of the Commission shall be as follows:

(A) *Officers.*

(1) The minimum number of officers of the Commission shall be not less than two officers (such as the Chairperson and Vice-Chairperson), one of whom shall be a County-appointed member, plus such other officers as the Commission 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 the Commission shall be open to the public and insofar as possible shall be held at a facility owned either by the city or the county.

(2) Reasonable notice shall be given to the public prior to any meeting of the Commission. At least once a year, the Commission shall determine what is reasonable notice to the public of its meetings; 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 and the Bernalillo County Commission.

(4) The Commission shall meet at least quarterly.

(5) A majority of all the members of the Commission shall constitute a quorum for the transaction of business. A motion shall carry upon the alternative vote of the majority of the members present at any meeting.

(C) The Commission may promulgate such rules and regulations for its conduct as may be deemed necessary.
(Ord. 37-1994)

§ 2-6-5-5 ASSISTANCE.

Upon request, the County Manager and the Mayor shall provide assistance for such staff and resources as is feasible and within existing budget limitations.
(Ord. 37-1994)

PART 6: COMMISSION ON INDIAN AFFAIRS

§ 2-6-6-1 INTENT.

It is the purpose of §§ 2-6-6-1 et seq., to promote the health, safety and general welfare of its citizenry through the creation of a Commission on Indian Affairs to serve as an advocate of Indian affairs to investigate, study and consider the subject of Indian conditions within the City of Albuquerque, including, but not limited to, matters of employment, education, economy, health, environment, government, and access to services in the City.
(Ord. 20-1995)

§ 2-6-6-2 CREATION.

There is hereby created the "Commission on Indian Affairs" of the City, consisting of five members, all of whom shall be residents of the City. Except as provided in §§ 2-6-6-1 et seq., the qualifications, appointment and conduct of the members of the Commission and the organizational structure of the Commission shall be governed by § 2-6-1-1, et seq. ROA 1994.
(Ord. 20-1995)

§ 2-6-6-3 TERMS AND APPOINTMENT.

The Mayor, with the advice and consent of the Council, shall appoint the members of the Commission. The term of office of each member of the Commission shall be three years; of the board members first named, however, two shall have terms ending October 1, 1995, two shall have terms ending October 1, 1996, and one shall have a term ending October 1, 1997. The Mayor shall determine which member is to serve which term.
(Ord. 20-1995)

§ 2-6-6-4 POWERS AND DUTIES.

The Board shall:

(A) Serve as an advocate of Indian affairs by acting as a liaison between the City and the Indian community in order to bring Indian concerns to the City's attention; by educating the City on the problems of Indian citizens of Albuquerque; by researching the economic conditions of Indians in Albuquerque and the economic contributions of Indians to the City; and by researching the social, economic, environmental, health, educational, and governmental problems which affect Indian people.

(B) Improve the employment opportunities of Indians in the City's public and private sectors by monitoring the employment of Indians in the work force and encouraging parity of employment; by developing methods to enable employers to recruit, hire, train and promote Indians; and by developing and maintaining a hiring pool of qualified Indians for employment consideration.

(C) Work with the Indian community to increase awareness of and access to services and programs in the City of Albuquerque; and monitor statistical data and advise the Mayor regarding the number of Indian citizens accessing City services.

(D) Support economic development for Indian entrepreneurs including educating Indian business enterprises as to the process(es) for acquiring government contracts.

(E) Make recommendations to the Mayor for placement of Indians on City boards, committees and commissions.

(F) Provide an opportunity for the presentation and exchange of ideas in respect to Indian affairs of the City by all interested persons.

(G) Submit annually a written report of its activities and an evaluation of the effectiveness of §§ 2-6-6-1 et seq. to the Mayor and the City Council with recommendations for changes.
(Ord. 20-1995)

PART 7: YOUTH ADVISORY COUNCIL

§ 2-6-7-1 INTENT.

The intent of §§ 2-6-7-1 et seq. is to formalize the way the City collects information from youth about City programs and policies that affect them by creating and describing the powers of the City of Albuquerque Youth Advisory Council.
(Ord. 4-1997)

§ 2-6-7-2 CITY OF ALBUQUERQUE YOUTH ADVISORY COUNCIL CREATED.

There is hereby created a Youth Advisory Council (Council) which shall be composed of up to twenty-one (21) youth representatives, 13 to 20 years of age, who reside within the Albuquerque City limits.
(Ord. 4-1997)

§ 2-6-7-3 MEMBERSHIP.

The members of the City Youth Advisory Council shall be selected as follows:

(A) Once each year, an open call for youth volunteers to apply for the Youth Advisory Council shall be publicized and promoted by the City.

(B) Youth responding to the open call shall submit a one-page essay describing why they should be selected for the Council. A parent or guardian of the responding youth shall be required to sign the essay, indicating their support of the application.

(C) From the letters submitted from the open call, the Mayor, with the advice and consent of the City Council, shall appoint youth to serve on the Youth Advisory Council.

(D) Terms of office shall be three years. The initial group of members shall have staggered terms, such that one-third of the original membership will have a one-year term, one-third shall have a two-year term, and the remainder shall have a three-year term. The Mayor shall determine which member is to serve which term.

(E) Any vacancy occurring other than by expiration of term shall be filled by appointment of the Mayor with the advice and consent of the City Council, and such appointment shall be for the unexpired term of the member whom he/she is to succeed.
(Ord. 4-1997)

§ 2-6-7-4 DUTIES.

The powers and duties of the Youth Advisory Council shall be as follows:

(A) Advise the Mayor and City Council on City programs geared toward youth, including the need for new or expanded programs.

(B) Facilitate at least two "Job Shadow" days each year to enable other youth to learn more about City programs and possible career fields.

(C) Serve as the Mayor's liaison to other youth-oriented organizations.

(D) Annually develop and implement a public service project.

(E) Promote and assist in the establishment of effective programs for the prevention of delinquency, youth crimes, crimes against youth, and neglect.

(F) Other duties requested by the City.
(Ord. 4-1997)

§ 2-6-7-5 ORGANIZATION.

(A) *Officers.*

(1) The minimum number of officers of the Council shall be not less than two officers (such as the Chairperson and Vice Chairperson), plus such other officers as the Council 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 in the same office.

(B) *Meetings.*

(1) All meetings of the Council shall be open to the public and, insofar as possible, shall be held at a City-owned facility.

(2) The Council shall meet at least quarterly.

(3) A majority of all the members of the Council 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 at which a quorum is present.

(C) *Staff support.* City staff support for the Council shall come from the Department of Family and Community Services.
(Ord. 4-1997)

PART 8: WATER PROTECTION ADVISORY BOARD

§ 2-6-8-1 SHORT TITLE.

This ordinance shall be known and may be cited as the "Water Protection Advisory Board Ordinance." (Ord. 36-1997; Am. Ord. 39-2006)

§ 2-6-8-2 DEFINITIONS.

For purposes of this ordinance, the following definitions shall apply:

AUTHORITY. The Albuquerque Bernalillo County Water Utility Authority.

AUTHORITY EXECUTIVE DIRECTOR. Executive Director of the Albuquerque Bernalillo County Water Utility Authority or his or her authorized representative.

BOARD. The Water Protection Advisory Board created by this ordinance.

CHIEF ADMINISTRATIVE OFFICER. Chief Administrative Officer of the City of Albuquerque or his or her authorized representative.

CITY. City of Albuquerque, New Mexico.

CITY COUNCIL. Albuquerque City Council.

COUNTY. County of Bernalillo, New Mexico.

COUNTY COMMISSION. Board of County Commissioners of Bernalillo County.

COUNTY MANAGER. County Manager of Bernalillo County or his or her authorized representative.

GROUND WATER PROTECTION POLICY AND ACTION PLAN or ***"GPPAP."*** The Albuquerque/Bernalillo County Ground-Water Protection Policy and Action Plan, adopted by the County in Resolution No. AR 121-93 on November 23, 1993, and the City in Resolution No. R-57, Enactment No. 81-1994, on August 12, 1994.

MAYOR. Mayor of the City of Albuquerque or his or her authorized representative.

POLICY IMPLEMENTATION COMMITTEE. The joint City/Authority/County committee, co-chaired by the County Manager, the Authority Executive Director, and the Chief Administrative Officer or their designees, which is charged with implementing GPPAP or other water quality protection programs at the administrative level and providing oversight and policy direction. (Ord. 36-1997; Am. Ord. 39-2006)

§ 2-6-8-3 PURPOSE.

The purpose of the Water Protection Advisory Board Ordinance is to establish a combined City, Authority, and County advisory board to:

(A) Study and advise the City, the Authority, and the County on surface and ground water protection concerns, including policies necessary to enhance protection of surface and ground water quality;

(B) Oversee implementation of the Ground Water Protection Policy and Action Plan;

(C) Promote consistency in City, Authority, and County actions to protect surface and ground water quality; and

(D) Advocate effective protection of surface and ground water quality.
(Ord. 36-1997; Am. Ord. 39-2006)

§ 2-6-8-4 BOARD CREATED.

(A) *Creation.* There is hereby created a Water Protection Advisory Board.

(B) *Membership.* The Board shall consist of nine members, three of whom shall be appointed by the Mayor with the advice and consent of the City Council, two of whom shall be appointed by the Authority, and three of whom shall be appointed by the County Commission. One member shall be appointed jointly by the County Commission and the Mayor with the advice and consent of the City Council. Initial membership shall consist of existing Groundwater Protection Advisory Board appointed members.

(C) *Terms.* Members shall be appointed for three year terms. No member shall serve more than two consecutive terms at a time. Members whose terms

expire may continue to serve until a successor member is appointed. In such case when a new member is appointed, the term shall relate back to the time of expiration of the previous term. Service for a partial term of greater than two years constitutes a term for the purpose of determining the consecutive number of terms permissible. The terms of the members of the Board shall be staggered so that three members' terms shall expire each calendar year. The jointly-appointed member shall be appointed for a three-year term. Existing Groundwater Protection Advisory Board members shall continue to serve on the Water Protection Advisory Board until their terms expire.

(D) *Vacancies.* Vacant positions occurring as a result of an expired term shall be filled by the entity that appointed the outgoing member. Vacant positions occurring for reasons other than an expired term shall be filled by the entity that appointed the departing member, with the replacement member serving for the remainder of the unexpired term.

(E) *Qualifications.*

(1) Board members shall represent the public interest and have a commitment to surface or ground water protection. Due to the complexity of the issues involved in surface and ground water protection, members preferably should have some technical proficiency in surface or ground water matters. Also, because surface and ground water protection concerns may vary by geographic location and type of water and wastewater systems used, members should be representative of the diverse geographic range of the City and the County.

(2) City-appointed members shall be residents of the City and County-appointed members shall be residents of the County. The jointly-appointed member shall be a resident of the County. Authority-appointed members shall reside within the Authority service area.

(3) No person employed on a full time basis by either the City, the Authority, or the County shall be appointed to the Board. No elected City or County official, and no member of the immediate family of an elected City or County official, shall be appointed to the Board.

(F) *Removal.* A member of the Board may be removed from office by the appointing entity for any one or more of the following reasons.

(1) The member has been absent from three consecutive meetings, unless the absence was excused by the Chair. For this purpose, being absent is defined as not being in attendance 75% or more of the duration of each officially called meeting.

(2) The member has been absent, whether excused or not, from more than 50% of the meetings during any twelve consecutive months.

(3) The member is incapacitated, neglectful of duty, or commits malfeasance in office, as determined by the appointing entity.
(Ord. 36-1997; Am. Ord. 39-2006)

§ 2-6-8-5 ORGANIZATION; MEETINGS.

(A) *Officers.* Annually, in the first quarter of the calendar year, the Board shall elect a Chair, Vice-Chair, and any other officers which the Board deems appropriate. Officers shall be elected by vote of the majority of the Board members. Officers shall be elected for one-year terms. No officer shall serve in the same position for more than two consecutive terms at a time. Existing Groundwater Protection Advisory Board officers shall continue to serve on the Water Protection Advisory Board until their term expires.

(B) *Meetings.*

(1) The Board shall hold meetings at least once a month, unless a quorum is unavailable despite best efforts to schedule a convenient meeting or for other good reason, to meet workload demands during the initial implementation of GPPAP. Should the workload diminish sufficiently, as determined by the Board, the Board may reduce its meeting schedule to no less than quarterly. The Board shall meet a minimum of four times a year.

(2) All meetings shall be in compliance with the provisions of the Open Meetings Act.

(C) *Conduct of Business.* Unless the Board adopts other written rules to govern its proceedings, the Board shall conduct business according to *Robert's Rules of Order*, which the Board may modify in writing as it deems appropriate. A quorum of five members shall be necessary to transact business, adopt motions, or conduct voting. Actions may be decided by a majority of the members present.

(D) *Records.* A record shall be kept of all meetings of the Board, including the vote of each member on each action. The records shall be filed with the City and County Clerks and shall be made available for public inspection at reasonable times.

(E) *Conflict of Interest.*

(1) Any member who has a conflict of interest regarding a policy, decision, or determination before the Board or one of its committees or work groups on which the member serves shall, as soon as possible after the conflict of interest becomes apparent, disclose the nature of the conflict to each of the other members voting on the matter. Disclosures shall be recorded. Disclosure of a conflict of interest shall not disqualify a member from participating in any discussion, debate, or vote on the matter unless:

(a) A majority of the remaining members voting on the matter determines that, for reasons of propriety, the member should not participate or vote on the matter; or

(b) The member voluntarily disqualifies himself or herself.

(2) For purposes of this ordinance, a ***CONFLICT OF INTEREST*** means that the member, member's spouse, or member's minor child has an adverse or financial interest in the outcome of any policy, decision, or determination before the Board or one of its committees or work groups on which the member serves.
(Ord. 36-1997; Am. Ord. 39-2006)

§ 2-6-8-6 STAFF.

(A) The Chief Administrative Officer, the Executive Director, and the County Manager shall provide staff and resources, including the services of the Policy Implementation Committee, as necessary and appropriate to assist the Board.

(B) The City, the Authority, and the County may jointly fund a contract for professional, technical, or administrative services to be supplied to the Board or the Policy Implementation Committee as necessary to meet their responsibilities. In the event of a jointly funded contract, each government's ordinances and regulations on approval of contracts for these services shall apply only to the amount of the contract that will be paid by the government, after any reimbursement from the other government, and not to the total contract amount.
(Ord. 36-1997; Am. Ord. 39-2006)

§ 2-6-8-7 DUTIES AND POWERS OF THE BOARD.

(A) There is hereby delegated to the Board the following power and authority:

(1) *Study.* The Board shall study means of protecting and improving ground water quality.

(2) *Advisory Functions.* The Board shall advise the Mayor and the City Council, the Authority, the County Commission, the Environmental Planning Commission and the County Planning Commission, and City, Authority, and County staff on protection of the surface and ground water, including recommended policies on surface and ground water protection measures; ordinances appropriate for effecting such policies, based on GPPAP; the adequacy of surface and ground water protection staffing, budgets and progress; and other appropriate matters.

(3) *Oversight Functions.* The Board shall oversee the implementation of GPPAP; monitor and review City, Authority, and County actions to protect the surface and ground water; foster the continued cooperation of the City, Authority, and County in surface and ground water protection; and promote consistency in City, Authority, and County surface and ground water protection measures.

(4) *Public Education and Advocacy.* The Board shall engage in public education and advocacy for the effective protection of surface and ground water quality by public officials as well as residents of the City, the Authority service area, the County, and their environs.

(5) *Reports.* The Board shall report at least annually to the Authority, County Commission and the Mayor and the City Council on its activities, progress made in implementing GPPAP, and any recommendations for additional policies or ordinances to protect surface and ground water quality. At least every five years, the Board shall undertake a comprehensive review and evaluation of the effectiveness of GPPAP and recommend any necessary changes to it.

(6) *Other Duties, Responsibilities, and Powers.* The Board shall have other duties, responsibilities, and powers as may be jointly delegated to it by the City Council, the Authority, and the County Commission.

(7) *Comprehensive Surface Water Quality Assessment and Implementation Program.* The Board shall work with City, County, and Authority staff in outlining and developing programs for surface water in addition to existing ground water protection programs. The Board shall work with staff in developing a timeline for implementation of the activities including costs, responsibilities and other issues related to surface water protection.

(B) *Committees and Work Groups.* The Board may form committees to assist the Board with its assigned duties, responsibilities, and powers. Committees shall consist of members of the Board selected by the Board. The Board also may form advisory work groups to carry out specific assignments that will assist the Board in performing its duties and responsibilities. The Board may establish the specific assignments and set guidelines and timetables for the work group in performing its work. At least one Board member, selected by the Board, shall serve on a work group. The Board may invite members of the general public, City, Authority, or County staff, or elected officials to serve on its work groups as it deems appropriate.

(C) *Relationship of the Board to the Policy Implementation Committee.* The Board may take an advisory position on a matter that is different from the advisory position of the Policy Implementation Committee. The Board, however, shall not convey its advice to another governmental body without also conveying the different position of the Policy Implementation Committee on the same matter.
(Ord. 36-1997; Am. Ord. 39-2006)

PART 9: ALBUQUERQUE COMMISSION ON IMMIGRANT AFFAIRS AND SERVICES

§ 2-6-9-1 PURPOSE.

The Albuquerque Commission on Immigrant Affairs and Services (ACIAS) will serve an advocacy role for the immigrant communities living within the City of Albuquerque and will act as a liaison between the City and the immigrant communities. The ACIAS will recognize and inform the City on the contributions of immigrant communities. The ACIAS will study and advise the City as to the needs and problems of immigrant communities, including but not limited to those in the areas of housing, human rights, criminal justice/law enforcement, employment, education and healthcare. The ACIAS will make recommendations for the implementation of R-151, Enactment Number 9-2001 and evaluate its impact on Albuquerque's immigrant communities.
(Ord. 25-2001)

§ 2-6-9-2 MEMBERSHIP.

The ACIAS shall consist of no fewer than nine and no more than thirteen members appointed by the Mayor with the advice and consent of the Council. A simple majority of the ACIAS shall be immigrants. The Mayor will solicit recommendations for members from immigrant communities and from immigrant service and advocacy agencies and organizations.
(Ord. 25-2001)

§ 2-6-9-3 TERMS OF OFFICE.

The term of office of each member shall be three years. However, the initial board will have three members with one-year terms and three members with two-year terms. The remaining members will have three-year terms. The Mayor shall determine which members are to serve which terms.
(Ord. 25-2001)

§ 2-6-9-4 ORGANIZATION.

Matters concerning organization of the ACIAS shall be as set forth in Article 2-6-1-4 ROA 1994.
(Ord. 25-2001)

§ 2-6-9-5 RESPONSIBILITIES, POWERS AND DUTIES.

(A) In consultation/collaboration with the Department of Family and Community Services, recommend/propose a concrete plan for the creation and implementation of the City's Immigrant Resource Program.

(B) Analyze immigrant access to and use of City services and programs. Identify obstacles to access and recommend changes to overcome said obstacles. Work with immigrant communities to increase awareness of and access to City programs and services.

(C) Recommend objectives for a legislative agenda that encourages Congress to enact just and humane immigration reforms that provide immigrants and their families with rights in this country that are commensurate with human dignity and their status as taxpayers and contributing members of our community, and that the State of New Mexico Legislature revise its laws and policies for health care, education and driver's licenses such that immigrants and their families will have fair access to those services and privileges.

(D) Evaluate policies and practices of City departments for compliance with R-151, Enactment Number 9-2001 and recommend specific changes if needed.

(E) Recognize, document and disseminate contributions made by Albuquerque's immigrant communities.
(Ord. 25-2001)

§ 2-6-9-6 ASSISTANCE AND STAFF SUPPORT.

Upon request, the Mayor shall provide assistance and staff support as is feasible and within existing budget limitations.
(Ord. 25-2001)

PART 10: NEW MEXICO VETERANS MEMORIAL REVIEW COMMITTEE

§ 2-6-10-1 PURPOSE.

Establish policies for the creation and installation of Veterans' Memorials on City of Albuquerque property for wars and military actions and mementos specific to individuals, groups or events and creating the New Mexico Veterans Memorial Review Committee.
(Ord. 63-2001)

§ 2-6-10-2 DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

MEMENTO. A commemorative device, object and/or descriptive plaque that honors a New Mexico Veteran, group or event and his/her/their military experience.

MEMORIAL. A work of art, a memorial wall, a sculpture or statue or other construction which honors veterans or military action by the United States Government and includes an interpretative plaque.

NEW MEXICO VETERANS MEMORIAL PARK. The Veterans Memorial Park which identifies and honors the shared experiences of all New Mexico Veterans in all U.S. Military actions and which has facilities needed for private and public ceremonies and is the site for Memorials and Mementos related to New Mexico veterans. The New Mexico Veterans Memorial is a "park" within Phil Chacon Park and is located at 1100 Louisiana Blvd. SE.

NEW MEXICO VETERANS MEMORIAL GARDEN. The area of the Memorial Grounds that includes seven (7) specific venues designed to evoke memories of experiences common to all veterans.

NEW MEXICO VETERANS MEMORIAL REVIEW COMMITTEE. A three-member public committee representing appropriate City boards and agencies and appropriate veterans organizations which meets for purposes including review and approval of requests related to veterans memorials on the grounds of the N.M. Veterans Memorial Park.

VETERANS AND MILITARY AFFAIRS ADVISORY BOARD. Advisory Board to the Mayor for the identification of problems and needs faced by veterans and their dependents residing in the city of Albuquerque; the Board shall assist the Mayor in developing and implementing solutions where possible, that may alleviate or remedy these problems and needs.
(Ord. 63-2001)

§ 2-6-10-3 FINDINGS.

The City has considered relevant information including the input and participation of various groups including veterans groups, civic groups and military units in Albuquerque for the ongoing development and construction of the New Mexico Veterans Memorial based on the following criteria:

(A) Represents all veterans regardless of when they served, whether in peacetime or war;

(B) Represents all branches of military service, past, present and future;

(C) Honors men and women who have served in the military;

(D) Respects the multi-cultural backgrounds of all New Mexico Veterans;

(E) Includes or will include a range of facilities for public and private functions as well as for personal reflection; and

(F) Provides opportunities for the commemoration of both shared and personal military experiences through the creation and installation of complementary Memorials and Mementos.
(Ord. 63-2001)

§ 2-6-10-4 THE NEW MEXICO VETERANS MEMORIAL REVIEW COMMITTEE CREATED.

A New Mexico Veterans Memorial Review Committee is hereby created.

(A) *Membership.* The Committee shall be composed of three (3) members as designated by the group they represent: United Veterans' Council of Greater Albuquerque, the Mayor's Veterans and Military Affairs Advisory Board and the Albuquerque Arts Board. Additionally, ex-officio members shall include representatives of the Parks and Recreation Department and the Capital Implementation Program.

(B) *Selection of Committee Members.* The United Veterans' Council of Greater Albuquerque, the Mayor's Veterans and Military Affairs Advisory Board and the Albuquerque Arts Board will be sent a request by the City's Capital Implementation Program staff to identify a member to serve on the Committee, beginning with calendar year 2002.

(C) *Terms of Service.* The Committee members will begin in calendar year 2002 with the United Veterans Council representative serving three years, the Albuquerque Arts Board representative serving two years and the Mayor's Veterans and Military Affairs Advisory Board representative serving one year. Thereafter, each representative appointed will serve one three-year term.

(D) *Duties and Powers of the Committee.* The Review Committee shall develop criteria with which to evaluate complementary Memorial and Memento proposals including but not limited to who may submit requests for a Memorial or Memento and guidelines relating to content, size, design, location, maintenance plans and funding.

(E) *Chairperson.* The Chairperson of the Committee shall be selected annually by a vote of the Committee.

(F) *Staffing.* The Capital Implementation Program shall provide staff support to the Committee.
(Ord. 63-2001)

§ 2-6-10-5 AUTHORIZATION OF OTHER PERMANENT MEMORIALS AND POLICIES FOR THE CREATION AND INSTALLATION OF MEMORIALS AT THE NEW MEXICO VETERANS MEMORIAL.

(A) *Future Veterans Memorials.* Memorials funded in whole or in part by the City of Albuquerque to honor veterans of specific wars, branches of service, etc. will only be planned for and installed on the grounds of the New Mexico Veterans Memorial outside of the Garden, providing that the design, installation and maintenance plans are approved by the Review Committee and that they meet the criteria described herein together with other such criteria that may be developed by the Review Committee.

(B) *Military Hardware.* No military hardware or equipment may be permanently displayed out-of-doors on the New Mexico Veterans Memorial grounds. Generally, memorials and mementos will be distributed throughout the New Mexico Veterans Memorial grounds to emphasize the common experiences of all veterans.

(C) *Identifying Plaques.* Each approved Memorial must include a plaque that describes the Memorial, its designer or creator, source of funding and the year dedicated. The Review Committee will provide the format for the plaque, including its design and will stipulate media in which it will be fabricated. The sponsoring group or unit must pay for the cost of fabricating and installing the plaque.

(D) *Relocation of existing memorials and artwork.* Veterans Memorials, which are located in the community at sites other than at the New Mexico Veterans Memorial, are eligible to be moved to the New Mexico Veterans Memorial at the request of stakeholders, but must be approved by the Review Committee.
(Ord. 63-2001)

PART 11: PUBLIC SAFETY TAX ADVISORY BOARD

§ 2-6-11-1 SHORT TITLE.

Sections 2-6-11-1 et seq. may be cited as the "Public Safety Tax Advisory Board Ordinance".
(Ord. 26-2008)

§ 2-6-11-2 FINDINGS AND PUBLIC POLICY.

The City Council finds that ongoing review is needed to ensure that the use of the public safety tax most effectively and efficiently meets the needs of the growing and diverse City of Albuquerque. The Council further finds that periodic modifications to the use and distribution of public safety tax revenue may be necessary as the needs of Albuquerque residents change. The Council also finds that an independent advisory board is the most appropriate vehicle to review the use of the tax, recommend funding, and suggest changes, if necessary, in the distribution of public safety tax revenue.
(Ord. 26-2008)

§ 2-6-11-3 MEMBERSHIP, TERMS AND APPOINTMENTS.

There is hereby created a Public Safety Tax Advisory Board to review and recommend to the Council the use and distribution of the public safety tax imposed at § 4-3-8-1 et seq. ROA 1994.

(A) The Board shall consist of 13 members appointed by the Mayor with the advice and consent of the Council. Each Councillor shall nominate two persons to the Board who reside in his or her Council District, and the Mayor shall then appoint one of these nominees to the Board with the advice and consent of the Council. If the Mayor fails to make a timely appointment from the two names submitted by the Councillor, within 60 days of notification, the Councillor who submitted the names may appoint one of the two recommended members subject to the advice and consent of the Council. No members shall be employed by, be on the governing board of, receive compensation from, or otherwise have a real or perceived conflict of interest with an agency that could receive quarter cent public safety tax funding. The Mayor shall appoint the remaining four at-large members of the Board subject to the advice and consent of Council. The Board shall elect a chair from its members.

(B) Technical advisors shall serve as non-voting members of the Board. The technical advisors shall be appointed by the Mayor and consist of a representative from the City Departments that receive revenue from the public safety tax: Albuquerque Police Department, Albuquerque Fire Department and the Department of Family and Community Services.

(C) The term of office for the voting members of the Board shall be for three years unless the appointment is to fill a vacancy. However, the initial board will have four members with one-year terms, four members with two-year terms, and five members with three-year terms. At its first meeting, the Board shall determine which members serve the one-year, two-year or three-year terms through a random drawing. (Ord. 26-2008)

§ 2-6-11-4 DUTIES.

The duties of the Board shall be as follows:

(A) Review the use of the public safety tax revenue since its inception and how community conditions may have impacted actual use compared to the recommended matrix of uses outlined in Attachment A to Resolution No. R-03-239, Enactment No. 67-2003.

(B) Review the distribution of revenue among the three funded city departments and recommend changes, if necessary, to the percentage distribution among them.

(C) Assess if there has been supplantation of other city funds by the public safety tax revenue. This will include, but not be limited to, General Fund and Capital Implementation Program funds.

(D) Annually recommend to the Mayor and City Council a proposed use of public safety tax revenues for the upcoming fiscal year.
(Ord. 26-2008)