

**CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL**

COUNCIL BILL NO. O-20-36 ENACTMENT NO. 0-2020-039

SPONSORED BY: Klarissa J. Peña, Cynthia D. Borrego

1 ORDINANCE
2 AMENDING THE “AMUSEMENTS, RECREATION, CULTURE ORDINANCE” TO
3 ALIGN CERTAIN BOARD APPOINTMENTS WITH OTHER ART AND CULTURAL
4 BOARDS AND COMMISSIONS, CORRECT OUTDATED DEPARTMENT, DIVISION
5 AND PROGRAM NAMES, AND CLARIFY BOARD RELATONS TO MUNICIPAL
6 HIRING PRACTICES.

7 WHEREAS, the City of Albuquerque Code of Ordinances contains within
8 Chapter 10: Amusement, Recreation, Culture articles that establish and enable
9 seven boards and commissions that advise the administration and the City
10 Council on cultural venue and programming operations; and

11 WHEREAS, the boards and commissions of the cultural venues and
12 program are outdated and inconsistent; and

13 WHEREAS, the Cultural Services Department seeks to standardize to the
14 appropriate extent possible the various boards and commissions for each of the
15 cultural divisions with uniform appointment processes, term definitions and
16 advisement duties; and

17 WHEREAS, Articles 2, 4, 5 and 6 address the specific board and
18 commission for the Albuquerque BioPark, the Albuquerque Museum, Explora,
19 the Anderson Abruzzo Albuquerque International Balloon Museum,
20 Albuquerque Public Art Program and the Libraries; and

21 WHEREAS, Article 4, Parts 3 and 4 address defunct or other governmental
22 agencies no longer within the purview of the city.

23 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
24 ALBUQUERQUE:

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1 **SECTION 1. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE,**
2 **ARTICLE 2: ZOO; AQUATIC PARK; BOTANICAL GARDEN, PART 2:**
3 **BIOLOGICAL PARK ADVISORY BOARD, is hereby amended as follows:**
4 **PART 2: BIOLOGICAL PARK ADVISORY BOARD.**

5 **§ 10-2-2-1 PURPOSE.**

6 The Albuquerque Biological Park Advisory Board, hereinafter referred to as
7 the "Board" is established for the following purposes:

8 **(A) To support the development and operation of the Albuquerque Biological**
9 **Park which includes the BioPark Zoo, BioPark Aquarium, BioPark Botanic**
10 **Gardens, BioPark Heritage Farm and Tingley Beach.**

11 **(B) To serve as a focal point for community input and discussion regarding**
12 **the needs and development of the Albuquerque Biological Park.**

13 **(C) To encourage usage and maintain ongoing community support activities**
14 **of the facility.**

15 **§ 10-2-2-2 ALBUQUERQUE BIOLOGICAL PARK ADVISORY BOARD.**

16 **(A) The Albuquerque Biological Park Advisory Board shall consist of twelve**
17 **(12) appointed members and one (1) assigned member. There shall be one**
18 **member of the Board appointed from each City Council District, three (3)**
19 **members appointed by the Mayor, who serve at large, and one (1) assigned**
20 **member from the recognized support organization of the New Mexico BioPark**
21 **Society.**

22 **(B) When an appointed vacancy on the Board occurs, the Councilor**
23 **representing the District in which the vacating member of the Board resides,**
24 **shall nominate two members to the Board who reside in his or her respective**
25 **Council District and the Mayor shall appoint one of these recommended**
26 **members; provided, however, if a member is eligible for reappointment to the**
27 **Board and the Councilor in whose District that member resides desires to**
28 **reappoint the member, the Councilor shall so notify the Council and the member**
29 **shall be reappointed subject to the advice and consent of the Council. If a**
30 **member is not being reappointed, the Mayor shall deliver to the Council the**
31 **Mayor's recommendation from the two names submitted within 30 days of**
32 **delivery of the two names to the Mayor. If the Mayor fails to timely make a**
33 **recommendation from the two names submitted, the Councilor may appoint one**

1 of the two recommended members subject to the advice and consent of the
2 Council. The Mayor may notify a Councilor in writing that his or her District
3 member's term has expired or the position is otherwise vacant and the
4 Councilor shall have 60 days to submit two recommended appointments to fill
5 that position. If the Councilor fails to submit two names within 60 days of
6 notification, the Mayor shall have the right to make the appointment subject to
7 the advice and consent of the City Council. The Mayor shall appoint the three (3)
8 at large members to the Board with the advice and consent of the Council. The
9 term of each appointed member shall be three years. The terms of the members
10 shall be staggered so that three members are eligible for reappointment or
11 replacement each year.

12 (C) Except as provided in this article, the qualifications, appointment and
13 conduct of the members of the Board and any of its subcommittees and the
14 organizational structure of the Board and its subcommittees shall be governed
15 by §§ 2-6-1-1 et seq., the Public Boards, Commissions and Committees
16 Ordinance.

17 (D) The Board shall establish and adopt bylaws as may be necessary to
18 conduct elections, provide notice of meetings and otherwise govern its
19 proceedings.

20 (E) Members of the Board shall be broadly representative of all zoological
21 fields. They shall include persons who are widely known for their professional
22 competence and experience in zoology, botany, or the conservation of
23 nature and knowledgeable lay persons.

24 (F) Appointed members of the Board may not serve on the board of directors
25 for any recognized organization supporting the Albuquerque BioPark except for
26 the position assigned by title described in section (A) of this provision. Each
27 assigned member shall serve on the Board until the term expires with the
28 respective organization.

29 (G) *Conflict of Interest.* This provision (G) supplements § 2-6-1-4. A Board or
30 a subcommittee member having a financial interest in the outcome of any
31 policy, decision, or determination before the Board or subcommittee on which
32 he serves shall, as soon as possible after such interest becomes apparent,
33 disclose to each of the other members voting on the matter the nature of his

1 financial interest in the issue, and shall be disqualified from participating in any
2 debate, decision or vote relating thereto.

3 **§ 10-2-2-3 POWERS AND DUTIES.**

4 (A) The Board shall advise the Mayor and City Council concerning policy and
5 programming issue proposals pertaining to the Biological Park.

6 (B) The Board shall encourage the greatest use of the Biological Park
7 facilities and programs by the community and region.

8 (C) The Board shall keep itself informed of the needs of the Biological Park
9 and serve as a forum for discussion.

10 (D) The Board shall meet at least quarterly, and may hold additional meetings
11 at its discretion.

12 (E) The Board shall prepare and submit an Annual Report of its activities to
13 the Mayor and CAO.

14 (F) Staff support for the Board will be provided by the Albuquerque
15 Biological Park Division of the Cultural and Recreational Services Department.

16 **§ 10-2-2-4 REPEALED.**

17 **SECTION 2. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE,**
18 **ARTICLE 4: MUSEUMS; SCIENCE AND ART CENTERS, PART 1: PUBLIC**
19 **MUSEUM BOARD OF TRUSTEES, Sections 3 through 10 are hereby amended as**
20 **follows:**

21 **§ 10-4-1-3 ALBUQUERQUE MUSEUM BOARD OF TRUSTEES.**

22 A Museum Board of Trustees, hereinafter the "Board," is established and shall:

23 (A) Advise the Mayor and the City Council and advise and consult with the
24 Director of the Museum, hereinafter "Director," on matters relating to the
25 Museum and its needs;

26 (B) Establish such policies as are deemed necessary for the operation of the
27 Museum. Policies are defined as broad operational guidelines, within which
28 programmatic and administrative decisions may be made and implemented in
29 accordance with accepted city administrative procedures;

30 (C) Have trust responsibilities for the Museum collections; determine that the
31 collections are maintained and preserved in accordance with professional
32 standards for museum operations and the public interest; and establish policies
33 for the control, acquisition and disposal of Museum materials;

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- 1 (D) Adopt and amend bylaws governing the activities of the Board;
- 2 (E) Recommend appropriate contractual arrangements between the city and
- 3 the Albuquerque Museum Foundation, Inc., hereinafter the "Museum
- 4 Foundation," a nonprofit corporation formed to further the cultural and
- 5 educational programs and purposes of the Museum as expressed in city
- 6 ordinances relating to the Museum.

7 **§ 10-4-1-4 BOARD COMPOSITION.**

8 (A) The Albuquerque Museum Board of Trustees shall consist of 12 (twelve)

9 appointed members and 1 (one) assigned member. There shall be one member

10 of the Board appointed from each City Council District, 3 (three) members

11 appointed by the Mayor, who serve at large, and 1 (one) assigned member from

12 the recognized support organization of the Albuquerque Museum Foundation.

13 (B) When an appointed vacancy on the Board occurs, the Councilor

14 representing the District in which the vacating member of the Board resides

15 shall nominate two members to the Board who reside in his or her respective

16 Council District and the Mayor shall appoint one of these recommended

17 members; provided, however, if a member is eligible for reappointment to the

18 Board and the Councilor in whose District that member resides desires to

19 reappoint the member, the Councilor shall so notify the Council and the member

20 shall be reappointed subject to the advice and consent of the Council. If a

21 member is not being reappointed, the Mayor shall deliver to the Council the

22 Mayor's recommendation from the two names submitted within 30 days of

23 delivery of the two names to the Mayor. If the Mayor fails to timely make a

24 recommendation from the two names submitted, the Councilor may appoint one

25 of the two recommended members subject to the advice and consent of the

26 Council. The Mayor may notify a Councilor in writing that his or her District

27 member's term has expired or the position is otherwise vacant and the

28 Councilor shall have 60 days to submit two recommended appointments to fill

29 that position. If the Councilor fails to submit two names within 60 days of

30 notification, the Mayor shall have the right to make the appointment subject to

31 the advice and consent of the City Council. The Mayor shall appoint the 3 (three)

32 at large members to the Board with the advice and consent of the Council. The

33 term of each appointed member shall be three years. The terms of the members

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1 shall be staggered so that three members are eligible for reappointment or
2 replacement each year.

3 (C) Except as provided in this article, the qualifications, appointment and
4 conduct of the members of the Board and any of its subcommittees and the
5 organizational structure of the Board and its subcommittees shall be governed
6 by §§ 2-6-1-1 et seq., the Public Boards, Commissions and Committees
7 Ordinance.

8 (D) The Board shall establish and adopt bylaws as may be necessary to
9 conduct elections, provide notice of meetings and otherwise govern its
10 proceedings.

11 (E) Members of the Board shall be broadly representative of all fields of art
12 and history. They shall include persons who are widely known for their
13 professional competence and experience in the aforementioned fields and
14 knowledgeable lay persons.

15 (F) Appointed members of the Board may not serve on the board of directors
16 for any recognized organization supporting the Albuquerque Museum except for
17 the position assigned by title described in section (A) of this provision. Each
18 assigned member shall serve on the Board until the term expires with the
19 respective organization.

20 (G) *Conflict of Interest.* This provision (G) supplements § 2-6-1-4. A Board or
21 a subcommittee member having a financial interest in the outcome of any
22 policy, decision, or determination before the Board or subcommittee on which
23 he serves shall, as soon as possible after such interest becomes apparent,
24 disclose to each of the other members voting on the matter the nature of his
25 financial interest in the issue, and shall be disqualified from participating in any
26 debate, decision or vote relating thereto.

27 **§ 10-4-1-5 ADMINISTRATIVE RESPONSIBILITIES.**

28 The Chief Administrative Officer shall provide adequate staffing and
29 administrative support for enabling the Board and any of its subcommittees to
30 carry out their duties.

31 **§ 10-4-1-6 REPEALED.**

32 **§ 10-4-1-7 MUSEUM COLLECTIONS.**

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1 (A) **MUSEUM COLLECTIONS**, hereinafter "collections," are defined as any
2 item or assemblage of items gathered by the Museum for educational, research,
3 exhibit and public benefit purposes.

4 (B) The Board shall establish and oversee application of policies relating to:

- 5 (1) Acquisition of items through gift, purchase or trade;
- 6 (2) Loan of items;
- 7 (3) Conservation and maintenance of items;
- 8 (4) Preservation; and
- 9 (5) Deaccessioning of items in the Museum collections.

10 (C) Net proceeds from sales of collections or other items shall be deposited
11 in the Museum Trust and Agency Account to be used for future collection
12 acquisitions.

13 **§ 10-4-1-8 GIFT, GRANT ENDOWMENT AND TRUST FUND DONATIONS.**

14 (A) Gifts, grants, endowments and other financial aid given to the Museum by
15 public or private sources shall be administered according to the terms specified
16 by the donor.

17 (B) All money described in division (A) of this section shall be deposited in
18 the Museum Trust and Agency Account, an account of the city, unless the
19 donor requests otherwise. Property described in division (A) of this section,
20 which is not either money or property appropriate for the Museum collection as
21 defined by Board policy, shall be administered by the Museum Foundation,
22 unless the donor requests otherwise; in this role, the Museum Foundation shall
23 act as trustee for the city, and title shall vest in the city. Sections 10-4-1-1 et
24 seq. shall not bar the Museum Foundation from owning property specifically
25 given or sold to the Foundation.

26 (C) All funds which the donor requests to be deposited in the Museum Trust
27 and Agency Account shall be invested as part of the established city investment
28 program, unless a specific fund is to be used immediately and the Director
29 requests other use or deposit. Proceeds from these investments shall be
30 credited to the Museum Trust and Agency Account and are not to be substituted
31 for public funds in determining the financing of the Museum by the city.

32 (D) The Director is empowered to expend funds from the Museum Trust and
33 Agency Account in accordance with applicable city practices.

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1 § 10-4-1-9 STATEMENT OF POLICY.

2 (A) The City Council will assume the cost of operating the Museum,
3 specifically, salaries of staff and employees, costs of preparing exhibitions,
4 maintenance of building and grounds, and other related costs and services.

5 (B) Costs of acquisition of collections and similar material for the Museum
6 will not normally be paid for by the city unless special funds are made available
7 to the city by grants, endowments, gifts or by Council action. The Museum may
8 charge admission fees. For special projects which are beyond the usual
9 operating activities of the Museum, hereinafter "special project," the Museum
10 may request special funds from the City and/or grants from outside
11 sources. The request for a grant may include all the costs of the special
12 project. Thus, if a special project requires additional personnel or special
13 equipment exclusively for that project, the grant may encompass the expenses
14 as costs arising from that project, expenses which the Museum would not
15 otherwise undertake.

16 (C) Admission fee levels shall be set by the Mayor, in consultation with the
17 Board, pursuant to the following policies:

18 (1) Fees should not be so high as to seriously reduce the availability of the
19 Museum to the public;

20 (2) Fees should be reasonable in relation to other museum and educational
21 attractions in the Southwest region;

22 (3) Compatible, reciprocal fees with the New Mexico Museum of Natural
23 History are desirable;

24 (4) In keeping with the museum's educational role, special fee provisions
25 should apply to students;

26 (5) Special fee provisions should apply to senior citizens and Museum
27 Foundation members;

28 (6) There should be periodic free days.

29 SECTION 3. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE,
30 ARTICLE 4: MUSEUS; SCIENCE AND ART CENTERS, PART 2: EXPLORA
31 SCIENCE CENTER is hereby amended as follows:

32 § 10-4-2-1 MISSION AND GOALS.

1 (A) *Explora's Mission.* Explora, an interactive science center, is a public-
2 private partnership between the City of Albuquerque and Explora Science
3 Center, managed through an Operating Agreement approved by the City of
4 Albuquerque Chief Administrative Officer and the City Council, dedicated to
5 educating and exciting people of all ages, especially children of New Mexico,
6 about the wonders of science and technology.

7 (B) *Explora's Goals.*

8 (1) To provide a quality Science Center for the state with interactive hands-
9 on exhibits and educational programs about science and technology.

10 (2) To serve the state by providing a statewide outreach program for
11 science education in schools and communities and by soliciting funds for
12 programs and transportation for visitors to come to the Center.

13 (3) To actively promote a relationship with the education systems in the
14 state to make the Explora Science Center a vital complement to and extension
15 of the classroom experience.

16 (4) To reflect the diversity and richness of the state's cultural, natural and
17 scientific resources.

18 (5) To seek maximum support and cooperation from government, industry
19 and private institutions.

20 § 10-4-2-2 REPEALED.

21 SECTION 4. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE,
22 ARTICLE 4: MUSEUMS; SCIENCE AND ART CENTERS, PART 3: PERFORMING
23 ARTS CENTER is hereby amended as follows:

24 REPEALED

25 SECTION 5. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE,
26 ARTICLE 4: MUSEUMS; SCIENCE AND ART CENTERS, PART 4: HISPANIC
27 CULTURAL CENTER is hereby amended as follows:

28 REPEALED

29 SECTION 6. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE,
30 ARTICLE 4: MUSEUMS; SCIENCE AND ART CENTERS, PART 5:

31 ANDERSON/ABRUZZO ALBUQUERQUE INTERNATIONAL BALLOON MUSEUM
32 is hereby amended as follows:

33 § 10-4-5-1 PURPOSE.

1 A public museum of the city is established for the purpose of disseminating
2 knowledge and appreciation of art, sport and history of hot air ballooning and
3 lighter than air flight, by establishing and maintaining a museum and related
4 facilities in the City of Albuquerque; by collecting and preserving objects of
5 cultural and historic interest; by aiding in protecting historic and contemporary
6 ballooning related objects from needless destruction; by providing facilities for
7 research and publication; by offering instruction and opportunities for
8 enjoyment to the public; and by encouraging continued excellence of the
9 cultural life of the community.

10 § 10-4-5-2 BOARD OF TRUSTEES.

11 An Anderson/Abruzzo Albuquerque International Balloon Museum Board of
12 Trustees is established. The Board of Trustees shall have the following powers
13 and duties:

14 (A) To refine the mission, purpose and goals of the Anderson-Abruzzo
15 Albuquerque International Balloon Museum, hereafter “the Museum”, and set
16 the policies pursuant to which these shall be accomplished, where policies are
17 defined to mean broad operational guidelines, within which programmatic and
18 administrative decisions may be made and implemented in accordance with
19 accepted city administrative procedures;

20 (B) To review and recommend the budget proposal to be submitted to the
21 Mayor;

22 (C) To review and recommend an annual fee schedule for renting the facilities
23 in the Museum;

24 (D) To review and recommend the Museum’s programming as recommended
25 by the Museum Manager;

26 (E) To review and recommend guidelines and procedures for selecting the
27 resident tenants and concessionaires of the Museum and for allocating the
28 facilities of the Museum to all other potential users;

29 (F) To review, recommend and acknowledge the form of recognition in the
30 Museum for donors to the Museum Endowment;

31 (G) To review and recommend design and construction projects for the
32 Museum; and

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1 (H) To prepare and submit an annual report of its activities to the Mayor and
2 the City Council.

3 § 10-4-5-3 BOARD COMPOSITION.

4 (A) The Anderson/Abruzzo Albuquerque International Balloon Museum Board
5 of Trustees shall consist of twelve (12) appointed members, one (1) assigned
6 member, and two (2) ex-officio members. There shall be one (1) member of the
7 Board appointed from each City Council District; three (3) members appointed
8 by the Mayor, who serve at large; one (1) assigned member from the recognized
9 support organization of the Anderson Abruzzo International Albuquerque
10 Museum Foundation; one (1) ex-officio designee representing the Maxie
11 Anderson family to be recommended by the descendants of Maxie Anderson
12 and appointed by the Mayor with the advice and consent of the Council; and
13 one (1) ex-officio designee representing the Ben Abruzzo family to be
14 recommended by the descendants of Ben Abruzzo.

15 (B) When an appointed vacancy on the Board occurs, the Councilor
16 representing the District in which the vacating member of the Board resides,
17 shall nominate two members to the Board who reside in his or her respective
18 Council District and the Mayor shall appoint one of these recommended
19 members; provided, however, if a member is eligible for reappointment to the
20 Board and the Councilor in whose District that member resides desires to
21 reappoint the member, the Councilor shall so notify the Council and the member
22 shall be reappointed subject to the advice and consent of the Council. If a
23 member is not being reappointed, the Mayor shall deliver to the Council the
24 Mayor's recommendation from the two names submitted within 30 days of
25 delivery of the two names to the Mayor. If the Mayor fails to timely make a
26 recommendation from the two names submitted, the Councilor may appoint one
27 of the two recommended members subject to the advice and consent of the
28 Council. The Mayor may notify a Councilor in writing that his or her District
29 member's term has expired or the position is otherwise vacant and the
30 Councilor shall have 60 days to submit two recommended appointments to fill
31 that position. If the Councilor fails to submit two names within 60 days of
32 notification, the Mayor shall have the right to make the appointment subject to
33 the advice and consent of the City Council. The Mayor shall appoint the three (3)

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1 at large members to the Board with the advice and consent of the Council. The
2 term of each appointed member shall be three years. The terms of the members
3 shall be staggered so that three members are eligible for reappointment or
4 replacement each year.

5 (C) Except as provided in this article, the qualifications, appointment and
6 conduct of the members of the Board and any of its subcommittees and the
7 organizational structure of the Board and its subcommittees shall be governed
8 by §§ 2-6-1-1 et seq., the Public Boards, Commissions and Committees
9 Ordinance.

10 (D) The Board shall establish and adopt bylaws as may be necessary to
11 conduct elections, provide notice of meetings and otherwise govern its
12 proceedings.

13 (E) Members of the Board shall be broadly representative of all fields of the
14 art, sport and history or hot air ballooning and lighter than air flight. They shall
15 include persons who are widely known for their professional competence and
16 experience in the aforementioned fields and knowledgeable lay persons.

17 (F) Appointed members of the Board may not serve on the board of directors
18 for any recognized organization supporting the Anderson/Abruzzo Albuquerque
19 International Balloon Museum except for the positions assigned by title
20 described in section (A) of this provision. Each assigned member shall serve on
21 the Board until the term expires with the respective organization.

22 (G) *Conflict of Interest.* This provision (G) supplements § 2-6-1-4. A Board or
23 a subcommittee member having a financial interest in the outcome of any
24 policy, decision, or determination before the Board or subcommittee on which
25 he serves shall, as soon as possible after such interest becomes apparent,
26 disclose to each of the other members voting on the matter the nature of his
27 financial interest in the issue, and shall be disqualified from participating in any
28 debate, decision or vote relating thereto.

29 § 10-4-5-4 ADMINISTRATIVE RESPONSIBILITIES.

30 The Chief Administrative Officer shall provide adequate staffing and
31 administrative support for enabling the Board and any of its subcommittees to
32 carry out their duties.

1 SECTION 7. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE,
2 ARTICLE 5: ART IN MUNICIPAL PLACES, PART 3: ALBUQUERQUE ARTS
3 BOARD, is hereby amended as follows:

4 § 10-5-3 ALBUQUERQUE ARTS BOARD.

5 (A) The Albuquerque Arts Board is hereby established. It shall consist of
6 eleven members. There shall be one member of the Albuquerque Arts Board
7 from each City Council District and (2) two members appointed by the Mayor
8 who serve at large. When a vacancy on the Albuquerque Arts Board occurs, the
9 Councilor representing the District in which the vacating member of the
10 Albuquerque Arts Board resides, shall nominate two members to the
11 Albuquerque Arts Board who reside in his or her respective Council District and
12 the Mayor shall appoint one of these recommended members; provided,
13 however, if a member is eligible for reappointment to the Arts Board and the
14 Councilor in whose District that member resides desires to reappoint the
15 member, the Councilor shall so notify the Council and the member shall be
16 reappointed subject to the advice and consent of the Council. If a member is
17 not being reappointed, the Mayor shall deliver to the Council the Mayor's
18 recommendation from the two names submitted within 30 days of delivery of the
19 two names to the Mayor. If the Mayor fails to timely make a recommendation
20 from the two names submitted, the Councilor may appoint one of the two
21 recommended members subject to the advice and consent of the Council. The
22 Mayor shall appoint the two at large members to the Albuquerque Arts Board
23 with the advice and consent of the Council. The term of each member shall be
24 three years. The terms of the members shall be staggered so that three
25 members are eligible for reappointment or replacement each year.

26 (B) The Mayor may notify a Councilor in writing that his or her District
27 member's term has expired or the position is otherwise vacant and the
28 Councilor shall have 60 days to submit two recommended appointments to fill
29 that position. If the Councilor fails to submit two names within 60 days of
30 notification, the Mayor shall have the right to make the appointment subject to
31 the advice and consent of the City Council.

32 (C) Except as provided in this article, the qualifications, appointment and
33 conduct of the members of the Board and any of its subcommittees and the

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1 organizational structure of the Board and its subcommittees shall be governed
2 by §§ 2-6-1-1 et seq.

3 (D) Members of the Board shall be broadly representative of all fields of the
4 visual arts and fine crafts. They shall include persons who are widely known for
5 their professional competence and experience in the arts and knowledgeable
6 lay persons.

7 (E) *Conflict of Interest*. This division (E) supplements § 2-6-1-4. A Board or a
8 subcommittee member having a financial interest in the outcome of any policy,
9 decision, or determination before the Board or subcommittee on which he
10 serves shall, as soon as possible after such interest becomes apparent,
11 disclose to each of the other members voting on the matter the nature of his
12 financial interest in the issue, and shall be disqualified from participating in any
13 debate, decision or vote relating thereto.

14 SECTION 8. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE,
15 ARTICLE 6: LIBRARIES, Parts 2 through 4, are hereby amended as follows:
16 §10-6-2 COMPOSITION.

17 (A) The Library Advisory Board shall consist of 16 (sixteen) appointed
18 members, and 1 (one) assigned member. There shall be 1 (one) member of the
19 Board appointed from each City Council District, 2 (two) members appointed by
20 the Mayor, who serve at large; 1 (one) assigned member from the recognized
21 support organization of the Albuquerque Bernalillo County Library Foundation,
22 and 4 (four) appointed by the Bernalillo County Commission, who also serve at
23 large.

24 (B) When an appointed vacancy on the Board occurs, the Councilor
25 representing the District in which the vacating member of the Board resides,
26 shall nominate two members to the Board who reside in his or her respective
27 Council District and the Mayor shall appoint one of these recommended
28 members; provided, however, if a member is eligible for reappointment to the
29 Board and the Councilor in whose District that member resides desires to
30 reappoint the member, the Councilor shall so notify the Council and the member
31 shall be reappointed subject to the advice and consent of the Council. If a
32 member is not being reappointed, the Mayor shall deliver to the Council the
33 Mayor's recommendation from the two names submitted within 30 days of

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1 delivery of the two names to the Mayor. If the Mayor fails to timely make a
2 recommendation from the two names submitted, the Councilor may appoint one
3 of the two recommended members subject to the advice and consent of the
4 Council. The Mayor may notify a Councilor in writing that his or her District
5 member's term has expired or the position is otherwise vacant and the
6 Councilor shall have 60 days to submit two recommended appointments to fill
7 that position. If the Councilor fails to submit two names within 60 days of
8 notification, the Mayor shall have the right to make the appointment subject to
9 the advice and consent of the City Council. The Mayor shall appoint the 2 (two)
10 at large members to the Board with the advice and consent of the Council. The
11 term of each appointed member shall be three years. The terms of the members
12 shall be staggered so that three members are eligible for reappointment or
13 replacement each year.

14 (C) Except as provided in this article, the qualifications, appointment and
15 conduct of the members of the Board and any of its subcommittees and the
16 organizational structure of the Board and its subcommittees shall be governed
17 by §§ 2-6-1-1 et seq., the Public Boards, Commissions and Committees
18 Ordinance.

19 (D) The Board shall establish and adopt bylaws as may be necessary to
20 conduct elections, provide notice of meetings and otherwise govern its
21 proceedings.

22 (E) Members of the Board shall be broadly representative of all fields of the
23 literary arts. They shall include persons who are widely known for their
24 professional competence and experience in the aforementioned fields and
25 knowledgeable lay persons.

26 (F) Appointed members of the Board may not serve on the board of directors
27 for any recognized organization supporting the Albuquerque Bernalillo County
28 Library except for the position assigned by title described in section (A) of this
29 provision. Each assigned member shall serve on the Board until the term
30 expires with the respective organization.

31 (G) *Conflict of Interest.* This provision (G) supplements § 2-6-1-4. A Board or
32 a subcommittee member having a financial interest in the outcome of any
33 policy, decision, or determination before the Board or subcommittee on which

1 he serves shall, as soon as possible after such interest becomes apparent,
2 disclose to each of the other members voting on the matter the nature of his
3 financial interest in the issue, and shall be disqualified from participating in any
4 debate, decision or vote relating thereto.

5 **§ 10-6-3 ADMINISTRATIVE RESPONSIBILITIES.**

6 The Chief Administrative Officer shall provide adequate staffing and
7 administrative support for enabling the Board and any of its subcommittees to
8 carry out their duties.

9 **SECTION 9. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,
10 clause, work or phrase of this ordinance is for any reason held to be invalid or
11 unenforceable by any court of competent jurisdiction, such decision shall not
12 affect the validity of the remaining provisions of this ordinance and each
13 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
14 any provision being declared unconstitutional or otherwise invalid.

15 **SECTION 10. COMPILATION.** This ordinance shall be incorporated in and
16 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

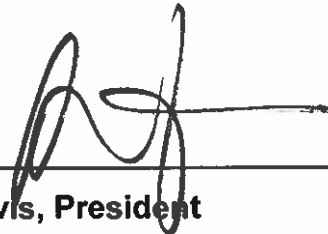
17 **SECTION 11. EFFECTIVE DATE.** This ordinance shall take effect five days
18 after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 5th DAY OF October, 2020
2 BY A VOTE OF: 9 FOR 0 AGAINST.


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Patrick Davis, President
City Council

APPROVED THIS 13 DAY OF October, 2020

Bill No. O-20-36



Timothy M. Keller, Mayor
City of Albuquerque

ATTEST:


Ethan Watson, City Clerk

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