

**CITY of ALBUQUERQUE  
TWENTY-FIRST COUNCIL**

COUNCIL BILL NO. O-15-63 ENACTMENT NO. D:2015-029

SPONSORED BY: **Isaac Benton**

**1 ORDINANCE**  
**2 AMENDING THE APPOINTMENT METHOD, MEMBERSHIP REQUIREMENTS,**  
**3 AND THE DUTIES OF THE OPEN SPACE ADVISORY BOARD.**  
**4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
**5 ALBUQUERQUE:**

**6 SECTION 1. Section 14-13-3-7 is amended as follows:**  
**7 "§ 14-13-3-7 OPEN SPACE ADVISORY BOARD.**

**8 (A) Appointment. There is created a seven member committee to be**  
**9 known as the Open Space Advisory Board. As vacancies on the Board occur**  
**10 or as terms expire, the City Council and Mayor shall alternatively appoint**  
**11 members with the City Council making the first appointment. All**  
**12 appointments shall be subject to City Council approval. The existing Board**  
**13 members may make recommendations to the Mayor and City Council for**  
**14 candidates to fill vacancies on the Board. If either the Mayor or City Council**  
**15 fails to name a replacement Board member within 45 days of the vacancy, then**  
**16 the other body shall make the appointment. The Board members shall be**  
**17 appointed for staggered terms of three years unless an appointment is to fill a**  
**18 vacancy. An appointment to fill a vacancy shall be for the unexpired term.**  
**19 Terms shall begin on the first day of September. Members shall be residents**  
**20 of the City with a demonstrated commitment to the accomplishment of the**  
**21 Albuquerque/Bernalillo County Comprehensive Plan. Members shall be**  
**22 knowledgeable as to open space, ecology, the real estate market, urban and**  
**23 regional planning and/or related law.**

**24 (B) Duties, Responsibilities, Powers.**  
**25 (1) Study data, including ecological data, which should guide the**  
**26 adoption and amendment of open space plans and programs, maintain liaison**

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1 and seek input from citizen interest groups including especially the Open  
2 Space Task Force.

3 (2) Advise the EPC, the Mayor, and the City Council as to an  
4 appropriate city open space program, which advice shall include:

5 (a) Implementation of adopted open space plans;

6 (b) Priorities for the acquisition of "major public open  
7 space" or "public easement or rights" implementing the  
8 Albuquerque/Bernalillo County Comprehensive Plan;

9 (c) Basic policies on management of city-owned open  
10 space;

11 (d) Criteria for evaluating proposals for significant physical  
12 changes and installations on and adjacent to open space lands;

13 (e) Evaluation of proposals to install extraordinary facilities  
14 on city-owned open space; and

15 (f) Evaluation of proposals to sell, lease, exchange, or  
16 otherwise dispose of open space exchange lands or other lands acquired with  
17 open space funds.

18 (3) Review and provide comments to the Mayor and City Council  
19 on the annual report on the administration and management of the Open  
20 Space Trust Fund.

21 (4) Annually make recommendations to the EPC, the Mayor, and  
22 the City Council on updating the open space program, including land  
23 acquisition and other open space capital improvements. Twice per year, the  
24 chair or other designated member of the Open Space Advisory Board shall  
25 make an informal oral report to the City Council on any current activities,  
26 issues, or concerns of the Open Space Advisory Board.

27 (5) Periodically review open space plans in consultation with  
28 citizen interest groups, especially the Open Space Task Force. Advise the  
29 EPC, the Mayor, and the City Council on needed new plans and plan  
30 amendments, ranging from detailed project plans to the  
31 Albuquerque/Bernalillo County Comprehensive Plan. Make recommendations  
32 for the annual proposed city planning program.

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(6) Upon request, advise or assist the Mayor in negotiations for open space land acquisition.

(7) The Board's recommendations shall be consistent with the conditions imposed on expenditure of interest of the Permanent Fund for Open Space as specified in §§ 4-2-3-1 et seq. and the conditions imposed on the expenditure of monies from the Quality of Life Fund as specified in Resolution 89-1987; the Board's proposals shall also take into account all funding sources available for the Open Space program.

(8) Approve the sale or lease of certain interests in Open Space Exchange Lands, as provided in § 4-2-3-5."

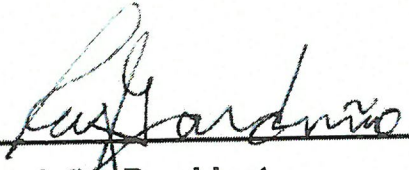
**SECTION 2. SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

**SECTION 3. COMPILATION.** Section 1 of this ordinance shall amend, be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect five days after publication by title and general summary.

1 PASSED AND ADOPTED THIS 2nd DAY OF November, 2015  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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\_\_\_\_\_  
Rey Garduño, President  
City Council

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

Bill No. O-15-63

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Richard J. Berry, Mayor  
City of Albuquerque

ATTEST:

  
\_\_\_\_\_  
Natalie Y. Howard, City Clerk

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# City of Albuquerque

## Office of the City Clerk

Richard J. Berry, Mayor

Natalie Y. Howard, City Clerk

### Interoffice Memorandum

November 23, 2015

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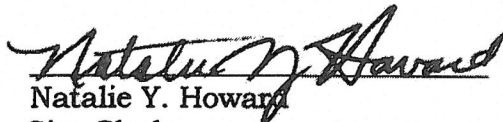
To: CITY COUNCIL

From: NATALIE Y. HOWARD, CITY CLERK

Subject: BILL NO. O-15-63; ENACTMENT NO. O-2015-029

I hereby certify that on November 20, 2015, the Office of the City Clerk received Bill No. O-15-63 as signed by the president of the City Council, Rey Garduño. Enactment No. O-2015-029 was passed at the November 2, 2015 City Council meeting. Mayor Berry did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-15-63.

Sincerely,

  
Natalie Y. Howard  
City Clerk

