

**ALBUQUERQUE URBAN ENHANCEMENT TRUST FUND COMMITTEE  
BY-LAWS, RULES OF PROCEDURE AND CODE OF CONDUCT  
Adopted: June 21, 2019**

These By-Laws, Rules of Procedure and Code of Conduct are promulgated and adopted in accordance with the power and authority of the City of Albuquerque as outlined in the Urban Enhancement Trust Fund Ordinance, hereinafter referred to as the "Urban Enhancement Trust Fund Ordinance," Albuquerque Ordinance § 4-2-1-1 et seq. and as amended. These By-Laws, Rules of Procedure and Code of Conduct will serve the public, City staff and the Urban Enhancement Trust Fund Committee as a guide to the operations and policies of the Board and accommodate the carrying out of the intent of the ordinance which created the Board. The organizational structure of the Committee and its subcommittees shall be governed by the Public Boards, Commissions and Committees Ordinance, Article 6 [XII] of Chapter 2 [I] of the Revised Ordinances of Albuquerque, New Mexico, 1994 [1974] hereinafter referred to as the "Public Boards, Commissions and Committees Ordinance," Albuquerque Ordinance § 2-6-1-1 et seq. and as amended.

**Article I. The Committee**

Section 1. The name of the Committee shall be the Urban Enhancement Trust Fund Committee.

Section 2. The administrative support for the Committee shall be provided by the Cultural Services Department, Public Art Urban Enhancement Division.

**Article II. The Object of the Committee**

Section 1. The Committee shall enhance and enrich the culture of the city.

**Article III. Members of the Committee**

Section 1. The eleven members of the Committee are nominated by City Council and appointed by the Mayor pursuant to the Urban Enhancement Trust Fund Ordinance and serve staggered three year terms unless fulfilling the appointment of a member who has resigned or who has been removed from the Committee pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 2. Members shall be broadly representative of all fields of the arts. They shall include persons who are widely known for their professional competence and experience in the visual, performing, literary and multi-disciplinary arts and knowledgeable lay persons. The Committee shall develop and maintain a schedule of valued positions of expertise and a list of qualified prospective members to recommend to the appropriate elected officials when vacancies occur. See Appendix A to the Bylaws, "Committee Position Matrix", for types of positions and/or expertise valuable to serve on the Urban Enhancement Trust Fund Committee.

Section 3. Except as provided in the Urban Enhancement Trust Fund Ordinance, the qualifications and appointment of the members of the Committee and any of its subcommittees and the organizational structure of the Board and its subcommittees shall be governed by the Public Boards, Commissions and Committees Ordinance.

Section 4. Absences. Any member of a public board, commission or committee may be removed from office by the Mayor after due notice and hearing if such member has missed three consecutive meetings or has been absent from more than fifty percent of the meetings held during any twelve month period of time pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 5. Conflict of Interest. The Urban Enhancement Trust Fund Ordinance supplements Section 4 of the Public Boards, Commissions and Committees Ordinance. Board members serving on the Urban Enhancement Trust Fund Committee shall abide by the CONFIDENTIALITY AND CONFLICT OF INTEREST AGREEMENT signed by the committee member at the time of appointment.

Section 6. Resignations. Any member may need to resign for personal or professional reasons. Resignation requires that a letter of resignation be sent to the Mayor's Office with copies to the Chairperson of the Committee and to the Program and Division Managers.

#### **Article IV. Officers of the Board**

Section 1. The minimum number of officers of any board, commission or committee shall be not less than two officers (such as Chairperson and Vice-Chairperson) and such other officers as such the committee may deem necessary pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 2. The officers of the Urban Enhancement Trust Fund Committee shall be the Chairperson and the Vice-Chairperson.

Section 3. The Chairperson shall preside at all meetings of the Committee and shall appoint all committees and perform such other duties incident to the office.

Section 4. The Vice-Chairperson shall, in the absence of the Chairperson, perform the duties of the Chairperson and shall have all the powers relating to the Chairperson's authority.

Section 5. Annually, at the January meeting the Committee as a whole shall organize by election and installation of a Chairperson and Vice-Chairperson and they will take office at that time. Election shall be by ballot unless only one name is nominated for the office in which case election may be by voice vote.

Section 6. All officers shall be elected by the members for a term of one year and no officer shall serve more than two consecutive terms pursuant to the Public Boards, Commissions and

Committees Ordinance.

Section 7. Vacancies. The vacancy in any office shall be announced at the next regular meeting of the Board following resignation, removal or death of the officer and a replacement shall be elected at the following regular meeting of the Committee.

## **Article V. Meetings**

Section 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 pursuant to the Public Boards, Commissions and Committees Ordinance and shall be conducted in accordance with the State of New Mexico Open Meetings Act, by resolution adopted annually.

Section 2. Reasonable notice shall be given to the public prior to any meeting of the Urban Enhancement Trust Fund Committee, pursuant to the State of New Mexico Open Meetings Act. Notice of regular and special meetings, including the meeting agenda, should be available at least seventy-two (72) hours and as provided by City Ordinances.

Section 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 pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 4. A majority of all the members of the Urban Enhancement Trust Fund Committee, or subcommittee 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 pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 5. Persons outside the Committee wishing to have the Committee consider specific questions or matters shall make written or verbal request to the Chairperson or staff to have such items placed on the agenda or during the Public Comment section of the monthly meeting. Such requests shall be made at least 72 hours prior to the meeting pursuant to the Public Boards, Commissions and Committees Ordinance, per the State of New Mexico Open Meetings Act.

Section 6. Special or Called Meetings. Business at such meetings shall be limited to that specified in the call.

## **Article VI. Subcommittees**

Section 1. The Committee shall establish subcommittees to advise and assist the Committee pursuant to Article V above.

Section 2. Ad Hoc or Standing Committees may be established as subcommittees. Ad Hoc or Standing Committees and task force members shall be appointed by the Committee for terms to be specified by the Committee pursuant to the Urban Enhancement Trust Fund Ordinance.

Section 3. At the time of the annual election of officers, the Committee shall establish a Governance Committee of three members including the Committee Chair, Vice Chair and another member elected by the Committee to review the performance of the committee as a whole and of the individual committee members. The Urban Enhancement Trust Fund Committee Chair shall serve as Chair of the Governance Committee. The Governance Committee is responsible for initiating review and changes to the Committee By-laws, updating the Committee Position Matrix, Program Guidelines, or other governing documents applicable to the Urban Enhancement Trust Fund Committee, and for addressing personnel concerns and investigating disciplinary issues involving Committee members. They shall recommend Committee removal, if indicated, to the appropriate elected official.

## **Article VII. Code of Conduct**

### **Section 1. Duty to the Public**

The City of Albuquerque is a public service institution. In carrying out their assigned duties and responsibilities, Urban Enhancement Trust Fund Committee members must always remember their first obligation is to advise the administration on enhancing Albuquerque's cultural vitality in the area of art, music, theatre, dance, history, or literature. This obligation must be carried out within the framework of federal, state and local laws. Urban Enhancement Trust Fund Committee members shall serve the public and employees with respect, concern, courtesy and responsiveness, recognizing service to the public is the reason for their appointment.

### **Section 2. Professional Excellence**

Urban Enhancement Trust Fund Committee members are encouraged to strive for personal and professional excellence as a means of keeping current on relevant issues and advising on the administering the public's business with professional competence, efficiency and effectiveness.

### **Section 3. Standards of Conduct, Nondiscrimination and Harassment**

Urban Enhancement Trust Fund Committee members shall in all instances maintain their conduct at the highest personal and professional standards in order to promote public confidence and trust in the City and public institutions and in a manner that merits the respect and cooperation of employees and the community.

Violence by Urban Enhancement Trust Fund Committee members is prohibited and will not be tolerated toward another committee member, city employee, or a member of the general public.

Actions, words, jokes, or comments based on a person's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic have the potential to be offensive and if they become offensive will not be tolerated.

If an Urban Enhancement Trust Fund Committee member or an employee experience or witness unlawful or unwanted offensive conduct, harassment or behavior, he or she should report it immediately to the Program or Division Manager so that it can be investigated in a timely and

confidential manner.

If it is the Chair of the Urban Enhancement Trust Fund Committee who is the subject of the complaint, then it should be reported immediately to any member of the Governance Committee and the Program or Division Manager so that it can be investigated in a timely and confidential manner.

If it is a member of the Governance Committee who is the subject of the complaint, then it should be reported immediately to the Urban Enhancement Trust Fund Committee Chairperson, or any other member of the Governance Committee and the Program or Division Manager so that it can be investigated in a timely and confidential manner. If the complaint is investigated by the Governance Committee, then the accused Governance Committee member shall recuse themselves from the deliberation.

An individual can raise concerns or make reports without fear of reprisal or retaliation. A written report shall be prepared specifying the nature of the complaint, result of the investigation and any action agreed upon to eliminate such prohibited behavior and presented to the person reporting the incident and served on the Board member charged.

Any committee member engaging in unlawful discrimination or harassment will be subject to disciplinary action, up to and including recommendation for removal from the board. This policy is intended to be consistent with all applicable local, state and federal discrimination laws.

#### Section 4. False Statements/Fraud

No Urban Enhancement Trust Fund Committee member shall willfully make any false statement, certificate, mark, rating or report in regard to any vote, certification, appointment or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in connection with advising the City or in connection with the work-related conduct of any City employee.

### **Article VIII. Parliamentary Authority**

Section 1. The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the Committee in all cases of holding a meeting with a quorum which is applicable and in which the rules of order are not inconsistent with these By-Laws and applicable rules of the appropriate ordinances and other City statutes.

### **Article IX. Amendments to the By-Laws**

Section 1. Amendments to the By-Laws may be made following the notice of the change(s) to Members of the Urban Enhancement Trust Fund Committee at the meeting of the Committee prior to the vote on the amendment(s). Amendments must be approved by a two-thirds majority of all Committee members.

APPENDIX A: Committee Position Matrix *(To be developed upon adoption of these By-laws)*