

# CITY of ALBUQUERQUE

## TWENTIETH COUNCIL

COUNCIL BILL NO. O-13-56 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Ken Sanchez and Brad Winter

1 ORDINANCE

2 AMENDING CHAPTER 10, ARTICLE 4, PART 5, ROA 1994, REGARDING THE  
3 ANDERSON/ABRUZZO INTERNATIONAL BALLOON MUSEUM BOARD OF  
4 TRUSTEES.

5 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
6 ALBUQUERQUE:

7 Section 1. Chapter 10, Article 4, Part 5, ROA 1994 is amended to read as  
8 follows:

9 "PART 5: ANDERSON[~~/~~]~~[-]~~ABRUZZO [ALBUQUERQUE] INTERNATIONAL  
10 BALLOON MUSEUM

11 § 10-4-5-1 BOARD OF TRUSTEES.

12 There is created an Anderson[~~/~~]~~[-]~~Abruzzo [Albuquerque] International  
13 Balloon Museum Board of Trustees (hereafter, Board of Trustees) which shall  
14 be constituted and shall serve as follows:

15 (A) *Members.* The Board of Trustees shall consist of 13 members:

16 (1) ~~[Six]~~[Three] designees of the ~~[Maxie] Anderson~~[-Abruzzo  
17 International Balloon Museum] Foundation[, Inc. (hereafter, the Foundation)]  
18 whose activities will assist in support of the Museum's ~~[program, representing~~  
19 ~~the discipline of ballooning (aerostatic flight)]~~ [overall mission and day-to-day  
20 operations, who are] selected by the Mayor with the advice and consent of the  
21 Council from a list submitted by the ~~[Maxie Anderson]~~ Foundation. The final  
22 selection shall include ~~[the chair and president of the Maxie Anderson]~~ [at  
23 least one member of the] Foundation['s Board of Directors];

24 (2) The [Director of the] New Mexico ~~[Officer]~~ [Department] of Cultural  
25 Affairs or his/her designee;

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1 (3) ~~[Six]~~[Seven members from the] public at-large ~~[members]~~  
2 appointed by the Mayor with the advice and consent of the Council];

3 (4) One designee representing the Maxie Anderson family to be  
4 recommended by the descendants of Maxie Anderson and appointed by the  
5 Mayor with the advice and consent of the Council; and

6 (5) One designee representing the Ben Abruzzo family to be  
7 recommended by the descendants of Ben Abruzzo and appointed by the  
8 Mayor with the advice and consent of the Council].

9 (B) *Terms.*

10 ~~[(1) Initial Terms. Each of the original public at-large members and~~  
11 ~~Maxie Anderson Foundation designees shall serve an initial term extending~~  
12 ~~until the formal opening of the Museum.~~

13 ~~(2) Staggered Terms. Following the completion of their initial terms,~~  
14 ~~the public at-large members shall draw lots for two one-year terms, two two-~~  
15 ~~year terms and two three-year terms which they shall serve~~  
16 ~~accordingly. Following the completion of their initial terms, the Maxie~~  
17 ~~Anderson Foundation designees shall draw lots for two one-year terms, and~~  
18 ~~two two-year terms, and two three-year terms which their respective~~  
19 ~~organizations shall hold accordingly.~~

20 (3) ~~Regular Terms. The regular terms of the public at-large members~~  
21 ~~and the organizational designees shall be three years.~~

22 (4) ~~Consecutive Terms. At the expiration of his or her staggered term,~~  
23 ~~each public at-large member shall be eligible for appointment to a full regular~~  
24 ~~term provided, however, that no public at-large member may serve more than~~  
25 ~~two consecutive terms, not including the initial term.]~~ [The terms of the  
26 Foundation designees and at-large members shall be three years, and those  
27 members may not serve more than two terms consecutively. The designee for  
28 the Anderson family and the designee for the Abruzzo family may each serve  
29 until a different representative is selected to replace him/her as set forth in  
30 Section A herein. The family designees and the Director of the New Mexico  
31 Department of Cultural Affairs shall not be subject to limits on length and  
32 duration of terms.]

1        (C)    Residency. The members of the Board of Trustees need not be  
2        residents of the city, provided, however, all at-large members shall be  
3        residents of the State of New Mexico.

4        ~~[(G)]~~[(D)] *Officers.* The Board of Trustees shall elect a Chairperson, a Vice-  
5        Chairperson and such other officers as the Board deems appropriate to carry  
6        out its duties.

7        ~~[(D)]~~[(E)] *Bylaws.* The Board of Trustees shall adopt such bylaws as may  
8        be necessary to conduct elections, provide notice of meetings and otherwise  
9        govern its proceedings.

10       ~~[(E)]~~[(F)] *Meetings.* The Board of Trustees shall meet no less frequently  
11       than six times each year.

12       ~~[(F)]~~[(G)] *Executive Committee.* The Board of Trustees may, by duly  
13       adopted resolution, delegate [to an executive committee] specific authority to  
14       act between regular board meetings ~~[to an executive committee]~~.

15       ~~[(G)]~~[(H)] *Powers and Duties.* The Board of Trustees shall have the  
16       following powers and duties:

17           (1)    To ~~[define]~~[refine] the mission, purpose and goals of the  
18       [Anderson-Abruzzo Albuquerque International Balloon] Museum [hereafter,  
19       the Museum] and set the policies pursuant to which these shall be  
20       accomplished, where policies are defined to mean broad operational  
21       guidelines, within which programmatic and administrative decisions may be  
22       made and implemented in accordance with accepted city administrative  
23       procedures;

24           (2)    To ~~[interview and make recommendations for the hiring and~~  
25       ~~performance evaluation of the Executive Director as provided herein;~~

26           ~~(3) — To review and recommend the selection of all consultants other~~  
27       ~~than those hired pursuant to §§ 14-7-2-1 et seq., Selection Advisory~~  
28       ~~Committee;~~

29           ~~(4) — To approve]~~[review and recommend] the budget  
30       [recommendations][proposal] to be submitted to the Mayor;

31           ~~[(5)]~~[(3)]    To ~~[propose]~~[review and recommend] an annual fee schedule  
32       for renting the facilities in the Museum;

1           ~~[(6)]~~[(4)] To ~~[approve the adoption of]~~[review and recommend] the  
2 Museum's programming as recommended by the ~~[Executive Director]~~[Museum  
3 Manager];

4           ~~[(7)]~~[(5)] To ~~[adopt]~~[review and recommend] guidelines and  
5 procedures for selecting the resident tenants and concessionaires of the  
6 Museum and for allocating the facilities of the Museum to all other potential  
7 users; and

8           ~~[(8)]~~[(6)] To ~~[approve]~~[review, recommend] and acknowledge the form  
9 of recognition in the Museum for donors to the Museum Endowment;

10          ~~[(9)]~~[(7)] To ~~[provide direction for the]~~[review and recommend] design  
11 and construction ~~[of]~~[projects for] the ~~[M]~~useum; and

12          ~~[(10)]~~[(8)] To prepare and submit ~~[a quarterly]~~[an annual] report of its  
13 activities to the Mayor and ~~[Chief Administrative Officer and an annual report~~  
14 ~~to]~~ the City Council.

15       § 10-4-5-2 ~~[EXECUTIVE DIRECTOR]~~ [MUSEUM MANAGER].

16       (A) *Selection.* The ~~[Executive Director]~~ [Museum Manager] shall be  
17 selected by the Mayor ~~[from a list presented by the Board of Trustees and~~  
18 ~~under the terms of Chapter 3, Article 1 of this code applicable to the position]~~.

19       (B) ~~[Evaluation. Not less than annually, the Board of Trustees shall~~  
20 ~~review the performance of the Executive Director and transmit the findings of~~  
21 ~~its review to the Chief Administrative Officer for his consideration.~~

22       ~~(C)]~~ *Budget.* The ~~[Executive Director]~~ [Museum Manager] shall prepare  
23 the recommended annual budget for the operation of the Museum.

24       ~~[§ 10-4-5-3 DESIGN AND CONSTRUCTION.~~

25       ~~The architects, consultants, engineers and contractors responsible for the~~  
26 ~~design and construction of the Balloon Museum shall be selected in~~  
27 ~~accordance with the Ad Hoc Board provision in § 14-7-2-4. The Ad Hoc Board~~  
28 ~~shall be comprised of the appropriate Selection Advisory Committee members~~  
29 ~~augmented by at least four members of the Board of Trustees.]”~~

30       Section 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
31 clause, word or phrase of this ordinance is for any reason held to be invalid or  
32 unenforceable by any court of competent jurisdiction, such decision shall not  
33 affect the validity of the remaining provisions of this ordinance. The Council

1 hereby declares that it would have passed this ordinance and each section,  
2 paragraph, sentence, clause, word or phrase thereof irrespective of any  
3 provision being declared unconstitutional or otherwise invalid.

4 Section 3. COMPILATION. This ordinance shall be incorporated in and  
5 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

6 Section 4. EFFECTIVE DATE. This ordinance shall take effect five days  
7 after publication by title and general summary.

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