

City of Albuquerque

Office of the City Clerk

Richard J. Berry, Mayor

Natalie Y. Howard, City Clerk

Interoffice Memorandum

April 22, 2016

To: CITY COUNCIL

From: NATALIE Y. HOWARD, CITY CLERK

Subject: BILL NO. O-16-13; ENACTMENT NO. O-2016-008

I hereby certify that on April 22, 2016, the Office of the City Clerk received Bill No. O-16-13 as signed by the president of the City Council, Dan Lewis. Enactment No. O-2016-008 was passed at the April 4, 2016 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-16-13.

Sincerely,


Natalie Y. Howard
City Clerk

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

3 (f) Evaluation of proposals to sell, lease, exchange, or otherwise
4 dispose of open space exchange lands or other lands acquired with open
5 space funds.

6 (3) Advise the City Treasurer or designated trustee on the
7 administration and management of the Open Space Trust Fund.

8 (4) Annually make recommendations to the EPC, the Mayor, and the City
9 Council on updating the open space program, including land acquisition and
10 other open space capital improvements.

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

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

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

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

27 SECTION 2. Section 5-2-5 ROA 1994 relating to City acquisition of real
28 property is amended as follows:

29 "§ 5-2-5 ACQUISITION OF REAL PROPERTY.

30 (A) The Mayor is authorized to enter into contracts for the acquisition of
31 any interest in real property, subject to the approval of the Council as outlined
32 herein. Except in emergencies, the Mayor shall enter into such contracts only
33 when the Council has authorized purchase of the specific parcel or a parcel of

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1 its type and location category; such Council authorization is evidenced by the
2 fact that:

3 (1) Sufficient money, designated for acquisition of the property,
4 has been previously appropriated by the Council; or

5 (2) Acquisition of such property is specified in the current two-
6 year Capital Improvements Budget; or

7 (3) The city-owned property to be utilized as consideration in an
8 exchange has previously been declared nonessential for municipal purposes,
9 pursuant to §§ 5-2-1 and 5-2-2, and the Council resolution declaring the
10 property nonessential authorized the city property to be used as consideration
11 to acquire the specific parcel or a parcel of its type and location category.

12 (B) The contracts, including those accomplishing trades, shall be
13 submitted to the Council by the Mayor at the first regularly scheduled Council
14 meeting after their execution when:

15 (1) The value of the real property is more than \$50,000; and

16 (2) Sufficient money to be used to acquire the real property has
17 not been previously appropriated by the Council.

18 (C) All contracts which are submitted to the Council in accordance with
19 the requirements of this section shall be supported by a message setting out
20 the circumstances, benefits, responsibilities and advantages relative thereto.

21 (D) The Council may approve, take no action or disapprove the contract.

22 (E) If the Council disapproves by majority vote of the members present
23 and voting, the contract shall be void.

24 (F) The Mayor may withdraw the contract at any time from the Council or
25 may present revisions thereof. In the event of withdrawal, the contract shall
26 be a nullity. In the event of revision, the provisions of this section shall apply
27 to the same extent as if a new contract were being submitted.

28 (G) Open Space Acquisitions. The Mayor may from time to time, or shall
29 upon request of the Council, issue solicitations seeking competitive offers to
30 sell the properties on the Council-approved city open space priority
31 acquisition list.”

32 SECTION 3. SEVERABILITY. If any section, paragraph, sentence, clause,
33 word or phrase of this ordinance is for any reason held to be invalid or

1 unenforceable by any court of competent jurisdiction, such decision shall not
2 affect the validity of the remaining provisions of this ordinance. The Council
3 hereby declares that it would have passed this ordinance and each section,
4 paragraph, sentence, clause, word or phrase thereof irrespective of any
5 provision being declared unconstitutional or otherwise invalid.

6 Section 4. COMPILATION. Sections 1 and 2 of this ordinance amend, are
7 incorporated in and made a part of the Revised Ordinances of Albuquerque,
8 New Mexico, 1994.

9 Section 5. EFFECTIVE DATE. This ordinance shall take effect five days
10 after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 4th DAY OF April 2016
2 BY A VOTE OF: 8 FOR 0 AGAINST.

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4 **Excused: Sanchez**

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9 **Dan Lewis, President**
10 **City Council**

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13 APPROVED THIS _____ DAY OF _____, 2016

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17 **Bill No. O-16-13**

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22 **Richard J. Berry, Mayor**
23 **City of Albuquerque**

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25 **ATTEST:**

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28 **Natalie Y. Howard, City Clerk**

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