

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. C/S O-22-49 ENACTMENT NO. _____

SPONSORED BY: Trudy Jones, Tammy Fiebelkorn, Renée Grout, Klarissa Peña

ORDINANCE
ESTABLISHING THE DOMESTIC VIOLENCE AND SEXUAL ASSAULT
COMMISSION; ESTABLISHING THE RESPONSIBILITIES OF THE
COMMISSION.

WHEREAS, Mayor Tim Keller appointed a Domestic Violence and Sexual Assault Task Force to study the needs of domestic violence and sexual assault victims in Albuquerque; and

WHEREAS, the task force has met regularly for two years and has brought together representatives of community groups with community members and councilors; and

WHEREAS, the task force has made 39 recommendations for improving the services for, responses to, and preventive strategies to improve the lives of persons who experience domestic violence and sexual assault; and

WHEREAS, the central recommendation of the Domestic Violence and Sexual Assault Task Force was to create a permanent Commission on Domestic Violence and Sexual Assault.

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

SECTION 1. A new Part is hereby added to Chapter 2, Article 6 of the Revised Ordinances of Albuquerque, New Mexico, 1994, establishing the Commission on Domestic Violence and Sexual Assault as follows:

“[§ 2-6-18-1 SHORT TITLE.
This Ordinance may be cited as the “Commission on Domestic Violence and Sexual Assault Ordinance.”

§ 2-6-18-2 COMPOSITION OF THE COMMISSION.

The Commission shall consist of seven (7) voting members who are representative of diverse communities and geographic regions of Albuquerque, along with nine (9) advisory members. The Commission shall not include any elected City officials. Commission members shall be appointed as follows:

A. Seven (7) members shall be appointed by the Mayor with the advice and consent of the City Council as follows:

1. Five (5) members representing local or statewide Domestic Violence and/or Sexual Assault prevention organizations, including at least two that provide services in multiple languages; and

2. Two (2) members who have lived experience shall represent the general public.

B. Nine (9) non-voting ex officio members designated by agencies and relevant branches of government as follows:

1. One (1) non-voting from the Children, Youth & Families Department of the State of New Mexico (CYFD), appointed by the Governors Cabinet Secretary of CYFD;

2. One (1) non-voting member from the Bernalillo County government, appointed by either the Bernalillo County Commission or County Manager;

3. One (1) non-voting member from the New Mexico State judiciary appointed by the Chief Justice of the New Mexico Supreme Court;

4. Four (4) non-voting members, one (1) from each of the following four (4) City of Albuquerque Departments and Offices to be designated by the Mayor or the Mayor's designee: Albuquerque Community Safety Department (ACS), Family and Community Services (FCS), Office of Policy (OP), and Office of Equity and Inclusion (OEI); and

5. Two (2) non-voting members from the Albuquerque Police Department (APD) as follows:

a. The APD Superintendent of Reform; and

b. An APD staff member or Officers within the Special Victims Section appointed by the Chief of Police;

1 C. A member with three unexcused absences in a calendar year shall be
2 excused from further service by the Commission. Vacancies shall be filled for
3 an unexpired term by the original appointing authority.

4 § 2-6-18-3 MEETINGS.

5 A. The Commission shall meet quarterly unless otherwise determined
6 by the Chairperson or requested by four (4) or more voting members.

7 B. Decisions of the Commission shall be made by a majority vote of
8 those voting members present.

9 C. Quorum shall consist of four (4) voting members, with at least one
10 (1) City staff ex officio member present.

11 § 2-6-18-4 DUTIES AND POWERS OF THE COMMISSION.

12 The Commission on Domestic Violence and Sexual Assault shall:

13 A. Facilitate an effective community-wide system of prevention and
14 intervention that is responsive to the needs of domestic violence and sexual
15 assault survivors;

16 B. Advise the Mayor and the City Council concerning community
17 domestic violence and sexual assault issues, including the quality of
18 effectiveness of domestic violence and sexual assault services in
19 Albuquerque;

20 C. Act as a forum for communication, education, and dialogue with
21 Albuquerque residents and persons involved with domestic violence and
22 sexual assault issues;

23 D. Assess and assure that the necessary services, policies, and
24 programs are funded and provided to those in need;

25 E. Promote a clear understanding of domestic violence and sexual
26 assault, current laws, and resources available in the community;

27 F. Develop a plan that ensures laws on domestic violence are properly
28 implemented and provide training to law enforcement and the judiciary;

29 G. Support the execution of the recommendations of the Mayor's
30 Domestic Violence Task Force made in February 2021;

1 H. Render an annual report to the Mayor and the City Council of the
2 Commission's work during the preceding year, including the prior year's
3 activities, voting actions, advisory recommendations, how often the
4 Commission met, and its current members; and

5 I. Identify gaps in prevention and intervention services and increase
6 coordination among public and private programs and include this information
7 in the annual report; and

8 J. Evaluate the efficiency, participation, and structure of the
9 Commission every three (3) years.

10 § 2-6-18-5 INITIAL TERMS.

11 A. The Mayor shall appoint the first Chairperson and Vice Chairperson
12 for a two-year term. Subsequently, Commissioners shall elect their Chair and
13 Vice Chair annually in October.

14 B. Commissioners shall serve three-year terms and Commissioners
15 shall be limited to two consecutive terms. The seven (7) voting members shall
16 serve staggered terms. The Chair and the Vice Chair, as well as two other
17 voting members, shall serve an initial two-year term with their terms expiring
18 on December 31, 2024. The remaining members will serve three-year initial
19 terms, with their terms expiring on December 31, 2025. The terms of the non-
20 voting ex officio Commissioners representing City departments and partner
21 governmental agencies shall be determined by the appropriate department or
22 governmental agency.]”

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

1 **SECTION 3. COMPILATION.** Section '1' of this ordinance amends, is
2 incorporated in and made part of the Revised Ordinances of Albuquerque,
3 New Mexico, 1994.

4 **SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect five (5)
5 days after publication by title and general summary.

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