

CITY of ALBUQUERQUE

TWENTY SECOND COUNCIL

COUNCIL BILL NO. O-16-13 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

1 ORDINANCE
2 AMENDING §14-13-3-7 RELATING TO THE DUTIES OF THE OPEN SPACE
3 ADVISORY BOARD DUTIES TO REQUIRE CITY COUNCIL APPROVAL OF
4 OPEN SPACE ACQUISITION PRIORITIES; AMENDING § 5-2-5 RELATING TO
5 ACQUISITION OF PROPERTIES TO AUTHORIZE ACQUISITION OF OPEN
6 SPACE PROPERTIES THROUGH COMPETITIVE SOLICITATION.
7 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
8 ALBUQUERQUE:

9 SECTION 1. Section 14-13-3-7(B) ROA 1994, relating to the duties of the
10 Open Space Advisory Board, is amended as follows:

11 "§ 14-13-3-7 OPEN SPACE ADVISORY BOARD.

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

- 14 (a) Implementation of adopted open space plans;
- 15 (b) [Priorities Recommend to the City Council for its approval, a list of
16 priority properties suitable] for [the] acquisition [through purchase, exchange,
17 or any other suitable mechanism, for purposes] of "major public open space"
18 or "public easement or rights of way" [implementing for open space purposes,
19 the locations of which are consistent with] the [policies of the]
20 Albuquerque/Bernalillo County Comprehensive Plan[. Such recommendations
21 shall be based upon policies or procedures for the evaluation of open space
22 priority properties as may be approved by resolution of the City Council];

- 23 (c) Basic policies on management of city-owned open space; and
- 24 (d) Criteria for evaluating proposals for significant physical changes
25 and installations on and adjacent to open space lands;

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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 takes effect 90 days after
10 publication by title and summary.

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