

# CITY of ALBUQUERQUE

## TWENTY-THIRD COUNCIL

COUNCIL BILL NO. R-18-94 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Klarissa J. Peña

1 RESOLUTION

2 APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY  
3 OF ALBUQUERQUE AND THE COUNTY OF BERNALILLO.

4 WHEREAS, the Albuquerque/Bernalillo County Government Commission  
5 (“ABCGC”) was created in 1999 to promote coordination and cooperation  
6 between the City and the Board of County Commissioners; and

7 WHEREAS, the ABCGC has historically operated under an  
8 Intergovernmental Agreement (“IGA”) approved by the Mayor, the City Council  
9 and the Board of County Commissioners; and

10 WHEREAS, the City and County recognize the importance of the  
11 Albuquerque Public Schools (APS) involvement in matters affecting the  
12 community; and

13 WHEREAS, the ABCGC wishes to add APS as a voting member on the  
14 ABCGC; and

15 WHEREAS, this IGA (Attachment A) replace and supersedes the Third  
16 Revised IGA and thereby formalizes the inclusion of APS as a voting member  
17 on the ABCGC.

18 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
19 ALBUQUERQUE:

20 Section 1. The Council hereby approves the Fourth Revised  
21 Intergovernmental Agreement for the Albuquerque/Bernalillo County  
22 Commission, attached hereto.

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[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

**FOURTH REVISED INTERGOVERNMENTAL AGREEMENT  
Albuquerque/Bernalillo County Government Commission**

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the CITY OF ALBUQUERQUE, a municipal corporation (City), the COUNTY OF BERNALILLO, a political subdivision of New Mexico (County), and ALBUQUERQUE PUBLIC SCHOOLS (APS), a school district of Albuquerque, New Mexico (District);

WHEREAS, since August 16, 1999, the Albuquerque/Bernalillo County Government Commission (ABCGC) has worked to promote coordination and cooperation between the City and County; and

WHEREAS, the City and County have entered into numerous Joint Powers Agreements, Intergovernmental Agreements and Memoranda of Understanding to coordinate services; and

WHEREAS, the ABCGC is granted additional authority to serve as a body between the two governments; and

WHEREAS, this Agreement replaces and supersedes the Third Revised Intergovernmental Agreement...

WHEREAS, this agreement formalizes the inclusion of Albuquerque Public Schools (APS) as voting members on the ABCGC.

WHEREAS, the City and County recognize the importance of the District's involvement in matters affecting the community. .

NOW, THEREFORE in consideration of the promises and covenants contained herein, the parties agree by mutual consent to the following:

1. Purpose. The purpose of this Agreement is to reaffirm the purpose, role and authority of the ABCGC and to include the District voting members.

## ATTACHMENT A

2. Membership. The ABCGC shall be comprised of four County Commissioners, four City Councilors and the Mayor, and two APS District Board Members. The members of the ABCGC shall serve one-year terms. The presiding officer of the jurisdiction will fill vacancies.
3. Alternates. ABCGC members may select other members of the respective bodies to serve as voting alternates for the members.
4. Chairmanship. The Chair of the ABCGC shall be elected by the ABCGC, provided that the Chairmanship shall alternate among City, County, and the District representation, annually at the first meeting following January 1 of each year.
5. Operating Procedures. The ABCGC shall operate under Robert's Rules of Order in the absence of any specific rules adopted by the ABCGC. A procedural voting quorum shall be defined as two members from the County, three from the City, and one from the District. Passage of all non-procedural motions (items on the agenda for action) shall be by a two-thirds majority vote of ABCGC membership consisting of at least three (3) votes in the affirmative cast by members representing the County, three (3) votes in the affirmative cast by members representing the City, and two (2) votes in the affirmative cast by members representing the District.
6. ABCGC Authority. The ABCGC shall have the power to:
  - a. Recommend a process to identify areas that can be more effectively coordinated;

## ATTACHMENT A

- b. Review and recommend any new or revised Joint Powers Agreement, Intergovernmental Agreement, or Memorandum of Understanding between the City, County, and the District prior to any action by the initiating entity;
  - c. Provide policy guidance on any area which is governed by a Joint Powers Agreement, Intergovernmental Agreement or Memorandum of Understanding; and
  - d. Provide review of and recommend proposed legislation before the City, County and the District, which affects all jurisdictions.
- 7. Meetings. The ABCGC shall meet at least quarterly unless otherwise determined by a majority of the members. An annual schedule should be adopted at the first meeting following January 1 of each year. All meetings shall comply with the Open Meetings Act as provided by State statute and may be televised on the Government Channel.
- 8. Staff Support. The work of the ABCGC shall be supported with the following staff resources:
  - a. The County Manager, Chief Administrative Officer, Director of Council Services and District Representative shall serve as the primary staff to the ABCGC to carry out any recommendations adopted by the City, County and District;
  - b. The County Manager, Chief Administrative Officer, Director of Council Services and District Representative shall meet on a monthly basis to maintain communication on issues of mutual concern;

ATTACHMENT A

- c. The Council Services Office, the County Manager’s Office, the Mayor’s Office or the District Office, dependent upon whether the Chair is a City Councilor, a County Commissioner, the Mayor or District Board Member, shall provide a board secretary to support the meetings of the ABCGC; and
  - d. Any direct expenses to carry out activities adopted by all entities should be shared equally or as determined by mutual consent.
9. Term of Agreement. This Agreement shall remain in force and effect until terminated by either the City, County, or the District. With respect to the County, termination shall only be permitted by a majority vote of the Board of County Commissioners. With respect to the City, termination shall only be permitted by the approval of a majority of the City Council together with approval by the Mayor. With respect to the District, termination shall only be permitted by a majority vote of the Albuquerque Public Schools Board of Education.
10. Modification. This Agreement may be modified only by mutual written agreement of the parties executed in the same manner as this Agreement.
11. Approval and Effective Date. This Agreement is subject to the approval of the City, County and the District and shall not be binding upon the parties until approved by all such parties.

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ATTACHMENT A

**CITY OF ALBUQUERQUE**

\_\_\_\_\_  
Tim Keller, Mayor

\_\_\_\_\_  
Ken Sanchez, Council President

**ALBUQUERQUE PUBLIC SCHOOLS**

\_\_\_\_\_  
David Percy, Board of Education President

**ATTEST:**

\_\_\_\_\_  
City Clerk    Date:

**ATTEST:**

\_\_\_\_\_  
Linda Stover, County Clerk                          Date:

**ATTEST:**

\_\_\_\_\_  
Secretary, Board of Education                  Date:

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Steven Michael Quezada, Chair

\_\_\_\_\_  
Lonnie C. Talbert, Vice Chair

\_\_\_\_\_  
Debbie O’Malley, Member

\_\_\_\_\_  
Maggie Hart Stebbins, Member

\_\_\_\_\_  
James E. Smith, Member

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**APPROVED AS TO FORM:**

\_\_\_\_\_  
County Attorney

**APPROVED AS TO FORM:**

\_\_\_\_\_  
District Attorney