

# CITY of ALBUQUERQUE TWENTY THIRD COUNCIL

COUNCIL BILL NO.     O-18-45     ENACTMENT NO. \_\_\_\_\_

SPONSORED BY:     Ken Sanchez, by request

1                                                                                    ORDINANCE  
2    AMENDING CHAPTER TWO, ARTICLE SIX OF THE REVISED ORDINANCES OF  
3    ALBUQUERQUE RELATING TO THE COMMISSION ON AMERICAN  
4    INDIAN/ALASKA NATIVE AFFAIRS [~~THE COMMISSION ON INDIAN AFFAIRS~~].  
5    BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
6    ALBUQUERQUE:

7             SECTION 1. SECTION 2-6-6-1 IS HEREBY AMENDED AS FOLLOWS:  
8    INTENT.

9    It is the purpose of §§ 2-6-6-1 et seq., to promote the health, safety[,] and  
10 general welfare of its citizenry through the creation of a[n American  
11 Indian/Alaska Native Affairs] Commission. [~~on Indian Affairs~~] [The  
12 Commission] [~~to~~] serve[s] as an advocate [~~of~~] [for American] Indian[/Alaska  
13 Native] affairs [~~to investigate, study and consider the subject of Indian~~  
14 ~~conditions~~] within the City of Albuquerque [and the surrounding area],  
15 including, but not limited to, matters of employment, education, economy,  
16 health, environment, [homelessness,] government, and access to services in  
17 the City.

18             SECTION 2. SECTION 2-6-6-2 IS HEREBY AMENDED AS FOLLOWS:  
19 CREATION.

20    There is hereby created the “Commission on [American] Indian[/Alaska  
21 Native] Affairs” of the City, consisting of [~~five~~] [nine (9)] members, all of whom  
22 shall be residents of the City [and/or the surrounding areas]. Except as  
23 provided in §§ 2-6-6-1 et seq., the qualifications, appointment and conduct of  
24 the members of the Commission and the organizational structure of the  
25 Commission shall be governed by § 2-6-1-1, et seq. ROA 1994.

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1 SECTION 3. SECTION 2-6-6-3 IS HEREBY AMENDED AS FOLLOWS:  
2 TERMS AND APPOINTMENT.

3 The Mayor, with the advice and consent of the Council, shall appoint ~~[the]~~  
4 [nine (9)] members of the Commission. [The Mayor shall endeavor to appoint  
5 one (1) member representing each of the following sectors of the City:  
6 education, health, workforce/employment, environment, government and  
7 culture. The remaining three (3) positions shall be at-large positions. If a  
8 representative from a sector cannot be identified, then a member shall be  
9 appointed from the broadest base of the community at large.] The term of  
10 office of each member of the Commission shall be three years [starting on  
11 October 1; of the initial board first named, three shall serve one year terms,  
12 three shall serve two year terms, and three shall serve three year terms; all  
13 subsequent terms will serve three years.;] ~~[of the board members first named,~~  
14 ~~however, two shall have terms ending October 1, 1995, two shall have terms~~  
15 ~~ending October 1, 1996, and one shall have a term ending October 1, 1997.]~~  
16 The Mayor shall determine ~~[the initial board member terms.]~~ ~~[which member is~~  
17 ~~to serve which term.]~~

18 [The Commission may create advisory sub-committees from the  
19 community to provide input to the Commission to ensure that their issues are  
20 being addressed.

21 The Commission may include one (1) ex officio member from the following  
22 tribal communities: Sandia Pueblo, Isleta Pueblo, Santa Ana Pueblo, Laguna  
23 Pueblo, and To'hajiilee.

24 The Commission will interact, collaborate, and engage with the City Tribal  
25 Liaison on a continuous basis to ensure American Indian/Alaska Native  
26 concerns, challenges, and resolutions are being advocated and implemented.]

27 SECTION 4. SECTION 2-6-6-4 IS HEREBY AMENDED AS FOLLOWS:  
28 POWERS AND DUTIES

29 The Board shall:

30 (A) Serve as an advocate ~~[of]~~ [for American] Indian~~[/Alaska Native]~~ affairs  
31 by acting as a liaison between the City and the [American] Indian~~[/Alaska~~  
32 Native] community in order to bring [American] Indian~~[/Alaska Native]~~  
33 concerns to the City's attention; by educating the City on the ~~[problems]~~

1 ~~[challenges, concerns, and resolutions]~~ of ~~[American]~~ Indian/~~[Alaska Native]~~  
2 citizens of Albuquerque; ~~[by researching the economic conditions of Indians~~  
3 ~~in Albuquerque and the economic contributions of Indians to the City;]~~ and by  
4 researching the social, economic, environmental, health, educational, and  
5 governmental ~~[problems]~~ [challenges] ~~[which]~~ affect~~[ing American]~~  
6 Indian/[Alaska Native] people~~[s]~~.

7 ~~[(B)]~~ Improve the employment opportunities of Indians in the City's public  
8 and private sectors by monitoring the employment of Indians in the work force  
9 and encouraging parity of employment; by developing methods to enable  
10 employers to recruit, hire, train and promote Indians; and by developing and  
11 maintaining a hiring pool of qualified Indians for employment consideration.]

12 ~~[(C)]~~ [(B)] Work with the ~~[American]~~ Indian/[Alaska Native] community to  
13 increase awareness of and access to services and programs in the City of  
14 Albuquerque; ~~[and monitor statistical data]~~ and advise the Mayor regarding  
15 the number of ~~[American]~~ Indian/[Alaska Native] citizens accessing City  
16 services.

17 ~~[(D)]~~ Support economic development for Indian entrepreneurs including  
18 educating Indian business enterprises as to the process(es) for acquiring  
19 government contracts.]

20 ~~[(E)]~~ [(C)] Make recommendations to the Mayor for placement of ~~[American]~~  
21 Indian/[Alaska Natives] on City boards, committees[,] and commissions.

22 ~~[(F)]~~ [(D)] Provide an opportunity for the presentation and exchange of  
23 ideas in respect to ~~[American]~~ Indian/[Alaska Native] affairs of the City by all  
24 interested persons.

25 ~~[(G)]~~ [(E)] Submit annually a written report of its activities and an evaluation  
26 of the effectiveness of §§ 2-6-6-1 et seq. to the Mayor and the City Council with  
27 recommendations for changes.

28 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, word or  
29 phrase of this ordinance is for any reason held to be invalid, or unenforceable  
30 by any court of competent jurisdiction, such decision shall not affect the  
31 validity of the remaining provisions of this ordinance. The Council hereby  
32 declares that it would have passed this ordinance and each section,

1 paragraph, sentence, clause, word or phrase thereof irrespective of any  
2 provision being declared unconstitutional or otherwise invalid.

3 SECTION 6. COMPILATION. Sections 1 through 4 of this ordinance shall  
4 amend, be incorporated in and made part of the Revised Ordinances of  
5 Albuquerque, New Mexico, 1994.

6 SECTION 7. EFFECTIVE DATE. This ordinance shall take effect five days  
7 following publication by title and general summary.

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Mayor Richard J. Berry

# CITY OF ALBUQUERQUE

## Albuquerque, New Mexico

### Office of the Mayor

**INTER-OFFICE MEMORANDUM**

November 28, 2018

**TO:** Klarissa J. Peña, President, City Council

**FROM:** Timothy M. Keller

**SUBJECT: Amendment of Chapter Two, Article Six of the Revised Ordinances of Albuquerque Relating to the Commission on Indian Affairs**

Transmitted herewith for City Council consideration and approval is a proposed amendment to Chapter Two, Article Six of the Revised Ordinances of Albuquerque Relating to the Commission on Indian Affairs. The proposed amendment allows for the expansion of the current Commission to nine (9) members as well as allows for the creation of advisory sub-committees and the inclusion of ex officio members. It further provides guidance regarding the matters reviewed by the Commission and the proposed composition of the Commission. Lastly, it renames the Commission to the Commission on American Indian/Alaska Native Affairs in order to reflect the inclusion of Alaska Native members.

**SUBJECT: Amendment of Chapter Two, Article Six of the Revised Ordinances of Albuquerque Relating to the Commission on Indian Affairs**

Approved:

SN 12/14/15  
Sarita Nair Date  
Chief Administrative Officer

Approved as to Legal Form:

SA 11-29-18  
Esteban A. Aguilar, Jr. Date  
City Attorney

Recommended:

TJ 11/28/18  
Torri Jacobus Date  
Managing Assistant City Attorney

## Cover Analysis

### 1. What is it?

Ordinance Amending Chapter Two, Article Six of the Revised Ordinances of Albuquerque Relating to [the Commission on American Indian/Alaska Native Affairs] [~~the Commission on Indian Affairs~~].

### 2. What will this piece of legislation do?

This piece of legislation allows for the expansion of the current Commission on Indian Affairs to nine (9) members as well as allows for the creation of advisory sub-committees and the inclusion of ex officio members. It further provides guidance regarding the matters reviewed by the Commission and the proposed composition of the Commission. Lastly, it allows for a revised name of the Commission to reflect the inclusion of Alaska Native members.

### 3. Why is this project needed?

This is needed to allow for membership on the Commission that is inclusive of the communities that it is intended to represent and serve and to appropriately state the objectives of the Commission's work as they relate to the challenges, concerns, and resolutions of the American Indian and Alaska Native citizens of Albuquerque.

### 4. How much will it cost and what is the funding source?

N/A

### 5. Is there a revenue source associated with this Plan? If so, what level of income is projected?

N/A

**FISCAL IMPACT ANALYSIS**

TITLE: Amendment of Chapter Two, Article Six of the Revised Ordinances of Albuquerque O: Ordinance  
 Relating to the Commission on Indian Affairs FUND: n/a  
 DEPT: Legal

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

|                                       | 2019 | Fiscal Years<br>2020 | 2021 | Total |
|---------------------------------------|------|----------------------|------|-------|
| Base Salary/Wages                     |      |                      |      | -     |
| Fringe Benefits at                    | -    | -                    | -    | -     |
| Subtotal Personnel                    | -    | -                    | -    | -     |
| Operating Expenses                    |      |                      |      | -     |
| Property                              |      |                      |      | -     |
| Indirect Costs                        | -    | -                    | -    | -     |
| Total Expenses                        | \$ - | \$ -                 | \$ - | \$ -  |
| [ X ] Estimated revenues not affected |      |                      |      |       |
| [ ] Estimated revenue impact          |      |                      |      |       |
| Amount of Grant                       | -    | -                    | -    | -     |
| City Cash Match                       |      |                      |      |       |
| City Inkind Match                     |      |                      |      |       |
| City IDOH                             |      |                      |      |       |
| Total Revenue                         | \$ - | \$ -                 | \$ - | \$ -  |

These estimates do not include any adjustment for inflation.

\* Range if not easily quantifiable.

Number of Positions created -0-

**COMMENTS:**


**COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**

The proposed Ordinance change allows for the expansion of the current Commission on Indian Affairs to nine (9) members as well as allows for the creation of advisory sub-committees and the inclusion of ex officio members. It further provides guidance regarding the matters reviewed by the Commission and the proposed composition of the Commission. Lastly, it allows for a revised name of the Commission to reflect the inclusion of Alaska Native members.

PREPARED BY:

  
 FISCAL ANALYST


APPROVED:

 11-29-18  
 DIRECTOR (date)

REVIEWED BY:

  
 EXECUTIVE BUDGET ANALYST

 11/28/18  
 BUDGET OFFICER (date)

 11/28/18  
 CITY ECONOMIST