

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-171 ENACTMENT NO. _____

SPONSORED BY: Klarissa J. Peña

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RESOLUTION

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

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

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

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

WHEREAS, the ABCGC wishes to add APS as an advisory member on the ABCGC; and

WHEREAS, this IGA (Attachment A) replace and supersedes the Third Revised IGA and thereby formalizes the inclusion of APS as an advisory, non-voting member on the ABCGC.

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

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

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

THIS AGREEMENT is made and entered into this ____ day of _____, 2019, 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) by providing for the participation of two non-voting members on the ABCGC.

WHEREAS, the City and County recognize the importance of the District's advisement 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 as non-voting advisory members.
2. Membership. The ABCGC shall be comprised of four County Commissioners, four City Councilors and the Mayor, and two APS District Board Members (serving as advisory non-voting members) The members of the ABCGC shall serve one-year terms. The presiding officer of the jurisdiction will fill vacancies.
3. Alternates. ABCGC City and County members may select other members of the respective bodies to serve as voting alternates for the members. The District may select other members of the respective body to serve as advisory non-voting alternates.
4. Chairmanship. The Chair of the ABCGC shall be elected by the ABCGC, provided that the Chairmanship shall alternate among City and the County 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 and three from the City. Passage of all non-procedural motions (items on the agenda for action) shall be by a two-thirds majority vote of ABCGC voting membership consisting of at least three (3) votes in the affirmative cast by members representing the County and three (3) votes in the affirmative cast by members representing the City.
6. ABCGC Authority. The ABCGC shall have the power to:

- a. Recommend a process to identify areas that can be more effectively coordinated;
 - 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, and Director of Council Services shall serve as the primary staff to the ABCGC to carry out any recommendations adopted by the City and County;
 - b. The County Manager, Chief Administrative Officer, Director of Council Services shall meet on a monthly basis to maintain communication on issues of mutual concern;

- c. The Council Services Office, the County Manager's Office, and the Mayor's Office, dependent upon whether the Chair is a City Councilor, a County Commissioner, the Mayor, 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 or County. 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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