



Legislation Text

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**CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL**

COUNCIL BILL NO. O-20-36 ENACTMENT NO. _____

SPONSORED BY: Klarissa J. Peña

ORDINANCE

Amending The “Amusements, Recreation, Culture Ordinance” To Align Certain Board Appointments With Other Art And Cultural Boards And Commissions, Correct Outdated Department, Division And Program Names, And Clarify Board Relations To Municipal Hiring Practices (Peña)

WHEREAS, the City of Albuquerque Code of Ordinances contains within Chapter 10: Amusement, Recreation, Culture articles that establish and enable seven boards and commissions that advise the administration and the City Council on cultural venue and programming operations; and

WHEREAS, the boards and commissions of the cultural venues and program are outdated and inconsistent; and

WHEREAS, the Cultural Services Department seeks to standardize to the appropriate extent possible the various boards and commissions for each of the cultural divisions with uniform appointment processes, term definitions and advisement duties; and

WHEREAS, Articles 2, 4, 5 and 6 address the specific board and commission for the Albuquerque BioPark, the Albuquerque Museum, Explora, the Anderson Abruzzo Albuquerque International Balloon Museum, Albuquerque Public Art Program and the Libraries; and

WHEREAS, Article 4, Parts 3 and 4 address defunct or other governmental agencies no longer within the purview of the city.

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

SECTION 1. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE, ARTICLE 2: ZOO; AQUATIC PARK; BOTANICAL GARDEN, PART 2: BIOLOGICAL PARK ADVISORY BOARD, is hereby amended as follows:

PART 2: BIOLOGICAL PARK ADVISORY BOARD

§ 10-2-2-1 PURPOSE.

The Albuquerque Biological Park Advisory Board, hereinafter referred to as the “Board” is established for the following purposes:

(A) To support the development and operation of the Albuquerque Biological Park which includes ~~[three primary facilities, being,] the [Albuquerque Aquarium, the Rio Grande Botanic Garden, and the Rio Grande Zoo]~~ [BioPark Zoo, BioPark Aquarium, BioPark Botanic Gardens, BioPark Heritage Farm and Tingley Beach].

(B) To serve as a focal point for community input and discussion regarding the needs and development of the Albuquerque Biological Park.

(C) To encourage usage and maintain ongoing community support activities of the facility.

(Ord. 21-1995)

§ 10-2-2-2 ALBUQUERQUE BIOLOGICAL PARK ADVISORY BOARD.

~~[(A) There is hereby created an Albuquerque Biological Park Advisory Board which shall consist of nine members, each primary facility within the Park being represented by three members. If the Board deems necessary, three subcommittees, one for each primary facility, may be established.]~~

~~[(B) The terms of the members of the Board shall be for three year terms beginning March 1, 1995; provided that of the members first appointed, three of the members appointed shall serve two year terms (one on each subcommittee) and six members shall serve four year terms (two on each subcommittee) as determined by the Mayor.]~~

~~[(C) Members may not serve more than two consecutive terms and shall serve without pay.]~~

~~[(D) Members may not serve on the Board of Directors for any recognized organization supporting the Botanic Garden, Aquarium, or Zoo, during their term on the Biological Park]~~

Advisory Board.

~~(E) At the first meeting of the Board and every year thereafter, the Board shall elect one of its members to act as Chairman.~~

~~(Ord. 21-1995)]~~

[(A) The Albuquerque Biological Park Advisory Board shall consist of twelve (12) appointed members and one (1) assigned member. There shall be one member of the Board appointed from each City Council District, three (3) members appointed by the Mayor, who serve at large, and one (1) assigned member from the recognized support organization of the New Mexico BioPark Society.

(B) When an appointed vacancy on the Board occurs, the Councilor representing the District in which the vacating member of the Board resides, shall nominate two members to the Board who reside in his or her respective Council District and the Mayor shall appoint one of these recommended members; provided, however, if a member is eligible for reappointment to the Board and the Councilor in whose District that member resides desires to reappoint the member, the Councilor shall so notify the Council and the member shall be reappointed subject to the advice and consent of the Council. If a member is not being reappointed, the Mayor shall deliver to the Council the Mayor's recommendation from the two names submitted within 30 days of delivery of the two names to the Mayor. If the Mayor fails to timely make a recommendation from the two names submitted, the Councilor may appoint one of the two recommended members subject to the advice and consent of the Council. The Mayor may notify a Councilor in writing that his or her District member's term has expired or the position is otherwise vacant and the Councilor shall have 60 days to submit two recommended appointments to fill that position. If the Councilor fails to submit two names within 60 days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council. The Mayor shall appoint the three (3) at large members to the Board with the advice and consent of the Council. The term of each appointed member shall be three years. The terms of the members shall be staggered so that three members are eligible for reappointment or replacement each year.

(C) Except as provided in this article, the qualifications, appointment and conduct of the members of the Board and any of its subcommittees and the organizational structure of the Board and its subcommittees shall be governed by §§ 2-6-1-1
<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-991> et seq., the Public Boards, Commissions and Committees Ordinance.

(D) The Board shall establish and adopt bylaws as may be necessary to conduct

elections, provide notice of meetings and otherwise govern its proceedings.

(E) Members of the Board shall be broadly representative of all zoological fields. They shall include persons who are widely known for their professional competence and experience in zoology, botany, or the conservation of nature and knowledgeable lay persons.

(F) Appointed members of the Board may not serve on the board of directors for any recognized organization supporting the Albuquerque BioPark except for the position assigned by title described in section (A) of this provision. Each assigned member shall serve on the Board until the term expires with the respective organization.

(G) *Conflict of Interest.* This provision (G) supplements § 2-6-1-4 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-1018>. A Board or a subcommittee member having a financial interest in the outcome of any policy, decision, or determination before the Board or subcommittee on which he serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of his financial interest in the issue, and shall be disqualified from participating in any debate, decision or vote relating thereto.]

§ 10-2-2-3 POWERS AND DUTIES.

(A) The Board shall advise the Mayor and City Council concerning policy and programming issue proposals pertaining to the Biological Park.

(B) The Board shall encourage the greatest use of the Biological Park facilities and programs by the community and region.

(C) The Board shall keep itself informed of the needs of the Biological Park and serve as a forum for discussion.

(D) The Board shall meet at least quarterly, and may hold additional meetings at its discretion.

(E) The Board shall prepare and submit an Annual Report of its activities to the Mayor and CAO.

(F) Staff support for the Board will be provided by the Albuquerque Biological Park Division of the Cultural and Recreational Services Department.

(Ord. 21-1995)

§ 10-2-2-4 [CONFLICT OF INTEREST

[Any member of the Committee having a private interest in matters before the Committee shall disqualify himself from discussion and voting on those matters.

(Ord. 21-1995)] [RESERVED]

[§ 10-2-2-5 GENERAL PROVISIONS.

—This Board shall be subject to the provisions of Chapter 2, Article 6 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-888> of the Revised Ordinances of Albuquerque 1994.

(Ord. 21-1995)]

SECTION 2. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE, ARTICLE 4: MUSEUMS; SCIENCE AND ART CENTERS, PART 1: PUBLIC MUSEUM BOARD OF TRUSTEES, Sections 3 through 10 are hereby amended as follows:

§ 10-4-1-3 [ALBUQUERQUE MUSEUM] BOARD OF TRUSTEES[; FUNCTIONS].

A Museum Board of Trustees, hereinafter the "Board," is established and shall:

(A) Advise the Mayor and the City Council and advise and consult with the Director of the Museum, hereinafter "Director," on matters relating to the Museum and its needs;

(B) Establish such policies as are deemed necessary for the operation of the Museum. Policies are defined as broad operational guidelines, within which programmatic and administrative decisions may be made and implemented in accordance with accepted city administrative procedures;

(C) Have trust responsibilities for the Museum collections; determine that the collections are maintained and preserved in accordance with professional standards for museum operations and the public interest; and establish policies for the control, acquisition and disposal of Museum materials;

(D) Adopt and amend bylaws governing the activities of the Board;

(E) Recommend appropriate contractual arrangements between the city and the Albuquerque Museum Foundation, Inc., hereinafter the "Museum Foundation," a nonprofit corporation formed to further the cultural and educational programs and purposes of the Museum as expressed in city ordinances relating to the Museum.

('74 Code, § 11-4-3) (Ord. 92-1967; Am. Ord. 18-1985)

§ 10-4-1-4 BOARD COMPOSITION[; TERMS; MINUTES.

~~(A) The Board will be composed of nine members, each of whom is appointed to fill a designated position. All appointments require the advice and consent of the City Council. It is intended that the areas of art and history will be represented by membership on the Board. (For the nomination appointment procedure, see § 10-4-1-5~~
~~<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-14149>.)~~

~~(1) Two of the Board members shall be appointed by the Mayor from at least four names submitted to the Mayor by the Museum Foundation. An additional member appointed by the Mayor shall be the President of the Museum Foundation. If the President of the Museum Foundation is already a member of the Board, the Mayor shall appoint that member from the list of names submitted by the Museum Foundation; in this situation the list shall contain at least six (rather than four) names.~~

~~(2) Two of the Board members shall be appointed by the Mayor from at least four names submitted to the Mayor by the Board. An additional member appointed by the Mayor shall be a person submitted by the Board.~~

~~(3) Three of the Board members shall be appointed by the Mayor without special restrictions.~~

~~(B) The terms of members of the Board shall be four years. However, a member of the Board named because he or she is the Foundation president shall offer his or her resignation from the Board upon termination of his or her Foundation presidency. A year of Board membership begins on August 1.~~

~~(C) The members shall serve without remuneration except that, on approval of the Mayor,~~

~~they may be reimbursed for travel and out-of-pocket expense in connection with museum activities.~~

~~(D) Officers of the Board will be a Chairperson, Vice-Chairperson, Secretary and Treasurer and others, if the Board requires. The Board shall adopt rules and bylaws necessary to elect its officers and to govern its proceedings. Except as provided in §§ 10-4-1-1 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-14123> et seq., the qualifications, appointment and conduct of the members of the Board and the organizational structure of the Board shall be governed by §§ 2-6-1-1 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-991> et seq.~~

~~(E) (Reserved)~~

~~(F) The Board shall keep written minutes of all its meetings. The Board minutes shall be brief and shall include the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken, stating how each member voted. Draft minutes shall be prepared within ten working days after the meeting. The Board must approve final minutes. Minutes shall not become official until approved by the Board. Minutes shall be filed with the City Clerk and sufficient copies forwarded to the Mayor for distribution as he prescribes.~~

~~(G) Minutes of the last July monthly meeting each term year shall contain a summary of recommendations and a record of members' attendance during the preceding term. ('74 Code, § 11-4-5) (Ord. 92-1967; Am. Ord. 59-1970; Am. Ord. 18-1985)]~~

[(A) The Albuquerque Museum Board of Trustees shall consist of 12 (twelve) appointed members and 1 (one) assigned member. There shall be one member of the Board appointed from each City Council District, 3 (three) members appointed by the Mayor, who serve at large, and 1 (one) assigned member from the recognized support organization of the Albuquerque Museum Foundation]]

(B) When an appointed vacancy on the Board occurs, the Councilor representing the District in which the vacating member of the Board resides shall nominate two members to the Board who reside in his or her respective Council District and the Mayor shall appoint one of these recommended members; provided, however, if a member is eligible for reappointment to the Board and the Councilor in whose District that member resides desires to reappoint the member, the Councilor shall so notify the Council and the member shall be reappointed subject to the advice and consent of the Council. If a member is not being reappointed, the Mayor shall deliver to the Council the Mayor's recommendation from the two names submitted within 30 days of delivery of the two names to the Mayor. If the Mayor fails to timely make a recommendation from the two names submitted, the Councilor may appoint one of the two recommended members subject to the advice and consent of the Council. The Mayor may notify a Councilor in writing that his or her District member's term

has expired or the position is otherwise vacant and the Councilor shall have 60 days to submit two recommended appointments to fill that position. If the Councilor fails to submit two names within 60 days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council. The Mayor shall appoint the 3 (three) at large members to the Board with the advice and consent of the Council. The term of each appointed member shall be three years. The terms of the members shall be staggered so that three members are eligible for reappointment or replacement each year.

(C) Except as provided in this article, the qualifications, appointment and conduct of the members of the Board and any of its subcommittees and the organizational structure of the Board and its subcommittees shall be governed by §§ 2-6-1-1
<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-991> et seq., the Public Boards, Commissions and Committees Ordinance. ('74 Code, § 11-11-2) (Ord. 7-1967; Am. Ord. 29-2011)

(D) The Board shall establish and adopt bylaws as may be necessary to conduct elections, provide notice of meetings and otherwise govern its proceedings.

(E) Members of the Board shall be broadly representative of all fields of art and history. They shall include persons who are widely known for their professional competence and experience in the aforementioned fields and knowledgeable lay persons.

(F) Appointed members of the Board may not serve on the board of directors for any recognized organization supporting the Albuquerque Museum except for the position assigned by title described in section (A) of this provision. Each assigned member shall serve on the Board until the term expires with the respective organization.

(G) *Conflict of Interest.* This provision (G) supplements § 2-6-1-4
<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-1018>. A Board or a subcommittee member having a financial interest in the outcome of any policy, decision, or determination before the Board or subcommittee on which he serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of his financial interest in the issue, and shall be disqualified from participating in any debate, decision or vote relating thereto.]

§ 10-4-1-5 [NOMINATION; APPOINTMENT PROCEDURE.

~~At least two months before a term expires, or as soon as a vacancy otherwise exists, the Board Chairperson shall present to the Mayor the name, qualifications and length of service of any Board member whose term is ending. The Chairperson shall also present the names and qualifications of other people proposed for Board membership, proposed by the Board or by the Foundation as provided by § 10-4-1-4~~

~~<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-14137>. The Mayor shall promptly convey relevant information on the retiring Board member and the person he is nominating to the City Council.~~

~~('74 Code, § 11-4-5) (Ord. 92-1967; Am. Ord. 59-1970; Am. Ord. 18-1985)]~~

[ADMINISTRATIVE RESPONSIBILITIES.

The Chief Administrative Officer shall provide adequate staffing and administrative support for enabling the Board and any of its subcommittees to carry out their duties.]

§ 10-4-1-6 [DIRECTOR AND MUSEUM EMPLOYEES.]

~~The Director and other Museum employees shall be selected by the Chief Administrative Officer under the terms of Chapter 3, Article 1 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-1987> of this code applicable to the position involved. In the selection or replacement of the Director, three Board members selected by the Board Chairperson shall act as a search committee. The committee shall make hiring recommendations to the full Board for approval. Following Board approval, the recommendation regarding selection or replacement shall be forwarded to the Chief Administrative Officer. The recommendation shall list not less than three qualified finalists and may include ranking according to the Board's preference. ('74 Code, § 11-4-6) (Ord. 92-1967; Am. Ord. 18-1985)] [RESERVED.]~~

§ 10-4-1-7 MUSEUM COLLECTIONS.

(A) *MUSEUM COLLECTIONS*, hereinafter "collections," are defined as any item or assemblage of items gathered by the Museum for educational, research, exhibit and public benefit purposes.

(B) The Board shall establish and oversee application of policies relating to:

- (1) Acquisition of items through gift, purchase or trade;
- (2) Loan of items;
- (3) Conservation and maintenance of items;
- (4) Preservation; and
- (5) Deaccessioning of items in the Museum collections.

(C) Net proceeds from sales of collections or other items shall be deposited in the Museum Trust and Agency Account to be used for future collection acquisitions.

('74 Code, § 11-4-7) (Ord. 92-1967; Am. Ord. 18-1985)

§ 10-4-1-8 GIFT, GRANT ENDOWMENT AND TRUST FUND DONATIONS.

(A) Gifts, grants, endowments and other financial aid given to the Museum by public or private sources shall be administered according to the terms specified by the donor.

(B) All money described in division (A) of this section shall be deposited in the Museum Trust and Agency Account, an account of the city, unless the donor requests otherwise. Property described in division (A) of this section, which is not either money or property appropriate for the Museum collection as defined by Board policy, shall be administered by the Museum Foundation, unless the donor requests otherwise; in this role, the Museum Foundation shall act as trustee for the city, and title shall vest in the city. Sections 10-4-1-1 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-14123> et seq. shall not bar the Museum Foundation from owning property specifically given or sold to the Foundation.

(C) All funds which the donor requests to be deposited in the Museum Trust and Agency Account shall be invested as part of the established city investment program, unless a specific fund is to be used immediately and the Director requests other use or deposit. Proceeds from these investments shall be credited to the Museum Trust and Agency Account and are not to be substituted for public funds in determining the financing of the Museum by the city.

(D) The Director is empowered to expend funds from the Museum Trust and Agency Account in accordance with applicable city practices.

('74 Code, § 11-4-8) (Ord. 92-1967; Am. Ord. 18-1985)

§ 10-4-1-9 STATEMENT OF POLICY.

(A) The City Council will assume the cost of operating the Museum, specifically, salaries

of staff and employees, costs of preparing exhibitions, maintenance of building and grounds, and other related costs and services.

(B) Costs of acquisition of collections and similar material for the Museum will not normally be paid for by the city unless special funds are made available to the city by grants, endowments, gifts or by Council action. The Museum may charge admission fees. For special projects which are beyond the usual operating activities of the Museum, hereinafter "special project," the Museum may request special funds from the City and/or grants from outside sources. The request for a grant may include all the costs of the special project. Thus, if a special project requires additional personnel or special equipment exclusively for that project, the grant may encompass the expenses as costs arising from that project, expenses which the Museum would not otherwise undertake.

(C) Admission fee levels shall be set by the Mayor, in consultation with the Board, pursuant to the following policies:

(1) Fees should not be so high as to seriously reduce the availability of the Museum to the public;

(2) Fees should be reasonable in relation to other museum and educational attractions in the Southwest region;

(3) Compatible, reciprocal fees with the New Mexico Museum of Natural History are desirable;

(4) In keeping with the museum's educational role, special fee provisions should apply to students;

(5) Special fee provisions should apply to senior citizens and Museum Foundation members;

(6) There should be periodic free days.

('74 Code, § 11-4-9) (Ord. 92-1967; Am. Ord. 56-1977; Am. Ord. 18-1985)

~~§ 10-4-1-10 CONFLICT OF INTEREST.~~

~~Members of the Board having a private interest as described in Section 3-10-5 NMSA 1978, or other relevant statutes, shall conform their conduct to the conduct required of members of such governing body by statute.~~

~~('74 Code, § 11-4-10) (Ord. 92-1967; Am. Ord. 18-1985)]~~

SECTION 3. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE, ARTICLE 4: MUSEUS; SCIENCE AND ART CENTERS, PART 2: EXPLORA SCIENCE CENTER is hereby amended as follows:

§ 10-4-2-1 MISSION AND GOALS.

(A) *Explora's Mission.* Explora, an interactive science center, is [a public-private partnership between the City of Albuquerque and Explora Science Center, managed through an Operating Agreement approved by the City of Albuquerque Chief Administrative Officer and the City Council,] dedicated to educating and exciting people of all ages, especially children of New Mexico, about the wonders of science and technology.

(B) *Explora's Goals.*

(1) To provide a quality Science Center for the state with interactive hands-on exhibits

and educational programs about science and technology.

(2) To serve the state by providing a statewide outreach program for science education in schools and communities and by soliciting funds for programs and transportation for visitors to come to the Center.

(3) To actively promote a relationship with the education systems in the state to make the Explora Science Center a vital complement to and extension of the classroom experience.

(4) To reflect the diversity and richness of the state's cultural, natural and scientific resources.

(5) To seek maximum support and cooperation from government, industry and private institutions.

('74 Code, § 11-18-1) (Ord. 55-1993)

§ 10-4-2-2 [ADVISORY BOARD.

~~An Explora Science Center Advisory Board, hereafter the Board, is established and shall be constituted and shall serve as follows:~~

~~(A) *Members.* Board membership should reflect and represent scientists, health professionals, educators and particularly the multicultural nature of Albuquerque. The Advisory Board shall consist of eleven members appointed by the Mayor with the advice and consent of the Council; two of the Board members shall be appointed by the Mayor from a list of at least four names of members of the Explora Foundation submitted to the Mayor by the Explora Foundation.~~

~~(B) *Terms.* Regular terms of membership shall be for three years. Members shall be eligible to serve two consecutive terms only.~~

~~(C) *Officers.* The Advisory Board shall elect a Chair, Vice-Chair, and such other officers as the Board deems appropriate.~~

~~(D) *Meetings.* The Advisory Board shall meet no less frequently than six times each year.~~

~~(E) *Compensation.* The members shall serve without remuneration except that, on approval of the Mayor, they may be reimbursed for travel and out-of-pocket expenses in connection with Center activities.~~

~~(F) Except as otherwise provided in this ordinance, the provisions of §§ 2-6-1-1 et seq. govern the Board.~~

~~(G) *Powers and Duties.* The Advisory Board shall have the following powers and duties:~~

~~— (1) To advise the Mayor and the City Council and advise and consult with the Director of the Center on matters relating to the Center and its needs, including the mission, purpose and goals of the Explora Science Center and to recommend the broad policies as are deemed necessary for the operation of the Center.~~

~~— (2) To interview and make recommendations for the hiring and performance evaluation of a Director for the Center as provided herein.~~

~~— (3) To review and recommend the selection of all consultants other than those hired by the city pursuant to §§ 14-7-2-1
<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-20077> et seq., Selection Advisory Committee.~~

~~— (4) To evaluate budget recommendations.~~

~~— (5) To evaluate the program of the Center as proposed by the Director.~~

~~— (6) To provide direction for the design and construction of the Center.~~

~~— (7) To develop cooperative relationships with other public and private entities such as the Albuquerque Children's Museum, the New Mexico Museum of Natural History and Science, the International Balloon Museum, the Albuquerque Museum, the Albuquerque Public Schools, other public school districts and private schools, the state's universities, Sandia and Los Alamos National Laboratories and private industry.~~

~~— (8) To prepare and submit a quarterly report of its activities to the Mayor and Chief Administrative Officer, and an annual report to the City Council.~~

~~— (9) To investigate possible advantageous merger with museums whose mission is similar or overlaps that of the Explora Science Center, and to make recommendations to the Mayor when it reaches conclusions.~~

~~— (H) When the Center begins full operations in a permanent Center building, the city will evaluate what continuing role the Board might appropriately play.~~

~~('74 Code, § 11-18-2) (Ord. 55-1993; Am. Ord. 26-1994)~~

~~§ 10-4-2-3 DIRECTOR AND CENTER EMPLOYEES.~~

~~— (A) Selection. The Mayor shall select a Director for the Science Center and other Center employees under the terms of Chapter 3, Article 1~~

~~<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-1987> of this code applicable to the position involved.~~

~~— (B) Duties of the Director. The Director shall be responsible for the initial program and financial planning for the, Center and shall provide all necessary staff assistance to the Advisory Board in accomplishing its duties. The Director shall be the administrative head of the Center and shall supervise the employees of the Center. The Director shall report to the Mayor or the director of any department of the city under which the Mayor places the Center. ('74 Code, § 11-18-3) (Ord. 55-1993)] [RESERVED.]~~

SECTION 4. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE, ARTICLE 4: MUSEUMS; SCIENCE AND ART CENTERS, PART 3: PERFORMING ARTS CENTER is hereby amended as follows:

~~[PART 3: PERFORMING ARTS CENTER~~

~~BOARD OF TRUSTEES~~

~~§ 10-4-3-1 PURPOSE.~~

~~—A New Mexico Performing Arts Center Board of Trustees is established for the following purposes:~~

- ~~—(A) To serve as the planning authority for the design, construction, program and operation of the Center;~~
- ~~—(B) To establish such policies as may be necessary for the operation of the Center;~~
- ~~—(C) To develop, educate and maintain a broad-based constituency and audience for the Center throughout the community and around the state; and~~
- ~~—(D) To assist and advise the Performing Arts Center Endowment in its effort to raise operating endowment funds from the private sector.~~

~~('74 Code, § 11-17-1) (Ord. 68-1989)~~

~~§ 10-4-3-2 NEW MEXICO PERFORMING ARTS CENTER BOARD OF TRUSTEES.~~

~~—There is hereby created a New Mexico Performing Arts Center Board of Trustees, hereafter the "Board of Trustees," which shall be constituted and shall serve as follows:~~

- ~~—(A) *Members.* The Board of Trustees shall consist of 17 members:~~
 - ~~—(1) The Mayor or his or her designee;~~
 - ~~—(2) The President of the City Council or a City Councilor designated by the President of the City Council;~~
 - ~~—(3) Designees of three performing arts organizations who will be using the Center, one each from the disciplines of dance, music and theatre, selected by the Mayor with the advice and consent of the Council from lists submitted by the Board of Trustees and performing arts groups;~~
 - ~~—(4) The New Mexico Officer of Cultural Affairs;~~
 - ~~—(5) The Chair of the Performing Arts Center Endowment or his or her designee; and~~
 - ~~—(6) Nine public at-large members appointed by the Mayor, one from each of the Council districts, with the advice and consent of the Council.~~
 - ~~—(7) One designee from the visual arts discipline, selected by the Mayor with the advice and consent of the Council.~~
- ~~—(B) *Terms.*~~
 - ~~—(1) Initial Terms. Each of the original public at-large members and performing arts~~

~~organization designees shall serve an initial term extending until the formal opening of the Center.~~

~~—(2) Staggered Terms. Following the completion of their initial terms, the public at-large members shall draw lots for three one-year terms, three two-year terms and three three-year terms which they shall serve accordingly. Following the completion of their initial terms, the performing arts organization designees shall draw lots for one one-year term, one two-year term and one three-year term which their respective organizations shall hold accordingly.~~

~~—(3) Regular Terms. The regular terms of the public at-large members and the performing arts organization designees shall be three years.~~

~~—(4) Consecutive Terms. At the expiration of his or her staggered term, each public at-large member shall be eligible for appointment to a full regular term provided, however, that no public at-large member may serve more than two consecutive terms, not including the initial term. No performing arts organization shall be represented in the membership for more than one consecutive term, not including the initial term.~~

~~—(C) Officers. The Board Trustees shall elect a Chairperson, a Vice-Chairperson and such other officers as the Board deems appropriate to carry out its duties.~~

~~—(D) Bylaws. The Board of Trustees shall adopt such bylaws as may be necessary to conduct elections, provide notice of meetings and otherwise govern its proceedings.~~

~~—(E) Meetings. The Board of Trustees shall meet no less frequently than ten times each year.~~

~~—(F) Executive Committee. The Board of Trustees may, by duly adopted resolution, delegate specific authority to act between regular board meetings to an executive committee to be composed of:~~

~~—(1) The Chairperson;~~

~~—(2) The Vice-Chairperson;~~

~~—(3) Two members elected by the Board from among the public at-large members; and~~

~~—(4) One member elected by the Board from among the remaining members.~~

~~('74 Code, § 11-17-2) (Ord. 68-1989)~~

~~§ 10-4-3-3 POWERS AND DUTIES.~~

~~—The Board of Trustees shall have the following powers and duties:~~

~~—(A) To define the mission, purpose and goals of the Center and set the policies pursuant to which these shall be accomplished, where policies are defined to mean broad operational~~

~~guidelines, within which programmatic and administrative decisions may be made and implemented in accordance with accepted city administrative procedures;~~

~~(B) To interview and make recommendations for the hiring and performance evaluation of the Executive Director as provided herein;~~

~~(C) To review and recommend the selection of all consultants other than those hired pursuant to §§ 14-7-2-1 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-20077> et seq., Selection Advisory Committee;~~

~~(D) To approve the budget recommendations to be submitted to the Mayor;~~

~~(E) To propose an annual fee schedule for renting the facilities in the Center;~~

~~(F) To approve the adoption of the Center's programming as recommended by the Executive Director;~~

~~(G) To adopt guidelines and procedures for selecting the resident tenants of the Center and for allocating the facilities of the Center to all other potential users; and~~

~~(H) To approve and acknowledge the form of recognition in the Center for donors to the Performing Arts Center Endowment.~~

~~(I) To adopt guidelines and procedures for encouraging low-income and student attendance;~~

~~(J) To adopt guidelines and procedures to work in cooperation with the educational resources in our community.~~

~~('74 Code, § 11-17-3) (Ord. 68-1989)~~

~~§ 10-4-3-4 EXECUTIVE DIRECTOR.~~

~~(A) *Chief Executive Officer.* The Executive Director shall be the chief executive officer of the Center.~~

~~(B) *Selection.* The Executive Director shall be selected by the Chief Administrative Officer from a list presented by the Board of Trustees and under the terms of Chapter 3, Article 1 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-1987> of this code applicable to the position. In the selection or replacement of the Executive Director, the Chairperson of the Board may appoint a search committee from among the members of the Board to make hiring recommendations to the full Board for approval. Following Board approval, the recommendation regarding selection or replacement shall be forwarded to the Chief Administrative Officer. The recommendation shall list not less than three qualified finalists and may include ranking according to the Board's preference.~~

~~(C) *Evaluation.* Not less than annually, the Board of Trustees shall review the performance of the Executive Director and transmit the findings of its review to the Chief Administrative Officer for his consideration.~~

~~(D) *Owner-Representative.* The Executive Director shall serve as the owner/user representative for the city in relation to the architects, contractors and consultants for the design construction of the Center.~~

~~(E) *Budget.* The Executive Director shall prepare the recommended annual budget for the operation of the Center.~~

~~('74 Code, § 11-17-4) (Ord. 68-1989)~~

~~§ 10-4-3-5 DESIGN AND CONSTRUCTION.~~

~~The architects, consultants, engineers and contractors responsible for the design and construction of the Center shall be selected in accordance with the Ad Hoc Board provision~~

~~in §§ 14-7-2-4 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-20103>. The Ad Hoc Board shall be comprised of the appropriate Selection Advisory Committee members augmented by at least three members of the Board of Trustees appointed by the Mayor.~~

~~('74 Code, § 11-17-5) (Ord. 68-1989)~~

~~§ 10-4-3-6 GOVERNANCE REVIEW.~~

~~—Within one year after the formal opening of the Center, the Board of Trustees, with the advice and counsel of the Executive Director, shall submit to the Mayor, for consideration by the Council, its recommendations for changes, if any, in the form of governance of the Center as defined in §§ 10-4-3-1~~

~~<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-14220> et seq.~~

~~('74 Code, § 11-17-6) (Ord. 68-1989)~~

~~§ 10-4-3-7 APPLICABILITY.~~

~~—In the event that any of the provisions contained herein conflict with applicable provisions of §§ 2-6-1-1 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-991> et seq., Public Boards, Commissions and Committees, the specific provisions of §§ 10-4-3-1 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-14220> et seq. shall control.~~

~~('74 Code, § 11-17-7) (Ord. 68-1989)~~

~~§ 10-4-3-8 PERFORMING ARTS CENTER ADVISORY COMMITTEE.~~

~~—Upon the appointment and confirmation of the Board of Trustees, the Performing Arts Center Advisory Committee shall be dissolved.~~

~~('74 Code, § 11-17-8) (Ord. 68-1989)] [RESERVED]~~

SECTION 5. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE, ARTICLE 4: MUSEUMS; SCIENCE AND ART CENTERS, PART 4: HISPANIC CULTURAL CENTER is hereby amended as follows:

~~[PART 4: HISPANIC CULTURAL CENTER~~

~~ADVISORY COMMITTEE~~

~~§ 10-4-4-1 PURPOSE.~~

~~—The Hispanic Cultural Center Advisory Committee, hereinafter referred to as the "Committee," is established for the following purposes:~~

~~—(A) To pursue the development of a Hispanic Cultural Center; and~~

~~—(B) To serve as a focal point for community input and discussion regarding a Hispanic Cultural Center; and~~

~~—(C) To encourage initial usage and maintain ongoing community support activities of such a center upon its development.~~

~~('74 Code, § 11-20-1) (Ord. 37-1989)~~

~~§ 10-4-4-2 HISPANIC CULTURAL CENTER.~~

~~(A) There is hereby created a Hispanic Cultural Center Advisory Committee which shall consist of eleven members.~~

~~(B) The terms of the members of the Committee shall be for three year terms beginning June 1, 1989; provided that of the members first appointed, three of the members appointed shall serve one year terms; four members shall serve two year terms and four members shall serve three year terms, as determined by the Mayor.~~

~~(C) Members may not serve more than two consecutive terms and shall serve without pay.~~

~~(D) At the first meeting of the Committee and every year thereafter the Committee shall elect one of its members to act as Chairperson.~~

~~('74 Code, § 11-20-2) (Ord. 37-1989)~~

~~§ 10-4-4-3 POWERS AND DUTIES.~~

~~The Committee shall~~

~~(A) Recommend to the Mayor and the Council policies and, where feasible, specific plans/proposals for site criteria and program analysis of a Hispanic Cultural Center;~~

~~(B) Promote activities within the community and region to assist in the development of the facility;~~

~~(C) Recommend and implement private and/or public sector fund raising plans;~~

~~(D) Meet at least quarterly, and may hold additional meetings at its discretion; and~~

~~(E) Prepare and submit an annual report of its activities to the Mayor and the Council.~~

~~('74 Code, § 11-20-3) (Ord. 37-1989)~~

~~§ 10-4-4-4 CONFLICT OF INTEREST.~~

~~Any member of the Committee having a private interest in matters before the Committee shall disqualify himself from discussion and voting on those matters.~~

~~('74 Code, § 11-20-4) (Ord. 37-1989)] [RESERVED]~~

SECTION 6. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE, ARTICLE 4: MUSEUMS; SCIENCE AND ART CENTERS, PART 5: ANDERSON/ABRUZZO ALBUQUERQUE INTERNATIONAL BALLOON MUSEUM is hereby amended as follows:

§ 10-4-5-1 [BOARD OF TRUSTEES There is created an Anderson/Abruzzo Albuquerque International Balloon Museum Board of Trustees ([hereafter, Board of Trustees) which shall

~~be constituted and shall serve as follows:~~

~~—(A) *Members.* The Board of Trustees shall consist of 13 members and three non-voting advisory members:~~

~~—(1) Three designees of the Anderson-Abruzzo International Balloon Museum Foundation, Inc. (hereafter, the Foundation) whose activities will assist in support of the Museum's overall mission and day-to-day operations, who are selected by the Mayor with the advice and consent of the Council from a list submitted by the Foundation. The final selection shall include at least one member of the Foundation's Board of Directors;~~

~~—(2) The Director of the New Mexico Department of Cultural Affairs or his/her designee;~~

~~—(3) Seven members from the public at-large appointed by the Mayor with the advice and consent of the Council;~~

~~—(4) One designee representing the Maxie Anderson family to be recommended by the descendants of Maxie Anderson and appointed by the Mayor with the advice and consent of the Council;~~

~~—(5) One designee representing the Ben Abruzzo family to be recommended by the descendants of Ben Abruzzo and appointed by the Mayor with the advice and consent of the Council; and~~

~~—(6) Three non-voting advisory members selected by a majority of the Board of Trustees to advise the Board as necessary.~~

~~—(B) *Terms.* The terms of the Foundation designees and at-large members shall be three years, and those members may not serve more than two terms consecutively. The designee for the Anderson family and the designee for the Abruzzo family may each serve until a different representative is selected to replace him/her as set forth in division (A) herein. The family designees and the Director of the New Mexico Department of Cultural Affairs shall not be subject to limits on length and duration of terms. Non-voting advisory members shall serve at the pleasure of the Board.~~

~~—(C) *Residency.* The members of the Board of Trustees need not be residents of the city, provided, however, all at-large members shall be residents of the Albuquerque Metropolitan Statistical Area (MSA), which includes Bernalillo, Sandoval, Valencia and Torrance counties. Non-voting, advisory members may reside outside the Albuquerque MSA, and may be international residents.~~

~~—(D) *Officers.* The Board of Trustees shall elect a Chairperson, a Vice-Chairperson and~~

~~such other officers as the Board deems appropriate to carry out its duties.~~

~~—(E) *Bylaws.* The Board of Trustees shall adopt such bylaws as may be necessary to conduct elections, provide notice of meetings and otherwise govern its proceedings.~~

~~—(F) *Meetings.* The Board of Trustees shall meet no less frequently than six times each year.~~

~~—(G) *Executive Committee.* The Board of Trustees may, by duly adopted resolution, delegate to an executive committee specific authority to act between regular board meetings.~~

~~—(H) *Powers and Duties.* The Board of Trustees shall have the following powers and duties:~~

~~—(1) To refine the mission, purpose and goals of the Anderson-Abruzzo Albuquerque International Balloon Museum, hereafter “the Museum”, and set the policies pursuant to which these shall be accomplished, where policies are defined to mean broad operational guidelines, within which programmatic and administrative decisions may be made and implemented in accordance with accepted city administrative procedures;~~

~~—(2) To review and recommend the budget proposal to be submitted to the Mayor;~~

~~—(3) To review and recommend an annual fee schedule for renting the facilities in the Museum;~~

~~—(4) To review and recommend the Museum's programming as recommended by the Museum Manager;~~

~~—(5) To review and recommend guidelines and procedures for selecting the resident tenants and concessionaires of the Museum and for allocating the facilities of the Museum to all other potential users;~~

~~—(6) To review, recommend and acknowledge the form of recognition in the Museum for donors to the Museum Endowment;~~

~~—(7) To review and recommend design and construction projects for the Museum; and~~

~~—(8) To prepare and submit an annual report of its activities to the Mayor and the City Council.~~

~~('74 Code, § 11-22-1A) (Ord. 5-1990; Am. Ord. 55-1993; Am. Ord. 2013-015)]~~

[PURPOSE. A public museum of the city is established for the purpose of disseminating knowledge and appreciation of art, sport and history of hot air ballooning and lighter than air flight, by establishing and maintaining a museum and related facilities in the City of Albuquerque; by collecting and preserving objects of cultural and historic interest; by aiding

in protecting historic and contemporary ballooning related objects from needless destruction; by providing facilities for research and publication; by offering instruction and opportunities for enjoyment to the public; and by encouraging continued excellence of the cultural life of the community.]

§ 10-4-5-2 [MUSEUM MANAGER

~~(A) *Selection.* The Museum Manager shall be selected by the Mayor.~~

~~—(B) *Budget.* The Museum Manager shall prepare the recommended annual budget for the operation of the Museum.~~

~~('74 Code, § 11-22-1B) (Ord. 5-1990; Am. Ord. 55-1993; Am. Ord. 2013-015)]~~ **[BOARD OF TRUSTEES. An Anderson/Abruzzo Albuquerque International Balloon Museum Board of Trustees is established. The Board of Trustees shall have the following powers and duties:**

(A) To refine the mission, purpose and goals of the Anderson-Abruzzo Albuquerque International Balloon Museum, hereafter “the Museum”, and set the policies pursuant to which these shall be accomplished, where policies are defined to mean broad operational guidelines, within which programmatic and administrative decisions may be made and implemented in accordance with accepted city administrative procedures;

(B) To review and recommend the budget proposal to be submitted to the Mayor;

(C) To review and recommend an annual fee schedule for renting the facilities in the Museum;

(D) To review and recommend the Museum's programming as recommended by the Museum Manager;

(E) To review and recommend guidelines and procedures for selecting the resident tenants and concessionaires of the Museum and for allocating the facilities of the Museum to all other potential users;

(F) To review, recommend and acknowledge the form of recognition in the Museum for donors to the Museum Endowment;

(G) To review and recommend design and construction projects for the Museum; and

(H) To prepare and submit an annual report of its activities to the Mayor and the City Council.

10-4-5-3 BOARD COMPOSITION

(A) The Anderson/Abruzzo Albuquerque International Balloon Museum Board of Trustees

shall consist of twelve (12) appointed members, one (1) assigned member, and two (2) ex officio members. There shall be one (1) member of the Board appointed from each City Council District; three (3) members appointed by the Mayor, who serve at large; one (1) assigned member from the recognized support organization of the Anderson Abruzzo International Albuquerque Museum Foundation; one (1) ex-officio designee representing the Maxie Anderson family to be recommended by the descendants of Maxie Anderson and appointed by the Mayor with the advice and consent of the Council; and one (1) ex officio designee representing the Ben Abruzzo family to be recommended by the descendants of Ben Abruzzo.

(B) When an appointed vacancy on the Board occurs, the Councilor representing the District in which the vacating member of the Board resides, shall nominate two members to the Board who reside in his or her respective Council District and the Mayor shall appoint one of these recommended members; provided, however, if a member is eligible for reappointment to the Board and the Councilor in whose District that member resides desires to reappoint the member, the Councilor shall so notify the Council and the member shall be reappointed subject to the advice and consent of the Council. If a member is not being reappointed, the Mayor shall deliver to the Council the Mayor's recommendation from the two names submitted within 30 days of delivery of the two names to the Mayor. If the Mayor fails to timely make a recommendation from the two names submitted, the Councilor may appoint one of the two recommended members subject to the advice and consent of the Council. The Mayor may notify a Councilor in writing that his or her District member's term has expired or the position is otherwise vacant and the Councilor shall have 60 days to submit two recommended appointments to fill that position. If the Councilor fails to submit two names within 60 days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council. The Mayor shall appoint the three (3) at large members to the Board with the advice and consent of the Council. The term of each appointed member shall be three years. The terms of the members shall be staggered so that three members are eligible for reappointment or replacement each year.

(C) Except as provided in this article, the qualifications, appointment and conduct of the members of the Board and any of its subcommittees and the organizational structure of the Board and its subcommittees shall be governed by §§ 2-6-1-1 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-991> et seq., the Public Boards, Commissions and Committees Ordinance.

(D) The Board shall establish and adopt bylaws as may be necessary to conduct

elections, provide notice of meetings and otherwise govern its proceedings.

(E) Members of the Board shall be broadly representative of all fields of the art, sport and history or hot air ballooning and lighter than air flight. They shall include persons who are widely known for their professional competence and experience in the aforementioned fields and knowledgeable lay persons.

(F) Appointed members of the Board may not serve on the board of directors for any recognized organization supporting the Anderson/Abruzzo Albuquerque International Balloon Museum except for the positions assigned by title described in section (A) of this provision. Each assigned member shall serve on the Board until the term expires with the respective organization.

(G) *Conflict of Interest.* This provision (G) supplements § 2-6-1-4 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-1018>. A Board or a subcommittee member having a financial interest in the outcome of any policy, decision, or determination before the Board or subcommittee on which he serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of his financial interest in the issue, and shall be disqualified from participating in any debate, decision or vote relating thereto.

§ 10-4-5-4 ADMINISTRATIVE RESPONSIBILITIES.

The Chief Administrative Officer shall provide adequate staffing and administrative support for enabling the Board and any of its subcommittees to carry out their duties.]

SECTION 7. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE, ARTICLE 5: ART IN MUNICIPAL PLACES, PART 3: ALBUQUERQUE ARTS BOARD, is hereby amended as follows

§ 10-5-3 ALBUQUERQUE ARTS BOARD

(A) The Albuquerque Arts Board is hereby established. It shall consist of eleven members [~~all of whom shall reside in the City of Albuquerque~~]. There shall be one member of the Albuquerque Arts Board from each City Council District and (2) two members [appointed by the Mayor] who serve at large. When a vacancy on the Albuquerque Arts Board occurs, the Councilor representing the District in which the vacating member of the Albuquerque Arts Board resides, shall nominate two members to the Albuquerque Arts Board who reside in his or her respective Council District and the Mayor shall appoint one of these recommended members; provided, however, if a member is eligible for reappointment to the Arts Board and the Councilor in whose District that member resides desires to reappoint the member, the Councilor shall so notify the Council and the member shall be reappointed subject to the advice and consent of the Council. If a member is not being reappointed, the Mayor shall deliver to the Council the Mayor's recommendation from the two names submitted within 30 days of delivery of the two names to the Mayor. If the Mayor

fails to timely make a recommendation from the two names submitted, the Councilor may appoint one of the two recommended members subject to the advice and consent of the Council. The Mayor shall appoint the two at large members to the Albuquerque Arts Board with the advice and consent of the Council. The term of each member shall be three years. The terms of the members shall be staggered so that three members are eligible for reappointment or replacement each year.

(B) The Mayor may notify a Councilor in writing that his or her District member's term has expired or the position is otherwise vacant and the Councilor shall have 60 days to submit two recommended appointments to fill that position. If the Councilor fails to submit two names within 60 days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council.

(C) Except as provided in this article, the qualifications, appointment and conduct of the members of the Board and any of its subcommittees and the organizational structure of the Board and its subcommittees shall be governed by §§ 2-6-1-1
<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-991> et seq.

(D) Members of the Board shall be broadly representative of all fields of the visual arts and fine crafts. They shall include persons who are widely known for their professional competence and experience in the arts and knowledgeable lay persons.

(E) *Conflict of Interest.* This division (E) supplements § 2-6-1-4
<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-1018>. A Board or a subcommittee member having a financial interest in the outcome of any policy, decision, or determination before the Board or subcommittee on which he serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of his financial interest in the issue, and shall be disqualified from participating in any debate, decision or vote relating thereto.
(^{'74} Code, § 11-14-3) (Ord. 89-1978; Am. Ord. 47-1982; Am. Ord. 24-1992; Am. Ord. 3-2000; Am. Ord. 43-2006; Am. Ord. 1-2008; Am. Ord. 14-2008; Am. Ord. 8-2009; Am. Ord. 19-2009; Am. Ord. 2012-014)

SECTION 8. CHAPTER 10: AMUSEMENTS, RECREATION AND CULTURE, ARTICLE 6: LIBRARIES, Parts 2 through 4, are hereby amended as follows:

~~[§ 10-6-2 ORGANIZATION OF BOARD~~

~~(A) The Library Advisory Board consists of eleven members. There shall be one member from each of the City Council Districts and two members who serve at large.~~

~~(B) The Head Librarian is an ex-officio member of the Board, being responsible for administration of library facilities.~~

~~(C) Except as provided in §§ 10-6-1~~

~~<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-14419> et seq., the Board, all subcommittees and members shall be governed by §§ 2-6-1-1 <https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-991> et seq., the Public Boards, Commissions and Committees Ordinance.~~

~~('74 Code, § 11-11-2) (Ord. 7-1967; Am. Ord. 29-2011)~~

~~§ 10-6-3 NOMINATION-APPOINTMENT PROCEDURES.~~

~~—(A) Each Councilor shall nominate two residents from his or her respective District and the Mayor shall select one of these to serve on the Board. If the Mayor fails to deliver his recommendation to the Council within 30 days, the Councilor of that District shall make the appointment with the advice and consent of the Council.~~

~~—(B) The Mayor shall appoint the two at-large members of the Board with the advice and consent of the City Council.~~

~~—(C) The Mayor may notify a Councilor in writing that his or her District member's term has expired or the position is otherwise vacant and the Councilor shall have 60 days to submit two recommended appointments to fill that position. If the Councilor fails to submit two names within 60 days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council.~~

~~—(D) Members' terms shall be for staggered three year terms that expire on July 31. New members shall be appointed to staggered terms by the City Council and the Mayor in the following distribution: Districts 1, 9 and the first at-large Mayoral term, with initial terms to expire on July 31, 2012; Districts 2, 4, 6 and 8, with initial terms to expire on July 31, 2013; Districts 3, 5, 7 and the second at-large Mayoral term, with initial terms to expire on July 31, 2014.~~

~~(Ord. 29-2011)~~

~~§ 10-6-4 CONFLICT OF INTEREST.~~

~~—Members of the Board having a private interest in matters before the Board shall disqualify themselves from discussion and voting on those matters.~~

~~('74 Code, § 11-11-4) (Ord. 7-1967)]~~

~~[§10-6-2 COMPOSITION.~~

~~(A) The Library Advisory Board shall consist of 16 (sixteen) appointed members, and 1 (one) assigned member. There shall be one member of the Board appointed from each City Council District, 2 (two) members appointed by the Mayor, who serve at large; 1 (one) assigned member from the recognized support organization of the Albuquerque Bernalillo County Library Foundation, and 4 (four) appointed by the Bernalillo County Commission, who also serve at large.~~

~~(B) When an appointed vacancy on the Board occurs, the Councilor representing the District in which the vacating member of the Board resides, shall nominate two members to the Board who reside in his or her respective Council District and the Mayor shall appoint one of these recommended members; provided, however, if a member is eligible for reappointment to the Board and the Councilor in whose District that member resides desires to reappoint the member, the Councilor shall so notify the Council and the member shall be reappointed subject to the advice and consent of the Council. If a member is not being reappointed, the Mayor shall deliver to the Council the Mayor's recommendation from the two names submitted within 30 days of delivery of the two names to the Mayor. If the Mayor fails to timely make a recommendation from the two names submitted, the Councilor may appoint one of the two recommended members subject to the advice and consent of the Council. The Mayor may notify a Councilor in writing that his or her District member's term has expired or the position is otherwise vacant and the Councilor shall have 60 days to~~

submit two recommended appointments to fill that position. If the Councilor fails to submit two names within 60 days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council. The Mayor shall appoint the 2 (two) at large members to the Board with the advice and consent of the Council. The term of each appointed member shall be three years. The terms of the members shall be staggered so that three members are eligible for reappointment or replacement each year.

(C) Except as provided in this article, the qualifications, appointment and conduct of the members of the Board and any of its subcommittees and the organizational structure of the Board and its subcommittees shall be governed by §§ 2-6-1-1

<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-991> et seq., the Public Boards, Commissions and Committees Ordinance.

(D) The Board shall establish and adopt bylaws as may be necessary to conduct elections, provide notice of meetings and otherwise govern its proceedings.

(E) Members of the Board shall be broadly representative of all fields of the literary arts. They shall include persons who are widely known for their professional competence and experience in the aforementioned fields and knowledgeable lay persons.

(F) Appointed members of the Board may not serve on the board of directors for any recognized organization supporting the Albuquerque Bernalillo County Library except for the position assigned by title described in section (A) of this provision. Each assigned member shall serve on the Board until the term expires with the respective organization.

(G) *Conflict of Interest.* This provision (G) supplements § 2-6-1-4

<https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-1018>. A Board or a subcommittee member having a financial interest in the outcome of any policy, decision, or determination before the Board or subcommittee on which he serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members voting on the matter the nature of his financial interest in the issue, and shall be disqualified from participating in any debate, decision or vote relating thereto.

§ 10-6-3 ADMINISTRATIVE RESPONSIBILITIES.

The Chief Administrative Officer shall provide adequate staffing and administrative support for enabling the Board and any of its subcommittees to carry out their duties.]