



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, Cynthia D. Borrego

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Culture Ordinance” To Align Certain Board Appointments With Other Art And Cultural Boards And Commissions, Correct Outdated Department, Division And Program Names, And Clarify Board Relations To Municipal Hiring Practices (Peña, Borrego)

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CULTURE ORDINANCE” TO ALIGN CERTAIN BOARD APPOINTMENTS WITH OTHER ART AND CULTURAL BOARDS AND COMMISSIONS, CORRECT OUTDATED DEPARTMENT, DIVISION AND PROGRAM NAMES, AND CLARIFY BOARD RELATONS TO MUNICIPAL HIRING PRACTICES.

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WHEREAS, the boards and commissions of the cultural venues and program are outdated and inconsistent; and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

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

(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.

§ 10-2-2-4 REPEALED.

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.

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 p* 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.

§ 10-4-1-4 BOARD COMPOSITION.

(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.

(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 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 REPEALED.

§ 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.

§ 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.

§ 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.

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.

§ 10-4-2-2 REPEALED.

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:

REPEALED

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:

REPEALED

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 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 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. 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.

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

§10-6-2 COMPOSITION.

(A) The Library Advisory Board shall consist of 16 (sixteen) appointed members, and 1 (one) assigned member. There shall be 1 (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.

SECTION 9. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, work or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 10. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

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