CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-49 ENACTMENT NO. _____

SPONSORED BY: Klarissa J. Peña

ORDINANCE ..title

Amending Chapter Two Article Six Of The Albuquerque Code Of Ordinances To Insert A Part Nineteen, Creating The Boundary Area Advisory Committee And Establishing The Committee's Purpose, Duties, Powers And Membership (Peña)

AMENDING CHAPTER TWO ARTICLE SIX OF THE ALBUQUERQUE CODE OF ORDINANCES TO INSERT A PART NINETEEN, CREATING THE BOUNDARY AREA ADVISORY COMMITTEE AND ESTABLISHING THE COMMITTEE'S PURPOSE, DUTIES, POWERS AND MEMBERSHIP.

WHEREAS, the neighborhoods and businesses located along the boundary areas of the City of Albuquerque and Bernalillo County struggle with acquiring adequate infrastructure and the delivery of local government services; and

WHEREAS, the deficiency in infrastructure and service delivery is due to uncertainty on the part of local government agencies as to the agency that is responsible for delivering services in the area; and

WHEREAS, this uncertainty is the result of non-linear borders between the City and the County that place properties on the same side of the street in different jurisdictions with a number located within the Albuquerque Municipal Limits and the remaining are within the unincorporated county; and

WHEREAS, this uncertainty can extend to other local agencies, that provide services to boundary areas as they are required to follow different regulations for servicing City and County properties; and

WHEREAS, an infrastructure and service delivery coordinating committee of staff from the City, County, Albuquerque Bernalillo County Water Utility Authority, Albuquerque Metropolitan Flood Control Authority and Middle Rio Grande Conservancy District, would benefit the residents of these boundary areas.

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

Section 1. The County of Bernalillo, the Albuquerque Bernalillo County Water Utility Authority, the Albuquerque Metropolitan Flood Control Authority, and the Middle Rio Grande Conservancy District, are encouraged to adopt companion legislation to this ordinance.

Section 2. Section 2-6-19 ROA 1994 is created as follows:

§ 2-6-19-1 SHORT TITLE. This ordinance shall be known and may be cited as the “Boundary Area Advisory Committee Ordinance.”

§ 2-6-19-2 DEFINITIONS. For purposes of this ordinance, the following definitions shall apply:

ABCWUA. The Albuquerque Bernalillo County Water Utility Authority.

AMAFCA. Albuquerque Metropolitan Flood Control Authority.

BOUNDARY AREA. The infrastructure, lands and neighborhoods where the City of Albuquerque and County of Bernalillo neighborhoods abut and parcels within one jurisdiction abut, the right of way of the other.

CITY. City of Albuquerque, New Mexico.

COMMITTEE. The Boundary Area Advisory Committee.

COUNTY. County of Bernalillo, New Mexico.

INFRASTRUCTURE DEFICIENCIES. Inadequate facilities to deliver government services, including, but not limited, to community centers, fire and rescue facilities, hydrology, recreation and transportation.

MEMBER AGENCY. An agency authorized by § 2-6-19-4 (B) to appoint a member to the Boundary Area Advisory Committee.

MRGCD. The Middle Rio Grande Conservancy District.

SERVICE DELIVIERY. Provision of government services, to provide for the public’s health, safety, and welfare.

§ 2-6-19-3 PURPOSE, DUTIES AND POWERS. The purpose of the Boundary Area Advisory Committee Ordinance is to establish a combined committee of staff from the City, County, Albuquerque Bernalillo County, AMAFCA, ABCWUA, and MRGCD to:

A. Study and advise member agencies on best practices to provide coordinated and effective services for boundary areas.

B. Receive and review testimony from residents of the boundary areas as to the manner that infrastructure deficiencies and service delivery issues impact their businesses, homes, neighborhoods and properties.

C. Propose plans and processes to improve infrastructure and service delivery to the boundary areas.

D. Committee shall evaluate and recommend areas for possible land swaps and annexations for the purposes of streamlining services.

§ 2-6-19-4 COMMITTEE CREATED.

A. Creation. There is hereby created a Boundary Jurisdictional Area Advisory Committee to enforce the provision established in § 2-6-19-3. It shall be the responsibility of the Chief Administrative Officer or their designee to seek the cooperation and participation of the member agencies assigned to this committee through § 2-6-19-4 (B).

B. Membership. Committee membership shall consist of staff members from each of the following agencies, City, County, AMAFCA, ABCWUA, and MRGCD. The staff members shall be appointed and serve at the discretion of the Chief Administrative Officer for City Staff appointees, the County Manager for County staff appointees, the AMAFCA Executive Director for the AMAFCA staff appointees, the ABCWUA Executive Director for the ABCWUA staff appointees and the Chief Engineer for the MRGCD for the MRGCD staff appointees.

C. Qualifications. Committee members shall have expertise in the provision of the infrastructure and services of the agency and/or department they represent on the Committee.

D. Committee Meetings. Meetings shall occur quarterly and shall be posted as a public meeting. Agendas shall include public comment and adoption of the minutes of the previous meeting.

E. Records. A record shall be kept of the Committee's meetings.

F. Staff. The Chief Administrative Officer of the City and the County Manager, if the Manager so chooses, will provide staff and resources, as necessary and appropriate, to assist the Committee.

G. Working Groups. The Committee may form working groups to assist with its assigned duties and responsibilities. Working groups may be comprised of Committee

Members and staff from member agencies, that are not part of the Committee, with expertise and or decision-making authority pertaining to the subject the working group is formed to study and or address.

§ 2-6-19-5 CONTRACTING AUTHORITY. The Committee's member agencies may individually or jointly fund a contract for professional, technical, or administrative services to be supplied to the Committee.

Section 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word 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. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 4. COMPILATION. Section 2 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 5. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

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