

# CITY of ALBUQUERQUE

## TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. O-26-6 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Tammy Fiebelkorn

1

### ORDINANCE

2 AMENDING THE APPOINTMENT METHOD, MEMBERSHIP REQUIREMENTS,  
3 AND DUTIES OF THE OPEN SPACE ADVISORY BOARD.  
4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
5 ALBUQUERQUE:  
6 SECTION 1. Chapter 2, Article 6, Part 16 "Open Space Advisory Board" is  
7 amended as follows:  
8 § 2-6-16 OPEN SPACE ADVISORY BOARD.

9     "(A) Appointment.] [Open Space Advisory Board Created.] There is created  
10 a seven[-]member committee to be known as the Open Space Advisory Board.

11     (B) Appointment.] As vacancies on the Board occur or as terms expire,  
12 [the Chair of the Open Space Board shall notify the Chief Administrative  
13 Officer and the Director of Council Services of the vacancy or the expired term  
14 within 30 days. Upon receiving notice] the City Council and Mayor shall  
15 alternatively appoint members with the City Council making the first  
16 appointment. All appointments shall be subject to City Council approval. The  
17 existing Board members may make recommendations to the Mayor and City  
18 Council for candidates to fill vacancies on the Board. If either the Mayor or  
19 City Council [,after receiving notice of a vacancy or an expired term] fails to  
20 name a replacement Board member within 45 days of [notice of] the vacancy,  
21 then the other body shall make the appointment. [Applications received for a  
22 board member position shall be distributed within two days of submittal to  
23 both the Administration and the City Council for the Council District where  
24 the applicant resides.] The Board members shall be appointed for staggered  
25 terms of three years[,] unless an appointment is to fill a vacancy. An  
26 appointment to fill a vacancy shall be for the unexpired term. Terms shall

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1 begin on the [first] day of [September] the City Council's approval of the  
2 nomination].

3 **[(C) Member Qualifications.]** Members shall be residents of the city with a  
4 demonstrated commitment to the accomplishment of the  
5 Albuquerque/Bernalillo County Comprehensive Plan. Members shall be  
6 knowledgeable as to open space, ecology, the real estate market, urban and  
7 regional planning and/or related law.

8 **[(B)] [(D)] Duties, Responsibilities, Powers.**

9 (1) Study data, including ecological data, which should guide the  
10 adoption and amendment of open space plans and programs, maintain liaison  
11 and seek input from citizen interest groups including especially the Open  
12 Space Task Force.

13 (2) Advise the EPC, the Mayor, and the City Council as to an  
14 appropriate city open space program, which advice shall include:

15 (a) Implementation of adopted open space plans;  
16 (b) Recommend to the City Council for its approval, a list of priority  
17 properties suitable for acquisition through purchase, exchange, or any other  
18 suitable mechanism, for purposes of "major public open space" or "public  
19 easement or rights of way" for open space purposes, the locations of which are  
20 consistent with the policies of the Albuquerque/Bernalillo County  
21 Comprehensive Plan. Such recommendations shall be based upon policies or  
22 procedures for the evaluation of open space priority properties as may be  
23 approved by resolution of the City Council;

24 (c) Basic policies on management of city-owned open space; and  
25 (d) Criteria for evaluating proposals for significant physical changes  
26 and installations on and adjacent to open space lands;

27 (e) Evaluation of proposals to install extraordinary facilities on city-  
28 owned open space; and

29 (f) Evaluation of proposals to sell, lease, exchange, or otherwise  
30 dispose of open space exchange lands or other lands acquired with open  
31 space funds.

32 (3) Advise the City Treasurer or designated trustee on the  
33 administration and management of the Open Space Trust Fund.

10 (6) Upon request, advise or assist the Mayor in negotiations for open  
11 space land acquisition.

12                   (7) The Board's recommendations shall be consistent with the  
13 conditions imposed on expenditure of interest of the Permanent Fund for Open  
14 Space as specified in §§ 4-2-3-1 et seq. and the conditions imposed on the  
15 expenditure of monies from the Quality of Life Fund as specified in Resolution  
16 89-1987; the Board's proposals shall also take into account all funding sources  
17 available for the Open Space program.

18 (8) Approve the sale or lease of certain interests in Open Space  
19 Exchange Lands, as provided in § 4-2-3-5."

20 SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause,  
21 word or phrase of this Ordinance is for any reason held to be invalid or  
22 unenforceable by any court of competent jurisdiction, such decision shall not  
23 affect the validity of the remaining provisions of this Ordinance. The Council  
24 hereby declares that it would have passed this Ordinance and each section,  
25 paragraph, sentence, clause, word or phrase thereof irrespective of any  
26 provision being declared unconstitutional or otherwise invalid.

27 SECTION 3. COMPILED. Section 1 of this Ordinance shall amend, be  
28 incorporated in, and be compiled as part of the Revised Ordinances of  
29 Albuquerque, New Mexico, 1994.

30 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days  
31 after publication by title and general summary.