

City of Albuquerque

Office of the City Clerk

Richard J. Berry, Mayor

Natalie Y. Howard, City Clerk

Interoffice Memorandum

November 23, 2015

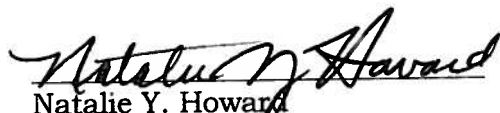
To: CITY COUNCIL

From: NATALIE Y. HOWARD, CITY CLERK

Subject: BILL NO. O-15-63; ENACTMENT NO. O-2015-029

I hereby certify that on November 20, 2015, the Office of the City Clerk received Bill No. O-15-63 as signed by the president of the City Council, Rey Garduño. Enactment No. O-2015-029 was passed at the November 2, 2015 City Council meeting. Mayor Berry did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-15-63.

Sincerely,


Natalie Y. Howard
City Clerk

2015
0.2015-029

**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

Jon 11/12/15

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. O-15-63 Amending The Appointment Method, Membership Requirements, And The Duties Of The Open Space Advisory Board (Benton), which was passed at the Council meeting of November 2, 2015, by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:dm
Attachment
11/5/15

CITY of ALBUQUERQUE TWENTY-FIRST COUNCIL

COUNCIL BILL NO. O-15-63 ENACTMENT NO. D-2015-029

SPONSORED BY: Isaac Benton

1 **ORDINANCE**

2 **AMENDING THE APPOINTMENT METHOD, MEMBERSHIP REQUIREMENTS,**
3 **AND THE 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. Section 14-13-3-7 is amended as follows:**

7 **"§ 14-13-3-7 OPEN SPACE ADVISORY BOARD.**

8 **(A) Appointment. There is created a seven member committee to be**
9 **known as the Open Space Advisory Board. As vacancies on the Board occur**
10 **or as terms expire, the City Council and Mayor shall alternatively appoint**
11 **members with the City Council making the first appointment. All**
12 **appointments shall be subject to City Council approval. The existing Board**
13 **members may make recommendations to the Mayor and City Council for**
14 **candidates to fill vacancies on the Board. If either the Mayor or City Council**
15 **fails to name a replacement Board member within 45 days of the vacancy, then**
16 **the other body shall make the appointment. The Board members shall be**
17 **appointed for staggered terms of three years unless an appointment is to fill a**
18 **vacancy. An appointment to fill a vacancy shall be for the unexpired term.**
19 **Terms shall begin on the first day of September. Members shall be residents**
20 **of the City with a demonstrated commitment to the accomplishment of the**
21 **Albuquerque/Bernalillo County Comprehensive Plan. Members shall be**
22 **knowledgeable as to open space, ecology, the real estate market, urban and**
23 **regional planning and/or related law.**

24 **(B) Duties, Responsibilities, Powers.**

25 **(1) Study data, including ecological data, which should guide the**
26 **adoption and amendment of open space plans and programs, maintain liaison**

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1 and seek input from citizen interest groups including especially the Open
2 Space Task Force.

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

5 (a) Implementation of adopted open space plans;

6 (b) Priorities for the acquisition of "major public open
7 space" or "public easement or rights" implementing the
8 Albuquerque/Bernalillo County Comprehensive Plan;

9 (c) Basic policies on management of city-owned open
10 space;

11 (d) Criteria for evaluating proposals for significant physical
12 changes and installations on and adjacent to open space lands;

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

15 (f) Evaluation of proposals to sell, lease, exchange, or
16 otherwise dispose of open space exchange lands or other lands acquired with
17 open space funds.

18 (3) Review and provide comments to the Mayor and City Council
19 on the annual report on the administration and management of the Open
20 Space Trust Fund.

21 (4) Annually make recommendations to the EPC, the Mayor, and
22 the City Council on updating the open space program, including land
23 acquisition and other open space capital improvements. Twice per year, the
24 chair or other designated member of the Open Space Advisory Board shall
25 make an informal oral report to the City Council on any current activities,
26 issues, or concerns of the Open Space Advisory Board.

27 (5) Periodically review open space plans in consultation with
28 citizen interest groups, especially the Open Space Task Force. Advise the
29 EPC, the Mayor, and the City Council on needed new plans and plan
30 amendments, ranging from detailed project plans to the
31 Albuquerque/Bernalillo County Comprehensive Plan. Make recommendations
32 for the annual proposed city planning program.

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

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

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

11 **SECTION 2. SEVERABILITY CLAUSE.** If any section, paragraph,
12 sentence, clause, word or phrase of this ordinance is for any reason held to be
13 invalid or unenforceable by any court of competent jurisdiction, such decision
14 shall not affect the validity of the remaining provisions of this ordinance. The
15 Council hereby declares that it would have passed this ordinance and each
16 section, paragraph, sentence, clause, word or phrase thereof irrespective of
17 any provisions being declared unconstitutional or otherwise invalid.

18 **SECTION 3. COMPILATION.** Section 1 of this ordinance shall amend, be
19 incorporated in and made part of the Revised Ordinances of Albuquerque,
20 New Mexico, 1994.

21 **SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect five days
22 after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 2nd DAY OF November, 2015
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Rey Garduño, President
City Council

APPROVED THIS _____ DAY OF _____, 2015

Bill No. O-15-63

Richard J. Berry, Mayor
City of Albuquerque

ATTEST:



Natalie Y. Howard, City Clerk

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Health City Sun

AFFIDAVIT OF PUBLICATION

CITY of ALBUQUERQUE
TWENTY-FIRST COUNCIL
COUNCIL BILL NO. O-15-63
ENACTMENT NO. O-2015-029
SPONSORED BY:
Isaac Benton

ORDINANCE
AMENDING THE
A P P O I N T M E N T
METHOD, MEMBERSHIP
REQUIREMENTS, AND THE
DUTIES OF THE OPEN
SPACE ADVISORY BOARD.
BE IT ORDAINED BY
THE COUNCIL, THE
GOVERNING BODY OF THE
CITY OF ALBUQUERQUE:
HCS Pub. November 27, 2015

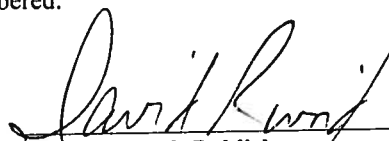
State of New Mexico)
) ss
County of Bernalillo)

David Rivord, being duly sworn declares and says he is the **Publisher** of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.


Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 14-11-4 of the New Mexico Statutes annotated (1978).

Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 27th day of November, 2015, and the last publication being in the issue of the 27th day of November, 2015.

Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.


David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 27th day of November, 2015.


Notary Public

My Commission Expires 2/18/2019



Office Address: 6300 Montano, NW, 2nd floor
Mailing Address: P.O. Box 67560, Albuquerque, NM 87193
Phone: 505-242-3010/Fax: 505-842-5464

Health City Sun

AFFIDAVIT OF PUBLICATION

CIUDAD de ALBUQUERQUE
VIGÉSIMO PRIMER CONCEJO
PROYECTO DE LEY
MUNICIPAL NÚM. O-15-63
PROMULGACIÓN NÚM.
O-2015-029

PATROCINADO POR:
Isaac Benton

ORDENANZA
PARA ENMENDAR EL MÉTODO
DE NOMBRAMIENTO, LOS
REQUISITOS DE MEMBRESÍA
Y LOS DEBERES DE LA
JUNTA ASESORA PARA
ESPACIOS ABIERTOS.
ASÍ LO RESUELVE EL
CONCEJO, ÓRGANO
GOBERNANTE DE LA
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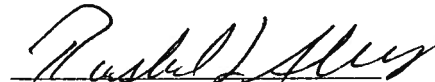
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