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Cross-reference:

Accountability in Government Oversight Committee, see § 2-10-5

Administrative Real Property Review Board, see § 5-2-2(A)

Airport Advisory Board, see § 7-1-2-1 et seq.

Albuquerque Arts Board, see § 10-5-3

Albuquerque Cable Television Advisory Board, see § 13-5-2-1

Albuquerque Sister-City Board, see § 10-7-1

Anderson/Abruzzo International Balloon Museum Board of Trustees, § 10-4-5-1

Beautification Committee, § 14-13-3-5

Biological Park Advisory Board, § 10-2-2-1 et seq.

City Labor-Management Relations Board, see § 3-2-15

City Purchasing Standards and Specifications Committee, see § 5-5-8

Commission on Alcohol and Substance Abuse, see §§ 9-1-1-1 et seq.

Conference Committee on the Budget, see § 2-11-11

Debarment Appeals Board, see § 5-7-5

Development Commission, see § 14-8-6-1 et seq.

Energy Conservation Council, see § 14-8-5-1 et seq.

Environmental Planning Commission, see §§ 14-13-3-1 et seq.

Explora Science Center Advisory Board, see § 10-4-2-2

Government Cable Channel Board of Directors, see § 13-5-2-2

Greater Albuquerque Bicycling Advisory Committee, see § 14-13-3-6

Greater Albuquerque Recreational Trails Committee, see § 14-13-3-8

Hispanic Cultural Center Advisory Committee, see § 10-4-4-1 et seq.

Housing and Neighborhood Economic Development Committee, see § 4-2-2-4(A)

Human Rights Board, see §§ 11-3-4 - 11-3-6

Investment Committee, see § 4-1-9

Joint Air Quality Control Board, see § 9-5-1-3

Landmarks and Urban Conservation Commission, see § 14-12-5

Library Advisory Board, see § 10-6-1

Lodgers' Tax Advisory Board, see § 4-4-13

Metropolitan Environmental Health Advisory Board, see §§ 9-5-6-1 et seq.

Metropolitan Parks and Recreation Advisory Board, see §§ 10-1-2-1 et seq.

Metropolitan Redevelopment Agency, see § 14-8-4-1 et seq.

Municipal Golf Advisory Board, see § 10-8-1

Neighborhood Associations, see § 14-8-2-1 et seq.

Old Town Portal Market Advisory Board, see § 13-3-2-7

Open Space Advisory Board, see § 14-13-3-7

Performing Arts Center Board of Trustees, see § 10-4-3-1 et seq.

Personnel Board, see § 3-1-4

Public Museum Board of Trustees, see § 10-4-1-3

Police Oversight Commission, see §§ 9-4-1-1 et seq.

Risk Management Claims Review Board, see § 2-8-2-6

Selection Advisory Committee for professional services, see §§ 14-7-2-1 et seq.

Supplemental Retirement Fund Committee, see § 3-6-3

Technical Standards Committee, see § 14-5-2-15

Urban Enhancement Trust Fund Citizens Committee, see § 4-2-1-3(D)

Urban Renewal Agency, see § 14-8-3-1 et seq.

(Zoning) Board of Appeals for Special Zoning Exceptions, see §§ 14-8-7-1 et seq.

PART 1: GENERAL PROVISIONS

§ 2-6-1-1 SHORT TITLE.

Sections 2-6-1-1 et seq. shall be known and may be cited as the "Public Boards, Commissions and Committees Ordinance."

('74 Code, § 1-12-1) (Ord. 55-1992)

§ 2-6-1-2 DEFINITION.

For the purpose of §§ 2-6-1-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC BOARDS, COMMISSIONS and COMMITTEES. Every board, commission, committee and other similar body whose meetings are required by the Open Meetings Act, Chapter 10, Article 15 NMSA 1978, as amended and as supplemented from time to time, to be open to the public.

('74 Code, § 1-12-2) (Ord. 55-1992)

§ 2-6-1-3 MEMBERSHIP.

The following shall govern the qualifications, appointment and conduct of members of the public boards, commissions and committees of the city; provided that the provisions relating to qualifications and appointment of members of public boards, commissions and committees of the city shall apply only to members who are appointed after the effective date of §§ 2-6-1-1 et seq. and that any member of any public board, commission or committee in existence on the effective date of §§ 2-6-1-1 et seq. shall complete the term of office for which such member was appointed, unless said member's conduct is in violation of §§ 2-6-1-1 et seq.

(A) Qualifications.

(1) Each person appointed to any public board, commission or committee shall normally be a resident of the city.

(2) No person regularly employed on a full-time basis by the city shall be appointed to any public board, commission or committee; provided that the Mayor, Councillors or administrative officers of the city may be appointed as ex officio members.

(3) No member of the immediate family of any elected city official shall be appointed to any public board, commission or committee.

(4) No person shall be a member of more than one public board, commission or committee at any one time.

(5) No person shall serve more than two consecutive terms on any public board, commission or committee; provided that if a person is appointed to fill an unexpired term of another person, that term shall not be considered a term for the purpose of this limitation if the time remaining in the term at the time of the appointment is one year or less.

(B) Appointments.

(1) The Mayor, with the advice and consent of the Council, shall appoint the members of the public boards, commissions and committees. An appointment is not effective until Council approves it.

(2) The members of each public board, commission or committee shall be appointed from the broadest possible base of the community at large and, to the fullest extent possible, the Mayor will seek information from interest groups as to potential appointees.

(3) The Mayor shall send written notice of the appointment to the appointee, which notice shall clearly state that such appointment is made subject to all the provisions outlined herein, and the member so appointed may be removed by the Mayor for violation of any of the provisions hereby established.

(4) Each appointment shall be accepted in writing by the appointee confirming that such appointee accepts the policies outlined herein as a condition precedent to such appointee's appointment and holding office.

(5) Each appointment shall be for a term of three years unless the appointment is to fill a vacancy. The initial terms of members of newly established public boards,

commissions and committees shall be staggered and shall be for either one, two or three years.

(6) Every member, unless removed as provided herein, shall hold office until a successor has been duly qualified unless the Council has voted not to approve that member for a reappointment, in which case, the member shall not serve beyond the date the member's current term expires or the date the Council votes not to approve the member, whichever is later.

(C) Conduct.

(1) Any member of a public board, commission or committee may be removed from office by the Mayor or by an affirmative vote of two-thirds of all Councillors after due notice and hearing if such member has missed three consecutive meetings or has been absent from more than 50% of the meetings held during any twelve consecutive months.

(2) Any member of a public board, commission or committee may be removed from office by the majority of Mayor or by an affirmative vote of two-thirds of all Councillors after due notice and hearing if such member has violated any law, regulation or charter provision, or for other good cause such as the intentional failure to carry out the duties of the board, commission or committee.

(D) Number of Members. Except as may be expressly provided otherwise in the ordinance or resolution establishing a specific public board, commission or committee, each public board, commission and committee shall consist of five members.

('74 Code, § 1-12-3) (Ord. 54-1975; Am. Ord. 60-1975; Am. Ord. 55-1992; Am. Ord. 35-2003; Am. Ord. 57-2003)

§ 2-6-1-4 ORGANIZATION.

The following provisions shall govern the organizational structure of the public boards, commissions and committees.

(A) Officers.

(1) The minimum number of officers of any public board, commission or committee shall be not less than two officers (such as the Chairperson and

Vice-Chairperson) and such other officers as such public board, commission or committee may deem necessary.

(2) All officers shall be elected by the members for a term of one year and no officer shall serve more than two consecutive terms.

(B) Meetings.

(1) All meetings of any public board, commission or committee shall be open to the public and insofar as possible, shall be held at a city-owned facility.

(2) Reasonable notice shall be given to the public prior to any meeting of any public board, commission or committee. At least once a year, each public board, commission or committee shall determine what is reasonable notice to the public; provided that in no event shall notice be less than the notice required for Council meetings.

(3) Minutes shall be kept of each meeting and filed with the City Clerk and copies of the minutes shall be sent to the Mayor.

(4) Each public board, commission or committee shall meet at least quarterly.

(5) A majority of all the members of a public board, commission or committee shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting.

(C) Rules and Regulations.

(1) Each public board, commission or committee may promulgate such rules and regulations for its conduct as may be deemed necessary.

(2) If an ordinance or resolution establishing a public board, commission or committee provides that the public board, commission or committee may adopt rules and regulations pertaining to matters within its jurisdiction, the public board, commission or committee shall comply with the following procedures in adopting such rules and regulations.

(a) Notice of the public board, commission or committee's intention to consider the adoption of a rule or regulation shall be given by posting in the lobby of

City Hall and by giving written notice to the Mayor. Such notice shall be given at least 14 days prior to the meeting at which the proposed rule or regulation will be considered and shall be in addition to the notice to be given to the public pursuant to division (B)(2) hereof. All such notices shall state the time and location of the meeting and contain a brief description of the proposed rule or regulation.

(b) The meeting, at which the proposed rule or regulation is considered, shall be open to the public and any person may give testimony in favor of or in opposition to the proposed rule or regulation, whether such testimony be given orally or in writing. In considering the proposed rule or regulation, the public board, commission or committee shall give due consideration to all such testimony.

(c) Notwithstanding division (B)(5) hereof, a proposed rule or regulation shall be deemed to have been adopted by the public board, committee or commission upon the affirmative vote of a majority of the entire membership of the public board, commission or committee plus one additional member thereof.

(d) All rules and regulations adopted by a public board, commission or committee shall be promptly filed with the City Clerk and shall bear the signature of the presiding officer.

(D) Report. At least once each year, every public board, commission or committee shall present a written report to the Mayor and Council of its activities for the past year and any recommendations as may be deemed appropriate.

('74 Code, § 1-12-4) (Ord. 54-1975; Am. Ord. 60-1975; Am. Ord. 55-1992)

§ 2-6-1-5 APPLICABILITY.

(A) The provisions contained herein shall apply to every public board, commission and committee of the city. In the event that any of the provisions contained herein conflict with any specific provision of any ordinance or resolution establishing a specific public board, commission or committee, such specific provision shall control.

(B) The provisions contained herein shall not apply to those boards, commissions, committees, task forces and other similar bodies established by city officials or employees but not appointed or consented to by the City Council, provided that such groups have no authority to make city policy, including the power to make rules and regulations.

(C) The prohibition contained in § 2-6-1-3(A)(2) shall not apply to the appointment of city employees to those public boards, commissions and committees which are established to perform a specific task or tasks and submit a report and which have a duration of not more than one year.

('74 Code, § 1-12-5) (Ord. 54-1975; Am. Ord. 60-1975; Am. Ord. 55-1992)

PART 2: BOARDS, COMMISSIONS AND COMMITTEES DEFENSE AND INDEMNIFICATION

§ 2-6-2-1 SHORT TITLE.

Sections 2-6-2-1 et seq. shall be known and may be cited as the "Boards, Commissions and Committees Defense and Indemnification Ordinance."

('74 Code, § 1-23-1) (Ord. 7-1991)

§ 2-6-2-2 PURPOSE.

The purpose of §§ 2-6-2-1 et seq. is to establish a policy of the city that the city will defend and indemnify members of the city's boards, commissions and committees from claims brought against such members while acting within the scope of the members' duties, responsibilities and service on city boards, commissions and committees.

('74 Code, § 1-23-2) (Ord. 7-1991)

§ 2-6-2-3 DEFINITION.

For the purpose of §§ 2-6-2-1 et seq. the following definition shall apply unless the context clearly indicates or requires a different meaning.

MEMBER. A member of any of the city's boards, commissions and committees established by Charter, ordinance or resolution.

('74 Code, § 1-23-3) (Ord. 7-1991)

§ 2-6-2-4 DEFENSE AND INDEMNIFICATION.

(A) The city shall provide a defense, including costs and attorneys' fees, for a member when liability is sought for:

(1) Any tort alleged to have been committed by the member while acting within the scope of the member's duties, responsibilities and service on a city board, commission or committee; or

(2) Any violation of property rights or any rights, privileges or immunities secured by the constitution and laws of the United States or the constitution and laws of New Mexico when alleged to have been committed by the member while acting within the scope of the member's duties, responsibilities and service on a city board, commission or committee.

(B) The city shall pay any settlement or final judgment entered against a member for:

(1) Any tort alleged to have been committed by the member while acting within the scope of the member's duties, responsibilities and service on a city board, commission or committee; or

(2) Any violation of property rights or any rights, privileges or immunities secured by the constitution and laws of the United States or the constitution and laws of New Mexico when alleged to have been committed by the member while acting within the scope of the member's duties, responsibilities and service on a city board, commission or committee.

(C) The city shall have the right to recover from a member of the city's boards, commissions and committees the amount expended by the city to provide a defense and pay a settlement agreed to by the member or to pay a final judgment if it is shown that while acting within the scope of the member's duties, responsibilities and service, the member acted fraudulently or with actual intentional malice causing bodily injury, wrongful death or property damage resulting in the settlement or final judgment.

('74 Code, § 1-23-4) (Ord. 7-1991)

PART 3: INFORMATION SERVICES COMMITTEE

§ 2-6-3-1 COMMITTEE CREATED.

- (A) An Information Services Committee is hereby created.
- (B) The Committee shall be composed of seven members serving staggered terms; terms shall be three years, except the initial terms shall vary in length so that at least one position of the Committee shall expire each year. Four members shall be city employees, no two of whom shall be from the same department; one shall be the Director of the Information Systems Division of the Department of Finance and Management and one shall be from City Council staff. Three members shall not be city officials or employees; they shall be people knowledgeable in information systems, who would have no conflict of interest or likely future conflict of interest in making recommendations and decisions as members of the Committee.
- (C) The chairmanship of the Committee shall annually rotate between the two city members other than the Director of Information Systems Division, or the City Council staff member.
- (D) Matters concerning membership and organization shall be as set forth in §§ 2-6-1-1 et seq. unless otherwise provided herein.
- (E) The Committee should report, administratively, to the Mayor. The Mayor shall provide staff support to the Committee.

('74 Code, § 1-21-1) (Ord. 46-1990)

§ 2-6-3-2 DUTIES, RESPONSIBILITIES, AND POWERS.

(A) The Committee shall develop and recommend to the City Council for adoption an Information Services Master Plan for the evaluation of information technology within the city government; the Committee shall recommend amendments of the Master Plan when appropriate. The Master Plan should be amended by the City Council at appropriate intervals to keep it current, but no amendment may be made without the evaluation of the Committee. The Master Plan should contain city-wide objectives such as the following:

- (1) Data and software within the city will be shared to the extent possible; and

(2) The city will develop an integrated communications network for delivery of data, voice, image, and video information.

(B) The Committee shall study and establish standards governing the city's acquisition and use of information technology. These city-wide standards should include but not be limited to the following:

- (1) Methodologies for project management and system development;
- (2) Centrally coordinated spending for equipment, software contracts, and consultants, to assure consistency with the city's Information Services Master Plan;
- (3) Compatibility standards for equipment, software languages, distributed-processing policy, security control, and data base management;
- (4) Standards for all network services and interface requirement;
- (5) Data base standards for compatibility, consistency, retrieval, and consolidation;
- (6) Standards for quality assurance governing consulting, advising, monitoring, and auditing distributed processing activities;
- (7) Standards for disaster recovery; and
- (8) Standards for an information systems security program.

(C) The Committee shall review and, working with the Chief Administrative Officer, assure that a data administration function is implemented and is effectively being performed.

(D) Each city department shall prepare an information systems plan annually and submit it to the Committee for approval. In addition to reviewing these annual plans, the Committee shall also review, on an ongoing basis, all proposed information services activities for adherence to the Information Services Master Plan and to city-wide standards. No significant change in type or level of information services activities and no significant information services initiative shall occur without the approval of the Committee. The Committee shall establish a minimum level of information services activities which shall require review and approval by the Committee.

('74 Code, § 1-21-2) (Ord. 46-1990)

§ 2-6-3-3 PROCESS.

(A) Budgeting. Information systems projects should come before the Committee prior to presentation to the City Council as part of a proposal for the operating budget or capital improvements program; this includes joint city-county projects. While the Mayor has the right to make a proposal contrary to the advice of the Committee, the action of the Committee shall be conveyed to the Council along with each information systems project proposed for funding.

(B) Appeal. Binding decisions of the Committee may be appealed to the Mayor by filing an appeal within 15 days of the Committee decision. The Mayor shall decide the matter within 15 days.

('74 Code, § 1-21-3) (Ord. 46-1990)

PART 4: RECORDS ANALYSIS AND DISPOSAL COMMITTEE

§ 2-6-4-1 POLICY.

The City Council recognizes its responsibility to encourage the modernization and development of business methods in City government which result in efficiency and improvement of service. The Council

also recognizes its responsibility for the retention of records for the orderly processes of government in the event that disaster should reduce records and procedures to chaos.

('74 Code, § 1-5-1) (Ord. 1796)

§ 2-6-4-2 COMMITTEE.

The Mayor is hereby authorized and directed to establish a committee for the study and disposal of City government records, papers and instruments of every kind and nature.

('74 Code, § 1-5-2) (Ord. 1796)

§ 2-6-4-3 DEFINITION.

For the purpose of §§ 2-6-4-1 et seq. the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC RECORDS. All books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein. Library or museum material made or acquired solely for reference, circulation or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

('74 Code, § 1-5-3) (Ord. 1796)

§ 2-6-4-4 PROCEDURE.

The committee shall proceed expeditiously to analyze the public records of the City in an orderly manner and to perform the following functions:

- (A) Classify public records as distinguished from excluded public records hereinabove described.
- (B) Authorize the destruction of retained items which do not come within the fair meaning of "public records" above described and prepare concise and accurate records of such action.
- (C) Analyze the public records and insofar as possible determine:
 - (1) What records if any are retained by law;
 - (2) What records, if any, are retained by ordinance;
 - (3) For what period such records are required to be retained;

(4) What other items should be retained and in what way or place, having in mind the possibility of war or other disaster;

(5) What records would be copied for further preservation; and

(6) Methods by which unnecessary duplication of records and maintenance thereof may be avoided.

('74 Code, § 1-5-4) (Ord. 1796)

§ 2-6-4-5 CORRELATION.

In the performance of this duty the Mayor is directed to correlate this program where possible with that of the State Commission of Public Records.

('74 Code, § 1-5-5) (Ord. 1796)

§ 2-6-4-6 FURTHER RECOMMENDATION.

The committee is directed to recommend to the City Council as soon as possible such further action in this matter as is consistent with efficient record keeping.

('74 Code, § 1-5-6) (Ord. 1796)