

CITY of ALBUQUERQUE

FIFTEENTH COUNCIL

COUNCIL BILL NO. O-03-102 ENACTMENT NO. _____

SPONSORED BY: GREG PAYNE

ORDINANCE

AMENDING SECTION 2- 6- 1- 3 ROA 1994, A PORTION OF THE PUBLIC BOARDS, COMMISSIONS AND COMMITTEES ORDINANCE, TO REQUIRE A BOARD, COMMISSION OR COMMITTEE MEMBER'S TERM TO END UPON THE EXPIRATION OF THE MEMBER'S TERM AND TO DELETE THE PROVISION THAT ALLOWS MEMBERS TO CONTINUE TO SERVE UNTIL REPLACED. BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. Section 2-6-1-3 ROA 1994 is amended to read:

“§ 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 the 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 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 Mayor after due notice and hearing if such member has violated any of the provisions contained herein.

(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."

Section 2. 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 3. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 4. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.