

# City of Albuquerque

## Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

### Interoffice Memorandum

August 15, 2024

To: CITY COUNCIL

From: Ashley Santistevan, Records Center Manager

Subject: BILL NO. O-24-30; ENACTMENT NO. O-2024-025

I hereby certify that on August 15, 2024, the Office of the City Clerk received Bill No. O-24-30 as signed by the president of the City Council, Dan Lewis. Enactment No. O-2024-025 was passed at the August 5, 2024 City Council meeting. Mayor Keller 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 beginning August 20, 2024 without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. C/S O-24-30.

Sincerely,

Ethan Watson  
City Clerk

0-2024-025

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**CITY OF ALBUQUERQUE  
CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO:** Timothy M. Keller, Mayor

**FROM:** Isaac Padilla, Director of Council Services *TPW for 8/12/24*

**SUBJECT:** Transmittal of Legislation

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Transmitted herewith is Bill No. O-24-30 Amending Section 9-2-3-16 (A) Of The Heart Ordinance To Create A Heart Ordinance Fund And Dedicate Fees And Fines Exclusively To The Animal Welfare Department (Fiebelkorn) which was passed at the Council meeting of August 5, 2024, by a vote of 8 FOR AND 0 AGAINST.

**EXCUSED:** Lewis

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

**CITY of ALBUQUERQUE  
TWENTY SIXTH COUNCIL**

COUNCIL BILL NO. O-24-30 ENACTMENT NO. 0-2024-025

SPONSORED BY: Tammy Fiebelkorn

1 ORDINANCE  
2 AMENDING SECTION 9-2-3-16 (A) OF THE HEART ORDINANCE TO CREATE A  
3 HEART ORDINANCE FUND AND DEDICATE FEES AND FINES EXCLUSIVELY  
4 TO THE ANIMAL WELFARE DEPARTMENT.  
5 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
6 ALBUQUERQUE:

7 SECTION 1. ROA 1994 § 9-2-3-16 "PERMIT FEES" is amended as follows:  
8 "§ 9-2-3-16 HEART ORDINANCE FUND AND PERMIT FEES.

9 (A)There is hereby created a new fund: The Humane and Ethical Animal Rules  
10 and Treatment (HEART) Ordinance Fund.

11 (1) 100% of all net permit fees and civil fines collected under the HEART  
12 Ordinance shall be deposited into the HEART Ordinance Fund.

13 (2) 100% of all fees for services performed by the City's Animal Welfare  
14 Department including but not limited to microchipping, spaying and neutering,  
15 and crematory and pet burial services, shall be deposited in the HEART  
16 Ordinance Fund.

17 (3) HEART Ordinance Fund monies are dedicated exclusively to the Animal  
18 Welfare Department to provide programs for free or reduced-cost spaying and  
19 neutering, microchipping, and vaccinations of Companion Animals for Low-  
20 Income Persons, moderate-income persons, seniors, and when possible, the  
21 general public. All fees listed in this article are a minimum fee amount and  
22 may be increased administratively by the Mayor's designee."

23 (4) The Animal Welfare Department shall provide the City Council with a  
24 written quarterly accounting report of all activity in the HEART Ordinance  
25 Fund via Executive Communication. The quarterly accounting shall include, at  
26 a minimum, all permit fees, civil fines, and fees for services collected under  
27 the HEART Ordinance and deposited into the HEART Ordinance Fund; all fund

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1 expenditures by the Animal Welfare Department including a description of the  
2 use of the funds; and starting and ending balances for the reporting period.

3 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
4 clause, word, or phrase of this Ordinance is for any reason held to be invalid  
5 or unenforceable by any court of competent jurisdiction, such decision shall  
6 not affect the validity of the remaining provisions of this Ordinance. The  
7 Council hereby declares that it would have passed this Ordinance and each  
8 section, paragraph, sentence, clause, word, or phrase thereof irrespective of  
9 any provision being declared unconstitutional or otherwise invalid.

10 SECTION 3. COMPILATION. SECTION 1 of this Ordinance shall be  
11 incorporated in and made part of the Revised Ordinances of Albuquerque,  
12 New Mexico, 1994.

13 SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect five days  
14 after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 5<sup>th</sup> DAY OF August, 2024  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

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4 EXCUSED: Lewis

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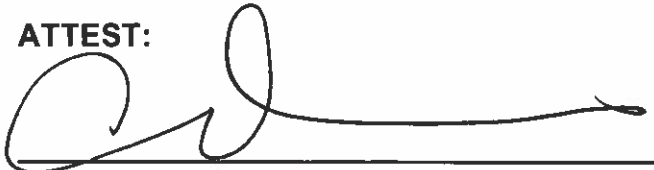
7 \_\_\_\_\_  
8 Dan Lewis, President  
9 City Council

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13 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024

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17 Bill No. O-24-30

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21 Timothy M. Keller, Mayor  
22 City of Albuquerque

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25 ATTEST:

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28 Ethan Watson, City Clerk

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