

ALBUQUERQUE DEVELOPMENT COMMISSION
BY-LAWS, RULES OF PROCEDURE AND CODE OF CONDUCT
(Draft 1/24/2025)

These By-Laws, Rules of Procedure and Code of Conduct are promulgated and adopted in accordance with the power and authority of the City of Albuquerque as outlined in the Public Boards, Commissions and Committees Ordinance (Ordinance § 2-6-1-1 et seq. and as amended). These By-Laws, Rules of Procedure and Code of Conduct will serve the public, City staff, and the Albuquerque Development Commission (Commission) as a guide to the operations and policies of the Commission and accommodate the carrying out of the intent of the ordinance which created the Commission. The organizational structure of the Commission shall be governed by the Public Board, Commissions and Committees Ordinance, Article 6 [XII] of Chapter 2 [I] of the Revised Ordinances of Albuquerque, New Mexico, 1994 [1974] hereinafter referred to as the "Public Boards, Commissions and Committees Ordinance," Albuquerque Ordinance § 2-6-1-1 et seq. and as amended.

Article I. The Commission

Section 1. The name of the Commission shall be the Albuquerque Development Commission (ADC).

Section 2. The administrative support for the Commission shall be provided by the City of Albuquerque's Metropolitan Redevelopment Agency (MRA).

Section 3. Commission creation and authority is pursuant to Section 14-8-6 ROA1994 et.al. (Development Commission Ordinance).

Article II. The Object of the Commission

Section 1. Pursuant to the Development Commission Ordinance, the Commission shall primarily serve as an advisory body to the Albuquerque City Council (City Council) for approval of project plans and inducement resolutions and issuance of bonds. The Commission shall also review economic development strategies submitted by the Office of Economic Development that affect the public benefit.

Section 2. The Commission normally conducts two types of actions: Those that are appealable to the City Council and those that are not appealable to the City Council.

- a. Appealable actions are those on which the Commission takes action, including submitted proposals to buy, sell or lease real estate owned by the MRA. These appeals may be filed with the City Clerk within 15 days of the Commission's action for consideration by the Albuquerque City Council.
- b. Non-Appealable actions are those on which the Commission serves as a pass-through and recommending body to the Albuquerque City Council. These types of proceedings include,

but are not limited to: proposed creation or amendments of MRA Project Areas or Plans; approval of leases, bonds, grants; suggested appropriation of funds for MRA projects; and recommendations for approval on development agreements.

Article III. Members of the Commission

Section 1. In accordance with the Development Commission Ordinance § 14-8-6-2 (A), the Commission is comprised of five members, all of which are appointed by the Mayor, with the advice and consent of the City Council for staggered terms of 5 years or less, so that the term of one expires on October 31 of each year. The Mayor shall appoint the Chairperson and Vice-Chairperson on an as-needed basis. In the absence of a designation by the Mayor of the Chairperson and Vice-Chairperson, the Commission may choose to appoint a member of the Commission as Chairperson and Vice-Chairperson for a period of no more than one (1) calendar year and until such time as the Mayor makes an appointment.

Section 2. Absences. 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 fifty percent of the meetings held during any twelve months period of time pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 3. Conflict of Interest. Commission members serving on the Commission shall abide by the CONFIDENTIALITY AND CONFLICT OF INTEREST AGREEMENT signed by the Commission member at the time of appointment.

Section 4. Resignations. Any member may resign for personal or professional reasons. Resignation requires that a letter of resignation be sent to the Mayor's Office with copies to the Chairperson of the Commission and to the MRA Director.

Article IV. Officers of the Commission

Section 1. The minimum number of officers of any board, commission or committee shall be not less than two officers (such as Chairperson and Vice-Chairperson) and such other officers as such public board, commission or committee may deem necessary pursuant to the Public Boards, Commissions and Committees Ordinance.

Section 2. The officers of the Albuquerque Development Commission shall be the Chairperson and the Vice-Chairperson.

Section 3. The Chairperson shall preside at all meetings of the Commission and shall perform such duties incident to the office.

Section 4. The Vice-Chairperson shall, in the absence of the Chairperson, perform the duties of the Chairperson and shall have all the powers relating to the Chairperson's authority.

Section 5. Annually, at the January meeting, the Commission as a whole shall organize by election and installation of a Chairperson and Vice-Chairperson and they will take office at that time. So long as Commission meetings remain virtual, election shall be by roll-call voice vote.

Section 6. Vacancies. The vacancy in any officer shall be announced at the next regular meeting of the Commission following resignation, removal or death of the officer and a replacement shall be elected at the following regular meeting of the Commission, if the Mayor has not appointed a Chairperson or Vice-Chairperson.

Article V. Meetings

Section 1. All meetings of any public board, commission or committee shall be open to the public and insofar as possible, shall be held either at a City-owned facility, or virtually, pursuant to the Public Boards, Commissions and Committees Ordinance and shall be conducted in accordance with the State of NM Open Meeting Act, by resolution adopted annually.

Section 2. Regular public hearings and/or meetings on current, planned, or future MRA projects and/or applications are schedule for the third THURSDAY of each month. In the event such a day is a public holiday, the meeting will automatically be scheduled for one week later. Special meetings, including hearings, may be scheduled by the ADC Chair at other times, when necessary, provided that notice is given. Unless otherwise posted, meetings shall be held virtually, with the meeting link posted to the agenda.

Section 3. Reasonable notice shall be given to the public prior to any meeting of the Commission, pursuant to the State of New Mexico Open Meetings Act. Notice of regular and special meetings, including the meeting agenda, should be available at least seventy-two (72) hours prior to the scheduled meeting time and as provided by City Ordinances.

Section 4. The ADC agenda shall be publicly posted at City Hall and online on the MRA website. The majority of Commission members present at the meeting must approve changes to the agenda at the beginning of the meeting.

Section 5. The Chairperson is responsible for the management and administration of Commission hearings. At hearings, time limits on presentations and testimony are generally as follows: 1) staff report presentation, 5 minutes; 2) applicant's presentation, 10 minutes; 3) public comments, 2 minutes each; and 4) Commission discussion.

Section 6. Any person of the public may appear and speak at the ADC meeting. Appeals or Remands sent back to the Commission from the City Council are to be scheduled for the next available Commission meeting. Only those parties involved with the remand or appeal case (applicant and/or appellant) may speak at the remand / appeal hearing by the Commission.

Section 7. Special or Called Meetings. Business at such meetings shall be limited to those topics

specified in the notice of the meeting.

Section 8. The Chairperson may also allow the Albuquerque Development Commission, after obtaining a simple majority vote of those members present, to enter into closed session during a regularly scheduled meeting for purposes of discussing real estate transactions, including but not limited to the review and approval of RFPs, Proposals, Leases, Development Agreements, Purchase and Sale Agreements, and Financing mechanisms. Topics discussed in a closed session must be limited to those agreed upon prior to a vote. These closed sessions are permitted pursuant to Section 10-15-1 (H) (8), NMSA 1978. of the Open Meetings Act.

Section 9. The Commission Chairperson shall preside at all meetings of the Commission, except that the Vice-Chairperson shall preside over the Commission when the Chairperson is not present. In the event of the absence or disability of the Chairperson and Vice-Chairperson, the Commissioners present for that particular meeting shall elect a Chair Pro Tempore.

Section 10. Three (3) of the Five (5) Commissioners shall constitute a quorum for the transaction of business. Whenever a quorum is not present, informal or preliminary subject matter discussions may ensue at the meeting; however, no official action may be taken.

Section 11. Draft minutes shall be prepared by City staff within 10 days after a Commission hearing and shall be approved, amended, or disapproved at the next Commission hearing when a quorum is present.

Article VI. Voting

Section 1. After a quorum is established, a majority vote by the Commission is required to approve any motion.

Section 2. The Commission will vote on motions to approve, continue, defer or deny any matter brought before it. If any such motion fails for lack of a second, such motion dies.

Section 3. The Commission may continue a matter at the request of staff, another interested party, or when the Commission determines that additional time or information is necessary to render a decision.

Section 4. In the event of a tie vote on a motion, only that motion fails. However, if there are motions to approve, continue, defer, or deny an item, and all four types of motions end in a tie vote and/or fail, then no decision is made on that particular item and the Commission shall have the ability to defer the item to another meeting or transmit their no action or Notice of Non-Decision to the City Council.

Section 5. The Commission shall not re-vote on any motion, unless one of the following occurs: (1) a Commissioner states immediately after the original vote that he/she had not understood the effects of the motion, or (2) the City Council returns a matter to the Commission for reconsideration.

Article VII. Code of Conduct

Section 1. Conduct of Business. These guidelines shall direct the conduct of business by the Commission. In the event of a conflict between these guidelines, city ordinances or resolutions of the City Council, the city ordinances and/or resolutions of the City Council shall prevail, unless superseded by state laws or codes pertaining to Metropolitan Redevelopment or other federal laws. Commission members shall in all instances maintain their conduct at the highest personal and professional standards in order to promote public confidence and trust in the City and public institutions and in a manner that merits the respect and cooperation of employees and the community.

The appearance of impropriety shall be avoided. Commissioners shall recuse themselves from hearing a matter if a conflict of interest exists or appears to exist, including, for example, a direct or indirect financial conflict of interest, or if circumstances exist which would impair or appear to impair the independence of judgment of the Commissioner. However, Commissioners have a duty to hear cases presented to them and recusal should only come for good reason.

The Commission Chairperson has authority to limit repetitive, irrelevant or inappropriate testimony at a public meeting, as well as limit a Commissioner's comments, questions, or arguments that are repetitive, irrelevant, or otherwise inappropriate. Commissioners and speakers shall confine their remarks to the question under discussion or debate.

Section 2. Professional Excellence

Commission members are encouraged to strive for personal and professional excellence as a means of keeping current on relevant issues and advising on the administering the public's business with professional competence, efficiency, and effectiveness.

Violence by Commission members is prohibited. Violence will not be tolerated toward another Commission member, city employee, or a member of the general public.

Actions, words, jokes, or comments based on a person's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic have the potential to be offensive and if they become offensive will not be tolerated.

If a Commission member or an MRA employee experience or witness unlawful or unwanted offensive conduct, harassment or behavior, he or she should report it immediately to the Director or designee so that it can be investigated in a timely and confidential manner.

If it is the Chairperson of the Commission who is the subject of the complaint, then it should be reported immediately to any member of the MRA and the Director so that it can be investigated in a timely and confidential manner.

If it is a member of the MRA who is the subject of the complaint, then it should be reported immediately to the Chairperson, or any other member of the MRA and the Director so that it can be investigated in a timely and confidential manner. If the complaint is investigated by the MRA,

then the accused MRA staff member shall recuse themselves from the deliberation.

An individual can raise concerns or make reports without fear of reprisal or retaliation. A written report shall be prepared specifying the nature of the complaint, result of the investigation and any action agreed upon to eliminate such prohibited behavior and presented to the person reporting the incident and served on the Commission member charged.

Any Commission member engaging in unlawful discrimination or harassment will be subject to disciplinary action, up to and including recommendation for removal from the Commission. This policy is intended to be consistent with all applicable local, state, and federal discrimination laws.

Section 3. False Statements/Fraud

No ADC member shall willfully make any false statement, certificate, mark, rating, or report in regard to any vote, certification, appointment or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in connection with advising the City or in connection with the work-related conduct of any City employee.

Article VIII. Parliamentary Authority

Section 1. The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the organization in all cases in which applicable and in which they are not inconsistent with these By-Laws and applicable rules of the appropriate ordinances and other City statutes.

Article IX. Amendments to the By-Laws

Section 1. These guidelines may be amended by the majority vote of Commissioners at a public meeting, provided written notice of the proposed changes and their time of consideration is given to all Commissioners at least one week in advance, and the public and others are properly notified, pursuant to the Public Boards, Commissions and Committees Ordinance, Section 2-6-1-4(C) of the Albuquerque Code of Ordinances.