



VILLAGE OF CORRALES

RESOLUTION NO. 11-012

A RESOLUTION RELATING TO THE CORRALES BOSQUE PRESERVE; AUTHORIZING THE MAYOR AFTER CONSULTATION WITH THE FIRE CHIEF, THE POLICE CHIEF, THE ADMINISTRATOR, THE CHAIRPERSON OF THE BOSQUE ADVISORY COMMISSION, THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT AND OTHER INTERESTED AGENCIES TO ORDER THE CLOSURE OR PARTIAL CLOSURE OF THE CORRALES BOSQUE PRESERVE TO PUBLIC ACCESS; PROVIDING THAT THE MAYOR SHALL MAKE PROVISION FOR PUBLIC NOTICE RELATING TO RESTRICTIONS ON PUBLIC ACCESS TO THE CORRALES BOSQUE PRESERVE; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE UPON AND FROM ITS APPROVAL BY THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT.

WHEREAS, the Corrales Bosque Preserve encompasses a large area of vegetation which it is the intent of the Village of Corrales (the "Village") to preserve to the extent reasonably possible in a natural condition, as reflected in Village Ordinance No. 234, adopted October 23, 1990 and incorporated as Chapter 11 of the Code of Ordinances of the Village; and

WHEREAS, the Corrales Bosque Preserve lies within the boundaries of the Village of Corrales but is located on lands owned by the Middle Rio Grande Conservancy District and subject to various regulations of other governmental agencies including, but not necessarily limited to, the United States Bureau of Reclamation and the United States Army Corps of Engineers; and

WHEREAS, it is the intent and practice of the Village to make the Corrales Bosque Preserve available for public use and enjoyment to the extent consistent with public health and safety, the preservation of public and private property, and the preservation of the Corrales Bosque Preserve itself; and

WHEREAS, under certain climatic conditions and other conditions, including but not limited to conditions of low humidity or high winds, or both, the Corrales Bosque Preserve like other areas of bosque in the Middle Rio Grande region is prone to the initiation and spread of wildfires that may present a hazard to the health, safety and security of persons and property in the Village and elsewhere; and

WHEREAS, the Village Council, the governing body of the Village (the "Governing Body"), finds that during periods of elevated fire danger it may be necessary to restrict or prohibit public access to the Corrales Bosque Preserve, or to portions

thereof, for the better protection of public health, safety and welfare in the Village and for the better protection of the Corrales Bosque Preserve; and

WHEREAS, from time to time other events and conditions, such as an active fire, a search and rescue operation, a police enforcement action, or other conditions may require the restriction or prohibition of public access to the Corrales Bosque Preserve, or to portions thereof; and

WHEREAS, conditions may change rapidly from day to day, or even during the course of a day, so that the degree of fire hazard or the nature of other conditions related to public use of the Corrales Bosque Preserve may vary frequently on a short-term basis, and legislative action by the Governing Body may not be sufficiently timely to effect the closure, partial closure, re-opening, or any other measures necessary for the protection of the Corrales Bosque Preserve and for the protection of the public health, safety and welfare in relation to events and conditions in the Corrales Bosque Preserve.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Village of Corrales, New Mexico, that:

1. *Authority to Restrict Access.* The Mayor, upon the recommendation or advice of the Fire Chief, the Police Chief, the Village Administrator, the Chairperson of the Bosque Advisory Commission, and other interested persons or entities, including but not necessarily limited to the Middle Rio Grande Conservancy District, the United States Bureau of Reclamation, and the United States Army Corps of Engineers, shall have authority by executive order to declare the closure of the Corrales Bosque Preserve, or any portion thereof, to access by the general public, for such time period as the Mayor deems appropriate.

2. *Exemptions.* Such closure of the Corrales Bosque Preserve to public access shall not be deemed to prevent, restrict, or otherwise affect the authority and right to enter therein of law enforcement officers, fire department and emergency rescue unit personnel, authorized agents and employees of the Middle Rio Grande Conservancy District, and other authorized officers, agents and employees of the federal, state or local governments acting within the scope of their duties, as provided in Section 11-5(2) of the Code of Ordinances of the Village.

3. *Authority to Terminate Restrictions of Access.* The Mayor, upon the recommendation or advice of the Fire Chief, the Police Chief, the Village Administrator, the Chairperson of the Bosque Advisory Commission, and other interested persons or entities, including but not necessarily limited to the Middle Rio Grande Conservancy District, the United States Bureau of Reclamation, and the United States Army Corps of Engineers, shall have authority by executive order to open or re-open to public access the Corrales Bosque Preserve, or any portion thereof, that has previously been closed to such access in accordance with Section 1 of this Resolution.

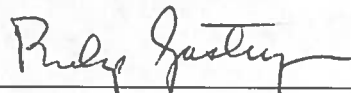
4. *Mayoral Decision is Determinative.* Notwithstanding the requirement that the Mayor seek the recommendation or advice of any other officer or agency in connection with any decision relating to the closure or opening of the Corrales Bosque Preserve to public access, the decision of the Mayor on such matter shall be determinative, and the Mayor may exercise his or her own best judgment and shall not be required to follow the recommendation or advice of any particular official or agency.

5. *Notice to the Public.* Whenever the Corrales Bosque Preserve or any portion thereof is closed to public access in accordance with the provisions of this Resolution, the Mayor shall cause notification of such closure to be made to the public by the most effective means available under the circumstances, which may include but shall not be limited to posting at the entrances of the Corrales Bosque Preserve and elsewhere in the Village, posting prominently on the Village's web site, announcements in public meetings or gatherings, press releases to the media, and such other means as may be available and appropriate for the dissemination of such information to the public.

6. *Effective Date.* This Resolution, upon its adoption by the Governing Body, shall be presented to the Middle Rio Grande Conservancy District for review, comment or approval by the officers of the Middle Rio Grande Conservancy District. This Resolution shall become effective upon and from the date the Village receives notification of its approval by the Middle Rio Grande Conservancy District, or if the Middle Rio Grande Conservancy District objects to any provision contained herein, upon the resolution of such objection by discussions between the parties or upon appropriate amendment of this Resolution by action of the Governing Body. If no response is received from the Middle Rio Grande Conservancy District by Friday, April 29, 2011, at 5:00 p.m., this Resolution shall become effective at 12:01 a.m. on Saturday, April 30, 2011.

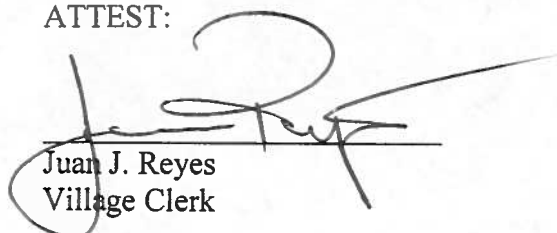
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 8th day of March, 2011.

APPROVED:



The Honorable Philip Gasteyer
Mayor

ATTEST:



Juan J. Reyes
Village Clerk