

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. R-24-48 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis and Renée Grout

1 RESOLUTION

2 ADOPTING A PROPOSITION TO BE SUBMITTED TO THE VOTERS AT THE
3 NEXT GENERAL ELECTION TO BE HELD IN THE CITY OF ALBUQUERQUE
4 CONCERNING AMENDMENTS TO ARTICLE V OF THE ALBUQUERQUE CITY
5 CHARTER; PROVIDING THE FORM OF THE QUESTION AND THE
6 DESIGNATION CLAUSE FOR SUCH QUESTION ON THE BALLOT.

7 WHEREAS, Proposition P-24-2 proposes to amend Article V of the
8 Albuquerque City Charter to modify the procedures to appoint and remove the
9 City Attorney and City Clerk; and

10 WHEREAS, P-24-2 specifies that the City Clerk is required to coordinate
11 with the Bernalillo County Clerk to prepare and file any necessary documents
12 and agreements for an election on P-24-2; and

13 WHEREAS, Pursuant to Article VI of the Albuquerque City Charter,
14 amendments to the Charter may be proposed by the Council and must be
15 approved by a vote of a majority of all Councilors plus one.

16 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
17 ALBUQUERQUE:

18 SECTION 1. The City Clerk is instructed to place the following proposal on
19 the next [~~municipal~~] [general] election ballot, and the qualified voters of the
20 City of Albuquerque shall be permitted to vote “for” or “against” the following
21 proposition:

22 (A) QUESTION TO BE SUBMITTED.

23 (1) PROPOSITION. The City Clerk is instructed to coordinate with the
24 Bernalillo County Clerk to submit the following summary, title, and
25 complete text of the following proposed Charter amendments to the City’s

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1 qualified, registered voters who shall be permitted to vote “for” or
2 “against.” The ballot face shall be in substantially the following form:

3
4 **OFFICIAL ELECTION BALLOT**
5 **GENERAL ELECTION**
6 **HELD NOVEMBER 5, 2024**
7

8 **PROPOSITION 1: Proposition to amend Article V of the Albuquerque City**
9 **Charter to modify procedures to appoint and remove City Attorney and City**
10 **Clerk.**

11
12 **SUMMARY**

13 **Shall the City of Albuquerque adopt the following amendments to update the**
14 **Albuquerque City Charter to modify the procedures to appoint the City**
15 **Attorney and City Clerk?**

16
17 **TITLE AND PROPOSITION**

18 **PROPOSING TO AMEND THE ALBUQUERQUE CITY CHARTER REGARDING**
19 **PROCEDURES FOR APPOINTMENT AND REMOVAL OF THE CITY ATTORNEY**
20 **AND CITY CLERK**

21 **ARTICLE V. MAYOR.**

22 **Section 4. DUTIES OF THE MAYOR.**

23 **The Mayor shall:**

24 **(e) Select and remove the City Attorney only as follows:**

25 **1. The City Attorney shall be selected and appointed through an open and**
26 **competitive hiring process ~~[conducted by the Mayor with the advice and~~**
27 **~~consent of two-thirds of the entire membership of the Council]~~ [initiated by the**
28 **Mayor and conducted by a Committee that shall be composed of two Mayoral**
29 **appointees and two City Council appointees. The Mayor or Councilors may**
30 **serve as appointees to this Committee. The Mayor, with the Committee**
31 **approval, shall make a recommendation for hire to the full Council for the**
32 **position of City Attorney. The appointment of the City Attorney shall require**
33 **an affirmative vote of two-thirds of the entire membership of the Council.]**

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1 2. The City Attorney's appointment shall be for a term that coincides and
2 terminates with the term of the Mayor [~~making the appointment~~] unless sooner
3 removed as provided herein. [At the beginning of the term of the Mayor (even
4 after reelection) the Mayor and Committee shall have 90 days to appoint or
5 approve the position of City Attorney.]

6 3. The City Attorney [~~may be removed from office for cause by the Mayor~~
7 with the concurrence of two-thirds of the entire membership of the Council
8 after cause has been determined by the Inspector General.] [~~may only be~~
9 ~~removed from office for cause by the Mayor with the concurrence of two-thirds~~
10 ~~of the entire membership of the Council after cause has been determined by~~
11 ~~the Director of the Office of Internal Audit and Investigations.~~] [shall have an
12 employment agreement with the City specifying the terms and conditions of
13 employment including a provision for the early termination of employment and
14 expiring at the end of the current Mayor's term. The Mayor may terminate this
15 agreement at any time with an affirmative vote of five members of the Council.
16 The Council may terminate the agreement at any time, with notice to the Mayor
17 and City Attorney, by an affirmative vote of two-thirds of the entire
18 membership of the Council.]

19 (f) Select and remove the City Clerk only as follows:

20 1. The City Clerk shall be selected and appointed through an open and
21 competitive hiring process [~~conducted by the Mayor with the advice and~~
22 ~~consent of two-thirds of the entire membership of the Council.~~] [initiated by
23 the Mayor and conducted by a Committee that shall be composed of two
24 Mayoral appointees and two City Council appointees. The Mayor or
25 Councilors may serve as appointees to this Committee. The Mayor, with the
26 Committee approval shall make a recommendation for hire to the full Council
27 for the position of City Clerk. The appointment of the City Clerk shall require
28 an affirmative vote of two-thirds of the entire membership of the Council.]

29 2. The City Clerk's appointment shall be for a term that coincides and
30 terminates with the term of the Mayor [~~making the appointment~~] unless sooner
31 removed as provided herein. [At the beginning of the term of the Mayor (even
32 after reelection) the Mayor and Committee shall have 90 days to appoint or
33 approve the position of City Clerk.]

1 3. [The City Clerk may only be removed from office for cause by the Mayor
2 with the concurrence of two-thirds of the entire membership of the Council
3 after cause has been determined by the Inspector General.] [The City Clerk
4 may only be removed from office for cause by the Mayor with the concurrence
5 of two-thirds of the entire membership of the Council after cause has been
6 determined by the Director of the Office of Internal Audit and Investigations.]
7 [The City Clerk shall have an employment agreement with the City specifying
8 the terms and conditions of employment including a provision for the early
9 termination of employment and expiring at the end of the current Mayor's
10 term. The Mayor may terminate this agreement at any time with an affirmative
11 vote of five members of the Council. The Council may terminate the agreement
12 at any time, with notice to the Mayor and City Clerk, by an affirmative vote of
13 two-thirds of the entire membership of the

14
15 FOR _____ AGAINST _____

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17 **SECTION 2. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,
18 word, or phrase of this resolution is for any reason held to be invalid or
19 unenforceable by any court of competent jurisdiction, such decision shall not
20 affect the validity of the remaining provisions of this resolution. The Council
21 hereby declares that it would have passed this resolution and each section,
22 paragraph, sentence, word or phrase thereof irrespective of any provision
23 being declared unconstitutional or otherwise invalid.

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