

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. P-24-4 ENACTMENT NO. P-2024-002

SPONSORED BY: Dan Lewis and Klarissa J. Peña

1 CHARTER AMENDMENT PROPOSAL
2 ADOPTING A PROPOSITION TO BE SENT TO THE VOTERS AT THE 2024
3 GENERAL ELECTION, PROPOSING TO AMEND ARTICLE XIX OF THE
4 CHARTER OF THE CITY OF ALBUQUERQUE REGARDING THE PROCEDURE
5 TO DETERMINE OF SEPARATION OF POWERS ISSUES UNDER THE CITY
6 CHARTER.

7 WHEREAS, The conference committee for the determination of the roles
8 and responsibilities is vital to the efficient operation of the City of
9 Albuquerque government; and

10 WHEREAS, the positions on this committee should be filled in a timely
11 manner whenever a vacancy occurs; and

12 WHEREAS, if either the Mayor or City Council fail to make their assigned
13 appointment to the committee within the timelines designated by the City
14 Charter, it is appropriate for the other body to fill that position; and

15 WHEREAS, if either the Mayor or the City Council have two appointments
16 to the committee, if those appointments resign within a one-year period it is
17 appropriate for the body that has no appointments to make the next
18 appointment; and

19 WHEREAS, pursuant to Article VI of the Albuquerque City Charter,
20 amendments to the Charter may be proposed by the Council and must be
21 approved by a vote of a majority of all Councilors plus one.

22 BE IT PROPOSED BY THE CITY COUNCIL, THE GOVERNING BODY OF THE
23 CITY OF ALBUQUERQUE:

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1 SECTION 1. The City Clerk shall place the summary, title, and text of the
2 following proposition on the ballot of the 2024 General Election, and City of
3 Albuquerque voters shall be permitted to vote “for” or “against”:

4 SUMMARY

5 Proposing to amend the City Charter regarding the procedure to determine
6 separation of powers issues under the City Charter.

7 PROPOSITION

8 Proposing to amend the City Charter of the City of Albuquerque as follows:

9 ARTICLE XIX. [DETERMINATION OF SEPARATION OF POWERS ISSUES
10 UNDER THE CHARTER.]

11 A procedure for resolving disputes between the executive and legislative
12 branches of government with respect to their respective duties and
13 obligations under the City Charter shall be established by ordinance adopted
14 by the Council after consultation with the Mayor. The ordinance shall establish
15 a conference committee for the determination of the role of the City Council
16 and the Mayor under the Charter. The committee shall be limited to making
17 determinations on issues raised by either the Mayor or the City Council. The
18 City Attorney shall not participate as either an advocate before or advisor to
19 the committee. The committee shall be comprised of three members. The
20 Mayor shall appoint one member and the Council shall appoint one member
21 [30 days prior to an appointee’s term expiring, or immediately upon the City
22 Clerk being notified that a person has resigned prior to the regular expiration
23 of their term, the City Clerk shall notify the appointing body.] [If either the
24 Mayor or City Council fails to name a replacement Committee member within
25 45 60 days of a vacancy, the other body shall make the appointment. The two
26 members so appointed shall select the third member to serve as the
27 chairperson of the committee. The appointment of a committee member by
28 one appointing authority shall not be approved or disapproved by the other
29 appointing authority.

30 SECTION 2. TIME OF FILING WITH THE CITY CLERK. The Director of City
31 Council Services, or their designee, shall file this Charter Amendment
32 Proposal with the City Clerk upon its final passage.

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

8 **SECTION 4. EFFECTIVE DATE.** This proposition is effective immediately.
9 The Charter Amendment described in SECTION 1 of this proposition shall take
10 effect on January 1, 2025, so long as certified as approved by the voters.

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1 PASSED AND ADOPTED THIS 17th DAY OF June, 2024
2 BY A VOTE OF: 7 FOR 2 AGAINST.

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4 For: Baca, Bassan, Champine, Grout, Lewis, Peña, Sanchez

5 Against: Fiebelkorn, Roges

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Dan Lewis, President

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City Council

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16 APPROVED THIS _____ DAY OF _____, 2024

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20 Bill No. P-24-4

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25 ATTEST:

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Ethan Watson, City Clerk

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