

# **CITY of ALBUQUERQUE**

## **TWENTY FIFTH COUNCIL**

**COUNCIL BILL NO. P-23-1 ENACTMENT NO. \_\_\_\_\_**

**SPONSORED BY: Louie Sanchez and Renée Grout**

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1       **WHEREAS, Each new Mayor holds complete discretion to appoint new**  
2       **leadership to oversee critical city services; and**

3       **WHEREAS**, Conversely, in the Council-Manager form of government,  
4       critical city services can be led by personnel hired based exclusively on their  
5       qualifications, who can remain serving based on their capabilities as opposed  
6       to who wins an election; and

7        WHEREAS, The strong-mayor form of government is not the only form of  
8        government available to the City of Albuquerque and several other modern,  
9        major cities in our region successfully operate under a Council-Manager form  
10      of government, including Las Cruces, Rio Rancho, El Paso, Phoenix, and Las  
11      Vegas, Nevada; and

12        WHEREAS, Most Council-Manager forms of government still include a  
13        critical role for a Mayor where the Mayor is integrated into the City Council as  
14        its presiding member, as opposed to being part of a separate branch of  
15        government; and

16        WHEREAS, Transitioning to the Council-Manager form provides an  
17        opportunity to make Albuquerque's local government more efficient, stable,  
18        and fiscally responsible over the long-term.

19 BE IT PROPOSED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY  
20 OF ALBUQUERQUE:

21 SECTION 1. The City Clerk shall place the summary, title, and text of the  
22 following proposition on the ballot at the 2023 Regular Local Election, and City  
23 of Albuquerque voters shall be permitted to vote “for” or “against”:

## SUMMARY

25 Proposing to adopt a Council-Manager form of government consisting of a  
26 governing body and a professional administrator to function as city manager  
27 and chief administrative officer.

## PROPOSITION

**29 Proposing to amend the City Charter of the City of Albuquerque as follows**

### 30 "ARTICLE IV. COUNCIL

## **31 SECTION 1. AUTHORITY AND MEMBERSHIP OF THE COUNCIL.**

32 The legislative authority of the city shall be vested in a governing body which  
33 shall constitute the legislative branch of the city and shall be known as a

1 Council, consisting of nine members from separate Council Districts, each  
2 member to be known as a Councillor and one additional member to be known  
3 as Mayor. Each of the Council Districts shall elect one Councillor, who shall be  
4 a qualified voter of the District.

5 **Section 5. COUNCIL ORGANIZATION.**

6 ~~[The Council shall elect a president from its number and shall determine its~~  
7 ~~order and procedure.]~~ [The Mayor shall be the presiding officer of the City  
8 Council. The Mayor shall be a member of the Council entitled to cast a vote only  
9 in the event of a tie among the City Councilors.]

10 **Section 7. MEETINGS OF THE COUNCIL.**

11 (a) The Council or any of its component committees shall meet as frequently  
12 as its business may require. The Council shall establish regular Council  
13 meeting times by ordinance. Between official Council meetings the Council  
14 shall form itself into committees for consideration of specific areas of  
15 government, using citizenship participation in committee work if found  
16 advisable.

17 (b) All meetings of both the Council and the committees shall be open to the  
18 public and due notice thereof given. Records shall be kept of all voting by each  
19 Councilor the Mayor, and committee member. Publicity shall be given to the  
20 minutes of all meetings of the Council and committees, and the official records  
21 of such meetings shall be open to inspection at all convenient times.

22 **Section 8. COUNCIL POWERS.**

23 The Council shall have the power to adopt all ordinances, resolutions or other  
24 legislation conducive to the welfare of the people of the city and not  
25 inconsistent with this Charter, and the Council shall not perform any executive  
26 functions except those functions assigned to the Council by this Charter. [The  
27 Council shall appoint and set compensation for a City Manager.]

28 **Section 10. COUNCIL DUTIES.**

29 The Council shall:

30 (a) Be the judge of the election and qualification of its members;  
31 (b) Establish and adopt by ordinance or resolution five-year goals and one-  
32 year objectives for the city, which goals and objectives shall be review and  
33 revised annually by the Council;

1    (c) Consult with the Mayor [and City Manager], seek advice from appropriate  
2 committees, commissions and boards, and hold one or more public hearings  
3 before adopting or revising the goals and objectives of the city;

4    (d) Review, approve or amend and approve all budgets of the city and adopt  
5 policies, plans, programs and legislation consistent with the goals and  
6 objectives established by the Council;

7    (e) Preserve a merit system by ordinance;

8    (f) Hire the personnel necessary to enable the Council to adequately perform  
9 its duties;

10    (g) Perform other duties not inconsistent with or as provided in this Charter;

11    [and]

12    (h) Faithfully execute and comply with all laws, ordinances, regulations and  
13 resolutions of the city and all laws of the State of New Mexico and the United  
14 States of America which apply to the city[; and

15    (i) Appoint and set compensation for the City Manager].

16    Section 13. TERM LIMITS.

17    ~~Effective January 1, 1994, Councillors may not serve more than two elected  
18 terms. Councillors who have served more than two terms on that date may  
19 remain in office until their term expires.]~~

20    ARTICLE V. MAYOR [AND CITY MANAGER]

21    Section 3. POWERS; PERFORMANCE; APPOINTMENTS.

22    ~~[The executive branch of the city government is created.] The office of Mayor  
23 is created. [The Mayor shall control and direct the executive branch. The Mayor  
24 is authorized to delegate executive and administrative power within the  
25 executive branch.] The Mayor shall be the [chief executive officer with all  
26 executive and administrative powers of the city and the] official head of the city  
27 for all ceremonial purposes. [The Mayor shall be a member of the Council  
28 entitled to cast a vote only in the event of a tie among the City Councilors.] [The  
29 Mayor shall devote full time and attention to the performance of the duties of  
30 office and shall hold no other paid public or private employment.]~~

31    Section 4. DUTIES OF THE MAYOR.

32    The Mayor shall:

33    [(a) ~~Organize the executive branch of the city;~~

- 1 (b) ~~Exercise administrative control and supervision over and appoint directors of all city departments, which appointments shall not require the advice or consent of the Council except as provided in (d) of this Section;~~
- 4 (c) ~~Be responsible for the administration and protection of the merit system;~~
- 5 (d) ~~With the advice and consent of the Council, appoint the Chief Administrative Officer, any deputy administrative officers, the Chief of Police, and the Fire Chief. Appointees requiring the advice and consent of the Council shall be presented to the Council for confirmation within 45 days after the Mayor takes office or after a vacant appointed position is filled. When an appointee is presented to and not confirmed by the Council, the Mayor shall, within 60 days thereafter, nominate another person to fill the position, and the Mayor may continue to nominate until confirmation;~~
- 13 1. ~~The Police Chief or Fire Chief may be removed for cause by a vote of two-thirds of the entire membership of the Council.~~
- 15 (e) ~~Select and remove the City Attorney only as follows:~~
- 16 1. ~~The City Attorney shall be selected and appointed through an open and competitive hiring process conducted by the Mayor with the advice and consent of two-thirds of the entire membership of the Council.~~
- 19 2. ~~The City Attorney's appointment shall be for a term that coincides and terminates with the term of the Mayor making the appointment unless sooner removed as provided herein.~~
- 22 3. ~~The City Attorney may only be removed from office for cause by the Mayor with the concurrence of two-thirds of the entire membership of the Council after cause has been determined by the Director of the Office of Internal Audit and Investigations.~~
- 26 (f) ~~Select and remove the City Clerk only as follows:~~
- 27 1. ~~The City Clerk shall be selected and appointed through an open and competitive hiring process conducted by the Mayor with the advice and consent of two-thirds of the entire membership of the Council.~~
- 30 2. ~~The City Clerk's appointment shall be for a term that coincides and terminates with the term of the Mayor making the appointment unless sooner removed as provided herein.~~

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 after  
3 cause has been determined by the Director of the Office of Internal Audit and  
4 Investigations.]~~

5       ~~[(a) Preside at meetings of the City Council;~~

6       ~~(b) Cast a vote on matters before the City Council, only in the event of a  
7 tie among the City Councilors;~~

8       ~~(c) Have no administrative duties;~~

9       ~~(d) Perform such other duties, except administrative duties, as may be  
10 prescribed by ordinance or by the provisions of this Charter;~~

11       ~~(e) Be recognized as the head of the City government for all ceremonial  
12 purposes;~~

13       ~~(f) Initiate an annual performance review of the City Manager with the  
14 advice of the Council;~~

15       ~~(g) Represent the city in intergovernmental relationships including but not  
16 limited to representing the City on regional, state, and national boards and  
17 committees as necessary;]~~

18       ~~[(h) (g)] Except as otherwise provided for by ordinance, with the prior  
19 advice and final consent of the Council appoint the members of city  
20 committees, commissions and boards;~~

21       ~~[(h) Formulate the budgets of the city consistent with the city's goals and  
22 objectives, as provided in this Charter;~~

23       ~~(i) Establish and maintain a procedure for investigation and resolution of  
24 citizen complaints;~~

25       ~~(j) Prepare a written state of the city report annually, within thirty days after  
26 final approval of the operating budget of the city, which report shall be filed with  
27 the City Clerk, made a part of the permanent records of the city and available to  
28 the public;]~~

29       ~~[(i) (k)] Perform other duties not inconsistent with or as provided in this  
30 Charter; and~~

31       ~~[(i) (l)] Faithfully execute and comply with all laws, ordinances, regulations  
32 and resolutions of the city and all laws of the State of New Mexico and the  
33 United States of America which apply to the city.~~

1 Section 5. VACANCY IN THE OFFICE OF MAYOR.

2 (a) If the Mayor shall die, resign or terminate residence in the City of  
3 Albuquerque during his term of office, or be removed from office, the office of  
4 the Mayor shall become vacant.

5 ~~[(b) If a regular election will occur within one year of the date on which the  
6 vacancy occurs, the President of the Council shall serve as Mayor Pro Tem until  
7 a successor is elected and qualified. If the President of the Council shall decline  
8 to serve, the Council shall select from among its membership the person to  
9 serve as Mayor Pro Tem until a successor is elected and qualified. If the  
10 President of the Council or any Councillor becomes Mayor Pro Tem pursuant to  
11 this Section, the Mayor Pro Tem shall cease to be a Councillor during the term  
12 as Mayor Pro Tem and the seat on the Council shall become vacant. The Mayor  
13 Pro Tem shall receive the same salary on a pro-rata basis as that provided for  
14 the former Mayor.~~

15 ~~(c) A vacancy in the office of Mayor which occurs more than one year prior to  
16 the next regular election shall be filled for the remainder of the unexpired term  
17 by a special election. During the interim between the date the office is vacated  
18 and the date of the special election, the Mayor's position shall be filled by a  
19 Mayor Pro Tem determined by the same procedure specified in Subparagraph  
20 (b) above. However, in this event, the Mayor Pro Tem shall temporarily cease to  
21 be a Councillor during the term as Mayor Pro Tem and the seat on the Council  
22 shall remain vacant until reassumed. Likewise, in this event the Mayor Pro Tem  
23 is exempt from the provision of Section 3 above that the Mayor shall hold no  
24 other paid public or private employment. During the interval the Mayor Pro Tem  
25 serves pursuant to this Subparagraph, the Mayor Pro Tem shall receive a pro-  
26 rata salary based on the same salary that the former Mayor was receiving and  
27 shall receive no salary as a member of the Council.]~~

28 [(b) At the first meeting of the City Council in the month of January of  
29 each year, the City Council shall elect one of its members to act as Mayor Pro  
30 Tem. The Mayor Pro Tem shall serve until the first meeting in the month of  
31 January of the following year or until a successor has been selected. The Mayor  
32 Pro Tem shall perform the duties of the Mayor in event of a vacancy in the office  
33 of Mayor. For all purposes of this Charter, the Mayor Pro Tem shall remain a

- 1 Councilor and continue to hold voting rights as a Councilor but shall have
- 2 additional powers as set forth herein.
- 3       (c) If a regular election will occur within one year of the date on which the
- 4 vacancy occurs, Mayor Pro Tem shall serve until a successor is elected and
- 5 qualified. The Mayor Pro Tem shall receive the same salary on a pro-rata basis
- 6 as that provided for the former Mayor.
- 7       (d) A vacancy in the office of Mayor which occurs more than one year prior
- 8 to the next regular election shall be filled for the remainder of the unexpired
- 9 term by a special election. During the interim between the date the office is
- 10 vacated and the date of the special election, the Mayor's position shall be filled
- 11 by the Mayor Pro Tem. During the interval the Mayor Pro Tem serves pursuant
- 12 to this subparagraph, the Mayor Pro Tem shall receive a pro-rata salary based
- 13 on the same salary that the former Mayor was receiving and shall receive no
- 14 salary as a member of the Council.]
- 15 [Section 6. CITY MANAGER, APPOINTMENT, QUALIFICATIONS, REMOVAL
- 16       (a) Appointment. The Council shall appoint a City Manager by a vote of at
- 17 least six (6) members of the Council and shall fix the City Manager's
- 18 compensation. The Council may at its own discretion seek professional advice
- 19 in the appointment of a City Manager. The City Manager shall not be appointed
- 20 for any definite term and shall serve at the pleasure of the Council. The Council
- 21 shall enter into an employment contract with the City Manager which shall
- 22 establish, among other matters, compensation and benefits. The City Manager
- 23 shall have no property rights arising from employment with the City other than
- 24 the right to accrued salary and benefits.
- 25       (b) Qualifications. The City Manager shall be appointed solely on the basis
- 26 of executive and administrative qualifications. No preemployment residence
- 27 requirements shall be imposed for appointment. After employment, the City
- 28 Manager must be a resident of the City of Albuquerque.
- 29       (c) Removal. The City Manager shall be subject to removal at the discretion
- 30 of the Council by a vote of at least six (6) members of the Council.]
- 31 [Section 7. CITY MANAGER POWERS AND DUTIES
- 32       (a) The City Manager shall be the chief administrator of the City and shall
- 33 be responsible to the Council for the administration of all City affairs, including

1 but not limited to, the administration of all organizational units placed in the City  
2 Manager's charge by this Charter and by ordinance.  
3 (b) The City Manager shall also have the following powers and duties:  
4 (1) Organize the executive branch of the city;  
5 (2) Exercise administrative control and supervision over and appoint the  
6 Chief of Police, Fire Chief, City Attorney, City Clerk, and directors of all city  
7 departments, which appointments shall not require the advice or consent of the  
8 Council;  
9 (3) Be responsible for the administration and protection of the merit  
10 system;  
11 (4) Establish and maintain a procedure for investigation and resolution of  
12 citizen complaints;  
13 (5) Prepare a written state of the City report annually, within thirty (30) days  
14 after final approval of the operating budget of the City, which report shall be  
15 filed with the City Clerk, made part of the permanent records of the City and  
16 available to the public;  
17 (6) Attend all meetings of the Council, unless excused by it. The City  
18 Manager shall have the right to take part in discussion but shall not be entitled  
19 to vote;  
20 (7) Formulate the Budgets of the City consistent with the City's goals and  
21 objectives, as provided in this Charter;  
22 (8) Submit annually to the Council and make available to the public a  
23 complete report of the finances and administrative activities of the City for the  
24 preceding fiscal year;  
25 (9) Keep the Mayor and Governing Body fully advised as to the financial  
26 condition and future needs of the City;  
27 (10) Make recommendations concerning the affairs of the City and assist  
28 the Council in developing long term goals for the City and strategies to achieve  
29 these goals;  
30 (11) Promote partnerships among the governing Body, staff, and citizens in  
31 developing public policy and building a sense of community; and

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1        (12) Make such other reports as the Mayor or Governing Body may require  
2 concerning the operations of City departments, offices, and agencies subject to  
3 the City Manager's direction and supervision; and  
4        (13) Perform such other duties as are specified in this Charter or may be  
5 required by the Governing Body.]

6 **ARTICLE VII. THE OPERATING BUDGET AND THE CAPITAL IMPROVEMENT  
7 PROGRAM**

8 **Section 1. [[CITY MANAGER] [MAYOR] TO FORMULATE].**

9        The [City Manager] [Mayor] shall formulate the city's operating budget and the  
10 biennial capital improvement budget in consultation with the Council. The  
11 budgets shall be consistent with this Charter, the city's adopted goals and  
12 objectives, city legislation, and the Comprehensive Plan.

13 **Section 3. [PROPOSAL AND APPROVAL DATE].**

14        The [City Manager] [Mayor] shall propose the operating budget to the Council  
15 by April 1. The Council shall approve the operating budget as proposed or  
16 amend and approve it by May 31 after it is proposed by the [City Manager]  
17 [Mayor].

18 **[Section 4. [PUBLIC HEARINGS].**

19 During the deliberation by the Council, the Council shall hold at least three  
20 public hearings on the proposed budget. The Mayor, or the Mayor's  
21 representative, shall be present at the hearings on the proposed budget to  
22 answer questions about the budget.

23 **Section 5. [FAILURE OF COUNCIL TO APPROVE].**

24 If the Council fails to approve an operating budget by May 31 after it is  
25 proposed to the Council by the Mayor on April 1, then the operating budget as  
26 proposed by the Mayor is deemed approved by the Council.

27 **Section 6. [PROCEDURE ORDINANCE].**

28 A procedure for formulation of the annual operating budget shall be  
29 established by ordinance adopted by the Council, after consultation with the  
30 Mayor, consistent with this provision of the Charter. The ordinance shall  
31 establish a conference committee comprised of six members, three of whom  
32 shall be designated by the Mayor and three of whom shall be designated by the  
33 Council, for the resolution of any disagreements between the Mayor and the

1 Council that arise concerning the operating budget during the period between  
2 April 1 and May 31.]

3 ARTICLE X. MERIT SYSTEM

4 Section 1. MAINTENANCE OF THE MERIT SYSTEM.

5 It is necessary for the optimum functioning of the [Mayor-Council form of]  
6 government that the city maintain a merit system governing the hiring,  
7 promotion, discharge and general regulations of employees. The [Mayor and]  
8 Council shall maintain by ordinance, and the [City Manager] [Mayor] administer,  
9 a merit system which shall include as a minimum, reasonable provisions

10 establishing:

11 (a) Classified and unclassified service;

12 (b) Methods of service rating of classified employees;

13 (c) Methods of initial employment, continuation thereof and promotion,  
14 recognizing efficiency and ability as the applicable standards;

15 (d) Appropriate grievance and appeal procedures for classified employees;

16 and

17 (e) An active personnel board composed of individuals not employed by the  
18 city.

19 Section 2. INVOLVEMENT IN PERSONNEL MATTERS.

20 (a) Councillors are prohibited from becoming involved in the hiring,  
21 promotion, demotion or discharge of any city employee, except those positions  
22 for which the Charter requires the advice and consent of the Council and those  
23 personnel who are hired by and directly responsible to the Council.

24 (b) [Except to the extent necessary for the administration of the merit system,  
25 t] [T]he Mayor is prohibited from becoming involved in the hiring, promotion,  
26 demotion, or discharge of any city employee except those personnel hired for  
27 unclassified positions directly responsible to the Mayor.

28 ARTICLE XI. ORDINANCES

29 [Section 3. MAYOR'S APPROVAL OR DISAPPROVAL; OVERRIDE VETO.

30 [The Mayor shall have presented for approval every proposed ordinance,  
31 resolution or act creating rights or duties, and if the Mayor approves, shall  
32 within ten days from presentation sign it and deposit it with the City Clerk, and if  
33 the Mayor disapproves, the Mayor shall likewise within ten days return it to the

1 ~~Council with objections and the proposal shall not be effective unless two-~~  
2 ~~thirds of the entire membership of the Council at the next regularly scheduled~~  
3 ~~meeting approve the proposal. If the Mayor shall fail to approve or disapprove~~  
4 ~~any such ordinance, resolution or act within ten days after presentation it shall~~  
5 ~~nevertheless be in full force and effect as if the Mayor had approved the same.~~  
6 ~~The Mayor's veto power shall not extend to any measure approved by the voters~~  
7 ~~in accordance with the initiative procedure of this Charter and such measure~~  
8 ~~shall be effective on the date approved by the voters or on any other effective~~  
9 ~~date as stated in the measure.~~

10 **Section 4. MONEY APPROPRIATIONS.**

11 ~~The Mayor shall have presented for approval every proposed ordinance,~~  
12 ~~resolution or act appropriating money. The Mayor may approve or disapprove~~  
13 ~~any part or parts, item or items of any proposed act appropriating money and~~  
14 ~~such parts or items approved shall become effective, and such as are~~  
15 ~~disapproved shall be void unless passed over the Mayor's veto as herein~~  
16 ~~provided.~~

17 **Section 5. TIME LIMITS.**

18 ~~All veto authority of the Mayor shall be exercised within 10 days after~~  
19 ~~presentation of the matter to the Mayor by the Council. The Council shall take~~  
20 ~~action on any disapproved or altered ordinance, resolution or act at the next~~  
21 ~~regularly scheduled meeting after return of the same to the Council by the~~  
22 ~~Mayor.]~~

23 **ARTICLE XVII. [PLANNING]**

24 **Section 2.**

25 ~~The [City Manager] [Mayor] or his designee shall formulate and submit to the~~  
26 ~~Council the Capital Improvement Plans and shall oversee the implementation,~~  
27 ~~enforcement, and administration of land use plans.~~

28 **[ARTICLE XIX. [DETERMINATION OF SEPARATION OF POWERS ISSUES**  
29 **UNDER THE CHARTER]**

30 ~~A procedure for resolving disputes between the executive and legislative~~  
31 ~~branches of government with respect to their respective duties and obligations~~  
32 ~~under the City Charter shall be established by ordinance adopted by the Council~~  
33 ~~after consultation with the Mayor. The ordinance shall establish a conference~~

1 committee for the determination of the role of the City Council and the Mayor  
2 under the Charter. The committee shall be limited to making determinations on  
3 issues raised by either the Mayor or the City Council. The City Attorney shall not  
4 participate as either an advocate before or advisor to the committee. The  
5 committee shall be comprised of three members. The Mayor shall appoint one  
6 member and the Council shall appoint one member. The two members so  
7 appointed shall select the third member to serve as the chairperson of the  
8 committee. The appointment of a committee member by one appointing  
9 authority shall not be approved or disapproved by the other appointing  
10 authority.]”

**11 SECTION 2. TIME OF FILING WITH THE CITY CLERK.**

12 The Director of City Council Services, or designee, shall file this Charter  
13 amendment proposal with the City Clerk within 90 days of the November 7, 2023  
14 regular local election.

**15 SECTION 3. SEVERABILITY CLAUSE.**

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

**23 SECTION 4.**

24 This proposition is effective immediately. The Charter Amendment  
25 described in Section 1 of this proposition shall take effect immediately following  
26 the certification of the election if approved by the voters.

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