

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. R-24-50 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis and Klarissa J. Peña

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 AMENDING ARTICLE XIX 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-24-4 proposes to amend Article XIX of the
8 Albuquerque City Charter to determine separation of powers issues under the
9 City Charter; and

10 WHEREAS, P-24-4 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-24-4; 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 election ballot, and the qualified voters of the City of
20 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 XIX of the Albuquerque City**
9 **Charter regarding the procedures for determination of separation of powers**
10 **issues under the City Charter.**

11
12 **SUMMARY**

13 **Shall the City of Albuquerque adopt the following amendments to update the**
14 **Albuquerque City Charter regarding the procedures for determination**
15 **separation of powers issues under the City Charter?**
16

17 **TITLE AND PROPOSITION**

18 **PROPOSING TO AMEND THE ALBUQUERQUE CITY CHARTER REGARDING**
19 **THE PROCEDURE TO DETERMINE SEPARATION OF POWERS ISSUES**
20 **UNDER THE CITY CHARTER**

21 **ARTICLE XIX. DETERMINATION OF SEPARATION OF POWERS ISSUES**
22 **UNDER THE CHARTER**

23 **A procedure for resolving disputes between the executive and legislative**
24 **branches of government with respect to their respective duties and**
25 **obligations under the City Charter shall be established by ordinance adopted**
26 **by the Council after consultation with the Mayor. The ordinance shall establish**
27 **a conference committee for the determination of the role of the City Council**
28 **and the Mayor under the Charter. The committee shall be limited to making**
29 **determinations on issues raised by either the Mayor or the City Council. The**
30 **City Attorney shall not participate as either an advocate before or advisor to**
31 **the committee. The committee shall be comprised of three members. The**
32 **Mayor shall appoint one member and the Council shall appoint one member.**
33 **If either the Mayor or City Council fails to name a replacement Committee**

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1 member within 45 days of a vacancy, the other body shall make the
2 appointment. If two persons appointed by the Mayor as a Committee member
3 resign within a 365-day period, the Council shall make the next appointment.
4 If two persons appointed by the City Council resign within a 365-day period,
5 the Mayor shall make the next appointment.] The two members so appointed
6 shall select the third member to serve as the chairperson of the committee.
7 The appointment of a committee member by one appointing authority shall not
8 be approved or disapproved by the other appointing authority.”

9
10 FOR _____ AGAINST _____

11
12 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
13 word, or phrase of this resolution is for any reason held to be invalid or
14 unenforceable by any court of competent jurisdiction, such decision shall not
15 affect the validity of the remaining provisions of this resolution. The Council
16 hereby declares that it would have passed this resolution and each section,
17 paragraph, sentence, word or phrase thereof irrespective of any provision
18 being declared unconstitutional or otherwise invalid.

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