

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. F/S P-23-1 **ENACTMENT NO.** _____

SPONSORED BY: Louie Sanchez and Renee 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.

PROPOSITION

28 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 Councilor and one additional member to
3 be known as Mayor. Each of the Council Districts shall elect one Councillor,
4 who shall be 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 Councillor Councilor, the Mayor,] and committee member. Publicity shall be
20 given to the minutes of all meetings of the Council and committees, and the
21 official records of such meetings shall be open to inspection at all convenient
22 times.

23 **Section 8. COUNCIL POWERS.**

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

29 **Section 10. COUNCIL DUTIES.**

30 The Council shall:

31 (a) Be the judge of the election and qualification of its members;

1 (b) Establish and adopt by ordinance or resolution five-year goals and one-
2 year objectives for the city, which goals and objectives shall be review and
3 revised annually by the Council;

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

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

10 (e) Preserve a merit system by ordinance;

11 (f) Hire the personnel necessary to enable the Council to adequately perform
12 its duties;

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

14 [and]

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

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

19 **ARTICLE V. MAYOR [AND CITY MANAGER]**

20 **Section 3. POWERS; PERFORMANCE; APPOINTMENTS.**

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

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

31 The Mayor shall:

32 [(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 (g) ~~Except as otherwise provided for by ordinance, with the prior advice~~
6 ~~and final consent of the Council appoint the members of city committees,~~
7 ~~commissions and boards;~~

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

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

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

16 (k) ~~Perform other duties not inconsistent with or as provided in this~~
17 ~~Charter; and~~

18 (l) ~~Faithfully execute and comply with all laws, ordinances, regulations~~
19 ~~and resolutions of the city and all laws of the State of New Mexico and the~~
20 ~~United States of America which apply to the city.~~

21 (a) Preside at meetings of the City Council;

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

24 (c) Have no administrative duties;

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

27 (e) Be recognized as the head of the City government for all ceremonial
28 purposes;

29 (f) Initiate an annual performance review of the City Manager with the
30 advice of the Council;

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

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 Tempore. The Mayor Pro Tempore shall serve until the first meeting in the
31 month of January of the following year or until a successor has been selected.
32 The Mayor Pro Tempore shall perform the duties of the Mayor in event of a
33 vacancy in the office of Mayor. For all purposes of this Charter, the Mayor Pro

- 1 Tempore shall remain a Councilor and continue to hold voting rights as a
- 2 Councilor but shall have 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 Tempore shall serve until a successor is elected and
- 5 qualified. The Mayor Pro Tempore shall receive the same salary on a pro-rata
- 6 basis 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 Tempore. During the interval the Mayor Pro Tem serves
- 12 pursuant to this subparagraph, the Mayor Pro Tempore shall receive a pro-rata
- 13 salary based on the same salary that the former Mayor was receiving and shall
- 14 receive no 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
6 appoint the Chief of Police, Fire Chief, City Attorney, City Clerk, and directors of
7 all city departments, which appointments shall not require the advice or consent
8 of the Council;
9 (3) Be responsible for the administration and protection of the merit
10 system;
11 (4) Prepare a written state of the City report annually, within thirty
12 (30) days after final approval of the operating budget of the City, which report
13 shall be filed with the City Clerk, made part of the permanent records of the City
14 and available to the public;
15 (5) Formulate the Budgets of the City consistent with the City's goals
16 and objectives, as provided in this Charter;
17 (6) Submit annually to the Council and make available to the public a
18 complete report of the finances and administrative activities of the City for the
19 preceding fiscal year;
20 (7) Perform such other duties as are specified in this Charter, the
21 City Manager's employment contract, or as may reasonably be required by the
22 Council.]

23 **ARTICLE VII. THE OPERATING BUDGET AND THE CAPITAL IMPROVEMENT**

24 **PROGRAM**

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

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

30 **Section 2. [COUNCIL REPRESENTATIVE TO PARTICIPATE].**

31 A representative of the Council shall be allowed to participate in all
32 meetings and have access to all information relating to the formulation of the
33 budget.]

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1 **Section 3. [PROPOSAL AND APPROVAL DATE].**
2 ~~The [City Manager] [Mayor] shall propose the operating budget to the Council~~
3 ~~by April 1. The Council shall approve the operating budget as proposed or~~
4 ~~amend and approve it by May 31 after it is proposed by the [Mayor City~~
5 ~~Manager].~~

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

7 ~~During the deliberation by the Council, the Council shall hold at least three~~
8 ~~public hearings on the proposed budget. The Mayor, or the Mayor's~~
9 ~~representative, shall be present at the hearings on the proposed budget to~~
10 ~~answer questions about the budget.~~

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

12 ~~If the Council fails to approve an operating budget by May 31 after it is~~
13 ~~proposed to the Council by the Mayor on April 1, then the operating budget as~~
14 ~~proposed by the Mayor is deemed approved by the Council.~~

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

16 ~~A procedure for formulation of the annual operating budget shall be~~
17 ~~established by ordinance adopted by the Council, after consultation with the~~
18 ~~Mayor, consistent with this provision of the Charter. The ordinance shall~~
19 ~~establish a conference committee comprised of six members, three of whom~~
20 ~~shall be designated by the Mayor and three of whom shall be designated by the~~
21 ~~Council, for the resolution of any disagreements between the Mayor and the~~
22 ~~Council that arise concerning the operating budget during the period between~~
23 ~~April 1 and May 31.]~~

24 **ARTICLE X. MERIT SYSTEM**

25 **Section 1. MAINTENANCE OF THE MERIT SYSTEM.**

26 ~~It is necessary for the optimum functioning of the [Mayor-Council form of~~
27 ~~Council-Manager] government that the city maintain a merit system governing~~
28 ~~the hiring, promotion, discharge and general regulations of employees. The~~
29 ~~[Mayor and] Council shall maintain by ordinance, and the [Mayor City~~
30 ~~shall] administer, a merit system which shall include as a minimum, reasonable~~
31 ~~provisions establishing:~~

32 (a) Classified and unclassified service;
33 (b) Methods of service rating of classified employees;

1 (c) Methods of initial employment, continuation thereof and promotion,
2 recognizing efficiency and ability as the applicable standards;
3 (d) Appropriate grievance and appeal procedures for classified employees;
4 and
5 (e) An active personnel board composed of individuals not employed by the
6 city.

7 **Section 2. INVOLVEMENT IN PERSONNEL MATTERS.**

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

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

16 **ARTICLE XI. ORDINANCES**

17 **Section 1. STYLE.**

18 The enacting clause of an ordinance of the City of Albuquerque shall be:
19 "Be It Ordained By the Council, the Governing Body of the City of
20 Albuquerque:".

21 **Section 2. ADOPTION.**

22 If a majority of a legal quorum of the Councillors present at a Council
23 meeting vote in favor of adopting the ordinance or resolution, it is adopted.

24 ~~[Section 3. MAYOR'S APPROVAL OR DISAPPROVAL; OVERRIDE VETO.~~
25 ~~The Mayor shall have presented for approval every proposed ordinance,~~
26 ~~resolution or act creating rights or duties, and if the Mayor approves, shall~~
27 ~~within ten days from presentation sign it and deposit it with the City Clerk, and if~~
28 ~~the Mayor disapproves, the Mayor shall likewise within ten days return it to the~~
29 ~~Council with objections and the proposal shall not be effective unless two-~~
30 ~~thirds of the entire membership of the Council at the next regularly scheduled~~
31 ~~meeting approve the proposal. If the Mayor shall fail to approve or disapprove~~
32 ~~any such ordinance, resolution or act within ten days after presentation it shall~~
33 ~~nevertheless be in full force and effect as if the Mayor had approved the same.~~

1 The Mayor's veto power shall not extend to any measure approved by the voters
2 in accordance with the initiative procedure of this Charter and such measure
3 shall be effective on the date approved by the voters or on any other effective
4 date as stated in the measure.

5 **Section 4. MONEY APPROPRIATIONS.**

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

12 **Section 5. TIME LIMITS.**

13 All veto authority of the Mayor shall be exercised within 10 days after
14 presentation of the matter to the Mayor by the Council. The Council shall take
15 action on any disapproved or altered ordinance, resolution or act at the next
16 regularly scheduled meeting after return of the same to the Council by the
17 Mayor.]

18 **Section [6 3]. AUTHENTICATION; PUBLICATION; EFFECTIVE DATE;
19 CODIFICATION.**

20 (a) An ordinance shall be recorded and preserved by the City Clerk,
21 authenticated by the signature of the presiding officer of the governing body
22 and City Clerk, and bear the seal of the city. The ordinance shall be published
23 one time either in its entirety or by title and general summary of the subject
24 matter contained in the ordinance, whichever the Council elects to do.

25 (b) An ordinance shall not become effective until five days after it has
26 been published, unless passed and approved as an emergency measure, in
27 which event it shall become effective immediately following publication or at a
28 subsequent date determined by Council.

29 (c) If the ordinances of the city are codified, it is not necessary to
30 publish same in entirety. An ordinance, referring to the codification by title only
31 and specifying one place in the city's municipal offices where the codification
32 may be inspected during normal and regular business hours, may be published
33 instead of the codification.

1 **Section [7 4]. PUBLIC VOTE ON PERFORMING ARTS CENTER.**

2 The city shall not appropriate funds for a performing arts center costing
3 more than ten (10) million dollars without prior approval of a majority of votes
4 cast on the proposed performing arts center in a municipal election. The city
5 may, however, appropriate funds to study, to analyze the feasibility of, and to
6 undertake preliminary design of any such center prior to the election required
7 by this section.]

8 **ARTICLE XVII. [PLANNING]**

9 **Section 1.**

10 The Council is the city's ultimate planning and zoning authority, including
11 the adoption and interpretation of the Comprehensive Plan and the Capital
12 Improvement Plan. The Council is also the city's ultimate authority with respect
13 to interpretation of adopted plans, ordinances, and individual cases.

14 **Section 2.**

15 The Mayor City Manager or his designee shall formulate and submit to the
16 Council the Capital Improvement Plans and shall oversee the implementation,
17 enforcement, and administration of land use plans.

18 **[ARTICLE XIX. [DETERMINATION OF SEPARATION OF POWERS ISSUES**

19 **UNDER THE CHARTER]**

20 ~~—A procedure for resolving disputes between the executive and legislative
21 branches of government with respect to their respective duties and obligations
22 under the City Charter shall be established by ordinance adopted by the Council
23 after consultation with the Mayor. The ordinance shall establish a conference
24 committee for the determination of the role of the City Council and the Mayor
25 under the Charter. The committee shall be limited to making determinations on
26 issues raised by either the Mayor or the City Council. The City Attorney shall not
27 participate as either an advocate before or advisor to the committee. The
28 committee shall be comprised of three members. The Mayor shall appoint one
29 member and the Council shall appoint one member. The two members so
30 appointed shall select the third member to serve as the chairperson of the
31 committee. The appointment of a committee member by one appointing
32 authority shall not be approved or disapproved by the other appointing
33 authority.]”~~

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

2 The Director of City Council Services, or designee, shall file this Charter
3 amendment proposal with the City Clerk upon its final passage.

4 **SECTION 3. SEVERABILITY CLAUSE.**

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

12 **SECTION 4. Effective Date; Transition Period.** This proposition is effective
13 immediately. The Charter Amendment described in Section 1 of this proposition
14 takes effect on January 1, 2026, so long as certified as approved by the voters.

15 If so approved, the City shall appoint a transition planning committee comprised
16 of appointees by both the Mayor and the City Council. This committee will be
17 charged with the completion of transition and reorganization planning by no
18 later than December 31, 2025.

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