

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. P-26-1 ENACTMENT NO. _____

SPONSORED BY: Joaquín Baca and Nichole Rogers

1 CHARTER AMENDMENT PROPOSAL

2 ADOPTING A PROPOSITION TO BE SENT TO THE VOTERS AT THE 2026
3 GENERAL ELECTION; PROPOSING TO AMEND THE CHARTER TO REQUIRE
4 APPOINTMENT AND CONFIRMATION OF THE DIRECTOR OF ALBUQUERQUE
5 COMMUNITY SAFETY (“ACS”) AND DESIGNATING THE POSITION AS “ACS
6 CHIEF”.

7 WHEREAS, the Albuquerque Community Safety Department (“ACS”) is a
8 public safety department that responds to behavioral health, homelessness,
9 and other community safety calls and plays a critical role in the City’s
10 coordinated emergency response system alongside the Albuquerque Police
11 Department and Albuquerque Fire Rescue; and

12 WHEREAS, the Director of Albuquerque Community Safety exercises
13 authority over personnel, manages substantial public resources, establishes
14 operational policies, and is entrusted with responsibilities that directly impact
15 the health, safety, and welfare of the public; and

16 WHEREAS, the Police Chief and Fire Chief are subject to appointment with
17 the advice and consent of the Council and are required to enter into
18 employment agreements that expire at the conclusion of the Mayor’s term,
19 reflecting the significant public safety responsibilities and policy-making
20 authority inherent in those positions; and

21 WHEREAS, ensuring that the Director of Albuquerque Community Safety is
22 considered a “Chief” and appointed, confirmed, and subject to employment
23 terms consistent with other public safety chiefs promotes transparency,
24 accountability, parity in governance, and continuity of leadership within the
25 City’s public safety framework; and

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1 WHEREAS, amending the Charter to expressly include the Director of
2 Albuquerque Community Safety among those public safety chiefs requiring
3 Council confirmation and employment agreements tied to the Mayor's term
4 will clarify the City's governance structure and strengthen public trust in the
5 oversight of public safety leadership; and

6 WHEREAS, pursuant to Article VI of the Albuquerque City Charter,
7 amendments to the Charter may be proposed by the Council or by Petition.
8 City Charter, Article VI, Section 1; and

9 WHEREAS, an amendment to the Charter proposed by the Council must be
10 approved by a vote of a majority of all Councilors plus one. City Charter,
11 Article VI, Section 3(a); and

12 WHEREAS, the Council shall hold at least two public hearings prior to its
13 vote on the proposed Charter amendment. The Council may revise the
14 proposed amendment as a result of suggestions and recommendations made
15 at the first public hearing, but if such a revision is made at the second of the
16 two public hearings, the Council shall hold a third public hearing on the
17 proposed Charter amendment. Any revisions made shall be posted along with
18 the notice of the next meeting after a review by the City Attorney to ensure the
19 summary is still accurate after the revision. City Charter, Article VI, Section
20 3(b); and

21 WHEREAS, The election to consider a proposed Charter amendment must
22 be held at the next general election or regular local election. City Charter,
23 Article VI, Section 4.

24 BE IT PROPOSED BY THE CITY COUNCIL, THE GOVERNING BODY OF THE
25 CITY OF ALBUQUERQUE:

26 SECTION 1. The City Clerk shall place the summary, title, and text of the
27 following proposition on the ballot of the 2026 General Election, and City of
28 Albuquerque voters shall be permitted to vote "for" or "against":

29 SUMMARY

30 Proposing to amend the City Charter to require appointment and
31 confirmation of the Director of Albuquerque Community Safety ("ACS") and
32 designating the position as "ACS Chief."

33 PROPOSITION

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

2 ARTICLE V. MAYOR

3 Section 4. DUTIES OF THE MAYOR.

4 The Mayor shall:

5 (d) With the advice and consent of the Council, appoint the Chief
6 Administrative Officer, any deputy administrative officers, the Chief of Police,
7 ~~[and] the Fire Chief [, and the Albuquerque Community Safety (“ACS”) Chief]~~.
8 For the purposes of this section, “deputy administrative officers” shall mean
9 any position with supervisory authority over anyone in a department director
10 position. Appointees requiring the advice and consent of the Council shall be
11 presented to the Council for confirmation within 45 days after the Mayor takes
12 office or after a vacant appointed position has a proposed appointee. The
13 Mayor (even if reelected) shall reappoint all above noted positions at the
14 beginning of each new term. When an appointee is presented to and not
15 confirmed by the Council, the Mayor shall, within 60 days thereafter, nominate
16 another person to fill the position, and the Mayor may continue to nominate
17 until confirmation. No person may serve in an interim position for any of the
18 above noted positions for a period of greater than 270 days unless the Council
19 does not confirm an appointee presented to them within the timeline stated
20 within this section;

21 1. The Police Chief~~[,]~~ ~~[and]~~ Fire Chief ~~[, and ACS Chief]~~ shall have an
22 employment agreement with the City specifying the terms and conditions of
23 employment including a provision for the early termination and expiring at the
24 end of the current Mayor’s term. The Mayor may terminate this agreement at
25 any time for cause. The Council may terminate the agreement at any time, with
26 notice to the Mayor and Police Chief~~[,]~~ ~~[or]~~ Fire Chief, ~~[or ACS Chief,]~~ by an
27 affirmative vote of two-thirds plus one of the entire membership of the
28 Council.

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

32 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, word, or
33 phrase of this Proposition is for any reason held to be invalid or

1 unenforceable by any court of competent jurisdiction, such decision shall not
2 affect the validity of the remaining provisions of this Proposition. The Council
3 hereby declares that it would have passed this Proposition and each section,
4 paragraph, sentence, clause, word, or phrase thereof irrespective of any
5 provision being declared unconstitutional or otherwise invalid.

6 SECTION 4. EFFECTIVE DATE. This Proposition is effective immediately.
7 The Charter Amendment described in SECTION 1 of this Proposition shall take
8 effect on January 1, 2027 so long as certified as approved by the voters, and
9 the proposed ACS Chief appointee shall be presented to the Council for
10 confirmation within 45 days thereafter.

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