

# CITY of ALBUQUERQUE

## TWENTY SIXTH COUNCIL

COUNCIL BILL NO. R-24-48 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Dan Lewis and Renée Grout

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 AMENDMENTS TO ARTICLE V 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-24-2 proposes to amend Article V of the  
8 Albuquerque City Charter to modify the procedures to appoint and remove the  
9 City Attorney and City Clerk; and

10 WHEREAS, P-24-2 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-24-2; 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 V of the Albuquerque City**  
9 **Charter to modify procedures to appoint and remove City Attorney and City**  
10 **Clerk.**

11  
12 **SUMMARY**

13 **Shall the City of Albuquerque adopt the following amendments to update the**  
14 **Albuquerque City Charter to modify the procedures to appoint the City**  
15 **Attorney and City Clerk?**

16  
17 **TITLE AND PROPOSITION**

18 **PROPOSING TO AMEND THE ALBUQUERQUE CITY CHARTER REGARDING**  
19 **PROCEDURES FOR APPOINTMENT AND REMOVAL OF THE CITY ATTORNEY**  
20 **AND CITY CLERK**

21 **ARTICLE V. MAYOR.**

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

23 **The Mayor shall:**

24 **(e) Select and remove the City Attorney only as follows:**

25 **1. The City Attorney shall be selected and appointed through an open and**  
26 **competitive hiring process ~~[conducted by the Mayor with the advice and~~**  
27 **~~consent of two-thirds of the entire membership of the Council]~~ [initiated by the**  
28 **Mayor and conducted by a Committee that shall be composed of two Mayoral**  
29 **appointees and two City Council appointees. The Mayor or Councilors may**  
30 **serve as appointees to this Committee. The Mayor, with the Committee**  
31 **approval, shall make a recommendation for hire to the full Council for the**  
32 **position of City Attorney. The appointment of the City Attorney shall require**  
33 **an affirmative vote of two-thirds of the entire membership of the Council.]**

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1           2. The City Attorney’s appointment shall be for a term that coincides and  
2 terminates with the term of the Mayor [~~making the appointment~~] unless sooner  
3 removed as provided herein. [At the beginning of the term of the Mayor (even  
4 after reelection) the Mayor and Committee shall have 90 days to appoint or  
5 approve the position of City Attorney.]

6           3. The City Attorney [~~may only be removed from office for cause by the~~  
7 ~~Mayor with the concurrence of two-thirds of the entire membership of the~~  
8 ~~Council after cause has been determined by the Director of the Office of~~  
9 ~~Internal Audit and Investigations.~~] [shall have an employment agreement with  
10 the City specifying the terms and conditions of employment including a  
11 provision for the early termination of employment and expiring at the end of  
12 the current Mayor’s term. The Mayor may terminate this agreement at any  
13 time with an affirmative vote of five members of the Council. The Council may  
14 terminate the agreement at any time, with notice to the Mayor and City  
15 Attorney, by an affirmative vote of two-thirds of the entire membership of the  
16 Council.]

17           (f) Select and remove the City Clerk only as follows:

18           1. The City Clerk shall be selected and appointed through an open and  
19 competitive hiring process [~~conducted by the Mayor with the advice and~~  
20 ~~consent of two-thirds of the entire membership of the Council.~~] [initiated by  
21 the Mayor and conducted by a Committee that shall be composed of two  
22 Mayoral appointees and two City Council appointees. The Mayor or  
23 Councilors may serve as appointees to this Committee. The Mayor, with the  
24 Committee approval shall make a recommendation for hire to the full Council  
25 for the position of City Clerk. The appointment of the City Clerk shall require  
26 an affirmative vote of two-thirds of the entire membership of the Council.]

27           2. The City Clerk’s appointment shall be for a term that coincides and  
28 terminates with the term of the Mayor [~~making the appointment~~] unless sooner  
29 removed as provided herein. [At the beginning of the term of the Mayor (even  
30 after reelection) the Mayor and Committee shall have 90 days to appoint or  
31 approve the position of City Clerk.]

32           3. [~~The City Clerk may only be removed from office for cause by the Mayor~~  
33 ~~with the concurrence of two-thirds of the entire membership of the Council~~]

1 ~~after cause has been determined by the Director of the Office of Internal Audit~~  
2 ~~and Investigations.]~~ [The City Clerk shall have an employment agreement with  
3 the City specifying the terms and conditions of employment including a  
4 provision for the early termination of employment and expiring at the end of  
5 the current Mayor's term. The Mayor may terminate this agreement at any  
6 time with an affirmative vote of five members of the Council. The Council may  
7 terminate the agreement at any time, with notice to the Mayor and City Clerk,  
8 by an affirmative vote of two-thirds of the entire membership of the

9  
10  
11 FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

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

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