

# CITY of ALBUQUERQUE

## TWENTY SIXTH COUNCIL

COUNCIL BILL NO. P-24-2 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Dan Lewis and Renée Grout

1 CHARTER AMENDMENT PROPOSAL  
2 ADOPTING A PROPOSITION TO BE SENT TO THE VOTERS AT THE 2024  
3 GENERAL ELECTION, PROPOSING TO AMEND ARTICLE V THE CHARTER  
4 REGARDING THE PROCEDURES FOR APPOINTMENT AND REMOVAL OF THE  
5 CITY ATTORNEY AND CITY CLERK

6 WHEREAS, the City Attorney and City Clerk are appointed to represent the  
7 needs and interests of the entire City government; and

8 WHEREAS, the City Attorney and City Clerk are appointments that require  
9 the approval of the City Council; and

10 WHEREAS, the Mayor and the City Council should have an equal opportunity  
11 for input into the appointment and removal of the City Attorney and the City  
12 Clerk; and

13 WHEREAS, having equal input from the Mayor and the City Council on the  
14 appointment and removal of the City Attorney and City Clerk shall ensure that  
15 such positions are dedicated to representing the needs and interests of the  
16 entire City government; and

17 WHEREAS, pursuant to Article VI of the Albuquerque City Charter,  
18 amendments to the Charter may be proposed by the Council and must be  
19 approved by a vote of a majority of all Councilors plus one.

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

22 SECTION 1. The City Clerk shall place the summary, title, and text of the  
23 following proposition on the ballot of the 2024 General Election, and City of  
24 Albuquerque voters shall be permitted to vote “for” or “against”:

25 SUMMARY

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1 Proposing to amend the City Charter to modify the procedures to appoint  
2 and remove the City Attorney and City Clerk.

3 PROPOSITION

4 ARTICLE V. MAYOR.

5 Section 4. DUTIES OF THE MAYOR.

6 The Mayor shall:

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

8 1. The City Attorney shall be selected and appointed through an open and  
9 competitive hiring process [~~conducted by the Mayor with the advice and~~  
10 ~~consent of two-thirds of the entire membership of the Council~~] [initiated by the  
11 Mayor and conducted by a Committee that shall be composed of two Mayoral  
12 appointees and two City Council appointees. The Mayor or Councilors may  
13 serve as appointees to this Committee. The Mayor, with the Committee  
14 approval, shall make a recommendation for hire to the full Council for the  
15 position of City Attorney. The appointment of the City Attorney shall require  
16 an affirmative vote of two-thirds of the entire membership of the Council.]

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

22 3. The City Attorney [~~may only be removed from office for cause by the~~  
23 ~~Mayor with the concurrence of two-thirds of the entire membership of the~~  
24 ~~Council after cause has been determined by the Director of the Office of~~  
25 ~~Internal Audit and Investigations.~~] [shall have an employment agreement with  
26 the City specifying the terms and conditions of employment including a  
27 provision for the early termination of employment and expiring at the end of  
28 the current Mayor's term. The Mayor may terminate this agreement at any  
29 time with an affirmative vote of five members of the Council. The Council may  
30 terminate the agreement at any time, with notice to the Mayor and City  
31 Attorney, by an affirmative vote of two-thirds of the entire membership of the  
32 Council.]

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

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1           1. The City Clerk shall be selected and appointed through an open and  
2 competitive hiring process ~~[conducted by the Mayor with the advice and~~  
3 ~~consent of two-thirds of the entire membership of the Council.]~~ [initiated by  
4 the Mayor and conducted by a Committee that shall be composed of two  
5 Mayoral appointees and two City Council appointees. The Mayor or  
6 Councilors may serve as appointees to this Committee. The Mayor, with the  
7 Committee approval shall make a recommendation for hire to the full Council  
8 for the position of City Clerk. The appointment of the City Clerk shall require  
9 an affirmative vote of two-thirds of the entire membership of the Council.]

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

15           3. ~~[The City Clerk may only be removed from office for cause by the Mayor~~  
16 ~~with the concurrence of two-thirds of the entire membership of the Council~~  
17 ~~after cause has been determined by the Director of the Office of Internal Audit~~  
18 ~~and Investigations.]~~ [The City Clerk shall have an employment agreement with  
19 the City specifying the terms and conditions of employment including a  
20 provision for the early termination of employment and expiring at the end of  
21 the current Mayor’s term. The Mayor may terminate this agreement at any  
22 time with an affirmative vote of the five members of the Council. The Council  
23 may terminate the agreement at any time, with notice to the Mayor and City  
24 Clerk, by an affirmative vote of two-thirds of the entire membership of the  
25 Council.]

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

29           SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, word, or  
30 phrase of this proposition is for any reason held to be invalid or unenforceable  
31 by any court of competent jurisdiction, such decision shall not affect the  
32 validity of the remaining provisions of this proposition. The Council hereby  
33 declares that it would have passed this proposition and each section,

1 paragraph, sentence, clause, word, or phrase thereof irrespective of any  
2 provision being declared unconstitutional or otherwise invalid.

3 **SECTION 4. EFFECTIVE DATE.** This proposition is effective immediately. The  
4 Charter Amendment described in SECTION 1 of this proposition shall take  
5 effect on January 1, 2026, so long as certified as approved by the voters.

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