

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. P-26-2 ENACTMENT NO. _____

SPONSORED BY: Dan Champine

1 CHARTER AMENDMENT PROPOSAL

2 ADOPTING A PROPOSITION TO BE SENT TO THE VOTERS AT THE 2026
3 GENERAL ELECTION, PROPOSING TO AMEND ARTICLE V THE CHARTER
4 REGARDING THE APPOINTMENT, REMOVAL, AND INDEPENDENCE 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
11 opportunity for input into the appointment and removal of the City Attorney and
12 the City 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 and designating
15 both positions and their respective offices as independent from both the City
16 Administration and City Council will ensure that such positions are dedicated
17 to representing the needs and interests of the entire City government; and

18 WHEREAS, Pursuant to Article VI of the Albuquerque City Charter,
19 amendments to the Charter may be proposed by the Council or by Petition.
20 City Charter, Article VI, Section 1; and

21 WHEREAS, An amendment to the Charter proposed by the Council must be
22 approved by a vote of a majority of all Councilors plus one. City Charter,
23 Article VI, Section 3(a); and

24 WHEREAS, The Council shall hold at least two public hearings prior to its
25 vote on the proposed Charter amendment. The Council may revise the
26 proposed amendment as a result of suggestions and recommendations made

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1 at the first public hearing, but if such a revision is made at the second of the
2 two public hearings, the Council shall hold a third public hearing on the
3 proposed Charter amendment. Any revisions made shall be posted along with
4 the notice of the next meeting after a review by the City Attorney to ensure the
5 summary is still accurate after the revision. City Charter, Article VI, Section
6 3(b); and

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

10 BE IT PROPOSED BY THE CITY COUNCIL, THE GOVERNING BODY OF THE
11 CITY OF ALBUQUERQUE:

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

15 SUMMARY

16 This proposition would amend the Albuquerque City Charter related to the
17 appointment processes, removal processes, and independence of the City
18 Attorney and City Clerk.

19 TITLE AND PROPOSITION

20 PROPOSING TO AMEND THE CITY CHARTER REGARDING THE
21 APPOINTMENT, REMOVAL, AND INDEPENDENCE OF THE CITY ATTORNEY
22 AND CITY CLERK

23 ARTICLE V. MAYOR.

24 Section 4. DUTIES OF THE MAYOR.

25 The Mayor shall:

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

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

1 City Attorney. The appointment of the City Attorney shall require an
2 affirmative vote of two-thirds of the entire membership of the Council.]

3 2. The City Attorney's appointment shall be for a term that coincides and
4 terminates with the term of the Mayor [~~making the appointment~~] unless sooner
5 removed as provided herein. [At the beginning of the Mayor's term, whether
6 the first term of a new Mayor or a successive term of a reelected Mayor, or
7 upon a vacancy in the position of City Attorney, the Mayor and Committee
8 shall have 90 days to recommend to the Council an appointee to fill the
9 position.]

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

20 [4. The City Attorney is accountable to, but independent of, the Mayor's
21 Administration and the City Council. The City Attorney's Office is an
22 independent office of city government and is not part of the City's executive
23 branch or the City Council.]

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

25 1. The City Clerk 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
28 the Mayor and conducted by a Committee that shall be composed of two
29 Mayoral appointees and two City Council appointees. The Mayor or
30 Councilors may serve as appointees to this Committee. The Mayor, with
31 Committee approval, shall make a recommendation for hire to the full Council
32 for the position of City Clerk. The appointment of the City Clerk shall require
33 an affirmative vote of two-thirds of the entire membership of the Council.]

1 2. The City Clerk'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 Mayor's term, whether
4 the first term of a new Mayor or a successive term of a reelected Mayor, or
5 upon or upon a vacancy in the position of City Clerk, the Mayor and
6 Committee shall have 90 days to recommend to the Council an appointee to fill
7 the position.]

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

18 [4. The City Clerk is accountable to, but independent of the Mayor's
19 Administration and the City Council. The Office of the City Clerk is an
20 independent office of city government and is not part of the City's executive
21 branch or the City Council.]

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

25 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, word, or
26 phrase of this Proposition is for any reason held to be invalid or
27 unenforceable by any court of competent jurisdiction, such decision shall not
28 affect the validity of the remaining provisions of this Proposition. The Council
29 hereby declares that it would have passed this Proposition and each section,
30 paragraph, sentence, clause, word, or phrase thereof irrespective of any
31 provision being declared unconstitutional or otherwise invalid.

32 SECTION 4. EFFECTIVE DATE. This Proposition is effective immediately.
33 The Charter Amendment described in SECTION 1 of this proposition shall take

1 effect on January 1, 2027, so long as certified as approved by the voters. The
2 proposed City Attorney and City Clerk appointees shall be presented to the
3 Council for confirmation within 90 days thereafter.

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