

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. P-24-3 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis and Klarissa J. Peña

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 OF THE CHARTER
4 OF THE CITY OF ALBUQUERQUE REGARDING PROCEDURES FOR
5 APPOINTMENT OF ADMINISTRATIVE OFFICERS AND APPOINTMENT AND
6 REMOVAL OF THE CHIEF OF POLICE AND FIRE CHIEF.
7 WHEREAS, the Chief of Police and Fire Chief are positions of great
8 importance to the entire citizenry of the City of Albuquerque; and
9 WHEREAS, the Chief of Police and Fire Chief are positions that require the
10 approval of the City Council prior to appointment; and
11 WHEREAS, the deputy administrative officers of the City are positions that
12 should be dedicated to meeting the needs and interests of the entire City
13 government; and
14 WHEREAS, the Chief of Police, Fire Chief, Chief Administrative Officer and
15 deputy administrative officers should be positions filled as quickly as possible
16 whenever there is a vacancy or at the beginning of a new term of the Mayor; and
17 WHEREAS, given that these positions require the highest level of confidence
18 by the citizenry, the Mayor and the City Council both the Mayor and the City
19 Council should have input regarding the appointment and removal of the people
20 holding these positions; and
21 WHEREAS, pursuant to Article VI of the Albuquerque City Charter,
22 amendments to the Charter may be proposed by the Council and must be
23 approved by a vote of a majority of all Councilors plus one.
24 BE IT PROPOSED BY THE CITY COUNCIL, THE GOVERNING BODY OF THE
25 CITY OF ALBUQUERQUE:

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

4 SUMMARY

5 Proposing to amend the City Charter to modify the procedures to appoint
6 City administrative officers and appoint and remove the Chief of Police and
7 Fire Chief.

8 PROPOSITION

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

10 ARTICLE V. MAYOR.

11 Section 4. DUTIES OF THE MAYOR.

12 The Mayor shall:

13 (d) With the advice and consent of the Council, appoint the Chief
14 Administrative Officer, any deputy administrative officers, the Chief of Police,
15 and the Fire Chief. [For the purposes of this section, “deputy administrative
16 officers” shall mean any position with supervisory authority over anyone in a
17 department director position.] Appointees requiring the advice and consent of
18 the Council shall be presented to the Council for confirmation within 45 days
19 after the Mayor takes office or after a vacant appointed position ~~[is filled]~~ [has
20 a proposed appointee]. [The Mayor (even if reelected) shall reappoint all above
21 noted positions at the beginning of each new term.] When an appointee is
22 presented to and not confirmed by the Council, the Mayor shall, within 60 days
23 thereafter, nominate another person to fill the position, and the Mayor may
24 continue to nominate until confirmation. [No person may serve in an interim
25 position for any of the above noted positions for a period of greater than [90]
26 [180] [270] days unless the Council does not confirm an appointee presented
27 to them within the timeline stated within this section];

28 ~~[1. The Police Chief or Fire Chief may be removed for cause by a vote of~~
29 ~~two-thirds of the entire membership of the Council.]~~

30 1. [The Police and Fire Chiefs may only be removed from office for cause
31 by the Mayor for any reason. The Police and Fire Chiefs may be removed or
32 with an affirmative vote of two-thirds plus one of the entire membership of the
33 Council after cause has been determined by the Inspector General.]

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1 ~~[1. The Police Chief and Fire Chief shall have an employment agreement~~
2 ~~with the City specifying the terms and conditions of employment including a~~
3 ~~provision for early termination of employment. The Mayor may terminate~~
4 ~~either employment of the Police Chief or the Fire Chief at any time. The~~
5 ~~Council may terminate the agreement at any time, with notice to the Mayor and~~
6 ~~affected Chief, by an affirmative vote of two-thirds of the entire membership of~~
7 ~~the Council.]~~

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

11 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, word, or
12 phrase of this proposition is for any reason held to be invalid or unenforceable
13 by any court of competent jurisdiction, such decision shall not affect the
14 validity of the remaining provisions of this proposition. The Council hereby
15 declares that it would have passed this proposition and each section,
16 paragraph, sentence, clause, word, or phrase thereof irrespective of any
17 provision being declared unconstitutional or otherwise invalid.

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

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