

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. F/S R-23-131 ENACTMENT NO. _____

SPONSORED BY: Louie Sanchez and Renee Grout

1 RESOLUTION

2 ADOPTING A PROPOSITION TO BE SUBMITTED TO THE VOTERS AT THE
3 NEXT LOCAL ELECTION TO BE HELD IN THE CITY OF ALBUQUERQUE
4 CONCERNING AMENDMENTS TO THE ALBUQUERQUE CITY CHARTER;
5 PROVIDING THE FORM OF THE QUESTION AND THE DESIGNATION CLAUSE
6 FOR SUCH QUESTION ON THE BALLOT

7 WHEREAS, Proposition P-23-1 proposes to amend Articles IV, V, VII, X, XI,
8 and XVII of the Albuquerque City Charter to adopt a Council-Manager form of
9 government; and

10 WHEREAS, P-23-1 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-23-1; 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
17 OF 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 **LOCAL ELECTION**
6 **HELD NOVEMBER 7, 2023**
7

8 **PROPOSITION 1: Proposition to amend Articles IV, V, VII, X, XI, and XVII of the**
9 **Albuquerque City Charter to adopt a Council-Manager form of government.**

10
11 **SUMMARY**

12 Shall the City of Albuquerque adopt the following amendments to update the
13 Albuquerque City Charter to adopt a Council-Manager form of government
14 consisting of a governing body and a professional administrator to function as
15 a city manager?
16

17 **TITLE AND PROPOSITION**

18 **PROPOSING TO AMEND THE ALBUQUERQUE CITY CHARTER TO ADOPT A**
19 **COUNCIL-MANAGER FORM OF GOVERNMENT**
20

21 **ARTICLE IV. COUNCIL**

22 **Section 1. AUTHORITY AND MEMBERSHIP OF THE COUNCIL.**

23 ...nine members from separate Council Districts...[and one additional member
24 to be known as Mayor].

25 ...

26 **Section 5. COUNCIL ORGANIZATION.**

27 ~~[The Council shall elect a president from its number and shall determine its~~
28 ~~order and procedure.]~~ [The Mayor is the presiding officer, and a member of the
29 City Council entitled to cast a vote only in the event of a tie.]

30 ...

31 **Section 7. MEETINGS OF THE COUNCIL.**

32 ...

1 (b) ... Records shall be kept of all voting by each [Councillor
2 Councilor, the Mayor,]...

3 Section 8. COUNCIL POWERS.

4 ...assigned to the Council by this Charter. [The Council shall appoint and
5 set compensation for a City Manager.]

6 ...

7 Section 10. COUNCIL DUTIES.

8 ...

9 (c) Consult with the [Mayor City Manager], seek advice

10 ...

11 (i) Appoint and set compensation for the City Manager].

12 ARTICLE V. MAYOR [AND CITY MANAGER]

13 ...

14 Section 3. POWERS; PERFORMANCE; APPOINTMENTS.

15 ~~[The executive branch of the city government is created.]~~ The office of Mayor
16 is created. ~~[The Mayor shall control and direct the executive branch. The Mayor~~
17 ~~is authorized to delegate executive and administrative power within the~~
18 ~~executive branch.]~~ The Mayor shall be the ~~[chief executive officer with all~~
19 ~~executive and administrative powers of the city and the]~~ official head of the city
20 for all ceremonial purposes. [The Mayor shall be a member of the Council
21 entitled to cast a vote only in the event of a tie.] ~~[The Mayor shall devote full~~
22 ~~time and attention to the performance of the duties of office and shall hold no~~
23 ~~other paid public or private employment.]~~

24 Section 4. DUTIES OF THE MAYOR.

25 The Mayor shall:

26 *{Replace Existing Sections 'a' through 'I' with:}*

27 [(a) Preside at meetings of the City Council;

28 (b) Cast a vote on matters before the City Council, only in the event
29 of a tie among the City Councilors;

30 (c) Have no administrative duties;

31 (d) Perform such other duties, except administrative duties, as
32 may be prescribed by ordinance or by the provisions of this Charter;

1 (e) Be recognized as the head of the City government for all
2 ceremonial purposes;

3 (f) Initiate an annual performance review of the City Manager with
4 the advice of the Council;

5 (g) Represent the city in intergovernmental relationships including
6 but not limited to representing the City on regional, state, and national boards
7 and committees as necessary.]

8 Section 5. VACANCY IN THE OFFICE OF MAYOR.

9 (a) If the Mayor shall die, resign or terminate residence in the City of
10 Albuquerque during his term of office, or be removed from office, the office of
11 the Mayor shall become vacant.

12 {Replace existing subsections 'b' and 'c' as follows:}

13 [(b) At the first meeting of the City Council in the month of January
14 of each year, the City Council shall elect one of its members to act as Mayor Pro
15 Tempore. The Mayor Pro Tempore shall serve until the first meeting in the
16 month of January of the following year or until a successor has been selected.

17 The Mayor Pro Tempore shall perform the duties of the Mayor in event of a
18 vacancy in the office of Mayor. For all purposes of this Charter, the Mayor
19 Tempore shall remain a Councilor and continue to hold voting rights as a
20 Councilor but shall have additional powers as set forth herein.

21 (c) If a regular election will occur within one year of the date on which
22 the vacancy occurs, Mayor Pro Tempore shall serve until a successor is elected
23 and qualified. The Mayor Pro Tempore shall receive the same salary on a pro-
24 rata basis as that of for the former Mayor.

25 (d) A vacancy in the office of Mayor which occurs more than one year
26 prior to the next regular election will be filled for the remainder of the unexpired
27 term by a special election. During the interim between the date the office is
28 vacated and the date of the special election, the Mayor's position will be filled
29 by the Mayor Pro Tempore, during which time the Mayor Pro Tempore shall
30 receive a pro-rata salary based on the same salary as that of the former Mayor.

31 {Add Sections '6' and '7' as follows:}

32 Section 6. CITY MANAGER, APPOINTMENT, QUALIFICATIONS, REMOVAL

1 (a) Appointment. The Council shall appoint a City Manager by a 2/3
2 supermajority vote of the membership of the Council, and shall fix the City
3 Manager's compensation. The Council may at its own discretion seek
4 professional advice in the appointment of a City Manager. The Council shall
5 enter into an employment contract with the City Manager which shall establish,
6 among other matters, compensation and benefits.

7 (b) Qualifications. The City Manager shall be appointed solely on the
8 basis of executive and administrative qualifications. No preemployment
9 residence requirements shall be imposed for appointment. After employment,
10 the City Manager must be a resident of the City of Albuquerque.

11 (c) Removal. The City Manager is subject to removal at the discretion
12 of the Council by a vote of at least a 2/3 supermajority of the membership of the
13 Council.

14 Section 7. CITY MANAGER POWERS AND DUTIES

15 (a) The City Manager shall be the chief administrator of the City and
16 shall be responsible to the Council for the administration of all City affairs,
17 including but not limited to, the administration of all organizational units placed
18 in the City Manager's charge by this Charter and by ordinance.

19 (b) The City Manager shall also have the following powers and duties:

20 (1) Organize the executive branch of the city;

21 (2) Exercise administrative control and supervision over and
22 appoint the Chief of Police, Fire Chief, City Attorney, City Clerk, and directors of
23 all city departments, which appointments shall not require the advice or consent
24 of the Council;

25 (3) Be responsible for the administration and protection of
26 the merit system;

27 (4) Prepare a written state of the City report annually, within
28 thirty (30) days after final approval of the operating budget of the City, which
29 report shall be filed with the City Clerk, made part of the permanent records of
30 the City and available to the public;

31 (5) Formulate the Budgets of the City consistent with the City's
32 goals and objectives, as provided in this Charter;

1 (6) Submit annually to the Council and make available to the
2 public a complete report of the finances and administrative activities of the City
3 for the preceding fiscal year; and

4 (7) Perform such other duties as are specified in this Charter,
5 the City Manager's employment contract, or as may reasonably be required by
6 the Council.]

7 ARTICLE VII. THE OPERATING BUDGET AND THE CAPITAL IMPROVEMENT
8 PROGRAM

9 Section 1. ~~[[CITY MANAGER] [MAYOR] TO FORMULATE].~~

10 The [City Manager] ~~[Mayor]~~

11 *{Delete existing section '2' and renumber existing section '3'}*

12 Section ~~[32]~~. ~~[PROPOSAL AND APPROVAL DATE].~~

13 The [City Manager] ~~[Mayor]~~ shall ... the [City Manager] ~~[Mayor]~~.

14 *{Delete existing sections '4', '5', and '6'}*

15 ARTICLE X. MERIT SYSTEM

16 Section 1. MAINTENANCE OF THE MERIT SYSTEM.

17 ...the ~~[Mayor-Council form of Council-Manager]~~ government The ~~[Mayor and]~~
18 Council shall maintain by ordinance, and the ~~[Mayor~~ City Manager shall]
19 administer,...

20 ...

21 Section 2. INVOLVEMENT IN PERSONNEL MATTERS.

22 ...

23 ~~(b) [Except to the extent necessary for the administration of the merit system,~~
24 ~~†] [T]he Mayor is prohibited from becoming involved in the hiring...~~

25 ...

26 ARTICLE XI. ORDINANCES

27 *{Delete existing sections '3', '4', and '5' and renumber}*

28 ARTICLE XVII. [PLANNING]

29 ...

30 Section 2.

31 The ~~[Mayor~~ City Manager] shall formulate and submit to the Council...

1 ~~[ARTICLE XIX. [DETERMINATION OF SEPARATION OF POWERS ISSUES~~
2 ~~UNDER THE CHARTER]~~

3 *{Delete Article XIX in its entirety}*

4

5 FOR _____ AGAINST _____

6

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

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