

# CITY of ALBUQUERQUE

## TWENTY SIXTH COUNCIL

COUNCIL BILL NO. R-24-49 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Dan Lewis and Klarissa J. Peña

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-24-3 proposes to amend Article V of the  
8 Albuquerque City Charter to modify the procedures to appoint administrative  
9 officers and appoint and remove the Chief of Police and Fire Chief, and

10 WHEREAS, P-24-3 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-24-3; 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

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

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 the procedures to appoint City administrative officers and**  
10 **appoint and remove the Chief of Police and Fire Chief.**

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 City**  
15 **administrative officers and appoint and remove the Chief of Police and Fire**  
16 **Chief?**

17  
18 **TITLE AND PROPOSITION**

19 **PROPOSING TO AMEND THE ALBUQUERQUE CITY CHARTER REGARDING**  
20 **THE PROCEDURES FOR APPOINTMENT OF ADMINISTRATIVE OFFICERS**  
21 **AND APPOINTMENT AND REMOVAL OF THE CHIEF OF POLICE AND FIRE**  
22 **CHIEF**

23 **ARTICLE V. MAYOR.**

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

25 **The Mayor shall:**

26 **(d) With the advice and consent of the Council, appoint the Chief**  
27 **Administrative Officer, any deputy administrative officers, the Chief of Police,**  
28 **and the Fire Chief. [For the purposes of this section, “deputy administrative**  
29 **officers” shall mean any position with supervisory authority over anyone in a**  
30 **department director position.] Appointees requiring the advice and consent of**  
31 **the Council shall be presented to the Council for confirmation within 45 days**  
32 **after the Mayor takes office or after a vacant appointed position [is-filled] [has**  
33 **a proposed appointee]. [The Mayor (even if reelected) shall reappoint all above**

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 noted positions at the beginning of each new term.] When an appointee is  
2 presented to and not confirmed by the Council, the Mayor shall, within 60 days  
3 thereafter, nominate another person to fill the position, and the Mayor may  
4 continue to nominate until confirmation[. No person may serve in an interim  
5 position for any of the above noted positions for a period of greater than 90  
6 days unless the Council does not confirm an appointee presented to them  
7 within the timeline stated within this section];

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

10 [1. The Police Chief and Fire Chief shall have an employment agreement with  
11 the City specifying the terms and conditions of employment including a  
12 provision for early termination of employment. The Mayor may terminate  
13 either employment of the Police Chief or the Fire Chief at any time. The  
14 Council may terminate the agreement at any time, with notice to the Mayor and  
15 affected Chief, by an affirmative vote of two-thirds of the entire membership of  
16 the Council.]

17  
18 FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

19  
20 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
21 word, or phrase of this resolution is for any reason held to be invalid or  
22 unenforceable by any court of competent jurisdiction, such decision shall not  
23 affect the validity of the remaining provisions of this resolution. The Council  
24 hereby declares that it would have passed this resolution and each section,  
25 paragraph, sentence, word or phrase thereof irrespective of any provision  
26 being declared unconstitutional or otherwise invalid.

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion