

CITY of ALBUQUERQUE

TWENTY-FIRST COUNCIL

COUNCIL BILL NO. P-14-1 ENACTMENT NO. _____

SPONSORED BY: Ken Sanchez & Brad Winter

1 CHARTER AMENDMENT PROPOSAL

2 TO BE SUBMITTED TO THE VOTERS ON THE GENERAL ELECTION BALLOT
3 OF NOVEMBER 4, 2014, AMENDING ARTICLE V, SECTION 4 OF THE
4 CHARTER OF THE CITY OF ALBUQUERQUE, CONCERNING THE DUTIES OF
5 THE MAYOR; SPECIFYING THAT THE APPOINTMENT OF THE CHIEF OF
6 POLICE AND FIRE CHIEF WILL REQUIRE THE ADVICE AND CONSENT OF THE
7 CITY COUNCIL.

8 WHEREAS, pursuant to Article VI of the City Charter, the Council proposes
9 to submit to the City's electors, at the November 4, 2014 general election, an
10 amendment to Article V, Section 4 of the City Charter concerning the duties of
11 the Mayor.

12 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
13 ALBUQUERQUE:

14 SECTION 1. That the City Clerk shall place the following summary and
15 proposition on the ballot for the November 4, 2014 general election, and the
16 City of Albuquerque qualified voters shall be permitted to vote "for" or
17 "against" the following proposition:

18 SUMMARY

19 Proposing to require the City Council's advice and consent for
20 the appointment of the Albuquerque Chief of Police and the
21 Albuquerque Fire Chief.

22

23 PROPOSITION

24 PROPOSING TO AMEND ARTICLE V, SECTION 4 OF THE ALBUQUERQUE
25 CITY CHARTER TO READ AS FOLLOWS:

26 "Section 4. DUTIES OF THE MAYOR.

1 The Mayor shall:

2 (a) Organize the executive branch of the city;

3 (b) Exercise administrative control and supervision over and appoint
4 directors of all city departments, which appointments shall not require the
5 advice or consent of the Council except as provided in (d) of this Section;

6 (c) Be responsible for the administration and protection of the merit
7 system;

8 (d) With the advice and consent of the Council, appoint the Chief
9 Administrative Officer[, and any] deputy administrative officers[, the Chief of
10 Police, and the Fire Chief]. Appointees requiring the advice and consent of
11 the Council shall be presented to the Council for confirmation within 45 days
12 after the Mayor takes office or after a vacant appointed position is filled. When
13 an appointee is presented to and not confirmed by the Council, the Mayor
14 shall, within 60 days thereafter, nominate another person to fill the position,
15 and the Mayor may continue to nominate until confirmation;

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

17 1. The City Attorney shall be selected and appointed through an
18 open and competitive hiring process conducted by the Mayor with the advice
19 and consent of two-thirds of the entire membership of the Council.

20 2. The City Attorney's appointment shall be for a term that
21 coincides and terminates with the term of the Mayor making the appointment
22 unless sooner removed as provided herein.

23 3. The City Attorney may only be removed from office for cause
24 by the Mayor with the concurrence of two-thirds of the entire membership of
25 the Council after cause has been determined by the Director of the Office of
26 Internal Audit and Investigations.

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

28 1. The City Clerk shall be selected and appointed through an
29 open and competitive hiring process conducted by the Mayor with the advice
30 and consent of two-thirds of the entire membership of the Council.

31 2. The City Clerk's appointment shall be for a term that coincides
32 and terminates with the term of the Mayor making the appointment unless
33 sooner removed as provided herein.

1 3. The City Clerk may only be removed from office for cause by
2 the Mayor with the concurrence of two-thirds of the entire membership of the
3 Council after cause has been determined by the Director of the Office of
4 Internal Audit and Investigations.

5 (g) Except as otherwise provided for by ordinance, with the prior advice
6 and final consent of the Council appoint the members of city committees,
7 commissions and boards;

8 (h) Formulate the budgets of the city consistent with the city's goals and
9 objectives, as provided in this Charter;

10 (i) Establish and maintain a procedure for investigation and resolution
11 of citizen complaints;

12 (j) Prepare a written state of the city report annually, within thirty days
13 after final approval of the operating budget of the city, which report shall be
14 filed with the City Clerk, made a part of the permanent records of the city and
15 available to the public;

16 (k) Perform other duties not inconsistent with or as provided in this
17 Charter; and

18 (l) Faithfully execute and comply with all laws, ordinances, regulations
19 and resolutions of the city and all laws of the State of New Mexico and the
20 United States of America which apply to the city.”

21 SECTION 2. TIME OF FILING WITH THE CITY CLERK. The Director of City
22 Council Services, or designee, shall file the proposed amendment described in
23 Section 1 above with the City Clerk within the ninety days immediately
24 preceding the November 4, 2014 regular municipal election.

25 SECTION 3. COORDINATION WITH BERNALILLO COUNTY. The City Clerk
26 shall coordinate with the Bernalillo County Clerk to prepare and file any
27 necessary documents and agreements to facilitate the placement of this
28 proposed Charter amendment described in Section 2(A) on the November 4,
29 2014, general election ballot.

30 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, word or
31 phrase of this proposition is for any reason held to be invalid or unenforceable
32 by any court of competent jurisdiction, such decision shall not affect the
33 validity of the remaining provisions of this proposition. The Council hereby

1 declares that it would have passed this proposition and each section,
2 paragraph, sentence, clause, word or phrase thereof irrespective of any
3 provision being declared unconstitutional or otherwise invalid.

4 SECTION 5. EFFECTIVE DATE. This proposition is effective immediately.
5 The Charter Amendment described in Section 1 of this proposition shall take
6 effect immediately following the certification of the election if approved by the
7 voters.