

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 and to allow the Council to remove the
22 Chief of Police or the Albuquerque Fire Chief for cause.

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.

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- 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, any deputy administrative officers, the Chief of Police,
- 10 and the Fire Chief. Appointees requiring the advice and consent of the
- 11 Council shall be presented to the Council for confirmation within 45 days after
- 12 the Mayor takes office or after a vacant appointed position is filled. When an
- 13 appointee is presented to and not confirmed by the Council, the Mayor shall,
- 14 within 60 days thereafter, nominate another person to fill the position, and the
- 15 Mayor may continue to nominate until confirmation;
- 16 1. The Police Chief or Fire Chief may be removed for cause by a
- 17 vote of two-thirds of the entire membership of the Council.
- 18 (e) Select and remove the City Attorney only as follows:
- 19 1. The City Attorney shall be selected and appointed through an
- 20 open and competitive hiring process conducted by the Mayor with the advice
- 21 and consent of two-thirds of the entire membership of the Council.
- 22 2. The City Attorney's appointment shall be for a term that
- 23 coincides and terminates with the term of the Mayor making the appointment
- 24 unless sooner removed as provided herein.
- 25 3. The City Attorney may only be removed from office for cause
- 26 by the Mayor with the concurrence of two-thirds of the entire membership of
- 27 the Council after cause has been determined by the Director of the Office of
- 28 Internal Audit and Investigations.
- 29 (f) Select and remove the City Clerk only as follows:
- 30 1. The City Clerk shall be selected and appointed through an
- 31 open and competitive hiring process conducted by the Mayor with the advice
- 32 and consent of two-thirds of the entire membership of the Council.

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

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

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

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

13 (i) Establish and maintain a procedure for investigation and resolution
14 of citizen complaints;

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

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

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

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

28 **SECTION 3. COORDINATION WITH BERNALILLO COUNTY.** The City Clerk
29 shall coordinate with the Bernalillo County Clerk to prepare and file any
30 necessary documents and agreements to facilitate the placement of this
31 proposed Charter amendment described in Section 2(A) on the November 4,
32 2014, general election ballot.

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1 **SECTION 4. SEVERABILITY CLAUSE.** If any section, paragraph, word or
2 phrase of this proposition is for any reason held to be invalid or unenforceable
3 by any court of competent jurisdiction, such decision shall not affect the
4 validity of the remaining provisions of this proposition. The Council hereby
5 declares that it would have passed this proposition and each section,
6 paragraph, sentence, clause, word or phrase thereof irrespective of any
7 provision being declared unconstitutional or otherwise invalid.

8 **SECTION 5. EFFECTIVE DATE.** This proposition is effective immediately.
9 The Charter Amendment described in Section 1 of this proposition shall take
10 effect immediately following the certification of the election if approved by the
11 voters.

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