

# **CITY of ALBUQUERQUE**

## **TWENTY-FIRST COUNCIL**

**COUNCIL BILL NO. F/S R-13-2 ENACTMENT NO. \_\_\_\_\_**

**SPONSORED BY: Ken Sanchez and Brad Winter**

**1 RESOLUTION**

**2 CREATING A TASK FORCE TO REVIEW THE CHARTER OF THE CITY OF**  
**3 ALBUQUERQUE AND MAKE RECOMMENDATIONS ON CERTAIN POTENTIAL**  
**4 REVISIONS; AND ADOPTING A PROPOSITION TO BE SUBMITTED TO THE**  
**5 VOTERS ON THE SOONER OF THE NEXT CITY-WIDE SPECIAL ELECTION, OR**  
**6 THE GENERAL ELECTION BALLOT OF NOVEMBER 4, 2014, THAT AMENDS**  
**7 ARTICLE III, SECTION 3 OF THE CHARTER OF THE CITY OF ALBUQUERQUE,**  
**8 CONCERNING DIRECT LEGISLATION BY VOTER INITIATIVE SO THAT**  
**9 PROPOSED MEASURES SHALL BE SUBMITTED TO THE CITY'S ELECTORS**  
**10 ONLY AT GENERAL OR REGULAR MUNICIPAL ELECTIONS; AND AMENDS**  
**11 THE CALCULATION FOR THE MINIMUM NUMBER OF PETITION SIGNATURES.**

**12 WHEREAS, the City Charter which created Albuquerque's current form of**  
**13 government was adopted by the voters in 1974; and**

**14 WHEREAS, City Charter Review Task Forces were established in 1988,**  
**15 1998, and 2009 to revisit the Charter and to make recommendations for**  
**16 improving and refining the Charter in light of changes brought about by**  
**17 population growth, annexation and the complexity of issues facing the City;**  
**18 and**

**19 WHEREAS, each Task Force recommended changes to the Charter which**  
**20 were proposed as Charter Amendments and put before the voters in 1989,**  
**21 1999, and 2009 respectively and in each case several of the proposed**  
**22 amendments were approved by the voters; and**

**23 WHEREAS, approximately five years have passed since the last Charter**  
**24 Review Task Force was assembled to analyze the Charter provisions, and in**  
**25 that time several critical issues have materialized relating to the requirements**  
**26 of the Charter; and**

1 WHEREAS, it is timely to convene a Charter Review Task Force to provide  
2 a thorough analysis of the City Charter as a whole and to determine whether  
3 certain revisions should be proposed to improve the City's governmental  
4 structure and operations; and

5 WHEREAS, the Charter Review Task Force created by this resolution  
6 should submit its recommendations to the Council in time for placement on  
7 the ballot for the October 6, 2015, regular municipal election; and

8 WHEREAS, one of the specific sections of the City Charter that may be  
9 amended is Article III, Section 3 which authorizes direct legislation by voter  
10 initiative provided that certain minimum requirements are satisfied, including  
11 that a minimum number of registered City voters have signed the petition; and

12 WHEREAS, under the current provisions of Art. 3 Section 3 an election on  
13 the direct legislation must be held within ninety days of the gathering of the  
14 required signatures and filing the petition with City Clerk; and

15 WHEREAS, this process creates the possibility for multiple City-wide  
16 special elections in any given year at great cost to the taxpayers of the City  
17 and upon City resources, and it is impossible to budget in advance for an  
18 unknown number of potential special elections; and

19 WHEREAS, the City Council has the ability to propose an amendment to  
20 the City Charter that might help minimize these burdens while still allowing for  
21 the continuation of the voter initiative process; and

22 WHEREAS, Article VI, Section 3 of the Charter authorizes the City Council  
23 to Initiate Charter Amendments by approving a proposed amendment to be  
24 placed out to the voters for consideration and approval; and

25 WHEREAS, in order to ensure continued access to the ballot initiative  
26 process by the citizens of Albuquerque while protecting public funds and  
27 resources, the City Council desires to submit to the City's electors, at the  
28 sooner of the next city-wide special election or the November 4, 2014 general  
29 election, a proposal to amend Article III, Section 3 of the City Charter  
30 concerning direct legislation by voter initiative.

31 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
32 ALBUQUERQUE:

33 SECTION 1. CREATION OF A CHARTER REVIEW TASK FORCE

1       A.     A 12 member City Charter Review Task Force is established to  
2 review the City Charter and evaluate provisions that should be amended,  
3 added or deleted.

4       B.     The Task Force shall be made up of the following members, each of  
5 whom is required to be a resident of the City of Albuquerque:

6             1. One member selected by each Councilor;  
7             2. One at-large member selected by the full City Council who shall  
8 chair the Task Force; and  
9             3. Two members appointed by the Mayor.

10      C.     The Task Force shall hold its first meeting no later than July 31, 2014  
11 and shall provide its recommendations for City Charter amendments in a  
12 report to the Council and the Mayor on or before February 28, 2015. Upon  
13 presentation of its recommendations, the Task Force shall be discharged. The  
14 Charter Review Task Force will submit to the Council only those  
15 recommendations approved by a two-thirds majority vote of the Task Force.

16      D.     The charge of the Task Force shall be to examine the City Charter for  
17 the purpose of recommending amendments. The charge includes  
18 examination of only the following:

19             1. The provision of the Charter that prohibits City employees from  
20 running for or serving in elected office; and  
21             2. The provision of the Charter that requires nine and only nine  
22 Council Districts so as to potentially allow more than nine districts; and  
23             3. After how much time after a vacancy occurs shall the Mayor  
24 appoint someone to fill the position of City Clerk, City Attorney, or other, and  
25 what should the process be for appointing the same in the event that the  
26 Mayor does not do so in time; and  
27             4. The provisions relating to public financing of campaigns and  
28 other election provisions in need of update or revision; and  
29             5. The provision in the Charter requiring photo identification for  
30 voters in regular municipal elections.

31      E.     All meetings of the Task Force or its committees shall be open  
32 meetings, and the Task Force shall hold at least one public hearing during  
33 which input from the public will be sought.

**F. The Council and the Administration shall provide staffing and resources to the Task Force.**

**SECTION 2. PROPOSED CREATION OF A BALLOT INITIATIVE REVIEW COMMITTEE TO BE SUBMITTED TO VOTERS ON NOVEMBER 4, 2014.**

**A. SUMMARY & PROPOSITION.** The City Clerk shall place the complete text of the below summary and proposition on the ballot at the sooner of the next city-wide special election, or the November 4, 2014 general election, and the City of Albuquerque qualified voters shall be permitted to vote “for” or “against” the proposition:

## SUMMARY

**Proposing that ballot initiative measures shall be submitted to voters at either general or regular municipal elections and amending the calculation for the minimum number of petition signatures.**

## PROPOSITION

**PROPOSING TO AMEND ARTICLE III, SECTION 3 OF THE ALBUQUERQUE CITY CHARTER TO READ AS FOLLOWS:**

**“Section 3. DIRECT LEGISLATION BY VOTER INITIATIVE.**

**(a) Except as provided in Subsection (d) of this Section, a measure may be proposed to the governing body for enactment as follows:**

**1. Notice of intent to circulate a petition proposing any measure must be signed by five qualified voters and filed with the City Clerk;**

**2. Concurrently with the filing of the notice of intent, the proposed measure shall be filed with the City Clerk;**

**3. The number of qualified voters required to sign the petition shall be a number more than 20% of the number of voters who voted at the last regular municipal mayoral election prior to filing the notice of intent;**

**4. Before any signatures are affixed thereon, the form of such petition must be approved by the City Clerk as provided by law and the date of filing the notice of intent shown thereon;**

**5. No such petition or any part thereof, may be filed more than sixty days after the date of filing the notice of intent;**

1           6. If the Council fails to act upon a measure so proposed within fourteen  
2 days after the City Clerk files a certification with the Council that the petition  
3 has been signed by the required number of voters, or the Council acts  
4 adversely thereon or amends it an election on the issues must be held at the  
5 next general or regular municipal election.

6           (b) At such election the ballot shall contain the proposed measure as  
7 originally submitted and the measure as amended, if amended by the  
8 governing body of the city. Below each of these measures, there shall be  
9 printed the words: "For" and "Against" followed by spaces for marking with a  
10 cross or a check the word desired.

11           (c) The measure receiving a majority of the votes cast on that measure in  
12 its favor is adopted. If each measure receives a majority of votes cast on that  
13 measure in its favor, the measure receiving the greatest number of votes cast  
14 in its favor is adopted. If neither measure receives a majority of the votes  
15 cast, neither shall be in effect.

16           (d) The initiative procedure of this Section shall not be available to amend  
17 or repeal, directly or indirectly:

18           1. Any ordinance authorizing bonds or other obligations where such  
19 ordinance, bonds or other obligations appropriately have been approved at an  
20 election in the city;

21           2. Any ordinance levying or otherwise relating to special assessments;

22           3. Any ordinance which imposes, levies, increases or otherwise amends  
23 any excise tax pledged to any bonds or other obligations then outstanding;

24           4. Any ordinance which imposes, levies, increases or otherwise amends  
25 rates, tolls, fees and charges for services rendered by any municipal utility or  
26 any municipal revenue producing project if bonds or other obligations payable  
27 from the designated source are then outstanding; or

28           5. Any ordinance authorizing or otherwise relating to any city bonds or  
29 other obligations then outstanding.”

30           B.     TIME OF FILING WITH THE CITY CLERK. The Director of City  
31 Council Services, or designee, shall file the proposed amendment described in  
32 Section 2(A) above with the City Clerk the sooner of: a) the next soonest  
33 notice from the City Clerk that a direct legislation by voter initiative petition

1 has been signed by the required number of voters pursuant to the process  
2 described in Article III, Section 3 of the City Charter, or b) within the ninety  
3 days immediately preceding the November 4, 2014 regular municipal election.

4 C. COORDINATION WITH BERNALILLO COUNTY. The City Clerk shall  
5 coordinate with the Bernalillo County Clerk to prepare and file any necessary  
6 documents and agreements to facilitate the placement of this proposed  
7 Charter amendment described in Section 2(A) on the November 4, 2014,  
8 general election ballot.

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

16 SECTION 4. EFFECTIVE DATE. Section 1 of this resolution is effective  
17 immediately. The Charter Amendment described in Section 2 of this resolution  
18 shall take effect immediately following the certification of the election if  
19 approved by the voters.