

# CITY of ALBUQUERQUE

## TWENTY FIRST COUNCIL

COUNCIL BILL NO. R-14-91 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Ken Sanchez

1 SPECIAL ELECTION RESOLUTION  
2 TO SUBMIT THE FOLLOWING PROPOSITION AND AUTHORIZATION TO THE  
3 VOTERS OF THE CITY OF ALBUQUERQUE: 1) A PROPOSITION TO AMEND  
4 ARTICLE V, SECTION 4 OF THE CITY CHARTER TO SPECIFY THAT  
5 APPOINTMENT OF THE CHIEF OF POLICE AND FIRE CHIEF WILL REQUIRE  
6 THE ADVICE AND CONSENT OF THE CITY COUNCIL AND THAT THE CHIEF  
7 OF POLICE OR FIRE CHIEF MAY BE REMOVED BY THE COUNCIL FOR  
8 CAUSE; 2) A BOND QUESTION FOR THE ISSUANCE OF GENERAL  
9 OBLIGATION BONDS IN CERTAIN PRINCIPAL AMOUNT FOR METROPOLITAN  
10 REDEVELOPMENT PURPOSES; 3) A PROPOSITION TO IMPOSE A 1/8 GROSS  
11 RECEIPTS TAX FOR ESSENTIAL SERVICES; 4) A QUESTION ON WHETHER  
12 TO REDUCE PENALTIES FOR POSSESSION OF LESS THAN 1 OUNCE OF  
13 MARIJUANA; 5) A PROPOSITION TO AMEND ARTICLE III SECTION 3 OF THE  
14 CITY CHARTER RELATING TO THE VOTER INITIATIVE PROCESS; AND  
15 PRESCRIBING OTHER DETAILS IN CONNECTION WITH THE SPECIAL  
16 MUNICIPAL ELECTION.

17 WHEREAS, Section 3-8-9 NMSA 1978 allows a municipal special election to  
18 be held concurrently with any statewide general election, and a statewide  
19 general election is scheduled to be held on November 4, 2014; and

20 WHEREAS, the City Council approved proposition P-14-1 (enactment P-  
21 2014-001) proposing to require the City Council's advice and consent for the  
22 appointment of the Albuquerque Chief of Police and Albuquerque Fire Chief  
23 and to allow the City Council to remove the Chief of Police or Fire Chief for  
24 cause; and

25 WHEREAS, P-14-1 specified that the City Clerk is required to coordinate  
26 with the Bernalillo County Clerk to prepare and file any necessary documents

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1 and agreements for a special municipal election on P-14-1 to be held on  
2 November 4, 2014, concurrently with the statewide general election; and

3 WHEREAS, the City Council also approved a resolution F/S R-14-61  
4 (enactment R-2014-047) concerning a special municipal bond election to  
5 authorize the issuance of general obligation bonds in a certain principal  
6 amount for metropolitan redevelopment purposes; and

7 WHEREAS, F/S R-14-61 specified that the City Clerk is required to  
8 coordinate with the Bernalillo County Clerk for a special municipal bond  
9 election on November 4, 2014, concurrently with the statewide general  
10 election; and

11 WHEREAS, Section 3-8-35 NMSA 1978, a portion of the Municipal Election  
12 Code, states that when a special election is required by law, an election  
13 resolution shall be adopted by the governing body calling for the election and  
14 shall state, in part, the purpose for calling the election, the date of the election,  
15 the questions to be submitted to the voters, and whether paper ballots or  
16 voting machines will be used in the election.

17 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
18 ALBUQUERQUE:

19 SECTION 1. SPECIAL ELECTION PROCESS. The applicable provisions of  
20 the New Mexico Municipal Election Code, including but not limited to those  
21 provisions relating to special, concurrent elections, shall govern the Special  
22 Election.

23 (A) PURPOSE & DATE OF ELECTION. A special municipal  
24 election shall be held in Albuquerque, New Mexico on Tuesday, November 4,  
25 2014 (the "Special Election") for the purpose of submitting the questions  
26 described in this Resolution to the registered, qualified voters in the City of  
27 Albuquerque.

28 (B) CLOSING OF REGISTRATION. Any person who is otherwise  
29 qualified to vote and who is not currently registered to vote may register at the  
30 office of the Clerk of the County of Bernalillo, 6th Floor, One Civic Plaza,  
31 Albuquerque, New Mexico, or at the office of any duly appointed deputy  
32 registration officer on or before 5:00 p.m., on October 7, 2014.

33 (C) QUESTIONS TO BE SUBMITTED.

1 (1) **PROPOSITION 1.** At the Special Election, the City Clerk  
2 is instructed to submit the following summary, title, and complete text of the  
3 following proposed amendment to the City’s qualified, registered voters who  
4 shall be permitted to vote “for” or “against:”

5 **SUMMARY**

6 Proposing to require the City Council’s advice and consent for  
7 the appointment of the Albuquerque Chief of Police and the  
8 Albuquerque Fire Chief, and authorizing the City Council to  
9 remove the Chief of Police or the Fire Chief for cause.

10 **TITLE & AMENDMENT**

11 **PROPOSING TO AMEND ARTICLE V, SECTION 4(d) OF THE**  
12 **ALBUQUERQUE CITY CHARTER:**

13 “The Mayor shall: . . .

14 (d) With the advice and consent of the Council,  
15 appoint the Chief Administrative Officer, and any deputy  
16 administrative officers, the Chief of Police, and the Fire Chief. . . . ;

17 (1) The Police Chief or Fire Chief may be  
18 removed for cause by a vote of two-thirds of the entire  
19 membership of the Council.”

20 **FOR**\_\_\_\_\_ **AGAINST**\_\_\_\_\_

21 (2) **BOND QUESTION.** At the Special Election, the City  
22 Clerk is instructed to submit the following general obligation bond question to  
23 the City’s qualified, registered voters and non-resident municipal electors,  
24 who shall be permitted to vote “for” or “against,” in substantially the following  
25 form:

26 **2014 GENERAL OBLIGATION METROPOLITAN**  
27 **REDEVELOPMENT BONDS**

28 Shall the City of Albuquerque issue \$6,500,000 of its general  
29 obligation bonds to plan, design, develop, landscape,  
30 reconstruct, construct, demolish, equip, renovate, refurbish,  
31 rehabilitate, modernize, preserve, expand, repair, study, enhance,  
32 or acquire property, facilities or infrastructure for Metropolitan  
33 Redevelopment Projects within adopted Metropolitan

Redevelopment Areas in order to implement the objectives of the  
New Mexico Metropolitan Redevelopment Code?

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

(3) PROPOSITION 2. At the Special Election, the City Clerk  
is instructed to submit the following proposition to the City's qualified,  
registered voters who shall be permitted to vote "for" or "against:"

**PROPOSITION**

Proposing to impose a one-eighth of one percent municipal  
gross receipts tax for essential services, dedicated specifically  
and only to the following purposes: 50% to provide funding for  
accessible inpatient and outpatient mental health services and  
services related to homelessness, the developmentally disabled,  
substance abuse and at-risk populations; and 50% for services  
or capital improvements related to mental health, homelessness,  
the developmentally disabled, substance abuse and at-risk  
populations.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

(4) QUESTION. At the Special Election, the City Clerk is  
instructed to submit the following question to the City's qualified, registered  
voters who shall be permitted to vote "for" or "against:"

Shall the Albuquerque City Council adopt legislation that amends  
city law to reduce the penalty for possession of less than one  
ounce of marijuana?

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

(5) PROPOSITION 3. At the Special Election, the City Clerk  
is instructed to submit the following summary, title, and complete text of the  
following proposed amendment to the City's qualified, registered voters who  
shall be permitted to vote "for" or "against:"

**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.

**TITLE & AMENDMENT**

**PROPOSING TO AMEND ARTICLE III, SECTIONS 3(a)(3) and 3(a)(6)  
OF THE ALBUQUERQUE CITY CHARTER AS FOLLOWS:**

**“3. The number of qualified voters required to sign the petition  
shall be a number more than ~~20% of the average number of~~  
~~voters who voted at the four regular municipal elections prior to~~  
~~filing the notice of intent or more than 20% of the number of~~  
voters who voted at the last regular municipal mayoral election  
prior to filing the notice of intent, ~~whichever is greater;~~”**

**“6. If the Council fails to act upon a measure so proposed . . .  
or the Council acts adversely thereon or amends it an election  
on the issues must be held ~~within ninety days after the date of~~  
~~filing the petition~~ at the next general or regular municipal  
election.”**

**FOR \_\_\_\_\_ AGAINST \_\_\_\_\_**

**(D) POLLING LOCATIONS & CONSOLIDATION OF PRECINCTS. A  
list of polling locations and consolidation of precincts for the Special Election  
is attached to this Resolution as Exhibit ‘A’. Polls for the Special Election  
shall open at 7:00 a.m. and shall close at 7:00 p.m. on November 4, 2014.**

**(E) BALLOTS. Voters shall mark paper ballots. Ballots cast  
Absentee, during Early Voting and Election Day Voting shall be electronically  
tabulated. Applications for absentee ballots and information on early voting  
may be obtained from the Bernalillo County Clerk’s Office, 6<sup>th</sup> Floor, One Civic  
Plaza NW, Albuquerque, New Mexico or at www.bernco.gov/clerk.**

**SECTION 2. COMBINED ACTIONS. The City Clerk may combine any  
required actions with the Bernalillo County Clerk as authorized by law,  
including but not limited to those authorized pursuant to NMSA 1978 § 3-8-  
9(C).**

**SECTION 3. RATIFICATION OF PRIOR ACTIONS. All actions, not  
inconsistent with the provisions of this Resolution, heretofore taken by the  
Council and the officers of the City directed toward the Bond Election  
Question, including, without limiting the generality of the foregoing, is hereby  
ratified, approved, and confirmed.**

1       **SECTION 4. PUBLICATION.** This Resolution shall be published in English  
2 and in Spanish once each week for four consecutive weeks. The first  
3 publication of the election resolution shall be between fifty and sixty days  
4 before the day of the election. The election resolution shall be posted in the  
5 office of the municipal clerk within twenty-four hours from the date of  
6 adoption until the date of the election. For information purposes and  
7 coordination, one copy of the election resolution shall be mailed to the  
8 secretary of state and the Bernalillo County Clerk.

9       **SECTION 5. FURTHER ACTIONS & COOPERATION.** The officers and  
10 agents of the City are hereby authorized and directed to take all action  
11 necessary or appropriate to effectuate the provisions of this Resolution,  
12 including but not limited to providing this Resolution to the Bernalillo County  
13 Clerk and cooperating with the Bernalillo County Clerk, the Bernalillo County  
14 Commission and the New Mexico Secretary of State regarding all election  
15 matters including but not limited to the completion of any memorandums of  
16 agreement as may be required, the preparation of affidavits, instructions and  
17 elections supplies, and the publication of notices.

18       **SECTION 6. SEVERABILITY.** If any section, paragraph, sentence, word, or  
19 phrase of this Resolution is for any reason held to be invalid or unenforceable  
20 by any court of competent jurisdiction, such decision shall not affect the  
21 validity of the remaining provisions of this Resolution. The Council hereby  
22 declares that it would have passed this Resolution and each section,  
23 paragraph, sentence, word or phrase thereof irrespective of any provision  
24 being declared unconstitutional or otherwise invalid.

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