



Legislation Details (With Text)

File #: R-24-49
Type: Resolution **Status:** Enacted
File created: 5/6/2024 **In control:** City Council
Final action: 6/17/2024
Enactment date: 7/3/2024 **Enactment #:** R-2024-055

Effective date:

Title: Adopting A Proposition To Be Submitted To The Voters At The Next General Election To Be Held In The City Of Albuquerque Concerning Amendments To Article V Of The Albuquerque City Charter; Providing The Form Of The Question And The Designation Clause For Such Question On The Ballot (Lewis and Peña)

Sponsors: Dan Lewis, Klarissa J. Peña

Indexes:

Code sections:

Attachments: 1. R-49, 2. R-49 Amendments CC 5-20-24, 3. R-49 Amendments CC 6-3-24, 4. R-49 Amendments CC 6-17-24, 5. R-49Enacted

Date	Ver.	Action By	Action	Result
7/3/2024	1	Mayor	Signed by the Mayor	
7/3/2024	1	City Clerk	Published	
6/27/2024	1	City Council	Sent to Mayor for Signature	
6/17/2024	1	City Council	Amended	Pass
6/17/2024	1	City Council	Amended	Fail
6/17/2024	1	City Council	Passed as Amended	Pass
6/3/2024	1	City Council	Amended	Pass
6/3/2024	1	City Council	Amended	Pass
6/3/2024	1	City Council	Amended	Pass
6/3/2024	1	City Council	Postponed as Amended	Pass
5/20/2024	1	City Council	Amended	Pass
5/20/2024	1	City Council	Amended	Pass
5/20/2024	1	City Council	Postponed as Amended	Pass
5/6/2024	1	City Council	Introduced	
5/6/2024	1	President	To be heard at the Council Meeting	

**CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL**

SPONSORED BY: Dan Lewis and Klarissa J. Peña

RESOLUTION

ADOPTING A PROPOSITION TO BE SUBMITTED TO THE VOTERS AT THE NEXT GENERAL ELECTION TO BE HELD IN THE CITY OF ALBUQUERQUE CONCERNING AMENDMENTS TO ARTICLE V OF THE ALBUQUERQUE CITY CHARTER; PROVIDING THE FORM OF THE QUESTION AND THE DESIGNATION CLAUSE FOR SUCH QUESTION ON THE BALLOT.

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

WHEREAS, P-24-3 specifies that the City Clerk is required to coordinate with the Bernalillo County Clerk to prepare and file any necessary documents and agreements for an election on P-24-3; and

WHEREAS, Pursuant to Article VI of the Albuquerque City Charter, amendments to the Charter may be proposed by the Council and must be approved by a vote of a majority of all Councilors plus one.

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

SECTION 1. The City Clerk is instructed to place the following proposal on the next general election ballot, and the qualified voters of the City of Albuquerque shall be permitted to vote “for” or “against” the following proposition:

(A) QUESTION TO BE SUBMITTED.

(1) PROPOSITION. The City Clerk is instructed to coordinate with the Bernalillo County Clerk to submit the following summary, title, and complete text of the following proposed Charter amendments to the City’s qualified, registered voters who shall be permitted to vote “for” or “against.” The ballot face shall be in substantially the following form:

OFFICIAL ELECTION BALLOT

GENERAL ELECTION

HELD NOVEMBER 5, 2024

PROPOSITION 1: Proposition to amend Article V of the Albuquerque City Charter to modify the procedures to appoint City administrative officers and appoint and remove the Chief of Police and Fire Chief.

SUMMARY

Shall the City of Albuquerque adopt the following amendments to update the Albuquerque City Charter to modify the procedures to appoint City administrative officers and appoint and remove the Chief of Police and Fire Chief?

TITLE AND PROPOSITION

PROPOSING TO AMEND THE ALBUQUERQUE CITY CHARTER REGARDING THE PROCEDURES FOR APPOINTMENT OF ADMINISTRATIVE OFFICERS AND APPOINTMENT AND REMOVAL OF THE CHIEF OF POLICE AND FIRE CHIEF

ARTICLE V. MAYOR.

Section 4. DUTIES OF THE MAYOR.

The Mayor shall:

(d) With the advice and consent of the Council, appoint the Chief Administrative Officer, any deputy administrative officers, the Chief of Police, and the Fire Chief. [For the purposes of this section, “deputy administrative officers” shall mean any position with supervisory authority over anyone in a department director position.] Appointees requiring the advice and consent of the Council shall be presented to the Council for confirmation within 45 days after the Mayor takes office or after a vacant appointed position [is filled] [has a proposed appointee]. [The Mayor (even if reelected) shall reappoint all above noted positions at the beginning of each new term.] When an appointee is presented to and not confirmed by the Council, the Mayor shall, within 60 days thereafter, nominate another person to fill the position, and the Mayor may continue to nominate until confirmation. [No person may serve in an interim position for any of the above noted positions for a period of greater than 270 days unless the Council does not confirm an appointee presented to them within the timeline stated within this section];

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

[1. The Police Chief and Fire Chief shall have an employment agreement with the City specifying the terms and conditions of employment including a provision for the early termination of employment and expiring at the end of the current Mayor’s term. The Mayor may terminate this agreement at any time for cause. The Council may terminate the agreement at any time, with notice to the Mayor and Police Chief or Fire Chief, by an affirmative vote of two-thirds plus one of the entire membership of the Council.]

FOR _____ AGAINST _____

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

X:\CL\SHARE\CL-Staff\Legislative Staff\Legislation\26 Council\R-49final.docx