



Legislation Details (With Text)

File #: P-24-3
Type: Proposal **Status:** Adopted
File created: 5/6/2024 **In control:** City Council
Final action: 6/17/2024

Enactment date: **Enactment #:**

Title: Adopting A Proposition To Be Sent To The Voters At The 2024 General Election, Proposing To Amend Article V Of The Charter Of The City Of Albuquerque Regarding Procedures For Appointment Of Administrative Officers And Appointment And Removal Of The Chief Of Police And Fire Chief (Lewis and Peña)

Sponsors: Dan Lewis, Klarissa J. Peña

Indexes:

Code sections:

Attachments: 1. P-3, 2. P-3 Approved FA #1 and FA #2 (5-20-24 CC Meeting), 3. P-3 Approved FA #1 (6-3-24 CC Meeting), 4. P-3 final_draft

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|------------------------------------|--------|
| 6/27/2024 | 1 | City Council | Sent to City Clerk for Signature | |
| 6/17/2024 | 1 | City Council | Amended | |
| 6/17/2024 | 1 | City Council | Amended | Pass |
| 6/17/2024 | 1 | City Council | Amended | Pass |
| 6/17/2024 | 1 | City Council | Do Pass 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 | 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 |
| 5/20/2024 | 1 | City Council | Motion | 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

COUNCIL BILL NO. P-24-3

ENACTMENT NO. _____

SPONSORED BY: Dan Lewis and Klarissa J. Peña

CHARTER AMENDMENT PROPOSAL

Adopting A Proposition To Be Sent To The Voters At The 2024 General Election, Proposing To Amend Article V Of The Charter Of The City Of Albuquerque Regarding Procedures For Appointment Of Administrative Officers And Appointment And Removal Of The Chief Of Police And Fire Chief (Lewis and Peña)

WHEREAS, the Chief of Police and Fire Chief are positions of great importance to the entire citizenry of the City of Albuquerque; and

WHEREAS, the Chief of Police and Fire Chief are positions that require the approval of the City Council prior to appointment; and

WHEREAS, the deputy administrative officers of the City are positions that should be dedicated to meeting the needs and interests of the entire City government; and

WHEREAS, the Chief of Police, Fire Chief, Chief Administrative Officer and deputy administrative officers should be positions filled as quickly as possible whenever there is a vacancy or at the beginning of a new term of the Mayor; and

WHEREAS, given that these positions require the highest level of confidence by the citizenry, the Mayor and the City Council both the Mayor and the City Council should have input regarding the appointment and removal of the people holding these positions; 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 PROPOSED BY THE CITY COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. The City Clerk shall place the summary, title, and text of the following proposition on the ballot of the 2024 General Election, and City of Albuquerque voters shall be permitted to vote “for” or “against”:

SUMMARY

Proposing to amend the City Charter to modify the procedures to appoint City administrative officers and appoint and remove the Chief of Police and Fire Chief.

PROPOSITION

Proposing to amend the City Charter of the City of Albuquerque as follows:

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 90 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 early termination of employment. The Mayor may terminate either employment of the Police Chief or the Fire Chief at any time. The Council may terminate the agreement at any time, with notice to the Mayor and affected Chief, by an affirmative vote of two-thirds of the entire membership of the Council.]

SECTION 2. TIME OF FILING WITH THE CITY CLERK. The Director of City Council Services, or their designee, shall file this Charter Amendment Proposal with the City Clerk upon its final passage.

SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, word, or phrase of this proposition 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 proposition. The Council hereby declares that it would have passed this proposition and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 4. EFFECTIVE DATE. This proposition is effective immediately. The Charter Amendment described in SECTION 1 of this proposition shall take effect on January 1, 2026, so

long as certified as approved by the voters.