



Legislation Text

File #: P-24-4, Version: 1

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. P-24-4 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 XIX Of The Charter Of The City Of Albuquerque Regarding The Procedure To Determine Of Separation Of Powers Issues Under The City Charter (Lewis and Peña)

WHEREAS, The conference committee for the determination of the roles and responsibilities is vital to the efficient operation of the City of Albuquerque government; and

WHEREAS, the positions on this committee should be filled in a timely manner whenever a vacancy occurs; and

WHEREAS, if either the Mayor or City Council fail to make their assigned appointment to the committee within the timelines designated by the City Charter, it is appropriate for the other body to fill that position; and

WHEREAS, if either the Mayor or the City Council have two appointments to the committee, if those appointments resign within a one-year period it is appropriate for the body that has no appointments to make the next appointment; 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 regarding the procedure to determine separation of powers issues under the City Charter.

PROPOSITION

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

ARTICLE XIX. [DETERMINATION OF SEPARATION OF POWERS ISSUES UNDER THE CHARTER]

A procedure for resolving disputes between the executive and legislative branches of government with respect to their respective duties and obligations under the City Charter shall be established by ordinance adopted by the Council after consultation with the Mayor. The ordinance shall establish a conference committee for the determination of the role of the City Council and the Mayor under the Charter. The committee shall be limited to making determinations on issues raised by either the Mayor or the City Council. The City Attorney shall not participate as either an advocate before or advisor to the committee. The committee shall be comprised of three members. The Mayor shall appoint one member and the Council shall appoint one member. [If either the Mayor or City Council fails to name a replacement Committee member within 45 days of a vacancy, the other body shall make the appointment. If two persons appointed by the Mayor as a Committee member resign within a 365-day period, the Council shall make the next appointment. If two persons appointed by the City Council resign within a 365-day period, the Mayor shall make the next appointment.] The two members so appointed shall select the third member to serve as the chairperson of the committee. The appointment of a committee member by one appointing authority shall not be approved or disapproved by the other appointing authority.”

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, 2025, so long as certified as approved by the voters.