



Legislation Text

File #: R-24-48, Version: 1

**CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL**

COUNCIL BILL NO. R-24-48 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis and Renée Grout

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 (Lewis and Grout)

WHEREAS, Proposition P-24-2 proposes to amend Article V of the Albuquerque City Charter to modify the procedures to appoint and remove the City Attorney and City Clerk; and

WHEREAS, P-24-2 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-24-2; 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 municipal 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 procedures to appoint and remove City Attorney and City Clerk.

SUMMARY

Shall the City of Albuquerque adopt the following amendments to update the Albuquerque City Charter to modify the procedures to appoint the City Attorney and City Clerk?

TITLE AND PROPOSITION

**PROPOSING TO AMEND THE ALBUQUERQUE CITY CHARTER REGARDING
PROCEDURES FOR APPOINTMENT AND REMOVAL OF THE CITY ATTORNEY AND CITY
CLERK**

ARTICLE V. MAYOR.

Section 4. DUTIES OF THE MAYOR.

The Mayor shall:

(e) Select and remove the City Attorney only as follows:

1. The City Attorney shall be selected and appointed through an open and competitive hiring process ~~[conducted by the Mayor with the advice and consent of two-thirds of the entire membership of the Council]~~ [initiated by the Mayor and conducted by a Committee that shall be composed of two Mayoral appointees and two City Council appointees. The Mayor or Councilors may serve as appointees to this Committee. The Mayor, with the Committee approval, shall make a recommendation for hire to the full Council for the position of City Attorney. The appointment of the City Attorney shall require an affirmative

vote of two-thirds of the entire membership of the Council.]

2. The City Attorney's appointment shall be for a term that coincides and terminates with the term of the Mayor [~~making the appointment~~] unless sooner removed as provided herein. [At the beginning of the term of the Mayor (even after reelection) the Mayor and Committee shall have 90 days to appoint or approve the position of City Attorney.]

3. The City Attorney [~~may only be removed from office for cause by the Mayor with the concurrence of two-thirds of the entire membership of the Council after cause has been determined by the Director of the Office of Internal Audit and Investigations.~~] [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 with an affirmative vote of five members of the Council. The Council may terminate the agreement at any time, with notice to the Mayor and City Attorney, by an affirmative vote of two-thirds of the entire membership of the Council.]

(f) Select and remove the City Clerk only as follows:

1. The City Clerk shall be selected and appointed through an open and competitive hiring process [~~conducted by the Mayor with the advice and consent of two-thirds of the entire membership of the Council.~~] [initiated by the Mayor and conducted by a Committee that shall be composed of two Mayoral appointees and two City Council appointees. The Mayor or Councilors may serve as appointees to this Committee. The Mayor, with the Committee approval shall make a recommendation for hire to the full Council for the position of City Clerk. The appointment of the City Clerk shall require an affirmative vote of two-thirds of the entire membership of the Council.]

2. The City Clerk's appointment shall be for a term that coincides and terminates with the term of the Mayor [~~making the appointment~~] unless sooner removed as provided herein. [At the beginning of the term of the Mayor (even after reelection) the Mayor and Committee shall have 90 days to appoint or approve the position of City Clerk.]

3. [~~The City Clerk may only be removed from office for cause by the Mayor with the concurrence of two-thirds of the entire membership of the Council after cause has been determined by the Director of the Office of Internal Audit and Investigations.~~] [The City Clerk 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 with an affirmative vote of five members of the Council. The Council may terminate the agreement at any time, with notice to the Mayor and City Clerk, by an affirmative vote of two-thirds of the entire membership of the

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.