



Legislation Details (With Text)

File #: P-24-2
Type: Proposal **Status:** Failed
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 The Charter Regarding The Procedures For Appointment And Removal Of The City Attorney And City Clerk (Lewis and Grout)

Sponsors: Dan Lewis

Indexes:

Code sections:

Attachments: 1. P-2, 2. P-2 Amendment CC 5-20-24

Date	Ver.	Action By	Action	Result
6/17/2024	1	City Council	Amended	Fail
6/17/2024	1	City Council	Amended	Pass
6/17/2024	1	City Council	Amended	
6/17/2024	1	City Council	Amended	Fail
6/17/2024	1	City Council	Amended	Pass
6/17/2024	1	City Council	Amended	Fail
6/17/2024	1	City Council	Do Pass as Amended	Fail
6/17/2024	1	City Council	Motion	Pass
6/17/2024	1	City Council	Motion	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	Postponed	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

SPONSORED BY: Dan Lewis and Renée Grout

CHARTER AMENDMENT PROPOSAL

Adopting A Proposition To Be Sent To The Voters At The 2024 General Election, Proposing To Amend Article V The Charter Regarding The Procedures For Appointment And Removal Of The City Attorney And City Clerk (Lewis and Grout)

WHEREAS, the City Attorney and City Clerk are appointed to represent the needs and interests of the entire City government; and

WHEREAS, the City Attorney and City Clerk are appointments that require the approval of the City Council; and

WHEREAS, the Mayor and the City Council should have an equal opportunity for input into the appointment and removal of the City Attorney and the City Clerk; and

WHEREAS, having equal input from the Mayor and the City Council on the appointment and removal of the City Attorney and City Clerk shall ensure that such positions are dedicated to representing the needs and interests of the entire City government; 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 and remove the City Attorney and City Clerk.

PROPOSITION

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 the 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 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.

