



Legislation Text

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**CITY of ALBUQUERQUE**  
**TWENTY-FIRST COUNCIL**

COUNCIL BILL NO. P-14-1 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Ken Sanchez & Brad Winter

CHARTER AMENDMENT PROPOSAL

To Be Submitted To The Voters On The General Election Ballot Of November 4, 2014, Amending Article V, Section 4 Of The Charter Of The City Of Albuquerque, Concerning The Duties Of The Mayor; Specifying That The Appointment Of The Chief Of Police And Fire Chief Will Require The Advice And Consent Of The City Council (Sanchez, Winter)

TO BE SUBMITTED TO THE VOTERS ON THE GENERAL ELECTION BALLOT OF NOVEMBER 4, 2014, AMENDING ARTICLE V, SECTION 4 OF THE CHARTER OF THE CITY OF ALBUQUERQUE, CONCERNING THE DUTIES OF THE MAYOR; SPECIFYING THAT THE APPOINTMENT OF THE CHIEF OF POLICE AND FIRE CHIEF WILL REQUIRE THE ADVICE AND CONSENT OF THE CITY COUNCIL.

WHEREAS, pursuant to Article VI of the City Charter, the Council proposes to submit to the City's electors, at the November 4, 2014 general election, an amendment to Article V, Section 4 of the City Charter concerning the duties of the Mayor.

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

SECTION 1. That the City Clerk shall place the following summary and proposition on the ballot for the November 4, 2014 general election, and the City of Albuquerque qualified voters shall be permitted to vote "for" or "against" the following proposition:

SUMMARY

Proposing to require the City Council's advice and consent for the appointment of

the Albuquerque Chief of Police and the Albuquerque Fire Chief and to allow the Council to remove the Chief of Police or the Albuquerque Fire Chief for cause.

## PROPOSITION

PROPOSING TO AMEND ARTICLE V, SECTION 4 OF THE ALBUQUERQUE CITY CHARTER TO READ AS FOLLOWS:

“Section 4. DUTIES OF THE MAYOR.

The Mayor shall:

- (a) Organize the executive branch of the city;
- (b) Exercise administrative control and supervision over and appoint directors of all city departments, which appointments shall not require the advice or consent of the Council except as provided in (d) of this Section;
- (c) Be responsible for the administration and protection of the merit system;
- (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. 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. 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;
  - 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.
- (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.
  - 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.
  - 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.
- (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.

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.

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.

(g) Except as otherwise provided for by ordinance, with the prior advice and final consent of the Council appoint the members of city committees, commissions and boards;

(h) Formulate the budgets of the city consistent with the city's goals and objectives, as provided in this Charter;

(i) Establish and maintain a procedure for investigation and resolution of citizen complaints;

(j) Prepare a written state of the city report annually, within thirty days after final approval of the operating budget of the city, which report shall be filed with the City Clerk, made a part of the permanent records of the city and available to the public;

(k) Perform other duties not inconsistent with or as provided in this Charter; and

(l) Faithfully execute and comply with all laws, ordinances, regulations and resolutions of the city and all laws of the State of New Mexico and the United States of America which apply to the city."

SECTION 2. TIME OF FILING WITH THE CITY CLERK. The Director of City Council Services, or designee, shall file the proposed amendment described in Section 1 above with the City Clerk within the ninety days immediately preceding the November 4, 2014 regular municipal election.

SECTION 3. COORDINATION WITH BERNALILLO COUNTY. The City Clerk shall coordinate with the Bernalillo County Clerk to prepare and file any necessary documents and agreements to facilitate the placement of this proposed Charter amendment described in Section 2(A) on the November 4, 2014, general election ballot.

SECTION 4. 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 5. EFFECTIVE DATE. This proposition is effective immediately. The Charter Amendment described in Section 1 of this proposition shall take effect immediately following the certification of the election if approved by the voters.

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