



Legislation Text

File #: R-14-91, Version: 2

CITY of ALBUQUERQUE
TWENTY FIRST COUNCIL

COUNCIL BILL NO. R-14-91 ENACTMENT NO. _____

SPONSORED BY: Ken Sanchez

SPECIAL ELECTION RESOLUTION

To Submit The Following Proposition And Authorization To The Voters Of The City Of Albuquerque: 1) A Proposition To Amend Article V, Section 4 Of The City Charter To Specify That Appointment Of The Chief Of Police And Fire Chief Will Require The Advice And Consent Of The City Council And That The Chief Of Police Or Fire Chief May Be Removed By The Council For Cause; 2) A Bond Question For The Issuance Of General Obligation Bonds In Certain Principal Amount For Metropolitan Redevelopment Purposes; And Prescribing Other Details In Connection With The Special Municipal Election (Sanchez)

TO SUBMIT THE FOLLOWING PROPOSITION AND AUTHORIZATION TO THE VOTERS OF THE CITY OF ALBUQUERQUE: 1) A PROPOSITION TO AMEND ARTICLE V, SECTION 4 OF THE CITY CHARTER TO SPECIFY THAT APPOINTMENT OF THE CHIEF OF POLICE AND FIRE CHIEF WILL REQUIRE THE ADVICE AND CONSENT OF THE CITY COUNCIL AND THAT THE CHIEF OF POLICE OR FIRE CHIEF MAY BE REMOVED BY THE COUNCIL FOR CAUSE; 2) A BOND QUESTION FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN CERTAIN PRINCIPAL AMOUNT FOR METROPOLITAN REDEVELOPMENT PURPOSES; 3) A PROPOSITION TO IMPOSE A 1/8 GROSS RECEIPTS TAX FOR ESSENTIAL SERVICES; 4) A QUESTION ON WHETHER TO REDUCE PENALTIES FOR POSSESSION OF LESS THAN 1 OUNCE OF MARIJUANA; 5) A PROPOSITION TO AMEND ARTICLE III SECTION 3 OF THE CITY CHARTER RELATING TO THE VOTER INITIATIVE PROCESS; AND PRESCRIBING OTHER DETAILS IN CONNECTION WITH THE SPECIAL MUNICIPAL ELECTION.

WHEREAS, Section 3-8-9 NMSA 1978 allows a municipal special election to be held concurrently with any statewide general election, and a statewide general election is scheduled to be held on November 4, 2014; and

WHEREAS, the City Council approved proposition P-14-1 (enactment P-2014-001) proposing to require the City Council's advice and consent for the appointment of the Albuquerque Chief of Police and Albuquerque Fire Chief and to allow the City Council to remove the Chief of Police or Fire Chief for cause; and

WHEREAS, P-14-1 specified that the City Clerk is required to coordinate with the Bernalillo County Clerk to prepare and file any necessary documents and agreements for a special municipal election on P-14-1 to be held on November 4, 2014, concurrently with the statewide general election; and

WHEREAS, the City Council also approved a resolution F/S R-14-61 (enactment R-2014-047) concerning a special municipal bond election to authorize the issuance of general obligation bonds in a certain principal amount for metropolitan redevelopment purposes; and

WHEREAS, F/S R-14-61 specified that the City Clerk is required to coordinate with the Bernalillo County Clerk for a special municipal bond election on November 4, 2014, concurrently with the statewide general election; and

WHEREAS, Section 3-8-35 NMSA 1978, a portion of the Municipal Election Code, states that when a special election is required by law, an election resolution shall be adopted by the governing body calling for the election and shall state, in part, the purpose for calling the election, the date of the election, the questions to be submitted to the voters, and whether paper ballots or voting machines will be used in the election.

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

SECTION 1. SPECIAL ELECTION PROCESS. The applicable provisions of the New Mexico Municipal Election Code, including but not limited to those provisions relating to special, concurrent elections, shall govern the Special Election.

(A) PURPOSE & DATE OF ELECTION. A special municipal election shall be held in Albuquerque, New Mexico on Tuesday, November 4, 2014 (the "Special Election") for the purpose of submitting the questions described in this Resolution to the registered, qualified voters in the City of Albuquerque.

(B) CLOSING OF REGISTRATION. Any person who is otherwise qualified to vote

and who is not currently registered to vote may register at the office of the Clerk of the County of Bernalillo, 6th Floor, One Civic Plaza, Albuquerque, New Mexico, or at the office of any duly appointed deputy registration officer on or before 5:00 p.m., on October 7, 2014.

(C) QUESTIONS TO BE SUBMITTED.

(1) PROPOSITION 1. At the Special Election, the City Clerk is instructed to submit the following summary, title, and complete text of the following proposed amendment to the City's qualified, registered voters who shall be permitted to vote "for" or "against:"

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 authorizing the City Council to remove the Chief of Police or the Fire Chief for cause.

TITLE & AMENDMENT

PROPOSING TO AMEND ARTICLE V, SECTION 4(d) OF THE ALBUQUERQUE CITY CHARTER:

"The Mayor shall: . . .

(d) With the advice and consent of the Council, appoint the Chief Administrative Officer, and any deputy administrative officers, the Chief of Police, and the Fire Chief. . . . ;

(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."

FOR _____ AGAINST _____

(2) BOND QUESTION. At the Special Election, the City Clerk is instructed to submit the following general obligation bond question to the City's qualified, registered voters and non-resident municipal electors, who shall be permitted to vote "for" or "against," in substantially the following form:

2014 GENERAL OBLIGATION METROPOLITAN REDEVELOPMENT BONDS

Shall the City of Albuquerque issue \$6,500,000 of its general obligation bonds to plan, design, develop, landscape, reconstruct, construct, demolish, equip, renovate, refurbish, rehabilitate, modernize, preserve, expand, repair, study, enhance, or acquire property, facilities or infrastructure for Metropolitan Redevelopment Projects within adopted Metropolitan Redevelopment Areas in order to implement the objectives of the New Mexico Metropolitan Redevelopment Code?

FOR _____ AGAINST _____

(3) PROPOSITION 2. At the Special Election, the City Clerk is instructed to submit the following proposition to the City's qualified, registered voters who shall be permitted to vote "for" or "against:"

PROPOSITION

Proposing to impose a one-eighth of one percent municipal gross receipts tax for essential services, dedicated specifically and only to the following purposes: 50% to provide funding for accessible inpatient and outpatient mental health services and services related to homelessness, the developmentally disabled, substance abuse and at-risk populations; and 50% for services or capital improvements related to mental health, homelessness, the developmentally disabled, substance abuse and at-risk populations.

FOR _____ AGAINST _____

(4) QUESTION. At the Special Election, the City Clerk is instructed to submit the following question to the City's qualified, registered voters who shall be permitted to vote "for" or "against:"

Shall the Albuquerque City Council adopt legislation that amends city law to reduce the penalty for possession of less than one ounce of marijuana?

FOR _____ AGAINST _____

(5) PROPOSITION 3. At the Special Election, the City Clerk is instructed to submit the following summary, title, and complete text of the following proposed amendment to the City's qualified, registered voters who shall be permitted to vote "for" or "against:"

SUMMARY

Proposing that ballot initiative measures shall be submitted to voters at either general or regular municipal elections and amending the calculation for the minimum number of petition signatures.

TITLE & AMENDMENT

PROPOSING TO AMEND ARTICLE III, SECTIONS 3(a)(3) and 3(a)(6) OF THE ALBUQUERQUE CITY CHARTER AS FOLLOWS:

"3. The number of qualified voters required to sign the petition shall be a number more than 20% of the average number of voters who voted at the four regular municipal elections prior to filing the notice of intent or more than 20% of

the number of voters who voted at the last regular municipal mayoral election prior to filing the notice of intent, ~~whichever is greater;~~"

"6. If the Council fails to act upon a measure so proposed . . . or the Council acts adversely thereon or amends it an election on the issues must be held ~~within ninety days after the date of filing the petition~~ at the next general or regular municipal election."

FOR _____ AGAINST _____

(D) POLLING LOCATIONS & CONSOLIDATION OF PRECINCTS. A list of polling locations and consolidation of precincts for the Special Election is attached to this Resolution as Exhibit 'A'. Polls for the Special Election shall open at 7:00 a.m. and shall close at 7:00 p.m. on November 4, 2014.

(E) BALLOTS. Voters shall mark paper ballots. Ballots cast Absentee, during Early Voting and Election Day Voting shall be electronically tabulated. Applications for absentee ballots and information on early voting may be obtained from the Bernalillo County Clerk's Office, 6th Floor, One Civic Plaza NW, Albuquerque, New Mexico or at www.bernco.gov/clerk.

SECTION 2. COMBINED ACTIONS. The City Clerk may combine any required actions with the Bernalillo County Clerk as authorized by law, including but not limited to those authorized pursuant to NMSA 1978 § 3-8-9(C).

SECTION 3. RATIFICATION OF PRIOR ACTIONS. All actions, not inconsistent with the provisions of this Resolution, heretofore taken by the Council and the officers of the City directed toward the Bond Election Question, including, without limiting the generality of the foregoing, is hereby ratified, approved, and confirmed.

SECTION 4. PUBLICATION. This Resolution shall be published in English and in Spanish once each week for four consecutive weeks. The first publication of the election resolution shall be between fifty and sixty days before the day of the election. The election resolution shall be posted in the office of the municipal clerk within twenty-four hours from the date of adoption until the date of the election. For information purposes and coordination, one copy of the election resolution shall be mailed to the secretary of state and the Bernalillo County Clerk.

SECTION 5. FURTHER ACTIONS & COOPERATION. The officers and agents of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including but not limited to providing this Resolution to the Bernalillo County Clerk and cooperating with the Bernalillo County Clerk, the Bernalillo County Commission

and the New Mexico Secretary of State regarding all election matters including but not limited to the completion of any memorandums of agreement as may be required, the preparation of affidavits, instructions and elections supplies, and the publication of notices.

SECTION 6. SEVERABILITY. 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.

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