



Legislation Text

File #: P-14-4, Version: 2

CITY of ALBUQUERQUE
TWENTY FIRST COUNCIL

COUNCIL BILL NO. P-14-4 ENACTMENT NO. _____

SPONSORED BY: Ken Sanchez and Brad Winter

CHARTER AMENDMENT PROPOSAL

Adopting A Proposition To Be Submitted To The Voters At The Next City-Wide Special Election, Or The General Election Ballot Of November 4, 2014, That Amends Article III, Section 3 Of The Charter Of The City Of Albuquerque, Concerning Direct Legislation By Voter Initiative So That Proposed Measures Shall Be Submitted To The City's Electors Only At General Or Regular Municipal Elections; And That Amends The Calculation For The Minimum Number Of Petition Signatures (Sanchez, Winter)

ADOPTING A PROPOSITION TO BE SUBMITTED TO THE VOTERS AT THE NEXT CITY-WIDE SPECIAL ELECTION, OR THE GENERAL ELECTION BALLOT OF NOVEMBER 4, 2014, THAT AMENDS ARTICLE III, SECTION 3 OF THE CHARTER OF THE CITY OF ALBUQUERQUE, CONCERNING DIRECT LEGISLATION BY VOTER INITIATIVE SO THAT PROPOSED MEASURES SHALL BE SUBMITTED TO THE CITY'S ELECTORS ONLY AT GENERAL OR REGULAR MUNICIPAL ELECTIONS; AND THAT AMENDS THE CALCULATION FOR THE MINIMUM NUMBER OF PETITION SIGNATURES.

WHEREAS, Article III, Section 3 of the City Charter authorizes direct legislation by voter initiative provided that certain minimum requirements are satisfied, including that a minimum number of registered City voters have signed the petition; and

WHEREAS, under the current provisions of Art. 3 Section 3 an election on the direct legislation must be held within ninety days of the gathering of the required signatures and filing the petition with the City Clerk; and

WHEREAS, this process creates the possibility for multiple City-wide special elections in any given year at great cost to the taxpayers of the City and City resources, and it is impossible to budget in advance for an unknown number of potential special elections; and

WHEREAS, the City Council has the ability to propose an amendment to the City Charter that might help minimize these burdens while still allowing for the continuation of the voter initiative process; and

WHEREAS, Article VI, Section 3 of the Charter authorizes the City Council to Initiate Charter Amendments by approving a proposed amendment to be placed out to the voters for consideration and approval; and

WHEREAS, in order to ensure continued access to the ballot initiative process by the citizens of Albuquerque while protecting public funds and resources, the City Council desires to submit to the City's electors, at the next city-wide special election or the November 4, 2014 general election, a proposal to amend Article III, Section 3 of the City Charter concerning direct legislation by voter initiative.

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

SECTION 1. The City Clerk shall place the complete text of the below summary, title and proposition on the ballot at the next city-wide special election, or the November 4, 2014 general election, and the City of Albuquerque qualified voters shall be permitted to vote "for" or "against" the proposition:

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 & PROPOSITION

PROPOSING TO AMEND ARTICLE III, SECTION 3 OF THE ALBUQUERQUE CITY CHARTER:

"Section 3. DIRECT LEGISLATION BY VOTER INITIATIVE.

(a) Except as provided in Subsection (d) of this Section, a measure may be proposed to the governing body for enactment as follows:

1. Notice of intent to circulate a petition proposing any measure must be signed by five qualified voters and filed with the City Clerk;

2. Concurrently with the filing of the notice of intent, the proposed measure shall be filed with the City Clerk;

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~~];

4. Before any signatures are affixed thereon, the form of such petition must be approved by the City Clerk as provided by law and the date of filing the notice of intent shown thereon;

5. No such petition or any part thereof, may be filed more than sixty days after the date of filing the notice of intent;

6. If the Council fails to act upon a measure so proposed within fourteen days after the City Clerk files a certification with the Council that the petition has been signed by the required number of voters, 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.]

(b) At such election the ballot shall contain the proposed measure as originally submitted and the measure as amended, if amended by the governing body of the city. Below each of these measures, there shall be printed the words: "For" and "Against" followed by spaces for marking with a cross or a check the word desired.

(c) The measure receiving a majority of the votes cast on that measure in its favor is adopted. If each measure receives a majority of votes cast on that measure in its favor, the measure receiving the greatest number of votes cast in its favor is adopted. If neither measure receives a majority of the votes cast, neither shall be in effect.

(d) The initiative procedure of this Section shall not be available to amend or repeal, directly or indirectly:

1. Any ordinance authorizing bonds or other obligations where such ordinance, bonds or other obligations appropriately have been approved at an election in the city;

2. Any ordinance levying or otherwise relating to special assessments;

3. Any ordinance which imposes, levies, increases or otherwise amends any excise tax pledged to any bonds or other obligations then outstanding;

4. Any ordinance which imposes, levies, increases or otherwise amends rates, tolls, fees and charges for services rendered by any municipal utility or any municipal revenue producing

project if bonds or other obligations payable from the designated source are then outstanding; or

5. Any ordinance authorizing or otherwise relating to any city bonds or other obligations then outstanding.

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 at either: a) the next soonest notice from the City Clerk that a direct legislation by voter initiative petition has been signed by the required number of voters pursuant to the process described in Article III, Section 3 of the City Charter, or b) 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 1 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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