



Legislation Text

File #: R-23-131, Version: 2

**CITY of ALBUQUERQUE**  
**TWENTY FIFTH COUNCIL**

COUNCIL BILL NO. F/S R-23-131 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Louie Sanchez and Renee Grout

RESOLUTION

F/S Authorizing A Proposition To Be Submitted To The Voters At The Next Local Election To Be Held In The City Of Albuquerque Concerning Amendments To The Albuquerque City Charter; Providing The Form Of The Question And The Designation Clause For Such Question On The Ballot (Sanchez, Grout)

WHEREAS, Proposition P-23-1 proposes to amend Articles IV, V, VII, X, XI, and XVII of the Albuquerque City Charter to adopt a Council-Manager form of government; and

WHEREAS, P-23-1 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-23-1; 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  
LOCAL ELECTION  
HELD NOVEMBER 7, 2023

PROPOSITION 1: Proposition to amend Articles IV, V, VII, X, XI, and XVII of the Albuquerque City Charter to adopt a Council-Manager form of government.

SUMMARY

Shall the City of Albuquerque adopt the following amendments to update the Albuquerque City Charter to adopt a Council-Manager form of government consisting of a governing body and a professional administrator to function as a city manager?

TITLE AND PROPOSITION

PROPOSING TO AMEND THE ALBUQUERQUE CITY CHARTER TO ADOPT A COUNCIL-MANAGER FORM OF GOVERNMENT

ARTICLE IV. COUNCIL

Section 1. AUTHORITY AND MEMBERSHIP OF THE COUNCIL.

...nine members from separate Council Districts...[and one additional member to be known as Mayor].

...

Section 5. COUNCIL ORGANIZATION.

~~[The Council shall elect a president from its number and shall determine its order and procedure.]~~  
[The Mayor is the presiding officer, and a member of the City Council entitled to cast a vote only in the event of a tie.]

...

Section 7. MEETINGS OF THE COUNCIL.

...

(b) ... Records shall be kept of all voting by each [~~Councillor~~ Councilor, the Mayor]....

#### Section 8. COUNCIL POWERS.

...assigned to the Council by this Charter. [The Council shall appoint and set compensation for a City Manager.]

...

#### Section 10. COUNCIL DUTIES.

...

(c) Consult with the [~~Mayor~~ City Manager], seek advice

...

(i) Appoint and set compensation for the City Manager.

### ARTICLE V. MAYOR [AND CITY MANAGER]

...

#### Section 3. POWERS; PERFORMANCE; APPOINTMENTS.

~~[The executive branch of the city government is created.]~~ The office of Mayor is created. ~~[The Mayor shall control and direct the executive branch. The Mayor is authorized to delegate executive and administrative power within the executive branch.]~~ The Mayor shall be the [~~chief executive officer with all executive and administrative powers of the city and the~~] official head of the city for all ceremonial purposes. [The Mayor shall be a member of the Council entitled to cast a vote only in the event of a tie.] ~~[The Mayor shall devote full time and attention to the performance of the duties of office and shall hold no other paid public or private employment.]~~

#### Section 4. DUTIES OF THE MAYOR.

The Mayor shall:

*{Replace Existing Sections 'a' through 'i' with:}*

[(a) Preside at meetings of the City Council;

(b) Cast a vote on matters before the City Council, only in the event of a tie among the City Councilors;

(c) Have no administrative duties;

(d) Perform such other duties, except administrative duties, as may be prescribed by ordinance or by the provisions of this Charter;

(e) Be recognized as the head of the City government for all ceremonial purposes;

(f) Initiate an annual performance review of the City Manager with the advice of the

Council;

(g) Represent the city in intergovernmental relationships including but not limited to representing the City on regional, state, and national boards and committees as necessary.]

#### Section 5. VACANCY IN THE OFFICE OF MAYOR.

(a) If the Mayor shall die, resign or terminate residence in the City of Albuquerque during his term of office, or be removed from office, the office of the Mayor shall become vacant.

*{Replace existing subsections 'b' and 'c' as follows:}*

[(b) At the first meeting of the City Council in the month of January of each year, the City Council shall elect one of its members to act as Mayor Pro Tempore. The Mayor Pro Tempore shall serve until the first meeting in the month of January of the following year or until a successor has been selected. The Mayor Pro Tempore shall perform the duties of the Mayor in event of a vacancy in the office of Mayor. For all purposes of this Charter, the Mayor Tempore shall remain a Councilor and continue to hold voting rights as a Councilor but shall have additional powers as set forth herein.]

(c) If a regular election will occur within one year of the date on which the vacancy occurs, Mayor Pro Tempore shall serve until a successor is elected and qualified. The Mayor Pro Tempore shall receive the same salary on a pro-rata basis as that of for the former Mayor.

(d) A vacancy in the office of Mayor which occurs more than one year prior to the next regular election will be filled for the remainder of the unexpired term by a special election. During the interim between the date the office is vacated and the date of the special election, the Mayor's position will be filled by the Mayor Pro Tempore, during which time the Mayor Pro Tempore shall receive a pro-rata salary based on the same salary as that of the former Mayor.

*{Add Sections '6' and '7' as follows:}*

#### Section 6. CITY MANAGER, APPOINTMENT, QUALIFICATIONS, REMOVAL

(a) Appointment. The Council shall appoint a City Manager by a 2/3 supermajority vote of the membership of the Council, and shall fix the City Manager's compensation. The Council may at its own discretion seek professional advice in the appointment of a City Manager. The Council shall enter into an employment contract with the City Manager which shall establish, among other matters, compensation and benefits.

(b) Qualifications. The City Manager shall be appointed solely on the basis of executive

and administrative qualifications. No preemployment residence requirements shall be imposed for appointment. After employment, the City Manager must be a resident of the City of Albuquerque.

(c) Removal. The City Manager is subject to removal at the discretion of the Council by a vote of at least a 2/3 supermajority of the membership of the Council.

#### Section 7. CITY MANAGER POWERS AND DUTIES

(a) The City Manager shall be the chief administrator of the City and shall be responsible to the Council for the administration of all City affairs, including but not limited to, the administration of all organizational units placed in the City Manager's charge by this Charter and by ordinance.

(b) The City Manager shall also have the following powers and duties:

(1) Organize the executive branch of the city;

(2) Exercise administrative control and supervision over and appoint the Chief of Police, Fire Chief, City Attorney, City Clerk, and directors of all city departments, which appointments shall not require the advice or consent of the Council;

(3) Be responsible for the administration and protection of the merit system;

(4) Prepare a written state of the City report annually, within thirty (30) days after final approval of the operating budget of the City, which report shall be filed with the City Clerk, made part of the permanent records of the City and available to the public;

(5) Formulate the Budgets of the City consistent with the City's goals and objectives, as provided in this Charter;

(6) Submit annually to the Council and make available to the public a complete report of the finances and administrative activities of the City for the preceding fiscal year; and

(7) Perform such other duties as are specified in this Charter, the City Manager's employment contract, or as may reasonably be required by the Council.]

#### ARTICLE VII. THE OPERATING BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM

##### Section 1. [[CITY MANAGER] [MAYOR] TO FORMULATE].

The [City Manager] [Mayor]

*{Delete existing section '2' and renumber existing section '3'}*

##### Section [32]. [PROPOSAL AND APPROVAL DATE].

The [City Manager] [Mayor] shall ... the [City Manager] [Mayor].

*{Delete existing sections '4', '5', and '6'}*

## ARTICLE X. MERIT SYSTEM

### Section 1. MAINTENANCE OF THE MERIT SYSTEM.

...the ~~[Mayor-Council form of Council-Manager]~~ government .... The ~~[Mayor and]~~ Council shall maintain by ordinance, and the ~~[Mayor City Manager shall]~~ administer,...

...

### Section 2. INVOLVEMENT IN PERSONNEL MATTERS.

...

(b) ~~[Except to the extent necessary for the administration of the merit system, t]~~ ~~[T]~~he Mayor is prohibited from becoming involved in the hiring...

...

## ARTICLE XI. ORDINANCES

*{Delete existing sections '3', '4', and '5' and renumber}*

## ARTICLE XVII. [PLANNING]

...

### Section 2.

The ~~[Mayor City Manager]~~ shall formulate and submit to the Council...

~~[ARTICLE XIX. [DETERMINATION OF SEPARATION OF POWERS ISSUES  
UNDER THE CHARTER]~~

*{Delete Article XIX in its entirety}*

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.