



Legislation Text

File #: P-26-2, Version: 1

CITY of ALBUQUERQUE
TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. P-26-2

ENACTMENT NO. _____

SPONSORED BY: Dan Champine

CHARTER AMENDMENT PROPOSAL

Adopting A Proposition To Be Sent To The Voters At The 2026 General Election, Proposing To Amend Article V The Charter Regarding The Appointment, Removal, And Independence Of The City Attorney And City Clerk (Champine)

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 and designating both positions and their respective offices as independent from both the City Administration and City Council will 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 or by Petition. City Charter, Article VI, Section 1; and

WHEREAS, An amendment to the Charter proposed by the Council must be approved by a vote of a majority of all Councilors plus one. City Charter, Article VI, Section 3(a); and

WHEREAS, The Council shall hold at least two public hearings prior to its vote on the proposed Charter amendment. The Council may revise the proposed amendment as a result of

suggestions and recommendations made at the first public hearing, but if such a revision is made at the second of the two public hearings, the Council shall hold a third public hearing on the proposed Charter amendment. Any revisions made shall be posted along with the notice of the next meeting after a review by the City Attorney to ensure the summary is still accurate after the revision. City Charter, Article VI, Section 3(b); and

WHEREAS, The election to consider a proposed Charter amendment must be held at the next general election or regular local election. City Charter, Article VI, Section 4.

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 2026 General Election, and City of Albuquerque voters shall be permitted to vote for or against the proposal:

SUMMARY

This proposition would amend the Albuquerque City Charter related to the appointment processes, removal processes, and independence of the City Attorney and City Clerk.

TITLE AND PROPOSITION

PROPOSING TO AMEND THE CITY CHARTER REGARDING THE APPOINTMENT, REMOVAL, AND INDEPENDENCE OF THE CITY ATTORNEY AND CITY CLERK
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 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 Mayor's term, whether the first term of a new Mayor or a successive term of a reelected Mayor, or upon a vacancy in the position of City Attorney, the Mayor and Committee shall have 90 days to recommend to the Council an appointee to fill the position.]

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 seven members of the Council.]

[4. The City Attorney is accountable to, but independent of, the Mayor's Administration and the City Council. The City Attorney's Office is an independent office of city government and is not part of the City's executive branch or the City 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 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 Mayor's term, whether the first term of a new Mayor or a successive term of a reelected Mayor, or upon or upon a vacancy in the position of City Clerk, the Mayor and Committee shall have 90 days to recommend to the Council an appointee to fill the position.]

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 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 seven members of the Council.]~~

[4. The City Clerk is accountable to, but independent of the Mayor's Administration and the City Council. The Office of the City Clerk is an independent office of city government and is not part of the City's executive branch or the City 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, 2027, so long as certified as approved by the voters. The proposed City Attorney and City Clerk appointees shall be presented to the Council for confirmation within 90 days thereafter.

