

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. R-26-30 ENACTMENT NO. _____

SPONSORED BY: Dan Champine

1 RESOLUTION

2 ADOPTING A PROPOSITION TO BE SUBMITTED TO THE VOTERS AT THE
3 NEXT ELECTION TO BE HELD IN THE CITY OF ALBUQUERQUE CONCERNING
4 AN AMENDMENT TO ARTICLE V, SECTION 4 OF THE ALBUQUERQUE CITY
5 CHARTER; PROVIDING THE FORM OF THE QUESTION AND THE
6 DESIGNATION CLAUSE FOR SUCH QUESTION ON THE BALLOT.

7 WHEREAS, Proposition P-26-2 proposes to amend the Albuquerque City
8 Charter to modify the procedures to appoint and remove the City Attorney and
9 City Clerk and designate both positions and their respective offices as
10 independent from both the City Administration and City Council; and

11 WHEREAS, Pursuant to Article VI of the Albuquerque City Charter,
12 amendments to the Charter may be proposed by the Council and must be
13 approved by a vote of a majority of all Councilors plus one; and

14 WHEREAS, P-26-2 specifies that the City Clerk is required to coordinate
15 with the Bernalillo County Clerk to prepare and file any necessary documents
16 and agreements for an election on P-26-2; and

17 WHEREAS, When a local government ballot question is to be submitted to
18 the voters, Section 1-16-3(B) of the State's Election Code requires the local
19 government to file a resolution proposing the ballot question with the county
20 clerk.

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

23 SECTION 1. The City Clerk is instructed to place the following proposition
24 on the 2026 General Election ballot, and the qualified voters of the City of
25 Albuquerque shall be permitted to vote on the proposal. In consultation with
26 the Bernalillo County Clerk and/or the Secretary of State, the City Clerk shall

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1 have the authority to modify the proposal as to form to conform with
2 applicable law.

3 SECTION 2. QUESTION TO BE SUBMITTED. The City Clerk is instructed to
4 coordinate with the Bernalillo County Clerk to submit the following summary,
5 title, and complete text of the following proposition to the City's qualified,
6 registered voters, who shall be permitted to vote on the proposal. The ballot
7 face shall be in substantially the following form:

8 OFFICIAL ELECTION BALLOT
9 GENERAL ELECTION
10 HELD NOVEMBER 3, 2026

11
12 PROPOSITION

13 Proposition to amend the Albuquerque City Charter related to the
14 appointment, removal, and independence of the City Attorney and City Clerk.

15
16 SUMMARY

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

20
21 TITLE AND PROPOSITION

22 PROPOSING TO AMEND THE CITY CHARTER REGARDING THE
23 APPOINTMENT, REMOVAL, AND INDEPENDENCE OF THE CITY ATTORNEY
24 AND CITY CLERK

25 ARTICLE V. MAYOR

26 Section 4. DUTIES OF THE MAYOR.

27 The Mayor shall:

28 (e) Select and remove the City Attorney only as follows:

29 1. The City Attorney shall be selected and appointed through an open and
30 competitive hiring process ~~[conducted by the Mayor with the advice and
31 consent of two-thirds of the entire membership of the Council]~~ [initiated by the
32 Mayor and conducted by a Committee that shall be composed of two Mayoral
33 appointees and two City Council appointees. The Mayor or Councilors may

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1 serve as appointees to this Committee. The Mayor, with Committee approval,
2 shall make a recommendation for hire to the full Council for the position of
3 City Attorney. The appointment of the City Attorney shall require an
4 affirmative vote of two-thirds of the entire membership of the Council.]

5 2. The City Attorney’s appointment shall be for a term that coincides and
6 terminates with the term of the Mayor [making the appointment] unless sooner
7 removed as provided herein. [At the beginning of the Mayor’s term, whether
8 the first term of a new Mayor or a successive term of a reelected Mayor, or
9 upon a vacancy in the position of City Attorney, the Mayor and Committee
10 shall have 90 days to recommend to the Council an appointee to fill the
11 position.]

12 3. The City Attorney [may only be removed from office for cause by the
13 Mayor with the concurrence of two-thirds of the entire membership of the
14 Council after cause has been determined by the Director of the Office of
15 Internal Audit and Investigations.] [shall have an employment agreement with
16 the City specifying the terms and conditions of employment including a
17 provision for the early termination of employment and expiring at the end of
18 the current Mayor’s term. The Mayor may terminate this agreement at any
19 time with an affirmative vote of five members of the Council. The Council may
20 terminate the agreement at any time, with notice to the Mayor and City
21 Attorney, by an affirmative vote of seven members of the Council.]

22 [4. The City Attorney is accountable to, but independent of, the Mayor’s
23 Administration and the City Council. The City Attorney’s Office is an
24 independent office of city government and is not part of the City’s executive
25 branch or the City Council.]

26 (f) Select and remove the City Clerk only as follows:

27 1. The City Clerk shall be selected and appointed through an open and
28 competitive hiring process [conducted by the Mayor with the advice and
29 consent of two-thirds of the entire membership of the Council.] [initiated by
30 the Mayor and conducted by a Committee that shall be composed of two
31 Mayoral appointees and two City Council appointees. The Mayor or
32 Councilors may serve as appointees to this Committee. The Mayor, with
33 Committee approval, shall make a recommendation for hire to the full Council

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1 for the position of City Clerk. The appointment of the City Clerk shall require
2 an affirmative vote of two-thirds of the entire membership of the Council.]

3 2. The City Clerk’s appointment shall be for a term that coincides and
4 terminates with the term of the Mayor [~~making the appointment~~] unless sooner
5 removed as provided herein. [At the beginning of the Mayor’s term, whether
6 the first term of a new Mayor or a successive term of a reelected Mayor, or
7 upon or upon a vacancy in the position of City Clerk, the Mayor and
8 Committee shall have 90 days to recommend to the Council an appointee to fill
9 the position.]

10 3. [~~The City Clerk may only be removed from office for cause by the Mayor~~
11 ~~with the concurrence of two-thirds of the entire membership of the Council~~
12 ~~after cause has been determined by the Director of the Office of Internal Audit~~
13 ~~and Investigations.] [The City Clerk shall have an employment agreement with
14 the City specifying the terms and conditions of employment including a
15 provision for the early termination of employment and expiring at the end of
16 the current Mayor’s term. The Mayor may terminate this agreement at any
17 time with an affirmative vote of five members of the Council. The Council may
18 terminate the agreement at any time, with notice to the Mayor and City Clerk,
19 by an affirmative vote of seven members of the Council.]~~

20 [4. The City Clerk is accountable to, but independent of the Mayor’s
21 Administration and the City Council. The Office of the City Clerk is an
22 independent office of city government and is not part of the City’s executive
23 branch or the City Council.]

24 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
25 word, or phrase of this resolution is for any reason held to be invalid or
26 unenforceable by any court of competent jurisdiction, such decision shall not
27 affect the validity of the remaining provisions of this resolution. The Council
28 hereby declares that it would have passed this resolution and each section,
29 paragraph, sentence, word or phrase thereof irrespective of any provision
30 being declared unconstitutional or otherwise invalid.

31 SECTION 3. The City Clerk shall file this resolution with the Bernalillo
32 County Clerk immediately upon its effective date and shall forward a copy of
33 the transmittal to the City Council President and Director of Council Services.

1 **Not less than 90 days before the election at which this ballot question is**
2 **proposed to be submitted to the voters, the City Clerk shall provide**
3 **confirmation to the City Council President and Director of Council Services**
4 **that this ballot question has been submitted and will appear on the 2026**
5 **General Election ballot.**

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