



TIMOTHY M. KELLER, MAYOR

CITY OF ALBUQUERQUE
OFFICE OF THE MAYOR/ CHIEF ADMINISTRATIVE OFFICE

INTEROFFICE MEMORANDUM

TO: CITY COUNCIL

FROM: TIMOTHY M. KELLER, MAYOR 

SUBJECT: VETO OF R-26-30, ADOPTING A PROPOSITION TO BE SUBMITTED TO THE VOTERS AT THE NEXT ELECTION TO BE HELD IN THE CITY OF ALBUQUERQUE CONCERNING AN AMENDMENT TO ARTICLE V, SECTION 4 OF THE ALBUQUERQUE CITY CHARTER; PROVIDING THE FORM OF THE QUESTION AND THE DESIGNATION CLAUSE FOR SUCH QUESTION ON THE BALLOT

DATE: AUGUST 14, 2026

Upon review of the proposed charter amendment, there are three very serious concerns I have.

First, the process with which this was considered and passed I believe would be much better served as part of a broader Charter review process that includes best practices from other cities, and broad public input. As a city, when we are considering changes to our charter, I believe it is extremely important that we have a thorough and deliberate legislative process to ensure that whatever is on the ballot is backed with research and public input. Although the original legislation was introduced in May, it was substantially amended very late in the evening at the August 3rd meeting and those changes, or the final proposal, were not vetted with the public or expert input the voters deserve.

Second, passage of this amendment would require a totally new branch of government to be created to meet the “Independent of” criteria identified in (e)(5) page 3 lines 20-23 of the Resolution. The executive and legislative body will need to hire dozens of additional city staff, city lawyers, and outside counsel, creating duplicative work that will potentially cost taxpayers millions of dollars. At a time when we should be working together to help make government more effective and efficient, this does the opposite, it creates bureaucracy that is costly and counterproductive.

Lastly, in the end, this amendment would give total legal decision-making to an unelected official. This proposal therefore undermines local democracy by taking the decision making away from elected officials and shifting that responsibility to an independent office of lawyers who, as per (e)(5) page 3 lines 20-23, are “independent” from duly elected officials selected by our residents. Currently the City Attorney needs client approval to enter into lawsuits, join class actions and other legal commitments by the City. Under this proposal, the independent City Attorney could choose to make those decisions unilaterally. While there is a termination provision, short of that, the City Attorney would have powers far beyond any elected official and represent an upending of the notion that City government is governed directly by democratically elected officials.

I will note that if it were not for the changes identified in (e)(5) page 3 lines 20-23, I would sign this Resolution, as it would simply align these two positions with similar provisions recently changed for the Chief of Police and Fire Chief.

More broadly, I acknowledge there are parts of our City Charter that could use a refresh, which is why I continue to support a charter review task force designed to consider all options in order to come to a well-informed recommendation on what, if any, changes should be made. A task force would give the opportunity to analyze the charter in its entirety, research best practices from other cities, and bring forward recommendations for us to discuss and debate in public. This is the most transparent venue to review and propose amendments to our charter and has been the method for significant Charter amendment proposals in the past. I am including below three potential structures for a Charter Review Task Force that were shared with the Sponsor last month in the event that there is a desire to work together on Charter Review legislation going forward.

For these reasons I have decided to veto R-26-30 and respectfully ask City Council to uphold the veto.

Possible options for a Charter Review Task Force that I support include:

- 7-member task force appointed by the Mayor with advice and consent of City Council; this is consistent with the R-24-85 as introduced.
- 9-member task force: 4 members appointed by the Mayor (one from each quadrant of the city), 4 members appointed by the City Council (one member from each quadrant of the city), 1 member/chair selected by the 8 other members of the task force.
- 6 to 8-member working group with 3 City staff members appointed by the Mayor and 3 City staff members appointed by the City Council and Mayor and City Council each allowed to have a non-City staff subject matter expert.

CITY OF ALBUQUERQUE CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Isaac Padilla, Director of Council Services

mill / For
IEP

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. R-26-30 Adopting A Proposition To Be Submitted To The Voters At The Next Election To Be Held In The City Of Albuquerque Concerning An Amendment To Article V, Section 4 Of The Albuquerque City Charter; Providing The Form Of The Question And The Designation Clause For Such Question On The Ballot (Champine), which was passed at the Council meeting of August 3, 2026, by a vote of 5 FOR AND 3 AGAINST.

For: Baca, Champine, Fiebelkorn, Grout, Telles

Against: Bassan, Peña, Rogers

Excused: Lewis

In accordance with the provisions of the City Charter, your action is respectfully requested.

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

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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.

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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.

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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.

32 2. The City Attorney's appointment shall be for a term that coincides and
33 terminates with the term of the Mayor unless sooner removed as provided

1 herein. At the beginning of the Mayor's term, whether the first term of a new
2 Mayor or a successive term of a reelected Mayor, or upon a vacancy in the
3 position of City Attorney, the Mayor shall have 90 days to recommend to the
4 Council an appointee to fill the position.

5 3. When an appointee is presented to and not confirmed by the Council, the
6 Mayor shall, within 60 days thereafter, nominate another person to fill the
7 position, and the Mayor may continue to nominate until confirmation. No
8 person may serve as an interim City Attorney for more than a total of 270 days.

9 4. The City Attorney shall have an employment agreement with the City
10 specifying the terms and conditions of employment including a provision for
11 the early termination of employment and expiring at the end of the current
12 Mayor's term. The Mayor may terminate this agreement at any time with an
13 affirmative vote of five members of the Council. The Council may terminate the
14 agreement at any time, with notice to the Mayor and City Attorney, by an
15 affirmative vote of seven members of the Council. The Mayor may remove an
16 interim City Attorney at any time, with notice to the Council and interim City
17 Attorney. The Council may remove an interim City Attorney at any time, with
18 notice to the Mayor and interim City Attorney, by an affirmative vote of seven
19 members of the Council.

20 5. The City Attorney is accountable to, but independent of, the Mayor's
21 Administration and the City Council. The City Attorney's Office is an
22 independent office of city government and is not part of the City's executive
23 branch or the City Council.

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

25 1. The City Clerk shall be selected and appointed through an open and
26 competitive hiring process conducted by the Mayor with the advice and
27 consent of two-thirds of the entire membership of the Council.

28 2. The City Clerk's appointment shall be for a term that coincides and
29 terminates with the term of the Mayor unless sooner removed as provided
30 herein. At the beginning of the Mayor's term, whether the first term of a new
31 Mayor or a successive term of a reelected Mayor, or upon a vacancy in the
32 position of City Clerk, the Mayor shall have 90 days to recommend to the
33 Council an appointee to fill the position.

1 3. When an appointee is presented to and not confirmed by the Council, the
2 Mayor shall, within 60 days thereafter, nominate another person to fill the
3 position, and the Mayor may continue to nominate until confirmation. No
4 person may serve as an interim City Clerk for more than a total of 270 days.

5 4. The City Clerk shall have an employment agreement with the City
6 specifying the terms and conditions of employment including a provision for
7 the early termination of employment and expiring at the end of the current
8 Mayor's term. The Mayor may terminate this agreement at any time with an
9 affirmative vote of five members of the Council. The Council may terminate the
10 agreement at any time, with notice to the Mayor and City Clerk, by an
11 affirmative vote of seven members of the Council. The Mayor may remove an
12 interim City Clerk at any time, with notice to the Council and interim City Clerk.
13 The Council may remove an interim City Clerk at any time, with notice to the
14 Mayor and interim City Clerk, by an affirmative vote of seven members of the
15 Council.

16 5. The City Clerk is accountable to, but independent of the Mayor's
17 Administration and the City Council. The Office of the City Clerk is an
18 independent office of city government and is not part of the City's executive
19 branch or the City Council.

20 **SECTION 3. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,
21 word, or phrase of this Resolution is for any reason held to be invalid or
22 unenforceable by any court of competent jurisdiction, such decision shall not
23 affect the validity of the remaining provisions of this Resolution. The Council
24 hereby declares that it would have passed this Resolution and each section,
25 paragraph, sentence, word or phrase thereof irrespective of any provision
26 being declared unconstitutional or otherwise invalid.

27 **SECTION 4.** The City Clerk shall file this Resolution with the Bernalillo
28 County Clerk immediately upon its effective date and shall forward a copy of
29 the transmittal to the City Council President and Director of Council Services.
30 Not less than 90 days before the election at which this ballot question is
31 proposed to be submitted to the voters, the City Clerk shall provide
32 confirmation to the City Council President and Director of Council Services

1 that this ballot question has been submitted and will appear on the 2026
2 General Election ballot.

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1 PASSED AND ADOPTED THIS 3rd DAY OF August, 2026
2 BY A VOTE OF: 5 FOR 3 AGAINST.

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FOR: Baca, Champine, Fiebelkorn, Grout, Telles
AGAINST: Bassan, Peña, Rogers
EXCUSED: Lewis


Klarissa J. Peña, President
City Council

APPROVED THIS 14 DAY OF August, 2026

Bill No. R-26-30

VETO ^{TK}

Timothy M. Keller, Mayor
City of Albuquerque

ATTEST:

Ethan Watson, City Clerk

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