

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. R-26-5 ENACTMENT NO. _____

SPONSORED BY: Joaquín Baca and Nichole Rogers

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-26-1 proposes to amend the Albuquerque City
8 Charter by requiring appointment and confirmation of the Director of
9 Albuquerque Community Safety (“ACS”) and designating the position as “ACS
10 Chief;” 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-26-1 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-26-1; and

17 WHEREAS, When a local government ballot question is to be submitted to
18 the voters, Section 1-16-3(B) of the 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 proposal on
24 the 2026 General Election ballot, and the qualified voters of the City of
25 Albuquerque shall be permitted to vote “for” or “against” the following
26 proposition. In consultation with the Bernalillo County Clerk and/or the

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 Secretary of State, the City Clerk shall have the authority to modify the
2 proposal as to form to conform with applicable law.

3 (A) QUESTION TO BE SUBMITTED.

4 (1) PROPOSITION. The City Clerk is instructed to coordinate with the
5 Bernalillo County Clerk to submit the following summary, title, and complete
6 text of the following proposed Charter amendment to the City’s qualified,
7 registered voters who shall be permitted to vote “for” or “against.” The ballot
8 face shall be in substantially the following form:

9
10 OFFICIAL ELECTION BALLOT
11 GENERAL ELECTION
12 HELD NOVEMBER 3, 2026
13

14 PROPOSITION 1: Proposition to amend the City Charter to require
15 appointment and confirmation of the Director of Albuquerque Community
16 Safety (“ACS”) and designating the position as “ACS Chief.”

17 SUMMARY

18 Shall the City of Albuquerque adopt the following amendment to update the
19 Albuquerque City Charter to require appointment and confirmation of the
20 Director of Albuquerque Community Safety (“ACS”) and designate the
21 position as “ACS Chief”?
22

23 TITLE AND PROPOSITION

24 PROPOSING TO AMEND THE CITY CHARTER TO REQUIRE APPOINTMENT
25 AND CONFIRMATION OF THE DIRECTOR OF ALBUQUERQUE COMMUNITY
26 SAFETY (“ACS”) AND DESIGNATE THE POSITION AS “ACS CHIEF”

27 ARTICLE V. MAYOR

28 Section 4. DUTIES OF THE MAYOR.

29 The Mayor shall:

30 (d) With the advice and consent of the Council, appoint the Chief
31 Administrative Officer, any deputy administrative officers, the Chief of Police,
32 ~~and~~ the Fire Chief [, and the Albuquerque Community Safety (“ACS”) Chief].
33 For the purposes of this section, “deputy administrative officers” shall mean

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 any position with supervisory authority over anyone in a department director
2 position. Appointees requiring the advice and consent of the Council shall be
3 presented to the Council for confirmation within 45 days after the Mayor takes
4 office or after a vacant appointed position has a proposed appointee. The
5 Mayor (even if reelected) shall reappoint all above noted positions at the
6 beginning of each new term. When an appointee is presented to and not
7 confirmed by the Council, the Mayor shall, within 60 days thereafter, nominate
8 another person to fill the position, and the Mayor may continue to nominate
9 until confirmation. No person may serve in an interim position for any of the
10 above noted positions for a period of greater than 270 days unless the Council
11 does not confirm an appointee presented to them within the timeline stated
12 within this section;

13 1. The Police Chief[,] [and] Fire Chief [, and ACS Chief] shall have an
14 employment agreement with the City specifying the terms and conditions of
15 employment including a provision for the early termination and expiring at the
16 end of the current Mayor’s term. The Mayor may terminate this agreement at
17 any time for cause. The Council may terminate the agreement at any time, with
18 notice to the Mayor and Police Chief[,] [or] Fire Chief, [or ACS Chief,] by an
19 affirmative vote of two-thirds plus one of the entire membership of the
20 Council.

21
22 FOR _____ AGAINST _____

23
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.**

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion