



**City of Albuquerque  
Charter Review Task Force**

**Thursday, November 6, 2008**

**5:30 p.m.**

**Albuquerque/Bernalillo County Government Center  
Council Committee Room  
9<sup>th</sup> Floor, Suite 9081**

**SUMMARY MINUTES**

Members Present:

Wendy York  
David Standridge  
David Campbell  
Chuck Gara  
Susan Jones  
Eli Il Yong Lee  
Gloria Valencia-Weber  
Marty Esquivel  
Steve Gallegos  
Herb Hughes  
Michael Passi  
Laura Horton

Councillors Present:

Isaac Benton

Council/Administration Staff Present:

Laura Mason  
Ed Adams  
Randy Autio  
Robert Kidd  
Tony Pedroncelli  
Elizabeth Shields  
Crystal Ortega  
Luz Carreon

Members Excused:

Dan Silva  
Vickie Perea

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The meeting was called to order at 5:41 p.m.

Councilor Benton greeted the Task Force members, thanked them for serving on the Task Force and discussed issues he would like the Charter Review Task Force to consider.

**1. Approval of Summary Minutes – October 16, 2008**

Mr. Hughes moved approval of the October 16, 2008 summary minutes and Mr. Esquivel seconded. The motion passed unanimously on a 12-0 vote, with Mr. Silva and Ms. Perea excused.

**2. Vote on Charter Articles:**

**VI. Charter Amendments – Section 3 [Ballot]**

After discussion, Ms. Jones moved the revision to Section 3 [Ballot] and Mr. Esquivel seconded. The motion passed unanimously on a 12-0 vote, with Mr. Silva and Ms. Perea excused.

The following is the final language to Article VI:

Section 1. [PROCEDURE].

Amendments to this Charter may be proposed by the Council or by Petition.

Section 2. [PETITION PROCESS]

(a) Notice of intent to circulate a petition proposing any amendment to this Charter must be signed by five qualified voters and filed with the City Clerk;

(b) Concurrently with the filing of the notice of intent, the proposed amendment shall be filed with the City Clerk;

(c) The number of qualified voters required to sign the petition shall be a number more than 20% of the average number of voters who voted at the four regular municipal elections prior to filing the notice of intent;

(d) Before any signatures are affixed thereon, the form of such petition must be reviewed by the City Attorney and approved by the City Clerk as provided by law and the date of filing the notice of intent shown thereon;

(e) The petition, and any part thereof, must be filed with the City Clerk within sixty days after the date of filing the notice of intent.

Section 3. [COUNCIL PROCESS FOR ARTICLES OTHER THAN XII AND XIII]

(a) An amendment to the Charter proposed by the Council must be approved by a vote of a majority of all Councilors plus two;

(b) The Council shall hold at least two public hearings prior to its vote on the proposed amendment to the Charter. 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 meeting on the proposed Charter amendment. Any revisions made shall be posted along with the notice of the next meeting.

Section 4. [ELECTION].

The election must be held within ninety days after the date of the Council filing the proposed amendment with the City Clerk or from the time of filing the petition with the City Clerk.

Section 5. [BALLOT].

At such election the ballot shall contain a summary, title and the complete text of the proposed amendment and below the same the phrases "For the Above Amendment" and "Against the Above Amendment" followed by spaces for marking with a cross or a check the phrase desired. The summary of a proposed amendment to the Charter may differ from its title and shall be a clear, concise statement describing the substance of the proposed amendment without argument or prejudice. The City Attorney must review the form of the summary to determine that the summary accurately reflects the text of the proposed amendment.

Section 6. [VOTE].

If a majority of the votes cast are against the amendment, it shall be of no effect. If a majority of the votes cast are for the amendment, it shall be adopted.

Section 7.

Subject to review of the City Attorney and approval of a majority of the Council, the City Clerk shall have authority to rearrange, renumber, reletter, capitalize, punctuate and divide provisions of this Charter, and to correct clerical errors and omissions and insert captions in accordance with the meaning and intent of the provisions of this Charter, from time to time, and may delete provisions which have become inoperative or any provision ruled invalid by a court of competent jurisdiction. The City Clerk may substitute any current title of an official or department in lieu of the title originally appearing in the Charter provision, in accordance with the changes of title or duties subsequently made by law.

**XV. Electricity Franchises**

After discussion, Mr. Campbell moved that Article XV remain as written within the Charter, and Mr. Hughes seconded. The motion passed on a 7-4 vote with Mr. Lee, Ms. Jones, Ms. York and Mr. Esquivel voting against, Ms. Valencia-Weber abstained and Mr. Silva and Ms. Perea excused.

**3. Discuss Charter Articles:**

Chair York began a general discussion of the characteristics of good government. Several Task Force members expressed their opinions which included the following:

- A decorous relationship between the mayor and councilors that results in cooperation and professionalism
- The provision of services to the public in an equal and efficient manner
- The proper and fair allocation of public resources
- The removal or separation of politics from day-to-day administration
- A clear line between the roles of the two branches of government
- Training opportunities for government officials
- Public officials whose goal is to do what is best for the community as a whole

Chair York asked the Task Force members to discuss how to assist City employees in performing their jobs and what obstacles interfere. Responses included establishing a mechanism for resolving problems or disputes when they happen, reducing ambiguity, and buffering employees from changes in the elected leadership.

The Task Force requested that staff prepare a list of recurring issues that could be addressed within the Charter. In addition, they requested a list of adopted ordinances that conflict with or expand upon Charter provisions.

After discussion, the Task Force concluded that there did not appear to be enough justification for moving away from the current Mayor-Council form of government, and that form should remain.

The Task Force will continue its discussion of Articles IV, V, VII, X and XI at the next meeting on November 20, 2008. The following topics will be put on that agenda:

- IV. Council
- V. Mayor
- VII. Annual Budget Process
- X. City Employees
- XI. Enactment and Veto Process for Legislation

**4. Discuss Issues of Independent Officials: City Attorney, City Clerk & Others**

The Task Force postponed discussion on this item to the November 20, 2008 meeting.

**5. Discuss Issues of Administrative Law Judges**

The Task Force postponed discussion on this item to the November 20, 2008 meeting.

**6. Other Business**

- a. Handouts distributed by staff

Ms. Shields gave an overview of the handouts distributed at the October 16, 2008 meeting. She reminded the Task Force that staff is available to them if they have any research requests or if they have any questions about the information already provided.

Ms. Mason described the handouts distributed at today's meeting. (A list is provided at the end of these summary minutes.)

#### **7. Next Meeting – November 20, 2008**

The next meeting will be on November 20, 2008 in the 9<sup>th</sup> Floor Council Committee Room, Suite 9081.

#### **8. Adjourn**

There being no further business, the meeting adjourned at 7:29 p.m.

#### **Handouts distributed to Task Force members:**

- Sample Franchise Language provided by Mr. Kidd
- Memorandum of Law provided by Edwin Macy regarding at-large Council positions
- Articles from the Albuquerque Journal from 1974 regarding original Charter provisions