



**City of Albuquerque
Charter Review Task Force**

Thursday, January 15, 2009

5:30 p.m.

**Albuquerque/Bernalillo County Government Center
Vincent E. Griego Chambers
Basement Level**

SUMMARY MINUTES

Members Present:

Wendy York, Chair
David Campbell
Chuck Gara
Susan Jones
Eli Il Yong Lee
Gloria Valencia-Weber
Herb Hughes
Vickie Perea
Laura Horton
Diana Dorn-Jones
Dan Silva
Marty Esquivel
David Standridge

Council/Administration Staff Present:

Laura Mason
Ed Adams
Randy Autio
Elizabeth Shields
Luz Carreon

Excused:

Steve Gallegos
Michael Passi

Chair York called the meeting to order at 5:40 p.m.

1. Public Comment

There were no speakers present for public comment.

2. Approval of Summary Minutes – December 18, 2008

Mr. Esquivel moved approval of the December 18, 2008 summary minutes and Ms. Dorn-Jones seconded the motion. The motion passed unanimously on a 13-0 vote, with Mr. Passi and Mr. Gallegos excused.

3. Finish Discussion of Article V. Mayor

a. Section 4

(1) Term of City Attorney and City Clerk coinciding with term of the Mayor

There was no discussion on this item.

(2) Removal of City Clerk and City Attorney

(a) Short discussion on current ordinances before the City Council on issues which Council has tabled pending discussion by the Task Force (R-08-109 and O-08-34, previously provided)

Mr. Autio stated that O-08-34 was a product of the Ethics Coalition.

Ms. Perea asked if Council was asked to participate in the creation of the bills and if the Council supports them.

Mr. Autio stated that Council was not at the table nor asked to be a part of the formation of the O-08-34 but that the bill currently has Council sponsors.

Chair York asked Ms. Mason if the Council is in favor of these bills.

Ms. Mason stated that she does not have a sense of whether the Council supports the bills as written, but does know that the Council would like the Task Force to review the bills and make a recommendation.

Chair York asked if there were any comments.

Ms. Horton referred to language in O-08-34 pertaining to the twenty-one (21) member board. She stated that a board of that size would be too large.

Mr. Hughes asked if the twenty-one (21) member board was discussed thoroughly.

Mr. Adams stated that the Mayor does support the bill (O-08-34), but that the size of the board is a good topic for discussion.

Mr. Lee stated that he liked the idea of another body that could weigh in on the termination of the City Clerk. Mr. Lee asked who would select the members of this board.

Mr. Autio stated that the members would be mayoral and Council appointees as well as union representatives.

Mr. Campbell reminded the Task Force that in the existing Charter there is a Board of Ethics and Campaign Practices, which is a seven member board staffed by the City Clerk's office, and that Board should be vested with the authority to remove the City Clerk.

Ms. Perea stated that she would like to see the Task Force focus on the removal of the City Clerk and not create a new entity.

(b) Proposals for removal

Chair York presented the Task Force members with removal language derived from the provisions regarding the City Clerk in O-08-34:

"The City Clerk may only be removed from office for cause. A board established by ordinance shall investigate any allegations that could lead to the Clerk's removal from office. The Mayor may remove the City Clerk only at the conclusion of an investigation authorized by the board. The committee may recommend removal or discipline of the City Clerk to the Mayor and the Mayor may then impose the appropriate discipline or remove the City Clerk from office."

Chair York stated that the above language would leave the decision of what board should be involved in the removal of the City Clerk to be worked out in a future ordinance. The Task Force members discussed changing the word "may" to "shall" in the last sentence and removing the references to "discipline."

Based on the Task Force's discussion, Mr. Campbell moved approval of the following, and Ms. Jones seconded:

"The City Clerk may only be removed from office for cause. The Board of Ethics and Campaign Practices shall investigate any allegations that could lead to the Clerk's removal from office. The Mayor may remove the City Clerk only at the conclusion of an investigation authorized by the Board of Ethics & Campaign Practices. The Board of Ethics and Campaign Practices may recommend removal of the City Clerk to the Mayor and the Mayor may then remove the City Clerk from office."

The motion failed on a 5 -5 vote.

For: York, Lee, Campbell, Gara, Hughes

Against: Dorn-Jones, Silva, Perea, Esquivel, Standridge

Abstained: Weber, Jones

Excused: Passi, Gallegos, Horton

Chair York appointed a subcommittee to review O-08-34 (the Ethical Public Service Act) and to report back to the Task Force with a recommendation regarding the City Clerk. Volunteers for the subcommittee were Herb Hughes, Chuck Gara, and Eli Il Yong Lee. Randy Autio was asked to work with the subcommittee.

(3) Time requirements for seeking Advice and Consent and what occurs if time requirements not met

Chair York distributed the handout relating to the issue of the deadlines and process for advice and consent of appointees.

Mr. Campbell stated that the proposed language will help some of the issues with regard to unoccupied seats on committees, but the last sentence posed several problems. The Task Force agreed with Mr. Campbell's observation so the last sentence was removed.

Ms. Perea clarified that the proposed language just applied to the six positions that required advice and consent of the Council: the City Clerk, the City Attorney, the Chief Administrative Officer, and the three Deputy Administrative Officers.

After discussion, Mr. Campbell moved approval of the following language for Time Requirements for Seeking Advice & Consent for Appointees, as amended, and Mr. Standridge seconded:

“Appointees requiring the advice and consent of the Council shall be presented to the Council for confirmation within 45 days after the Mayor takes office or after a vacant appointed position is filled. When an appointee is presented to and not confirmed by the Council, the Mayor shall, within 60 days thereafter, nominate another person to fill the position, and the Mayor may continue to nominate until confirmation.”

The motion passed unanimously on a 12-0 vote, with Mr. Passi, Mr. Gallegos and Ms. Horton excused.

4. Violations of Charter

a. Review proposed language based on procedure in Sec. 6, Article VII (Budget)

Chair York read the proposed language for addressing Charter violations and asked the Task Force for input.

Mr. Esquivel stated he had some legal concerns with the language initially proposed at the last meeting and that although the new language being proposed has been modified, some of his legal concerns remain.

Ms. Perea stated that many Councilors and the Mayor would like to have something to refer to instead of having to take their issues to District Court. She suggested creating a section in the Charter to exclusively address violations of the Charter rather than trying to add the provision to Article VII.

Ms. Weber stated that she agrees with Ms. Perea about having a “stand alone” section in the Charter to address violations and she believes there should be a mechanism in place for mediation between the Mayor and Council.

After discussion, Ms. Jones moved approval of the following language as proposed for Violations of the Charter, and Mr. Campbell seconded.

“A procedure for addressing violations of the Charter shall be established by ordinance adopted by the Council after consultation with the Mayor. The ordinance shall establish a conference committee for the resolution of alleged violations of the Charter which the Mayor or Council bring before the committee. The committee shall be comprised of three members. The Mayor shall appoint one member and the Council shall appoint one member. The two members so appointed shall select the third member to serve as chairperson of the committee.”

The motion passed on a 9-3 vote.

For: York, Campbell, Dorn-Jones, Lee, Silva, Perea, Weber, Hughes, Jones

Against: Standridge, Esquivel, Gara

Excused: Passi, Gallegos, Horton

5. Per Councillor’s request, discuss Article II, Sec. 1: Should it be amended so that Councilors representing odd-numbered districts do not have to lose their positions to run for Mayor?

Chair York explained the question to the Task Force and asked for input.

Ms. Perea stated that if the Task Force were to recommend changing this section, another City election would be necessary. She recommended that Article II, Section 1 remain as written. Ms. Dorn-Jones and Mr. Campbell agreed.

After discussion, Ms. Perea moved to leave this section as is, and Ms. Jones seconded. The motion passed unanimously on a 12-0 vote, with Mr. Passi, Mr. Gallegos and Ms. Horton excused.

Chair York asked the Task Force members if they had any other issues with Article V, Mayor, before moving on.

Mr. Standridge stated that Article V. Section 2 needs to be amended due to the New Mexico State District Court Ruling. The Task Force concurred.

After a brief discussion, Mr. Campbell moved approval of the following revision to Article V. Section 2, and Ms. Jones seconded.

“The term of Mayor, unless sooner recalled or removed, shall begin on December 1st of the year of election and shall be four years or until a successor is duly elected and qualified; ~~after having served two consecutive terms, the incumbent Mayor shall be ineligible to hold office for four years thereafter.~~ The salary shall be thirty-four thousand dollars per year. The Council may approve a percentage increase up to the average percentage increase provided for employees of the city.”

The motion passed unanimously on a 12-0 vote, with Mr. Passi, Mr. Gallegos and Ms. Horton excused.

6. Article IV. Council

- a. Council asked that we consider “whether the City Councilors’ annual salaries should be equal to that paid to Bernalillo County Commissioners or increased by any amount?”
- b. Council asked that we examine whether the Charter should be amended to "clarify the Council’s role as Zoning Authority for the City and its relationship to the Planning Department."
- c. Any other issues Task Force wishes to discuss

There was no discussion on a, b or c. so those items will be placed on the agenda of January 29, 2009.

Ms. Perea requested Council staff prepare a summary of all the Charter amendments the Task Force has approved to date.

Chair York has asked Mr. Campbell to review Article XII, XIII and XVI for consistency.

Chair York stated that there was a need for volunteers to review the following topics:

- Conflict of interest – review them to see if they are clear enough to ensure government officials are free from conflict.
- Review adequacy of Current Ethical Conflict of Interest Provisions and report back whether the Board of Ethics should have term limits
- Review Ethical Public Service Act
- How can the Budget Process be improved; Mayor’s role in budget matters
- Administrative Law Judges
- Should Elections be Non-Partisan

Chair York stated she will send out an email with a summary of the topics and members of the Task Force can chose which item or items they would like to volunteer for.

7. New Business

a. Amended Work Plan

There was no discussion on this item.

8. Next Meeting – January 29, 2009

The next meeting will be on January 29, 2009 in the 9th Floor Council Committee Room, Suite 9081.

9. Adjourn

There being no further business, the meeting adjourned at 7:32 p.m.

Handouts distributed to Task Force members:

- Violations of the Charter
- Section 4 Proposals
- Term of City Attorney and Clerk Coinciding with Term of the Mayor
- Time Requirements for Seeking Advice & Consent for Appointees
- Summary of Pending Legislation Related to the Removal of City Clerk and City Attorney
- Issues from Prior Discussions Regarding Removal Process
- Bill No. O-08-34
- Article 7: City Departments and Officials
- General Provisions