



**City of Albuquerque
Charter Review Task Force**

Thursday, October 16, 2008

5:30 p.m.

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

SUMMARY MINUTES

Members Present:

Wendy York
David Standridge
David Campbell
Chuck Gara
Susan Jones
Eli Il Yong Lee
Gloria Valencia-Weber
Marty Esquivel
Dan Silva
Steve Gallegos
Herb Hughes
Vickie Perea

Council/Administration Staff Present:

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

Members Excused:

Laura Horton
Michael Passi

The meeting was called to order at 5:36 p.m.

1. Approval of Summary Minutes – October 2, 2008

Mr. Gara moved approval of the October 2, 2008 summary minutes and Ms. Perea seconded. The motion passed unanimously on a 12-0 vote, with Mr. Passi and Ms. Horton excused.

2. Public Comment

Jim Jenasey and Gean Jenasey urged the Task Force to adopt the language in Article VIII relating to sexual orientation and gender identity.

Virginia Candelaria, Director of the Albuquerque Human Rights office, thanked the Task Force for the opportunity to speak and stated she is available to answer any questions relating to Article VIII or to the letter sent to the Task Force from the Chair of the Human Rights Board.

Katherine Palmer, Herman Lu, Joe Samaritano, and Virginia Stevenson urged the Task Force to adopt the language in Article VIII relating to sexual orientation and gender identity.

3. Vote on Charter Articles:

VIII. Prohibition of Discrimination & Protection of Human Rights

After discussion, Mr. Gallegos moved the revision to Article VIII, and Ms. Jones seconded. The motion passed on a 9-3 vote, with Mr. Standridge, Ms. Perea and Mr. Gara voting against and Mr. Passi and Ms. Horton excused.

The following is the final language to Article VIII:

“The City shall preserve, protect and promote human rights and human dignity, shall promote and encourage the recognition and exercise of human responsibility and shall prohibit discrimination on the basis of race, color, religion, sex, national origin or ancestry, age, disability, sexual orientation or gender identity. To effect these ends the City shall take whatever action is necessary, including the enactment of ordinances and the establishment of appropriate Commissions, Boards or Committees with jurisdiction, authority and staff, sufficient to effectively administer city policy in this area.”

IX. Protection of the Environment

After discussion, Mr. Lee moved the revision to Article IX, and Mr. Gara seconded. The motion passed on an 11-1 vote, with Mr. Standridge voting against and Mr. Passi and Ms. Horton excused.

The following is the final language to Article IX:

”The City in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, insure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To effect these ends the City shall take whatever action is necessary, including the enactment of ordinances and the establishment of appropriate Commissions, Boards or Committees with jurisdiction, authority and staff, sufficient to effectively administer city policy in this area.”

VI. Charter Amendments

Section 3

After discussion, Ms. Perea moved the revision to Section 3, as amended, and Ms. Jones seconded. The motion passed unanimously on a 12-0 vote, with Mr. Passi and Ms. Horton excused.

The following is the final language to Article VIII Section 3:

“(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 Charter amendment. 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 after a review by the City Attorney to ensure the summary is still accurate after the revision.”

Section 7

After discussion, Ms. Perea moved the revision to Section 7, and Mr. Gara seconded. The motion passed unanimously on a 12-0 vote, with Mr. Passi and Ms. Horton excused.

The following is the final language to 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.”

Section 2(d)

After discussion, Ms. Perea moved the revision to Section 2(d), and Mr. Gallegos seconded. The motion passed unanimously on a 12-0 vote, with Mr. Passi and Ms. Horton excused.

The following is the final language to Section 2(d):

“(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;”

Section 2. [PETITION PROCESS] reads as follows in its entirety:

“(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 5

After discussion, the Task Force postponed voting on the following proposed revision to Section 5 [Ballot] until the meeting of November 6, 2008:

“At such election the ballot shall contain a summary 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 may differ from its legal title and shall be a clear, concise statement describing the substance of the amendment without argument or prejudice.”

The Task Force asked staff to prepare additional proposed revisions based on the discussion about review by the City Attorney and whether some provisions are duplicative. The Task Force discussed whether the following language should be added to the end of the paragraph in Section 5, and asked staff to revisit Article VI to make sure it flowed properly with the adopted revisions:

“The amendment proposed to be placed on the ballot and a concise summary thereof shall be reviewed by the City Attorney to ensure that the proposal is in compliance with the State Constitution and statutes.” [note: this is language formerly from 3(b) of proposed amendments.]

4. Discuss Charter Articles:

XV. Electricity Franchises

The Task Force reviewed and discussed the language in Article XV. After discussing whether the Article was still necessary or relevant, the Task Force concluded that the Article should be left unchanged at this time unless it contained provisions that were not legal. Staff was asked to do additional research and to propose revisions at the next meeting.

IV, V, VII, X and X.

There was no discussion of Articles IV, V, VII, X and XI, therefore, these items will be placed on the November 6, 2008 Task Force agenda.

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

The Task Force postponed discussion on this item to the November 6, 2008 meeting.

6. Discuss Issues of Administrative Law Judges

The Task Force postponed discussion on this item to the November 6, 2008 meeting.

7. Other Business

No items were discussed under Other Business.

8. Next Meeting – November 6, 2008

The next meeting will be on November 6, 2008 in the 9th Floor Council Committee Room, Suite 9081.

9. Adjourn

There being no further business, the meeting adjourned at 7:35 p.m.

Handouts distributed to Task Force members:

- Updated Charter Review Membership List
- Charter Review Task Force Comments (Email)
- Letter from Human Rights Board Chair
- Letter from Alan Schwartz
- Letter from the Mayor
- Memo from Laura Mason containing additional City Council issues
- Examples of Council proposed Charter amendments in the form of Ballot Proposal Resolutions and their ballot language
- Provisions from Federal and State Employment Laws, from Americans with Disabilities Act
- New York City Administrative Code
- City Charter Examples of City Charter Amendments
- Other City Charters (Columbus, Portland, Denver, Nashville & Seattle)