



**City of Albuquerque
Charter Review Task Force**

Thursday, November 20, 2008

5:30 p.m.

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

SUMMARY MINUTES

Members Present:

Wendy York
David Standridge
David Campbell
Chuck Gara
Susan Jones
Eli Il Yong Lee
Gloria Valencia-Weber
Steve Gallegos
Herb Hughes
Michael Passi
Vickie Perea

Council/Administration Staff Present:

Laura Mason
Ed Adams
Robert White
Tony Pedroncelli
Crystal Ortega
Luz Carreon

Members Excused:

Dan Silva
Laura Horton
Marty Esquivel

The meeting was called to order at 5:34 p.m.

1. Approval of Summary Minutes – November 6, 2008

Ms. Perea moved approval of the November 6, 2008 summary minutes and Mr. Lee seconded. The motion passed unanimously on a 10-0 vote, with Mr. Silva, Ms. Horton, Mr. Esquivel and Mr. Gallegos excused.

2. Discuss Charter Articles:

Chair York began the discussion by stating she had met individually with both Ms. Mason and Mr. Adams regarding various issues between the Mayor and the Council. Chair York gave a brief overview of the discussion she had with each, and concluded the following:

- The Mayor and the Council differ regarding City priorities
- Members of each branch have voiced concern that the other branch is overstepping its authority under the Charter

Mr. Lee stated there should be some type of mechanism in place, short of going to district court, to resolve conflicts that arise between the Mayor and Council.

Mr. White discussed a suggestion that had been made in the past by former CAO Lawrence Rael, which was to create an independent panel consisting of three retired judges who would resolve disputes between the legislative and executive branches of City government. Several Task Force members thought this was a good suggestion and requested that staff look at other City Charters for possible language relating to similar panels.

Ms. Perea stated she does not feel the Charter is broken, but rather the Council and the Mayor need to work together. She did agree that there should be a mechanism in place for resolving issues without going to court.

The Task Force discussed which positions are considered “cabinet level officers” and which of these require “advice and consent” of the Council. Mr. Hughes and Mr. Standridge requested that staff prepare a few different options for the Task Force to consider.

In addition, the Task Force requested that language be prepared to better define the role of “cabinet level officers”, as there is conflicting language within the Charter in this regard.

The Task Force briefly discussed whether nine councilors is the right number for the City. Chair York requested that staff look at other charters for language relating to when the number of councilors is adjusted.

The Task Force will continue its discussion of Articles IV, V, VII, X and XI at the next meeting on December 4, 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

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

The Task Force had a brief discussion on the issue of independent officials, particularly the City Clerk and the City Attorney.

The Task Force discussed the need for some protection for the City Attorney, and possibly a “confirmation of removal from office” could provide that.

Mr. White pointed out that the perception that the City Attorney always agrees with the Mayor is inaccurate.

Mr. Lee asked if there is a way to create independent officials other than through an election. He feels there is a need to create more independence for the office of the City Clerk, particularly because they handle all matters relating to City elections.

Mr. Adams and Mr. Pedroncelli pointed out that the Mayor and the Council somewhat agree about the City Clerk being independent and this recommendation is part of the report of the Albuquerque City Ethics Coalition.

The Task Force requested that staff conduct a wider search in other city charters for language relating to an independent City Attorney and/or City Clerk, including those from non-partisan governments.

4. Discuss Issues of Administrative Law Judges

The Task Force postponed discussion on this item to the December 4, 2008 meeting.

5. Other Business

- a. Handouts distributed by staff

The Charter Review Task Force members received a handout with the Advice and Consent provisions in our City Charter alongside similar provisions from other City Charters.

The Task Force requested that staff prepare language similar to the Seattle Charter in regards to the appointment and removal of officers.

6. Next Meeting – December 4, 2008

The next meeting will be on December 4, 2008 in the 9th Floor Council Committee Room, Suite 9081.

7. Adjourn

There being no further business, the meeting adjourned at 7:30 p.m.

Handouts distributed to Task Force members:

- Advice and Consent Provision from Albuquerque Charter and other Charters
- Articles from the Albuquerque Journal from 1974 regarding original Charter provisions