



**City of Albuquerque
Charter Review Task Force**

Thursday, February 19, 2009

5:30 p.m.

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

SUMMARY MINUTES

Members Present:

Wendy York, Chair
Vicki Perea
David Campbell
Dan Silva
Herb Hughes
Michael Passi
Susan Jones
Steve Gallegos
David Standridge
Laura Horton
Eli Il Yong Lee
Marty Esquivel

Council/Administration Staff Present:

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

Excused:

Chuck Gara
Diana Dorn-Jones
Gloria Valencia-Weber

Chair York called the meeting to order at 5:35 p.m.

1. Approval of Summary Minutes – February 5, 2009

Ms. Perea moved approval of the February 5, 2009 summary minutes and Ms. Jones seconded the motion. The motion passed unanimously on a 12-0 vote, with Mr. Gara, Ms. Valencia-Weber, and Ms. Dorn-Jones excused.

2. Salaries

a. Continue discussion about "whether the City Councillors' annual salaries should be equal to that paid to Bernalillo County Commissioners or increased by any amount?"

- i. Report from staff on salaries from "strong mayor" and NM cities**
- ii. Report on salary commissions**

Council Staff passed out handouts that listed the salaries for mayors and councilors a) in New Mexico cities and towns and b) in large cities throughout the country with a "mayor-council" form of government. The Task Force members reviewed the documents and began their discussion.

Ms. Jones stated that the Councilors pay should be increased.

Mr. Campbell stated that he likes the current compensation system but the Task Force should look at increasing the percentage of pay.

Mr. Lee stated that the Task Force should discuss an independent salary committee.

Mr. Esquivel suggested that the Task Force raise the Mayor's salary.

Mr. Hughes stated that it would not be a good time to raise the salary of the Mayor or Councilors. Mr. Gallegos agreed with Mr. Hughes.

Ms. York asked the Task Force members for their comments on the "salary commission" approach.

Mr. Gallegos stated that the salary commission would confuse the public.

Mr. Standridge stated that the salary commission would be another layer of bureaucracy, and rather than push the salary decision off to such a commission, the Task Force should make a specific recommendation about the Councilor salaries.

Ms. Perea does not agree with the Task Force decision to make a recommendation that Council salaries should be increased, and stated that this is not a good time for such an increase. She stated she would be voting against any proposal to increase salaries.

Mr. Silva asked for the Administration's point of view on this issue.

Mr. Adams stated that the salaries need to be adjusted whether by increasing the percentage or some other method. He stated that the salaries of mayors and councilors in other cities demonstrate the need for a salary adjustment in the Charter.

After discussion, Mr. Esquivel moved that Staff draft language that would contain different approaches for the salary issue and include the creation of a salary commission and a percentage increase of the Mayor and Council salaries. Mr. Hughes

seconded. The motion passed on a 11-1 vote, with Ms. Perea voting against and Ms. Weber, Ms. Dorn-Jones and Mr. Gara excused.

3. Planning

a. Continue discussion about whether the Charter should be amended to "clarify the Council's role as the Zoning Authority for the City and its relationship to the Planning Department."

i. Report from subcommittee/Proposed language (Dave Campbell)

Mr. Campbell presented language proposed by the Planning subcommittee regarding the Council's role in Planning and Zoning and the Council's relationship to the Planning Department. The proposed language was:

"1) The City Council is the City's ultimate planning and zoning authority, including the adoption and interpretation of the Comprehensive Plan and the Capital Improvement Plan. The City Council is also the City's ultimate authority with respect to interpretation of adopted plans and individual cases.

2) The Mayor shall serve as staff to the City Council in the development, enforcement and administration of land use plans."

A discussion followed about the Council's role in the planning process and its current practices. Mr. Adams raised his concern that the Council modifies sector plans significantly after the plans have gone through the Environmental Planning Commission for review and recommendation.

Ms. Mason stated that the Council follows the adopted planning process.

Mr. Passi asked if the Council had the authority to increase the Planning Department budget.

Ms. Mason stated that Council did increase the Planning Department budget to address the Council requests for planning projects, but the budget increase did not result in more planning projects, and at one point, the Planning Department director and staff stopped communicating with Council altogether.

Mr. Passi asked if the proposed language resolves the issue at hand.

Ms. Jones stated that the language does not resolve the issue but it would help.

Ms. Perea stated that she liked the first part of the proposed language and would like to meet with the Planning subcommittee to discuss language the Budget subcommittee had been working on.

Ms. Jones asked the other Task Force members if they would like to join the meeting of the Planning and Budget subcommittees.

The Task Force will continue its discussion at the next meeting on March 5, 2009.

- 4. Article VII. The Annual Operating Budget and Article X. Merit System**
 - a. Council asked that we “clarify the Mayor’s role in budgetary matters, including personnel policies adopted by the Council.”**
 - i. Report from subcommittee (Vickie Perea)**

Ms. Perea stated that the Charter is silent on the CIP and Planning which are two important drivers of the City’s budget.

The Task Force will continue its discussion at the next meeting on March 5, 2009, after the Budget and Planning subcommittees have met.

- 5. Administrative Law Judges/Independent Hearing Officers**
 - a. The Mayor and the Council have asked that we consider whether the City should adopt a system of hearing officers or administrative law judges, and what the ramifications of adopting such a system would be.**
 - i. Report from Chair**

Ms. York introduced Pete Dinelli, the City’s Chief Public Safety Officer to discuss the City’s Independent Office of Hearings.

Mr. Dinelli stated that the City currently has six hearing officers on contract and one who is the independent hearing officer, Roberto Albertorio.

Ms. York asked Mr. Dinelli to explain what kind of hearings the administrative law judges or hearing officers deal with.

Mr. Dinelli replied that the hearings are for zoning enforcement, red light (STOP) fines, DWI seizure, personnel hearings and the labor management board. Mr. Dinelli stated his opinion that this issue should not be included in the Charter because it can be addressed by legislation.

Ms. York asked if the Hearing Officers have a code of conduct.

Mr. Dinelli responded that he was not sure, but they should have one in place.

Mr. Dinelli stated that by creating law judges, there is a risk of creating a separate court.

Mr. Passi stated that these issues are being handled through ordinance and they seem to be handled well.

Ms. York stated that she spoke with City Attorney Robert White and it was her understanding that there should be something in the Charter that gives authorization to the Office of Independent Hearing officers.

Ms. York presented the following draft language to address the City Attorney's comment:

"The City of Albuquerque is authorized to establish an office to conduct all hearings required under City Ordinance. The Office is to act independently from the City's executive and legislative branches. The Council shall establish by Ordinance rules establishing a code of professional conduct and procedures for conducting hearings and methods for the appointment of hearing officers."

After discussion, Mr. Passi moved that the Task Force not change the Charter to include authority for the administrative hearing officers/administrative law judges. Mr. Silva seconded. The motion passed on a 12-0 vote, with Ms. Weber, Ms. Dorn-Jones and Mr. Gara excused.

6. Ethics, Elections and Public Financing

a. Report by David Campbell on whether Articles XII, XIII, and XVI are consistent or whether there are provisions within those articles that are inconsistent.

Mr. Campbell summarized the four major areas of conflict in the Albuquerque City Charter with respect to ethics, elections, and campaign practices.

Mr. Autio answered members' questions about the public financing process and funds.

Mr. Silva asked how other cities handle public financing.

Mr. Campbell stated that Albuquerque is one of the few that does public financing.

The Task Force will continue its discussion on this matter as well as the matters below at the next meeting on March 5, 2009.

- b. Report from Ethics subcommittee (David Standridge)**
- c. Terms of Board of Ethics members and the Board's chairperson.**
- d. Need to clarify campaign finance reporting requirements regarding deadlines, signatures, and contributions (Randy Autio)**
- e. Any other issues Task Force wishes to discuss on Articles XII, XIII and XVI.**

7. Assignments

There was no discussion on this item.

8. New Business

There was no discussion on this item.

9. Next Meeting – March 5, 2009

The next meeting will be on Thursday, March 5, 2009 at 5:30 pm in the 9th Floor Council Committee Room, Suite 9081.

10. Adjourn

There being no further business, the meeting adjourned at 7:42 p.m.

Handouts distributed to Task Force members:

- New Mexico's Mayor and Council Compensation
- Salary Comparisons For Mayor/Council Cities
- Review of the City of Albuquerque Office of Administrative Hearings
- Proposed Planning Language
- Various Salary Commission Ordinances (4022, 1014, 2111, 1136) from State of Washington