

2015 Charter Review Task Force



Summary Minutes

Saturday, June 6, 2015

9:00AM

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

Members Present

Robert White
Laura Mason
Bruce Thompson
Robert Stetson
Doug Antoon
Steven Allen
David Buchholtz
Nina Martinez
Paul Kienzle
Myra Segal

Council/ Administration Staff Present

Eric Locher, City Attorney's Office
Hessel Yntema IV, City Attorney's Office
Lindsay Burkhard, Council Staff

The meeting was called to order at 9:12 AM

1. Roll Call

Mr. White, Task Force Chair calls roll and announces the proxies that have been made for the purpose of this meeting:

- Laura Mason for Steve Gallegos
- Paul Kienzle for Justine Fox-Young and David A. Garcia
- Doug Antoon for Jerry Evans

2. Public Comment

No one signed up for public comment

3. The Task Force discusses Article XIII.

- A. The Task Force discusses entities that have been excluded from the extensive campaign reporting requirements because their “primary purpose” is not the campaign, there are proposed an extensive, but limited set of new reporting requirements as proposed by Common Cause. The Task Force considers changes that will be Constitutional.

The Task Force votes 8 for and 5 against. The motion passes. Mr. Antoon moves to reconsider. 7-6 vote in favor of reconsidering. (Mr. Gallegos gives his proxy to Ms. Mason via phone). The reconsideration of this motion fails on a 7-7 vote, therefore the motion passed.

Mr. Antoon asks for case law examples that determine what a “primary purpose” is defined as.

- B. The Task Force discusses defining the term “candidate” as starting at an earlier date than currently in the Charter.

"Candidate" means any individual who has (1) obtained a nominating petition from the City Clerk pursuant to Section 4(c)1.D. of ~~this~~ the Election Code for the office of Mayor or Councilor, or (2) filed an affidavit on a form approved by the City Clerk, stating that he or she is a ~~candidate~~ Candidate for ~~either the office of~~ Mayor or City Councilor, or (3) filed as a ~~candidate~~ Candidate for elected office as required by law, or (4) publicly announced his or her candidacy for Mayor or Council, or (5) has accepted a financial or in-kind Contribution or Contributions that exceed a grand total value of \$250, or made expenditures that exceed a grand total of \$250, in support of his or her election to the office of Mayor or Councilor, whichever first occurs.

(This motion makes the term Candidate consistent with that definition found in Article XVI.)

The motion carries on a 12-2 vote.

- C. The Task Force discusses not allowing individual attendees at a “fund raiser” to avoid reporting requirements by aggregating and reporting the total amount raised at the fund raiser. This would require the open reporting of this activity.

The Task Force votes unanimously to remove Section 4. Item (K) *Fund-Raising Activity* from the Article XIII.

- D. The Task Force discusses simplifying the winding down of a Measure Finance Committee (previously voted to change to Political Advocacy Committee by the Task Force). The Task Force informally decides to vote on this section at the next meeting when they review the final version of Article XIII.
 - E. The Task Force discusses removing “professional volunteer services” from the definition of a contribution. “Volunteer services” are generally not considered contributions and it may not be legally permissible to include them. The term “professional volunteer services” is not defined and is therefore a potential problem. The Task Force makes a note that both Article XIII and XVI should be consistent and informally agree to consider final changes at the next meeting.
4. The Chair initiates a discussion and vote on whether the council should put forth to the voters a provision that says the Council can make amendments by a 7 vote super majority.

The vote fails on a vote of 6 in favor to 8 against. The motion leaves the current system in place.

5. The Chair asks the Task Force to consider if they are generally in favor of moving forward and supporting the replacement of the current matching fund system or to simply make clean up changes to the language Open and Ethical Elections Code. The Chair suggests moving forward to further consider the Open and Ethical Elections Code.
6. The Task Force again considers the difference between “professional-services” and campaign reporting and matching funds provisions in Article XVI. Viki Harrison of NM Common Cause addresses the Task Force in respect to public financing of campaigns. The Task Force moves on to consider other sections in Article XVI.

Mr. White calls a vote to see if the Task Force is in favor of the NM Common Cause proposed matching fund program. The motion carries on a vote of 9 for to 5 against.

7. Ms. Mason asks to reconsider the provision in the Charter that relates to the Duties of the Mayor. Ms. Mason states that she will provide a draft to the Task Force at the next meeting.

8. There being no other business, the meeting was adjourned at 11:48PM.

