

2015 Charter Review Task Force



Summary Minutes

Saturday, May 30, 2015

9:00AM

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

Members Present

Robert White
Laura Mason, (proxy for Myra Segal first
half of meeting)
Bruce Thompson
Robert Stetson
Doug Antoon
Steven Allen
David Buchholtz
Jerry Evans
David A. Garcia
Nina Martinez
Paul Kienzle (proxy for Justine Fox-Young)
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 9:10 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 Myra Segal, (first half of meeting)
- Paul Kienzle for Justine Fox-Young

2. Public Comment

Tad Niemyjski addressed the Task Force.

3. Consideration and Vote on:

- a. **P-15-8** To Be Submitted To The Voters On The City Of Albuquerque Municipal Election Ballot Of October 6, 2015, Amending Article V, Section 4 Of The Charter Of The City Of Albuquerque, Concerning The Duties Of The Mayor; Specifying That The Appointment Of The Chief Of Police And Fire Chief Will Require The Advice And Consent Of The City Council
- **In respect to P-15-8 it is the recommendation of this Task Force that this proposal be amended to only require the Council's advice and consent of both the Chief of Police and the Fire Chief. This recommendation further suggests to strike the language that allows for the "removal for cause" of both the Chief of Police and the Fire Chief.**
- b. **P-15-9** Adopting A Proposition To Be Submitted To The Voters At The October 6, 2015 City Of Albuquerque Municipal Election Ballot That Amends Article III, Section 3 Of The Charter Of The City Of Albuquerque, Concerning Direct Legislation By Voter Initiative So That Proposed Measures Shall Be Submitted To The City's Electors Only At General Elections Or Regular Municipal Elections; And That Amends The Calculation For The Minimum Number Of Petition Signatures
- **In respect to P-15-9 it is the recommendation of this Task Force that this proposal be approved. (Subject to the addition of language that would ensure that election notice and procedure be followed.)**
- c. **P-15-10** Adopting A Proposition To Be Submitted To The Voters At The October 6, 2015 City Of Albuquerque Municipal Election That Amends Article VI Of The Charter Of The City Of Albuquerque Concerning Charter Amendments
- **In respect to P-15-10 this Task Force has no recommendation.**
- d. **P-15-11** To Be Submitted To The Voters On The Municipal Election Ballot Of October 6, 2015, Adding A New Article "XX" To The City Charter To Provide For The Election Of The Chief Of Police And To Amend Articles II, III, XII, XIII, XVI, AND XVIII To Provide A Process For Electing The Chief Of Police And Determining A Salary For That Position

- **In respect to P-15-11 the Task Force voted to oppose the proposal unanimously.**
4. Consideration and Vote on: III. The provision of the Charter that requires nine and only nine Council Districts so as to potentially allow more than nine districts
 - A. Unanimous 13-0 Vote of No Recommendation

 5. Consideration and Vote on: IV. Public Financing of campaigns and other election provisions
 - A. A motion was made to strike “Measure Finance Committee” in lieu thereof “Political Advocacy Committee” Art. XII, Sec. 2(I)
 - a. Unanimous 13-0 Vote in favor of this motion.

 - B. A motion was made to adopt the language “other than a candidate finance committee, having the primary purpose of” Art. XII, Sec. 2(I)
 - a. Unanimous 13-0 Vote in favor of this motion.

 - C. A motion was made to strike “\$250” in lieu thereof “\$1000”
 - a. Unanimous 13-0 Vote in favor of this motion.

Art. XIII, Sec. 2 (I)

(I) "Political Advocacy Committee" means a political committee or any person or combination of two or more persons [other than a candidate finance committee, having the primary purpose of] acting jointly in aid of or in opposition to the effort of anyone seeking to have their name placed on the ballot for city office, a petition to place a measure on the ballot pursuant to Article III of this Charter, voter approval or disapproval of one or more measures on the ballot and/or the election to, or recall from, office of one or more candidates for office when such person or people have accepted contributions in excess of ~~[\$250]~~[\$1000] or make expenditures in excess of ~~[\$250]~~[\$1000] or for any of the purposes listed heretofore.

D. A motion was made to remove the provision on spending limits as it has been deemed unconstitutional. Art. XIII, Sec. 4(f)

a. Unanimous 13-0 Vote in favor of this motion.

Art. XIII, Sec. 4 (d)

~~[(d) Limits to Campaign Financing. No candidate shall allow or accept contributions or make expenditures in excess of the following for any election:~~

~~—1. To a candidate for the office of Councillor, contributions or expenditures equal to twice the amount of the annual salary paid by the City of Albuquerque to Councillors as of the date of filing of the Declaration of Candidacy.~~

~~—2. To a candidate for the office of Mayor, contributions or expenditures equal to twice the amount of the annual salary paid by the City of Albuquerque to the Mayor as of the date of filing of the Declaration of Candidacy.]~~

E. A motion was made to remove the ban on campaign contributions from businesses. Art. XIII, Sec. 4(f)

a. Unanimous 13-0 Vote in favor of this motion.

Art. XIII, Sec. 4 (f)

~~(f) Ban on Contributions from [Business Entities and] City Contractors. [No candidate shall accept a contribution in support of the candidate's campaign from any corporation, limited liability company, firm, partnership, joint stock company or similar business entity or any agent making a contribution on behalf of such a business entity.]~~ No candidate shall accept a contribution in support of the candidate's campaign from any person, other than a City employee, who at the time of the contribution is in a contractual relationship with the City to provide goods or services to the City. The remedy for an unknowing violation of this subsection shall be the return of the contribution.

F. The Task Force moves on to review other suggestion made from Common Cause in addition to Open and Ethical Election provisions. Mr. White suggests that Mr. Antoon and Mr. Allen review and prepare a draft of additional revisions for the Task Force to review at the next meeting, Thursday, June 4.

6. Consideration and Vote on: I. Discussion of Potential Council remedies in the event a timely mayoral appointment is not presented for positions which require the advice and consent of the council.

a. A motion is made to move a vote of no recommendation.

The motion carries on a 12-1 vote, Laura Mason voted against this motion.

7. Consideration and Vote on: II. Discussion of Potential Council remedies in the event timely appointments are not made to the “Intragovernmental Conference Committee” established under Article XIX of the Charter in 2009

a. A motion is made to move a vote of no recommendation.

12-0 Vote in favor of this motion, Bruce Thompson abstained from voting.

There being no other business, the meeting was adjourned at 12:31 PM.

