

CITIZENS' INDEPENDENT SALARY COMMISSION (CISC)

MINUTES – January 27, 2011 – 8:07 a.m.
Office of Internal Audit, 5th Floor, Suite 5025
Albuquerque-Bernalillo County Government Center
400 Marquette NW, Albuquerque, NM 87102

CISC MEMBERS PRESENT:

John Carey
Ellen Driber-Hassall
Joseph Conte
Kenneth J. Petrusis

CITY OF ALBUQUERQUE PRESENT:

Carmen L. Kavelman, Director, OIA
Vicky M. DeHerrera, OIA Assistant
Robert Kidd, City Attorney, Legal Dept.

CISC MEMBER ABSENT:

Dick Heath

CALL TO ORDER:

The meeting was called to order at 8:07 a.m. on Thursday, January 27, 2011.

Carmen Kavelman introduced Robert Kidd, City Attorney from the Legal Department. Chairperson requested for all present for an introduction.

Robert Kidd gave a brief introduction of his background.

Chairperson John Carey raised the following issues:

- City Charter Amendment on Salaries
- Employee Benefits
- Councilors 10% of the Mayor's Salary

Robert Kidd talked about the following issues that the CISC Commission requested legal opinions: The language in the charter that passed in the 2009 election provides that this commission be created to determine what the salary should be for Councilors and the Mayor.

Once the Commission makes a determination of what the salary should be and it will not impact councilors or Mayor that are currently serving a term. This is important because that reflects what is in the state's constitution. The state constitution essentially provides that the salary of an elected official and it includes Mayors and councilors cannot be either increased or decreased during their term of office.

Once this commission makes a decision and files it with the City Clerk then the changes would only apply to councilors that are elected in this year's election. In 2012, this CISC Commission should start meeting again to make or review the same kind of analysis for the Mayor and Councilors that would be up for election in 2013.

To break it down in simple terms: there are four councilor's seats that are up for election this year. Whatever this commission decides as the councilor's salary, those four, whether they are new or reelected would benefit from that salary. The other remaining five councilors would continue to receive their current salary until they are up for election 2013. It has to be done this way because of what the constitution says and what the charter provides.

The courts and the AG have interpreted the provision in the constitution. The salary that you would see when you begin your term of office is the salary that you get for the entire term. It cannot be adjusted.

The four councilor's seats that are up for election this year are:

- District 2 – Debbie O'Malley
- District 4 – Brad Winter
- District 6 – Rey Garduno
- District 8 – Trudy Jones

The five councilor's seats that are up for election in 2013 are:

- District 1 – Ken Sanchez
- District 3 – Isaac Benton
- District 5 – Dan Lewis
- District 7 – Michael D. Cook
- District 9 – Don Harris

The question that was presented to Legal: If the commission makes its decision as to what the salary should be is there any ability of either councilor or the administration can change that or not accept it. The purposes of the amendment is that everyone is going in with their eyes wide open on this process and essentially delegated this small piece of the budget to this commission. The councilors can either choose to not fund what this commission decides and the administration could line item veto that provision.

Chairperson John Carey stated that the charter amendment has a paragraph that says that any change to salaries recommended by the Commission is subject to the referendum process. What we do could anger voters and they could initiate a referendum to abolish what we have done and probably abolish us.

Robert Kidd stated, that provision was placed as a check on this body to say that if whatever you decide is considered to be some how unreasonable. While the councilor and the administration could not do anything about it, the voters can.

John Carey stated how quickly could that happen? Could they get on the ballot? Would it have to be a general fall election? Robert stated, actually he thinks the provision of the charter states that its 30 days to collect the signatures necessary to be placed on the ballot and I think the election within 90 days of the verification.

If the voters abolish the commission it will place us in a unique spot, my guess is more than likely a referendum would simply overturn or eliminate what the commission decided to be the salary. In that case and my position would be that, we would simply revert to the old salary for everyone. You maintain the status quo. If everything were severed out, abolishing the commission that would also impact some other provisions in the charter. I suppose we would be left at that point since the City of Albuquerque is a charter municipality, the council would probably need to by ordinance, have something that say either this is the budget or some other stand-alone ordinance deciding how the salaries will be determined.

Carmen asked the City Attorney, when there are amendments or changes to a charter are the changes established by a task force.

Robert stated that referendums are very difficult to put on the ballot, simply because of the petition requirement.

John Carey asked Robert Kidd whether salaries included any other employee benefits or perks of what people think of in terms of major medical or disability and expenses. Kidd stated that this is a more technical question and the CISC Commission needs to contact either Payroll or the Human Resources Department.

Robert Kidd concluded there could be based on what the commission decides a difference in the salaries of the councilors, but that difference only exists for two years. The constitutional provision that I referred to applies statewide so whenever there is a change in the county or in any other municipality these disparities exist. It applies statewide to all elected officials and it is really just a matter of interpretation by the courts and the AGs offices to make clear that includes councilors and mayors. This will not be the first time in the history of the state that you have elected officials receiving different salaries.

Being that there were no more questions from the CISC Commission, Robert Kidd left the meeting at this time.

Chairperson Carey discussed the Open Meeting Forum tentatively scheduled for February 15, 2011. Carmen advised the Commission that three community centers are available for February 15. The Commission voted for the Yale and Gibson location (Loma Linda Community Center).

The Chairperson asked Carmen to meet with him after the meeting to discuss how they can get the word out about the open meeting forum to the media. The Chairperson suggested that his staff could do a press release if they can or probably do some phone follow-up and call the media personnel to cover the event and to give us some pre-event coverage.

The Chairperson, Joe Conte and Carmen Kavelman met shortly after the last CISC meeting to do an initial draft of the final report. Joe Conte did an initial draft. A copy was distributed to the other CISC Commission Members.

The Commission Members discussed the final draft of the report and these items were added to the report:

- Number of meetings
- Number of hours
- Interviewed how many councilors
- Interviewed how many Admin staff
- How many commission meetings – include a chart
- Include a summary of work performed
- Include an executive summary
- Format of the report

Joe Conte asked Carmen if the present formula (10% for councilors) was adopted in 1974. Carmen will check with City Council.

Kenneth Petrulis stated that he met with Councilor Ken Sanchez on Monday, January 24, 2011. He believes that City Councilors deserve a raise.

The CISC Commission Members discussed what would be a good salary for the Mayor and City Councilors.

ACTION ITEMS:

- Carmen to check if part-time employees have a benefit package
- Draft report to be reviewed by the CISC Commission Members

OTHER BUSINESS:

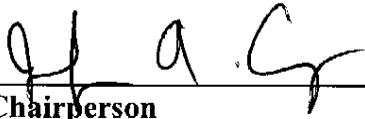
Next Scheduled CISC Meetings:

- Thursday – February 15, 2011 – 5:00 p.m. to 7:00 p.m. (Open Meeting Forum)

ADJOURNMENT

Chairperson Carey adjourned the meeting at 9:45 a.m.

READ AND APPROVED:

A handwritten signature in black ink, appearing to read 'J. A. C.', is written over a horizontal line.

**John Carey, Chairperson
Citizens' Independent Salary Commission**