



City of Albuquerque

Legal Department

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INTER-OFFICE MEMORANDUM

DATE: June 5, 2015

TO: City Councilor Isaac Benton

FROM: Jessica M. Hernandez, City Attorney *JMH*

RE: Action on Letter of Introduction

You requested that my office provide an opinion on whether the City Council Rules of Procedure (“Council Rules” or “Rules”) provide for removing a bill from the Letter of Introduction. This memorandum is limited to the specific issue contained in your request.

The Council Rules provide that “[b]ills may be introduced by any Councilor at any regular meeting of the City Council . . .” Article III, Section 6(A)(3). Section 6 goes on to establish a procedure for consideration of bills following introduction. Article III, Section 6(A)(4). Generally, bills may either be referred to a committee or considered for final action at a subsequent meeting no earlier than the next regular City Council meeting after introduction. The Council Rules do not expressly authorize a Councilor to remove a bill from the Letter of Introduction.

Interpretation of the Council Rules should follow the same standards that are used to interpret statutes or ordinances. The plain language of the Rules should be considered when determining the intent of the Rules, and all sections should be read together so that all parts are given effect. Under this approach, the plain language is examined and the words are given their ordinary meaning, unless the Rules indicate a different one was intended.

In interpreting a statute, the Court’s “primary goal is to ascertain and give effect to the intent of the legislature.” *Jolley v. AEGIS*, 2010-NMSC-029, ¶8, 148 N.M. 436, 237 P.3d 738 (internal quotation marks and citation omitted). In assessing intent, “we look first to the plain language of the statute, giving the words their

ordinary meaning, unless the Legislature indicates a different one was intended.” *Oldham v. Oldham*, 2011-NMSC-007, ¶10, 149 N.M. 215, 247 P.3d 736 (internal quotation marks and citation omitted); *see also DeWitt v. Rent-A-Center, Inc.*, 2009-NMSC-032, ¶ 29, 146 N.M. 453, 212 P.3d 341 (“The first and most obvious guide to statutory interpretation is the wording of the statutes themselves.”). When interpreting a statute, all sections of the statute “must be read together so that all parts are given effect.” *High Ridge Hinkle Joint Venture v. City of Albuquerque*, 1998-NMSC-050, ¶ 5, 126 N.M. 413, 970 P.2d 599. Where the language of a statute is “clear and unambiguous, we must give effect to that language and refrain from further statutory interpretation.” *Quynh Truong v. Allstate Ins. Co.*, 2010-NMSC-009, ¶ 37, 147 N.M. 583, 227 P.3d 73 (quoting *State v. Jonathan M.*, 109 N.M. 789, 790, 791 P.2d 64, 65 (1990)).

Diamond V. Diamond, 2012-NMSC-022, ¶25, 283 P.3d 260, at 265.

Applying these standards to the Council Rules, the plain language of Article III, Section 6(A)(3) states that “[b]ills may be introduced by *any* Councilor at *any* regular meeting of the City Council...” (Emphasis added). The Rules contain only two limitations on a Councilor’s ability to introduce a bill. First, it must have been submitted to the Clerk of the Council in a certain format by 10:00 a.m. on the Tuesday preceding the meeting; second, it cannot be introduced at a Special Council meeting. Article III, Section 6(A)(3). If those two conditions are met, the Rules allow a Councilor to introduce bills of his or her choosing at any regular meeting.

The next step in determining intent is to read all sections of the Rules together so that all parts are given effect. When reading through the relevant section as a whole, the intent of the Rules is to allow all bills to be introduced and sets a process for acting on the bills, including the process for disapproving bills. There does not appear to be an intent to allow bills to be removed from the Letter of Introduction over the sponsor’s objection.

It is my understanding that bills have been removed from the Letter of Introduction in the past. However, I understand that those bills were removed with the sponsor’s agreement and not over the sponsor’s objection. Such a removal would be consistent with the Rules because the sponsor would no longer be seeking to introduce the bill.

In conclusion, it is the opinion of the City Attorney’s Office that the Council Rules do not provide for the removal of a bill from the Letter of Introduction over the objection of a sponsoring Councilor.