



**City of Albuquerque
Charter Review Task Force**

Thursday, December 18, 2008

5:30 p.m.

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

SUMMARY MINUTES

Members Present:

Wendy York, Chair
David Campbell
Chuck Gara
Susan Jones
Eli Il Yong Lee
Gloria Valencia-Weber
Herb Hughes
Michael Passi
Vickie Perea
Laura Horton
Diana Dorn-Jones
Dan Silva
Marty Esquivel
David Standridge
Steve Gallegos

Council/Administration Staff Present:

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

Chair York called the meeting to order at 5:32 p.m.

1. Approval of Summary Minutes – November 20, 2008 & December 4, 2008

Ms. Perea moved approval of the November 20, 2008 summary minutes, as amended, and the December 4, 2008 summary minutes. Mr. Esquivel seconded the motion. The motion passed unanimously on an 11-0 vote, with Mr. Lee, Ms. Weber, Mr. Passi and Mr. Gallegos excused.

2. Discussion and Possible Vote on Charter Articles

The Task Force will continue its discussion of Articles IV (Council), V (Mayor), VII (Annual Budget Process), X (City Employees) and XI (Enactment and Veto Process for Legislation) at the next meeting on January 15, 2009.

3. Discussion and Possible Vote on Issues of Independent Officials: City Attorney, City Clerk & Others

Chair York began the discussion by asking the Task Force members to look over the Proposed Removal Process language as distributed by staff.

Mr. Lee stated that he would like to create more independence for the City Attorney and City Clerk.

Mr. Campbell, Mr. Gallegos and Mr. Standridge stated their opinion that the current structure for the City Attorney and City Clerk are fine as is.

Ms. York asked if there are certain qualifications for the office of City Clerk. Mr. Autio responded that there are currently no qualifications.

The consensus of the Task Force was to leave the City Attorney removal process as it now is and to have protections for removal for the City Clerk.

The Task Force discussed the pros and cons of each removal process alternative and decided they would review the language and take a vote at the next meeting.

4. Discussion on Issues of Administrative Law Judges

Staff distributed proposed language prepared by Chair York regarding a Charter Reconciliation Board. Chair York reviewed the proposed language and its intent.

Mr. Esquivel stated several concerns about whether this proposal would be workable on a practical level and whether any judges would be willing to do the anticipated large amount of work for free. He also raised the concern that Rule 74 probably would not apply to an appeal of this body's decisions, and that this would add another level of bureaucracy.

Mr. Campbell stated he would like to have a system in place, but did not think the Charter Reconciliation Board should be placed in the middle of the Mayor and the Council. He suggested that a board more advisory in nature might be workable.

Ms. Dorn-Jones stated concerns about the accountability of the board.

Mr. Gara commented that many of the issues appear to be regarding the budget. Ms. Mason and Mr. Adams responded that the issues are broader.

Mr. Adams stated several concerns, including the unknown consequences of the third party body and the issue of accountability. He also stated that the board might keep the Council and Mayor from working together.

Mr. Passi agreed with Mr. Adams and added that it may be an unnecessary layer of government.

Mr. Silva spoke against the proposal and stated that he believes the public would like to see the Mayor and Council work together to resolve issues. He also added that he cannot imagine the Mayor and Council wanting to give up authority to this third party board.

Ms. Mason pointed out that the proposed language is a vehicle to bring the Mayor and Councilors to the table to resolve Charter issues.

Ms. Weber understands why this proposal might not work in government, although it may work in other settings. She added that she does not see where the promotion of “working it out” is currently in the Charter.

Mr. Campbell stated that the current “dispute resolution” procedure is in passing legislation and in the veto/override process. He also stated concerns about creating an unelected branch of government that trumps the elected government.

Ms. Perea stated that disputes regarding the Charter have to be resolved and there is a need for such a mechanism.

Chair York stated that in her line of work that 90% of the effort is getting people together in the same room, and that when they are together, they begin to compromise.

Ms. Dorn-Jones pointed out the language in Article VII, Section 6 regarding resolution of disagreements. Ms. Mason and Mr. Adams stated that the language applies only to the budget process.

Mr. Campbell suggested that the language regarding resolution of disagreements in Article VII, Section 6, be expanded beyond the budget.

Mr. Gallegos questioned whether the elected officials could be forced to go to a hearing. He also stated that in mediation, there are sides taken. Chair York responded that it would be more of an arbitration.

Mr. Silva asked when an issue would rise to the level of a “violation”; would it be when 2 or 3 Councilors allege that there has been a violation?

Mr. Lee asked if it would rise to a Charter violation if the Mayor does not act on legislation adopted by the Council.

After discussion, Mr. Gallegos moved they do nothing with regard to the Charter Reconciliation Board proposal, and Mr. Standridge seconded:

The motion passed on a 14-1 vote, with Mr. Lee voting against the motion.

With regard to the appointment/confirmation process, Mr. Passi raised the issue about the Mayor placing someone in an “acting” capacity indefinitely and not allowing the Council to confirm the individual. Chair York stated this would be discussed at the next meeting.

5. Other Business

- a. Handouts distributed by staff

Staff provided the following handouts to the Task Force members: A list of issues presented by the Councilors and the Mayor; Proposed Language for Charter Reconciliation Board; Removal Process Examples; Revised Language for Appointment of City Attorney and City Clerk.

6. Next Meeting – January 15, 2009

The next meeting will be at 5:30 p.m. on January 15, 2009 in the Vincent E. Griego Chambers, Basement Level, at which time public comment will be taken.

7. Adjourn

There being no further business, the meeting adjourned at 7:26 p.m.

Handouts distributed to Task Force members:

- Issues Presented By Councilors and Mayor
- Proposed Language for Charter Reconciliation Board
- Removal Process Examples
- Revised Language for Appointment of City Attorney and City Clerk