



**City of Albuquerque
Charter Review Task Force**

Tuesday, March 10, 2009

5:30 p.m.

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

SUMMARY MINUTES

Members Present:

Wendy York, Chair
Vicki Perea
David Campbell
Michael Passi
Steve Gallegos
Herb Hughes
Eli Il Yong Lee
Gloria Valencia-Weber
Chuck Gara
David Standridge
Dan Silva
Susan Jones

Council/Administration Staff Present:

Laura Mason
Ed Adams
Randy Autio
Robert Kidd
Tony Pedroncelli
Luz Carreon

Excused:

Marty Esquivel
Laura Horton
Diana Dorn-Jones

Chair York called the meeting to order at 5:36 p.m.

1. Approval of Summary Minutes – March 5, 2009

Ms. Perea moved approval of the March 5, 2009 summary minutes, Mr. Passi seconded the motion. The motion passed unanimously on a 12-0 vote, with Mr. Esquivel, Ms. Horton and Ms. Dorn-Jones excused.

2. Salaries

- a. Continue discussion about "whether the City Councillors' annual salaries should be equal to that paid to Bernalillo County Commissioners or increased by any amount?"**
- b. Vote on recommendation regarding salaries.**

Ms. York discussed the handout that addressed the Citizens' Independent Salary Commission. Ms. York explained the changes within the handout and asked the Task Force members for their input.

The Task Force discussed how the committee would be created and when the committee would meet. Some members stated that the language should have specific details so in the future there will be no confusion.

After discussion, Mr. Gallegos moved the language for the first paragraph of the Citizens' Independent Salary Commission. Mr. Gara seconded. The motion passed on a 9-3 vote with Mr. Lee, Mr. Standridge and Ms. Perea opposed and Mr. Esquivel, Ms. Horton, and Ms. Dorn-Jones excused.

After discussion, Mr. Passi moved to add language to the second paragraph of the Citizens' Independent Salary Commission regarding the members of the Commission. Mr. Passi suggested this motion because the language was too broad and wanted to define who would be able to join the Commission. Mr. Gara seconded. The motion passed on a 11-1 vote with Ms. Jones opposed and Mr. Esquivel, Ms. Horton, and Ms. Dorn-Jones excused.

After discussion, Ms. Weber moved to add language to the second paragraph of the Citizens' Independent Salary Commission regarding the term of the members. Mr. Passi seconded. The motion passed on a 10-0 vote with Mr. Standridge and Mr. Silva abstaining and Mr. Esquivel, Ms. Horton, and Ms. Dorn-Jones excused.

After further discussion, Mr. Campbell moved to add language to the second paragraph of the Citizens' Independent Salary Commission regarding the term of the members by adding to Ms. Weber's motion. Ms. Weber seconded. The motion passed on a 11-1 vote with Mr. Gallegos opposed and Mr. Esquivel, Ms. Horton and Ms. Dorn-Jones excused.

Mr. Passi moved to delete the second to last paragraph of the Citizens' Independent Salary Commission and insert the language into the end of the second paragraph. Mr. Campbell seconded. The motion passed on a 9-3 vote with Mr. Standridge, Mr. Silva and Ms. Perea opposed and Mr. Esquivel, Ms. Horton and Ms. Dorn-Jones excused.

Mr. Gallegos moved to add language to the third paragraph of the Citizens' Independent Salary Commission. Mr. Gara seconded. The motion passed on a 12-0 vote with Mr. Esquivel, Ms. Horton and Ms. Dorn-Jones excused.

After discussing and amending the Citizens' Independent Salary Commission Mr. Gallegos moved the Citizens' Independent Salary Commission with all amendments.

Ms. Weber seconded. The motion passed on a 9-3 vote with Ms. Perea, Mr. Standridge and Mr. Silva opposed and Mr. Esquivel, Ms. Horton and Ms. Dorn-Jones excused.

The following is the final language for the Citizens' Independent Salary Commission:
"Citizens' Independent Salary Commission

A Citizens' Independent Salary Commission is created with the authority to set the salaries of the Mayor and Councillors. The Commission has the authority to evaluate the annual salaries and determine whether they should be increased or decreased. The Commission has authority to consider all factors relevant to the salaries.

The Commission shall consist of five members selected by the Accountability in Government Committee. All members shall be residents of the City of Albuquerque and shall not be an officer, official or employee of the City or an immediate family member of the same. The term of each member shall be for four years, and no member shall be appointed to more than two terms. The initial terms of members of the newly established Commission shall be staggered.

At least one year prior to each regular municipal election, the Commission shall review the salaries paid by the City to the Mayor and Councillors. If after such review the Commission determines that the salary should be increased or decreased, the Commission shall file a written salary schedule with the City Clerk indicating the proposed salary.

Changes to the salaries shall not be effective for the incumbent Mayor and Councillors, but shall be effective at the beginning of the next term.

Any change to salaries recommended by the Commission shall be subject to the referendum procedures as provided for in Article III, Section 2 of this Charter.

All meetings of the Commission shall be open to the public and subject to the Open Meetings Act, Sections 10-15-1 et seq. NMSA 1978."

After discussing amendments to Articles IV and V to be consistent with the Salary Commission provisions, Ms. Jones moved the amended language. Mr. Gara seconded. The motion passed on a 11-1 vote with Mr. Standridge opposed and Mr. Esquivel, Ms. Horton and Ms. Dorn-Jones excused.

The following is the final language for salary changes to Article IV and Article V:

Article IV, Section 6. COMPENSATION OF THE COUNCIL

Councillors shall receive annual salaries and benefits as determined by a citizens' independent salary commission.

Article V, Section 2. MAYOR'S TERM AND SALARY.

The term of Mayor, unless sooner recalled or removed, shall begin on December 1st of the year of election and shall be for four years or until a successor is duly elected and qualified. The Mayor's salary shall be determined by a citizens' independent salary commission.

3. Ethics, Elections and Public Financing

- a. Report from Ethics subcommittee (David Standridge)**
- b. Terms of Board of Ethics members and the Board's chairperson.**
- c. Campaign finance reporting requirements regarding deadlines, signatures, and contributions (Randy Autio)**
- d. Any other issues Task Force wishes to discuss on Articles XII, XIII and XVI.**
- e. Discuss recommendations of subcommittee**

Mr. Lee explained the changes within Article XII, the Code of Ethics, that the Ethics subcommittee proposed. After discussing the proposal to delete the section on the definition of a "gift", the Task Force decided not to change the existing language.

Mr. Passi moved the amended language. Ms. Jones seconded. The motion passed on a 11-1 vote with Mr. Gallegos opposed and Mr. Esquivel, Ms. Horton and Ms. Dorn-Jones excused.

The Task Force approved changes to Sections 2(d), 2(f), 3(b), 3(d), 3(f), 4(a)(4), 4(c), 7(E), and 8 (e). See Revisions of Task Force Up to and Including Meeting of 3/10/09 for specific changes.

Mr. Campbell presented the subcommittee's proposed change to the Election Code Article XIII and explained that Section 4(f) should be amended to make it more consistent with defined terms in the rest of the Election Code and in the Code of Ethics.

Mr. Passi moved the proposed language. Ms. Weber seconded. The motion passed on a 12-0 vote with Mr. Esquivel, Ms. Horton, Mr. Hughes and Ms. Dorn-Jones excused.

The following is the final language for Article XIII, Section 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 has business dealings or a contract with the City. The remedy for an unknowing violation of this subsection shall be the return of the contribution."

Mr. Autio explained the subcommittee's proposed amendment to the Open and Ethical Elections Code, Article XVI. He stated that Section 21, regarding enforcement of the Code, should be changed so one entity, the Board of Ethics, is responsible for enforcing election related violations. He proposed that the enforcement not be handled by the City Attorney.

Mr. Campbell moved the proposed amendment. Ms. Jones seconded. The motion passed on a 12-0 vote with Mr. Esquivel, Ms. Horton and Ms. Dorn-Jones excused.

The following is the final language for Article XVI, Section 21:

“Section 21. PENALTIES - ENFORCEMENT.

The Board of Ethics and Campaign Practices shall enforce the Open and Ethical Elections Code pursuant to Articles XII and XIII of the City Charter.”

The Task Force then discussed a proposal to allow the Council to amend the Open and Ethical Elections Code to allow the Council to make amendments to that Article without placing amendments on the ballot.

After discussion, Mr. Campbell moved the amendment. Mr. Silva seconded. The motion failed on a 3-8 vote with Mr. Gallegos, Ms. Weber and Mr. Gara in favor and Mr. Esquivel, Ms. Horton, and Ms. Dorn-Jones excused.

4. New Business

Mr. Hughes presented his proposed language regarding regional cooperation and explained that his intent is to reinforce communication among governmental entities.

Mr. Passi moved approval of the proposed language. Mr. Hughes seconded. The motion passed on a 10-1 vote with Mr. Standridge opposed and Ms. Jones, Mr. Esquivel, Ms. Horton and Ms. Dorn-Jones excused.

The following is the final language:

“The Mayor and City Council, in their effort to achieve quality service for City residents, shall strive to cooperate and formally communicate with the communities and governmental entities which are part of, or adjacent to, the Albuquerque Metropolitan Area.”

The Task Force discussed an additional meeting on Thursday, April 23, 2009 at 5:30 in the Council Committee Room, in order to compile the report for the City Council.

5. Next Meeting – April 2, 2009

The next meeting will be on Thursday, April 2, 2009 at 5:30 pm in the Vincent E. Griego Chambers.

6. Adjourn

There being no further business, the meeting adjourned at 7:55 p.m.

Handouts distributed to Task Force members:

- Salary Commission (Details in Ordinance)
- Citizens' Independent Salary Commission
- Ethics Subcommittee Recommended Changes to Ethics Code
- Article VI, Section 21
- Memo from Herb Hughes