

# **CHARTER OF THE CITY OF ALBUQUERQUE**

## **PREAMBLE**

We, the people of the City of Albuquerque, under the law of the State of New Mexico, do ordain and establish this form of government for the City of Albuquerque, New Mexico.

(Adopted at Special Election, June 29, 1971.)

## **ARTICLE I. INCORPORATION AND POWERS**

The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. The purpose of this Charter is to provide for maximum local self government. A liberal construction shall be given to the powers granted by this Charter.

(Adopted at Special Election, June 29, 1971.)

## **ARTICLE II. ELECTIONS**

### **Section 1. ELECTION DATES.**

The Councillors representing even-numbered Districts shall be elected by the voters to four-year terms at the regular municipal election held on October 7, 1975. The Mayor and the Councillors representing odd-numbered Districts shall be elected by the voters to four-year terms at the regular municipal election held on October 4, 1977. Thereafter, regular municipal elections shall be held on the first Tuesday after the first Monday in October of odd-numbered years.

### **Section 2. REFERENCE TO STATE LAW.**

(a) The Municipal Election Code, Chapter 3, Articles 8 and 9, NMSA 1978, as amended and as supplemented from time to time, shall govern the conduct of all aspects

of municipal elections, except where inconsistent with the terms of this Charter, in which event this Charter shall control.

(b) Any ordinance adopted subsequent to the effective date of this Section by a majority of the entire membership of the Council plus two additional members thereof voting in favor of such ordinance, and said ordinance being otherwise governed by Article XI of this Charter, which ordinance expressly provides that it is to take precedence over the Municipal Election Code, shall take precedence over such Code except where such ordinance is inconsistent with the terms of this Charter, in which event this Charter shall control.

### **Section 3. QUALIFICATIONS FOR MAYOR AND COUNCILLORS.**

Persons desiring to become candidates for Mayor shall, before being placed on the ballot, file with the City Clerk a petition containing signatures of two percent (2%) of registered city voters. Persons desiring to become candidates for District Councillor shall, before being placed on the ballot, file with the City Clerk a petition containing signatures of two percent (2%) of the registered voters residing in the district which the person desires to represent. The number of registered voters shall be determined as of the date petitions may begin to be circulated. (Amended at a Special Election held in conjunction with a Regular Municipal Election, October 5, 1999, as Question #3.)

### **Section 4. DESIGNATION OF CANDIDATES.**

The ballots shall be printed by the city and shall contain the names of the candidates without party or other designation. In city elections, paper ballots may be used exclusively if found more expedient or desirable. Where voting machines are used, any references to ballots will apply equally to voting machines.

### **Section 5. DEFINITION.**

The term "elector" or "voter" when used in this Charter means a person who is a resident of the city and who is entitled to vote for candidates for municipal office in a municipal election under the Constitution and statutes of New Mexico as amended and supplemented from time to time and who is registered pursuant to the applicable statutes of New Mexico as amended and supplemented from time to time or who is registered pursuant to any ordinance of the Council which expressly provides that it is to take precedence over such statutes and which is enacted after the effective date of this Section.

**Section 6. FORTY PERCENT MINIMUM VOTE.**

Those persons who are candidates for Mayor or Councillor and receive the largest number of votes cast for the office in question are elected, provided the number of votes equals or exceeds 40% of the total number of votes cast for the office.

(See note at end of Article II, Section 7)

**Section 7. RUNOFF ELECTIONS.**

(a) If no candidate receives 40% of the votes cast for the particular office in question, a runoff election shall be held within forty-five days after certification of the results of the election in question as now provided by law and as amended and supplemented from time to time. Unless otherwise specified in this Charter, the two candidates who receive the highest number of votes cast for the office in question shall automatically become the candidates at the runoff election and the filing of declarations of candidacy is dispensed with.

(b) The Council shall by resolution fix the date of the runoff election and specify the offices to be filled and the names of the candidates therefor. The resolution shall be published once, at least seven days before the runoff election date. Otherwise, no publications are required in connection with runoff elections.

(c) Only such voting precincts and procedures will be reactivated for a runoff as will be required, on a city-wide basis if officials to be voted on by the entire city electorate are involved, otherwise only such District Councillor districts as may be involved.

(Article II amended at Regular Municipal Election, October 3, 1989, as part of Proposition #1.) (The Second Judicial District Court of the State of New Mexico, in the case of Campbell v. Santillanes, CV-97-04851, declared the portion of Section 6 concerning the requirement of obtaining 40% of the total votes cast and Section 7 concerning runoff elections violative of Article VII, Section 5, of the New Mexico Constitution. This ruling was not appealed.)

## **ARTICLE III. RECALL ELECTIONS, REFERENDA, AND DIRECT LEGISLATION**

### **Section 1. RECALL.**

(a) Any elective officer of the city shall be subject to a recall election at any time, except as hereinafter provided. A recall may be initiated by the following procedures:

1. Notice of intent to circulate a petition for recall must be signed by five qualified voters and filed with the City Clerk;
2. The number of qualified voters required to sign the petition shall be a number more than 25% of the total number of votes cast at the election of the officer whose recall is proposed;
3. Before any signatures are affixed thereon, the form of such petition must be approved by the City Clerk as provided by law and the date of filing the notice of intent shown thereon;
4. No such petition, or any part thereof, may be filed more than sixty days after the date of filing the notice of intent;
5. The election must be held within ninety days after the date of filing the petition.

(b) At such election, there shall be a special ballot containing the name of the officer, the position which the officer holds, and the dates of the beginning and termination of the official term. Below the name of the officer shall be the two phrases "For the Recall" and "Against the Recall", one below the other, with a space after each for the placing of a cross or a check where desired.

(c) If a majority of the ballots and a number equal to a majority of the ballots cast at the election of the officer whose recall is proposed, show a vote for the recall, the office in question shall be thenceforth vacant.

(d) If an officer is recalled as provided for above, the officer shall not be eligible for re-election until the term for which the officer was originally elected shall have expired.

(e) If a recall election results in a failure to secure a majority of votes in favor of the recall, the officer in question shall not again be subjected to recall until after the expiration of six months from the time at which the first recall election was held.

(f) Vacancies created by a recall election shall be filled in the same manner as is provided for the filling of vacancies in the office of Councillor or Mayor due to other causes; provided, that if all the Councillors are recalled at one election, the City Clerk, or if there be no City Clerk, the Judge of the District Court of the County of Bernalillo, shall within three days call an election to be held in accordance with the provisions specified in this Charter for the election of Councillors at regular elections.

(g) When a Councillor is subjected to recall proceedings, only voters registered as residing in the District which the Councillor represents may participate, sign petitions and vote in the recall proceedings.

## **Section 2. REFERENDUM.**

(a) Except as provided in (d) of this Section, any ordinance may be subject to a referendum on such ordinance as follows:

1. If such ordinance is not an emergency measure, the filing of such petition shall suspend the effective date of the ordinance until an election shall have been held as petitioned. If such ordinance is an emergency measure, it shall go into effect at once, subject to repeal by an adverse majority at the election.

2. The number of qualified voters required to sign the petition shall be a number more than 20% of the average number of voters who voted at the four regular municipal elections prior to publication of the ordinance or more than 20% of the number of voters who voted at the regular municipal election prior to publication of the ordinance, whichever is the greater.

3. Before any signatures are affixed thereon, the form of such petition must be approved by the City Clerk as provided by law.

4. No such petition or any part thereof, may be filed more than thirty-five days after publication of the ordinance.

5. An election on the issue must be held within ninety days after the date of filing the petition.

(b) At such election the ballot shall contain the text of the measure in question and below the same the phrases: "For the Above Measure" and "Against the Above Measure" followed by spaces for marking with a cross or a check the phrase desired.

(c) If a majority of the votes cast are against the measure, it shall be of no effect. If a majority of the votes cast be not against the measure, it shall go into effect forthwith.

(d) The referendum procedure of this Section shall not be available for:

1. Any ordinance authorizing bonds or other obligations where such ordinance, bonds or other obligations appropriately have been approved at an election in the city;

2. Any ordinance levying or otherwise relating to special assessments; or

3. Any ordinance which imposes, levies, increases or otherwise amends rates, tolls, fees and charges for services rendered by any municipal utility or any municipal revenue producing project if bonds or other obligations payable from the designated source are then outstanding.

### **Section 3. DIRECT LEGISLATION BY VOTER INITIATIVE.**

(a) Except as provided in (d) of this Section, a measure may be proposed to the governing body for enactment as follows:

1. Notice of intent to circulate a petition proposing any measure must be signed by five qualified voters and filed with the City Clerk;

2. Concurrently with the filing of the notice of intent, the proposed measure shall be filed with the City Clerk;

3. The number of qualified voters required to sign the petition shall be a number more than 20% of the average number of voters who voted at the four regular municipal elections prior to filing the notice of intent or more than 20% of the number of voters who voted at the regular municipal election prior to filing the notice of intent, whichever is greater;

4. Before any signatures are affixed thereon, the form of such petition must be approved by the City Clerk as provided by law and the date of filing the notice of intent shown thereon;

5. No such petition or any part thereof, may be filed more than sixty days after the date of filing the notice of intent;

6. If the Council fails to act upon a measure so proposed within fourteen days after the City Clerk files a certification with the Council that the petition has been signed by the required number of voters, or the Council acts adversely thereon or amends it an election on the issues must be held within ninety days after the date of filing the petition.

(b) At such election the ballot shall contain the proposed measure as originally submitted and the measure as amended, if amended by the governing body of the city. Below each of these measures, there shall be printed the words: "For" and "Against" followed by spaces for marking with a cross or a check the word desired.

(c) The measure receiving a majority of the votes cast on that measure in its favor is adopted. If each measure receives a majority of votes cast on that measure in its favor, the measure receiving the greatest number of votes cast in its favor is adopted. If neither measure receives a majority of the votes cast, neither shall be in effect.

(d) The initiative procedure of this Section shall not be available to amend or repeal, directly or indirectly:

1. Any ordinance authorizing bonds or other obligations where such ordinance, bonds or other obligations appropriately have been approved at an election in the city;

2. Any ordinance levying or otherwise relating to special assessments;

3. Any ordinance which imposes, levies, increases or otherwise amends any excise tax pledged to any bonds or other obligations then outstanding;

4. Any ordinance which imposes, levies, increases or otherwise amends rates, tolls, fees and charges for services rendered by any municipal utility or any municipal revenue producing project if bonds or other obligations payable from the designated source are then outstanding; or

5. Any ordinance authorizing or otherwise relating to any city bonds or other obligations then outstanding.

(Article III amended at Regular Municipal Election, October 3, 1989, as part of Proposition #1.)

## **ARTICLE IV. COUNCIL**

### **Section 1. AUTHORITY AND MEMBERSHIP OF THE COUNCIL.**

The legislative authority of the city shall be vested in a governing body which shall constitute the legislative branch of the city and shall be known as a Council, consisting of nine members from separate Council Districts, each member to be known as a Councillor. Each of the Council Districts shall elect one Councillor, who shall be a qualified voter of the District. (Amended at Regular Municipal Election, October 8, 1991, as Proposition #1; Amended at a Special Election held in conjunction with a Regular Municipal Election, October 5, 1999, as Question #7.)

### **Section 2. COUNCIL DISTRICTS.**

(a) The total area of the city shall be divided into nine Council Districts, numbered one to nine inclusive, and each district shall elect one Councillor. Any member of the Council representing one of the districts shall be elected by the registered qualified electors of that district only.

(b) The boundaries, 1980 Census population and numerical designation of the Council Districts are specified in Appendix A of this Charter and shall remain in effect until altered or changed in accordance with the provisions set forth in this Charter.

### **Section 3. DISTRICT BOUNDARY REVISIONS.**

(a) After each Federal Census, the Council shall appoint a committee composed of an equal number of representatives from each Council District, none of whom shall be elective city officers, to review and make recommendations concerning the nine Council Districts. In making such appointments, the Council shall, as nearly as is practicable, provide fair and balanced representation of all geographical areas of the City in the redistricting process and provide a total membership that reflects the racial, ethnic and gender makeup of the City's population. Any recommended changes will comply with constitutional principles governing voting rights, population and similar related problems as determined by judicial decision from time to time. The district boundaries may be altered by the Council and Mayor once following each Federal Census. Such action shall require the approval of the Mayor and shall not constitute an amendment to the Charter.

(b) The district boundaries may be altered as necessary to incorporate areas which are annexed to the city. Such action shall not constitute an amendment to this Charter.

(Amended at Regular Municipal Election, October 2, 2001, as Proposition #8.)

#### **Section 4. TERMS OF OFFICE.**

The terms of the office of a Councillor, unless sooner recalled or removed, shall begin on December 1st of the year of election and be four years or until a successor is duly elected and qualified. The Councillors may succeed themselves in office. The terms of office of Councillors shall be staggered with four or five districted Councillors elected every two years.

#### **Section 5. COUNCIL ORGANIZATION.**

The Council shall elect a president from its number and shall determine its order and procedure.

#### **Section 6. COMPENSATION OF THE COUNCIL.**

Councillors shall receive annual salaries equal to one-tenth of the annual salary received by the Mayor. The Council President shall receive double the annual salary received by other Councillors.

#### **Section 7. MEETINGS OF THE COUNCIL.**

(a) The Council or any of its component committees shall meet as frequently as its business may require. The Council shall establish regular Council meeting times by ordinance. Between official Council meetings the Council shall form itself into committees for consideration of specific areas of government, using citizenship participation in committee work if found advisable.

(b) All meetings of both the Council and the committees shall be open to the public and due notice thereof given. Records shall be kept of all voting by each Councillor and committee member. Publicity shall be given to the minutes of all meetings of the Council and committees, and the official records of such meetings shall be open to inspection at all convenient times.

**Section 8. COUNCIL POWERS.**

The Council shall have the power to adopt all ordinances, resolutions or other legislation conducive to the welfare of the people of the city and not inconsistent with this Charter, and the Council shall not perform any executive functions except those functions assigned to the Council by this Charter.

**Section 9. VACANCIES IN OFFICE.**

(a) A vacancy in the office of Councillor occurs upon the Councillor's death, disability, recall, resignation, removal or termination of residency in the district represented.

(b) If a vacancy occurs in the office of Councillor, the Mayor shall appoint a registered qualified elector of the District to fill the vacancy. Anyone appointed to fill a vacancy shall serve until the next regular election, at which time a person shall be elected to fill the remaining unexpired term, if any.

**Section 10. COUNCIL DUTIES.**

The Council shall:

- (a) Be the judge of the election and qualification of its members;
- (b) Establish and adopt by ordinance or resolution five-year goals and one-year objectives for the city, which goals and objectives shall be review and revised annually by the Council;
- (c) Consult with the Mayor, seek advice from appropriate committees, commissions and boards, and hold one or more public hearings before adopting or revising the goals and objectives of the city;
- (d) Review, approve or amend and approve all budgets of the city and adopt policies, plans, programs and legislation consistent with the goals and objectives established by the Council;
- (e) Preserve a merit system by ordinance;
- (f) Hire the personnel necessary to enable the Council to adequately perform its duties;

- (g) Perform other duties not inconsistent with or as provided in this Charter; and
- (h) Faithfully execute and comply with all laws, ordinances, regulations and resolutions of the city and all laws of the State of New Mexico and the United States of America which apply to the city.

**Section 11. DEFINITIONS.**

Whenever used in this Charter:

- (a) The word "Commission" means "Council"; "Commissioner" and "District Councillor" mean "Councillor"; "Commissioners" means "Councillors".
- (b) "Quorum" means a majority of the entire Council, committee or other body involved.
- (c) The masculine term refers equally to the feminine.

**Section 12. OFFICER OR EMPLOYEE OF A COUNTY.**

Effective December 1, 1993, no Councillor shall be an officer or employee of any county of the State of New Mexico while in office, except a person who on October 3, 1989, is both a Councillor and an officer or employee of a county of the State of New Mexico may thereafter hold and be elected to the office of Councillor while so employed.

(Section 12 adopted at Regular Municipal Election, October 3, 1989, as Proposition #7; Article IV amended at Regular Municipal Election, October 3, 1989, as Proposition #2.)

**Section 13. TERM LIMITS.**

Effective January 1, 1994, Councillors may not serve more than two elected terms. Councillors who have served more than two terms on that date may remain in office until their term expires.

(Section 13 adopted at Special Municipal Election, January 11, 1994, as Proposition #7. This Section has been declared unconstitutional by the New Mexico Court of Appeals on July 18, 1995. The New Mexico Supreme Court denied certiorari and therefore the New Mexico Court of Appeals decision declaring this section unconstitutional stands.)

## **ARTICLE V. MAYOR**

### **Section 1. ELECTION OF THE MAYOR.**

The Mayor shall be a registered qualified elector on the date of filing of the declaration of candidacy for the office of Mayor. The Mayor shall be elected by the registered qualified electors of the city.

(Amended at a Special Election held in conjunction with a Regular Municipal Election, October 5, 1999, as Question #9.)

### **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; after having served two consecutive terms, the incumbent Mayor shall be ineligible to hold office for four years thereafter. The salary shall be thirty-four thousand dollars per year. The Council may approve a percentage increase up to the average percentage increase provided for employees of the city.

### **Section 3. POWERS; PERFORMANCE; APPOINTMENTS.**

The executive branch of the city government is created. The office of Mayor is created. The Mayor shall control and direct the executive branch. The Mayor is authorized to delegate executive and administrative power within the executive branch. The Mayor shall be the chief executive officer with all executive and administrative powers of the city and the official head of the city for all ceremonial purposes. The Mayor shall devote full time and attention to the performance of the duties of office and shall hold no other paid public or private employment.

### **Section 4. DUTIES OF THE MAYOR.**

The Mayor shall:

- (a) Organize the executive branch of the city;
- (b) Exercise administrative control and supervision over and hire or appoint directors of all city departments, which appointments shall not require the advice or consent of the Council except as provided in (d) of this Section;

- (c) Be responsible for the administration and protection of the merit system;
- (d) With the advice and consent of the Council, hire or appoint the City Attorney, an officer to administer the merit system, and all other senior administrative or cabinet level officers of the city, including without limitation any chief, assistant or deputy administrative officers, and specify the duties and responsibilities of those officers;
- (e) With the advice and consent of the Council, appoint the members of all city committees, commissions and boards;
- (f) Formulate the budgets of the city consistent with the city's goals and objectives, as provided in this Charter;
- (g) Establish and maintain a procedure for investigation and resolution of citizen complaints;
- (h) Prepare a written state of the city report annually, within thirty days after final approval of the operating budget of the city, which report shall be filed with the City Clerk, made a part of the permanent records of the city and available to the public;
- (i) Perform other duties not inconsistent with or as provided in this Charter; and
- (j) Faithfully execute and comply with all laws, ordinances, regulations and resolutions of the city and all laws of the State of New Mexico and the United States of America which apply to the city.

**Section 5. VACANCY IN THE OFFICE OF MAYOR.**

- (a) If the Mayor shall die, resign or terminate residence in the City of Albuquerque during his term of office, or be removed from office, the office of the Mayor shall become vacant.
- (b) If a regular election will occur within one year of the date on which the vacancy occurs, the President of the Council shall serve as Mayor Pro Tem until a successor is elected and qualified. If the President of the Council shall decline to serve, the Council shall select from among its membership the person to serve as Mayor Pro Tem until a successor is elected and qualified. If the President of the Council or any Councillor becomes Mayor Pro Tem pursuant to this Section, the Mayor Pro Tem shall cease to be a Councillor during the term as Mayor Pro Tem and the seat on the Council shall become

vacant. The Mayor Pro Tem shall receive the same salary on a pro-rata basis as that provided for the former Mayor.

(c) A vacancy in the office of Mayor which occurs more than one year prior to the next regular election shall be filled for the remainder of the unexpired term by a special election. During the interim between the date the office is vacated and the date of the special election, the Mayor's position shall be filled by a Mayor Pro Tem determined by the same procedure specified in Subparagraph (b) above. However, in this event, the Mayor Pro Tem shall temporarily cease to be a Councillor during the term as Mayor Pro Tem and the seat on the Council shall remain vacant until reassumed. Likewise, in this event the Mayor Pro Tem is exempt from the provision of Section 3 above that the Mayor shall hold no other paid public or private employment. During the interval the Mayor Pro Tem serves pursuant to this Subparagraph, the Mayor Pro Tem shall receive a pro-rata salary based on the same salary that the former Mayor was receiving and shall receive no salary as a member of the Council.

(Article V amended at Regular Municipal Election, October 3, 1989, as part of Proposition #4.)

## **ARTICLE VI. CHARTER AMENDMENTS**

### **Section 1. [PROCEDURE].**

Amendments to this Charter may be proposed by the Council or by the following procedure:

(a) Notice of intent to circulate a petition proposing any amendment to this Charter must be signed by five qualified voters and filed with the City Clerk;

(b) Concurrently with the filing of the notice of intent, the proposed amendment shall be filed with the City Clerk;

(c) The number of qualified voters required to sign the petition shall be a number more than 20% of the average number of voters who voted at the four regular municipal elections prior to filing the notice of intent or more than 20% of the number of voters who voted at the regular municipal election prior to filing the notice of intent, whichever is greater;

(d) Before any signatures are affixed thereon, the form of such petition must be approved by the City Clerk as provided by law and the date of filing the notice of intent shown thereon;

(e) No such petition, or any part thereof, may be filed more than sixty days after the date of filing the notice of intent.

(Amended at a Special Election held in conjunction with a Regular Municipal Election, October 5, 1999, as Question #2.)

**Section 2. [ELECTION].**

The election must be held within ninety days after the date of the Council filing the proposed amendment with the City Clerk or from the time of filing the petition with the City Clerk.

**Section 3. [BALLOT].**

At such election the ballot shall contain the text of the proposed amendment and below the same the phrases "For the Above Amendment" and "Against the Above Amendment" followed by spaces for marking with a cross or a check the phrase desired.

**Section 4. [VOTE].**

If a majority of the votes cast are against the amendment, it shall be of no effect. If a majority of the votes cast are for the amendment, it shall be adopted.

(Article VI amended at Regular Municipal Election, October 3, 1989, as part of Proposition #1.)

**ARTICLE VII. THE ANNUAL OPERATING BUDGET**

**Section 1. [MAYOR TO FORMULATE].**

The annual operating budget of the city should be formulated by the Mayor, in consultation with the Council and consistent with the goals and objectives of the city, as provided in this Charter and by city ordinance.

**Section 2. [COUNCIL REPRESENTATIVE TO PARTICIPATE].**

A representative of the Council shall be allowed to participate in all meetings and have access to all information relating to the formulation of the budget.

**Section 3. [PROPOSAL AND APPROVAL DATE].**

The Mayor shall propose the budget to the Council by April 1 of each year. The Council shall approve the budget as proposed or amend and approve it within sixty days after it is proposed by the Mayor.

**Section 4. [PUBLIC HEARINGS].**

During the sixty days of deliberation by the Council, the Council shall hold at least three public hearings on the proposed budget. The Mayor, or the Mayor's representative, shall be present at the hearings on the proposed budget to answer questions about the budget.

**Section 5. [FAILURE OF COUNCIL TO APPROVE].**

If the Council fails to approve a budget within sixty days after it is proposed to the Council by the Mayor, then the budget as proposed by the Mayor is deemed approved by the Council.

**Section 6. [PROCEDURE ORDINANCE].**

A procedure for formulation of the annual operating budget shall be established by ordinance adopted by the Council, after consultation with the Mayor, consistent with this provision of the Charter. The ordinance shall establish a conference committee comprised of six members, three of whom shall be designated by the Mayor and three of whom shall be designated by the Council, for the resolution of any disagreements between the Mayor and the Council that arise concerning the budget during the sixty-day period starting April 1 of each year.

(Article VII adopted at Regular Municipal Election, October 3, 1989, and repealed former Article VII as part of Proposition #4.)

## **ARTICLE VIII. [HUMAN RIGHTS]**

The Council shall preserve, protect and promote human rights and human dignity, shall promote and encourage the recognition and exercise of human responsibility and shall prohibit discrimination on the basis of race, color, religion, sex, national origin or ancestry, age or physical handicap. To effect these ends the Council (City Commission) shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.

(Adopted at Special Election, June 29, 1971.)

## **ARTICLE IX. [ENVIRONMENTAL PROTECTION]**

The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, insure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To effect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.

(Adopted at Special Election, June 29, 1971.)

## **ARTICLE X. MERIT SYSTEM**

### **Section 1. MAINTENANCE OF THE MERIT SYSTEM.**

It is necessary for the optimum functioning of the Mayor-Council form of government that the city maintain a merit system governing the hiring, promotion, discharge and general regulations of employees. The Mayor and Council shall maintain by ordinance, and the Mayor administer, a merit system which shall include as a minimum, reasonable provisions establishing:

- (a) Classified and unclassified service;
- (b) Methods of service rating of classified employees;
- (c) Methods of initial employment, continuation thereof and promotion, recognizing efficiency and ability as the applicable standards;
- (d) Appropriate grievance and appeal procedures for classified employees; and
- (e) An active personnel board composed of individuals not employed by the city.

### **Section 2. INVOLVEMENT IN PERSONNEL MATTERS.**

(a) Councillors are prohibited from becoming involved in the hiring, promotion, demotion or discharge of any city employee, except those positions for which the Charter requires the advice and consent of the Council and those personnel who are hired by and directly responsible to the Council.

(b) Except to the extent necessary for the administration of the merit system, the Mayor is prohibited from becoming involved in the hiring, promotion, demotion, or discharge of any city employee except those personnel hired for unclassified positions directly responsible to the Mayor.

### **Section 3. DUAL POSITIONS.**

Effective January 1, 1993, employees of the city are prohibited from holding an elective office of the State of New Mexico or any of its political subdivisions, except employees of the city on October 3, 1989, who on that date hold elective office of the State of New Mexico or any of its political subdivisions may thereafter hold and be elected to the same elective office while serving as a city employee.

(Section 3 adopted at Regular Municipal Election, October 3, 1989, as Proposition #8; Article X amended at Regular Municipal Election, October 3, 1989, as part of Proposition #4.)

## **ARTICLE XI. ORDINANCES**

### **Section 1. STYLE.**

The enacting clause of an ordinance of the City of Albuquerque shall be: "Be It Ordained By the Council, the Governing Body of the City of Albuquerque:".

### **Section 2. ADOPTION.**

If a majority of a legal quorum of the Councillors present at a Council meeting vote in favor of adopting the ordinance or resolution, it is adopted.

### **Section 3. MAYOR'S APPROVAL OR DISAPPROVAL; OVERRIDE VETO.**

The Mayor shall have presented for approval every proposed ordinance, resolution or act creating rights or duties, and if the Mayor approves, shall within ten days from presentation sign it and deposit it with the City Clerk, and if the Mayor disapproves, the Mayor shall likewise within ten days return it to the Council with objections and the proposal shall not be effective unless two-thirds of the entire membership of the Council at the next regularly scheduled meeting approve the proposal. If the Mayor shall fail to approve or disapprove any such ordinance, resolution or act within ten days after presentation it shall nevertheless be in full force and effect as if the Mayor had approved the same. The Mayor's veto power shall not extend to any measure approved by the voters in accordance with the initiative procedure of this Charter and such measure shall be effective on the date approved by the voters or on any other effective date as stated in the measure.

(Amended at Regular Municipal Election, October 3, 1989, as part of Proposition #4.)

### **Section 4. MONEY APPROPRIATIONS.**

The Mayor shall have presented for approval every proposed ordinance, resolution or act appropriating money. The Mayor may approve or disapprove any part or parts, item or items of any proposed act appropriating money and such parts or items approved shall become effective, and such as are disapproved shall be void unless passed over the Mayor's veto as herein provided.

### **Section 5. TIME LIMITS.**

All veto authority of the Mayor shall be exercised within 10 days after presentation of the matter to the Mayor by the Council. The Council shall take action on any

disapproved or altered ordinance, resolution or act at the next regularly scheduled meeting after return of the same to the Council by the Mayor.

(Amended at Regular Municipal Election, October 7, 1975, as Proposition #3.)

**Section 6. AUTHENTICATION; PUBLICATION; EFFECTIVE DATE; CODIFICATION.**

(a) An ordinance shall be recorded and preserved by the City Clerk, authenticated by the signature of the presiding officer of the governing body and City Clerk, and bear the seal of the city. The ordinance shall be published one time either in its entirety or by title and general summary of the subject matter contained in the ordinance, whichever the Council elects to do.

(b) An ordinance shall not become effective until five days after it has been published, unless passed and approved as an emergency measure, in which event it shall become effective immediately following publication or at a subsequent date determined by Council.

(c) If the ordinances of the city are codified, it is not necessary to publish same in entirety. An ordinance, referring to the codification by title only and specifying one place in the city's municipal offices where the codification may be inspected during normal and regular business hours, may be published instead of the codification.

**Section 7. PUBLIC VOTE ON PERFORMING ARTS CENTER.**

The city shall not appropriate funds for a performing arts center costing more than ten (10) million dollars without prior approval of a majority of votes cast on the proposed performing arts center in a municipal election. The city may, however, appropriate funds to study, to analyze the feasibility of, and to undertake preliminary design of any such center prior to the election required by this section.

(Section 7 repealed and new Section 7 adopted at Regular Municipal Election, October 8, 1991, as Proposition #3; Section 7 adopted at Special Municipal Election, March 26, 1991, as Proposition #1; Article XI adopted at Special Election, February 26, 1974 as part of Proposition #3.)

## **ARTICLE XII. CODE OF ETHICS**

### **Section 1. DECLARATION OF POLICY.**

The proper administration of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interest of the people, the community and the government; and that the public have confidence in the integrity of its government. In recognition of these goals, the following Code of Ethics shall apply to all officials of the city.

### **Section 2. DEFINITION.**

Whenever used in this article:

(a) The term, "Official" means the Mayor, all members of the Council, all members of boards, commissions and committees and all heads of departments, divisions and sections.

(b) The term "Governmental Body" means the City of Albuquerque and any of its boards, commissions and committees.

(Amended by Ordinance Nos. 35-1975, 91-1980 and 24-1981; Amended at Regular Municipal Election, October 3, 1989, as part of Proposition #4.)

### **Section 3. BOARD OF ETHICS AND CAMPAIGN PRACTICES.**

The Board of Ethics and Campaign Practices shall be made up of seven members, who shall be chosen as follows: The Council shall appoint three members and the Mayor shall appoint three members. The six members so appointed shall select a seventh person to serve as Chairperson of the Board. Each member shall be a qualified elector of the city, and no member shall be an official or employee of the city.

All members shall serve terms of four years, and be eligible for reappointment for additional terms except that the initial Board shall have two members with terms of two years, two members with terms of three years, and two members plus the Chairperson with terms of four years. Thereafter, any vacancy for an expired term shall be filled by the authority who made the appointment of the member whose term has expired. Any vacancy shall be filled for an unexpired term by the same authority who made the original selection and appointment of the member vacating his or her position. Provided, however, that of the two positions, which were filled by appointment by the municipal

judiciary, the position for which the term expired on July 31, 1980, shall be filled by appointment by the Council for a term expiring July 31, 1984, and upon expiration of that term, the Council shall appoint a member to serve a regular four-year term. The position for which the term expires on July 31, 1981, shall be filled by appointment by the Mayor upon the expiration of the term or the occurrence of a vacancy.

No violation of the Code of Ethics shall be found by the Board of Ethics and Campaign Practices except upon the concurrence of a majority of the Board.

(Am. Ord 35-1975; Am. Ord. 77-1978; Am. Ord. 91-1980; Am. Ord. 24-1981)

#### **Section 4. CONFLICT OF INTEREST.**

(a) No official of the city shall knowingly:

1. Disclose or use confidential information concerning the property, government or affairs of the governmental body by which that official is employed or of which the official is a member without proper authorization in order to advance the private financial or other private interests of said official or others;

2. Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which the official has a private financial interest;

3. Represent private interests in any action or proceeding before the Governmental Body by which the official is employed or of which the official is a member or any appeal of a decision of such body;

4. Accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to the official's knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the Governmental Body by which the official is employed or of which the official is a member, including donors who are unidentified; provided, however, that this Subsection shall not be read as prohibiting an incumbent candidate for elective office from receiving duly disclosed campaign contributions in accordance with the provisions of Article XIII of this Charter.

(b) No member of the City Council shall, during the term for which he or she was elected, be appointed to or selected for any paid office or employment with the city, nor shall he or she within one year thereafter be appointed to any paid city office or employment which the city created, or the emoluments of which first were established or

were increased during such term; nor shall any member of the City Council during the term for which he or she was elected nor within one year thereafter, be interested directly in any contract with the city, which was authorized by any law passed during such term.

(Am. Ord 35-1975; Am. Ord. 29-1976; Am. Ord. 91-1980; Am. Ord. 23-1988; Am. Ord. 33-1989)

## **Section 5. DISCLOSURE.**

(a) An official of the city who shall have any private financial interest in any contract or other matter pending before or within the Governmental Body of which the official is employed or of which the official is a member, shall disclose such private interest to the Governmental Body.

(b) Any Councillor who has a private financial interest in any matter pending before the Council shall disclose such private financial interest on the records of the Council and if such interest is direct shall be disqualified from participating in any debate, decision or vote relating thereto. Disclosure of an indirect private financial interest on any matter coming before the Council, including approval of a contract, shall not disqualify a Councillor from debating and voting on the matter unless (1) a majority of the remaining members of the Council determine that the Councillor who discloses his private financial interest should not in propriety vote on the issue; or (2) the Councillor having a private financial interest voluntarily disqualified himself.

(c) The Mayor and each City Councillor, during their term of office, shall file disclosure statements on January 15, April 15, July 15, and October 15 of each year setting out all contributions and expenditures, as defined in the City Election Code, during the previous quarter, raised or spent in connection with any campaign or pre-campaign activity for any elected office. Expenditures of public funds in the regular course of the Mayor or Councillor's official duties are not contributions and expenditures subject to such disclosure under this Section. The Mayor and Councillors are not required to file a quarterly statement if there have been no campaign or pre-campaign contributions or expenditures during the previous quarter by or for the particular Mayor or Councillor. These reporting requirements shall be in addition to the reporting requirements of the Election Code, provided that any information filed with the city clerk pursuant to City Charter Article XIII, Section 4 (c) need not be included in the subsequent quarterly reports required in this section.

(Am. Ord. 35-1975; Am. Ord. 91-1980; Am. Ord. 24-1981; Am. Ord. 13-2003)  
(Amended at Regular Municipal Election, October 2, 2001, as Proposition #10.)

## **Section 6. USE OF PUBLIC PROPERTY.**

No official of the city shall use property, owned by any governmental body, for personal benefit, convenience or profit, except in accordance with policies promulgated by the Council.

## **Section 7. ENFORCEMENT; [VIOLATION; PENALTY; REMOVAL FROM OFFICE; APPEAL]**

(a) Any charge of violations of this Code of Ethics shall be brought before the Board of Ethics and Campaign Practices. Any private citizen may initiate such a charge in accordance with regulations established by the Board of Ethics and Campaign Practices.

(b) Should the Board find, after due hearing, that a violation has occurred, it may make a public reprimand or impose a fine of not to exceed \$500 for each violation or do both.

(c) In addition to imposing such sanctions, or as an alternative thereto, the Board of Ethics and Campaign Practices may recommend to the Council that the violator be removed from office.

(d) The Council may, upon the recommendation of the Board of Ethics and Campaign Practices, and after due hearing of the charge, order the suspension or removal of an appointed or employed official, or the removal of an elected official; provided, however, that no official shall be removed or suspended except upon the concurrence of two-thirds of the Councillors qualified to vote thereon.

(e) An appeal may be taken from any findings and action of the Board pursuant to Subparagraph (b) of this Section, and from any order of the Council pursuant to Subparagraph (d) of this Section, to the District Court of the 2nd Judicial District, by filing Notice of Appeal in the said District Court within 5 days of the date of the action or order appealed from, and by filing with said District Court within 30 days a true transcript and record of the proceedings upon which said action or order is based. The hearing in the District Court shall be held on the said transcript and record only, and new testimony shall not be taken.

(Am. Ord. 35-1975; Am. Ord. 24-1981)

(Amended at a Special Election held in conjunction with a Regular Municipal Election, October 5, 1999, as Question #12)

## **Section 8. INVESTIGATION.**

(a) The Board of Ethics and Campaign Practices may choose to ask for an investigation of allegations brought before it rather than simply hearing charges; to do this, it may temporarily employ or contract with investigators. No such investigation shall be undertaken unless it is specifically authorized and defined by the Board. For the purposes of this section, the term "allegations" means both any formal charges filed with the Board and other information raising a substantial question related to compliance with the Code of Ethics or the Election Code, which information at least six members of the Board vote to investigate. Such investigation may relate to violation of the Code of Ethics or the Election Code.

(b) In retaining an investigator, the Board of Ethics and Campaign Practices shall not be bound by procedures of the City of Albuquerque which would otherwise apply to selecting a contractor or employee. The Board shall adopt its own procedures, consistent with good administrative practices.

(c) All officials and contractors of the City of Albuquerque shall furnish the Board of Ethics and Campaign Practices or its investigator with requested information and records within their custody which are germane to an investigation authorized by the Board. Officials and contractors may be required to appear as witnesses in hearings concerning ethics or campaign practices charges heard by the Board.

(Ord. 31-1989)

## **Section 9. NON-WAIVER OF PENALTIES.**

Nothing herein set forth shall be construed to affect or otherwise diminish any penalties otherwise provided by law for violation of the matters set forth in this Code of Ethics, or shall prevent the Board of Ethics and Campaign Practices from bringing to the attention of the proper authority any alleged violation coming to its attention which may be subject to such other penalties.

(Am. Ord. 24-1981; Am. Ord. 31-1989)

## **Section 10. REGULATIONS.**

The Board of Ethics and Campaign Practices shall have the authority to establish reasonable rules and regulations for its conduct and for explanation and interpretation of the Code of Ethics.

(Am. Ord. 24-1981; Am. Ord. 31-1989)

## **Section 11. AMENDMENTS.**

The above Code of Ethics may be amended without requiring compliance with Article VI of this Charter by ordinance adopted by a majority of the entire membership of the Council plus two additional members thereof voting in favor of such amendment or amendments and said ordinance being otherwise governed by Article XI of this Charter.

(Article XII adopted at Special Election, February 26, 1974 as part of Proposition #1)  
(Am. Ord. 35-1975; Am. Ord. 29-1976; Am. Ord. 77-1978; Am. Ord. 91-1980; Am. Ord. 24-1981; Am. Ord. 31-1989)

## **ARTICLE XIII. ELECTION CODE**

Editor's note: Ord. 46-1975, as amended by Ord. 63-1977, Ord. 77-1978 and Ord. 24-1981, set forth the previous Election Code, which has been replaced in its entirety by Ord. 17-1993.

### **Section 1. DECLARATION OF POLICY.**

Public disclosure and regulation of certain campaign practices will serve to increase public confidence in the integrity of government by informing the public of the qualifications of a candidate for elective office and of the possible sources of influence upon that candidate and of the financing of a campaign to influence the passage or defeat of a measure. The principle that the candidate assumes ultimate and complete responsibility for the conduct of the campaign is therefore incorporated into this Charter and shall be implemented according to this Election Code.

(Ord. 17-1993)

### **Section 2. DEFINITIONS.**

(a) "Anonymous Contribution" means a contribution received by a candidate for office or a Measure Finance Committee for which the contributor cannot be identified when the amount of the contribution equals or exceeds \$25 for a campaign for the office of Councillor or \$100 for a campaign for the office of Mayor or to a Measure Finance Committee or measure campaign.

(b) "Board" means the Board of Ethics and Campaign Practices established pursuant to Article XII of this Charter.

(c) "Campaign Materials" means any published, printed or broadly distributed campaign advertising or communications such as newspaper advertisements, handbills, petitions, circulars, letters, radio or TV broadcasts, cable distributions or similar written material used in a campaign by a candidate or a Measure Finance Committee.

(d) "Candidate" means any individual who has filed a Declaration of Candidacy with the City Clerk for the office of Mayor or Councillor.

(e) "Candidate Finance Committee" consists of the candidate, the candidate's treasurer, and any person authorized either expressly or by implication by the candidate to participate in the solicitation, receipt, expenditure, or employment of contributions on behalf of the candidate. "Member of the Candidate Committee" means any such person.

(f) "Candidate's Treasurer" means the person who is appointed by a candidate to receive, keep and disburse all money which may be collected, received or disbursed by the candidate, the Candidate Finance Committee, or any of its members.

(g) "Contributions" means:

1. Monies, loans, debts incurred, obligations incurred, property in-kind, including the use thereof, or commercial or professional services:

A. Incurred or received by a candidate, the candidate's treasurer, the Candidate Finance Committee, or a member thereof on behalf of the candidate, or by a Measure Finance Committee or a member thereof on behalf of the Committee. For the purposes of this Subsection, a debt or obligation shall be considered incurred at the time authorization is given or contract made for the debt or obligation.

B. Not received by a person or entity named in Subparagraph A above, but expended or employed on behalf of a candidate or measure, where such monies, loans, debts incurred, obligations incurred, property in-kind, or commercial or professional services have been solicited or otherwise consented to by such committee or have been expended or employed in a manner or amount directed, authorized, either expressly, by implication, or consented to by such committee.

2. Contributions of property, including the use thereof, and contributions of commercial or professional services shall be attributed a cash value equal to their fair market value.

3. Notwithstanding the foregoing, none of the following shall be considered a contribution: a candidate's own services and property, other than cash; the use of a dwelling unit and residential premises incidental thereto for any campaign purpose and the provision of refreshments and entertainment in connection with such use; the services of the person who is performing the duties of the candidate's treasurer; and the use of vehicles for any campaign purpose other than in connection with the performance of a commercial or professional service.

(h) "Election" means any City of Albuquerque municipal election.

(i) "Measure" means any proposition submitted to a popular vote at an election, whether by initiative, referendum or recall procedure or otherwise.

(j) "Measure Finance Committee" means any person or combination of two or more persons acting jointly in aid of or in opposition to the qualification for the ballot or voter approval or disapproval of one or more measures and/or the election to, or recall from, office of one or more candidates.

(k) "Person" means any individual, cooperative association, club, corporation, company, firm, partnership, joint venture syndicate, profit or nonprofit organization, or other entity.

(Ord. 17-1993; Am. Ord. 45-2003)

### **Section 3. DISCLOSURE WITH DECLARATION OF CANDIDACY.**

Each candidate shall file with the Board, within two days of filing the Declaration of Candidacy with the City Clerk, a notarized statement, signed by the candidate under oath, setting forth a listing of the candidate's membership's and positions, if any, in professional organizations, and any source of income that accounts for 5% or more of the candidate's total income, and any known present business relationships the candidate has or may have with the city, and any and all real estate interests held by the candidate within Bernalillio County, excluding the candidates' home.

(Ord. 17-1993; Am. Ord. 32-1999)

#### **Section 4. CAMPAIGN FINANCING.**

(a) One Candidate Finance Committee. Each candidate shall establish no more than one Candidate Finance Committee and shall appoint a treasurer who shall not be the candidate.

(b) One Bank Account – Filing Requirements.

1. Each candidate or the candidate's treasurer and each Measure Finance Committee shall establish one and only one campaign bank checking account for each election. All parties having signature authorization for the checking account, the checking account number, and the bank branch name shall be registered with the Board upon filing a Declaration of Candidacy or formation of a Measure Finance Committee.

2. All contributions of monies received for the benefit of the candidate's campaign or the Measure Finance Committee shall be deposited in that account, and all disbursements shall be made from that account.

3. Each candidate and each Measure Finance Committee shall file with the bank at which the campaign checking account has been established a letter authorizing the release of information concerning that account to the Board and shall submit a copy of the letter of authorization to the Board. Upon the request of the Board, each candidate, the candidate's treasurer, or the chairperson or treasurer of each Measure Finance Committee shall provide to the Board all bank records, cancelled checks, and any other financial information relating to the campaign as may be requested by the Board.

(c) Disclosure of Campaign Financing.

1. Each candidate, person seeking to qualify to be on the ballot for the office of Mayor or Councillor and each Measure Finance Committee, which either receives contributions or expends funds in an amount that equals or exceeds \$100 in aid of or in opposition to the qualification for the ballot or for voter approval or disapproval of one or more measures, shall file with the Board six statements, each of which shall be cumulative, signed under oath by the candidate or the candidate's treasurer or by the chairperson or treasurer of the Measure Finance Committee, setting forth to 5:00 p.m. of the day preceding the filing of each statement:

A. The total of all contributions, which shall include all contributions received, regardless of whether the contribution has been deposited in the Candidate's or Measure Finance Committee's campaign bank checking account.

B. The name and residential street address of each contributor, the contributor's principal business or occupation, the name and address of the contributor's employer, and the nature of the contributor's or the contributor's employer's business, together with the total cumulative cash value contributed by the contributor, when that amount equals or exceeds \$25 for the office of Councillor or to a Measure Finance Committee, and \$100 for the office of Mayor.

C. All expenditures made on behalf of the campaign, including any reimbursements and the nature thereof, and the name and address of the person or business to whom payment was made.

D. A person seeking to qualify to be on the ballot for the office of Mayor or Councillor shall include any person who has obtained a petition form approved by the city clerk. The city clerk shall issue an approved petition only to the person seeking to be on the ballot. Such approved petition forms shall state the name of the person and the city office for which such person is petitioning to qualify to be on the ballot. People who have sought to be on the ballot as described above, but who do not qualify for the ballot or do not file a declaration of candidacy are required to file as provided in this section on the Friday of the twelfth week preceding the election and to file a final report on or before the Friday of the fourth week preceding the election. One or more people who accept contributions or make expenditures for the purpose of opposing the effort of anyone seeking to have their name placed on the ballot for city office shall be a Measure Finance Committee under this Election Code.

2. The six statements required by this subsection shall be filed as follows: the first statement on the Friday of the twelfth week preceding the election; the second statement on the Friday of the fourth week preceding the election; the third statement on the Friday immediately preceding the election; the fourth statement on the Monday immediately preceding the election, the fifth statement on the seventh day following the election; and the sixth and final statement not earlier than the seventh day nor later than the forty-fifth day after the election. Each statement shall be filed with the Board no later than noon on the specified day.

3. Exception to First Filing by Measure Finance Committee. Inasmuch as this subsection requires that the first statement be filed not later than on the Friday of the twelfth week preceding the election, and a Measure Finance Committee might in fact come into existence after such date, in these instances the Measure Finance Committee will be excused from filing its first statement on the date specified by this Election Code but will act as follows: A Measure Finance Committee formed between the twelfth week preceding the election and the Friday four weeks preceding the election shall file its first

statement as soon as possible after the Committee has been formed, but not later than five days after it has complied with the requirements of Section 6 of this Election Code. Measure Finance Committees shall otherwise comply in all respects with the requirements of this Election Code. A Measure Finance Committee formed after the Friday four weeks preceding the election shall file its first statement at the time it registers with the City Clerk, notwithstanding any other time allowed for filing in this Election Code, and shall file all subsequent statements at the times required in Section 4 (c) of this Election Code.

(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) Limits to Contributions. No candidate shall, for any one election, allow total contributions from any one person with the exception of contributions from the candidate himself or herself of more than 5% of the annual salary for such office at the time of filing the Declaration of Candidacy.

(f) Unexpended Contributions. Any contributions not expended on the campaign shall be disposed of, at the option of the candidate, by one of the following methods:

1. Retained in the campaign bank checking account for a possible runoff election for that office,

2. Returned to the person who made the contribution,

3. Placed in the City's General Fund, or

4. Given to a charity identified by the candidate.

The fourth and final campaign financing statement shall reflect the final disposition of such contributions.

(g) Anonymous Contributions.

1. All anonymous contributions shall be disposed of by a candidate or the chairperson of a Measure Finance Committee either by placing the contribution in the City's General Fund or by giving the contribution to a charity.

2. An anonymous contribution shall not be considered to be a contribution to or expenditure of the campaign; however, a record of all anonymous contributions shall be kept by the candidate or the candidate's treasurer, or by the chairperson or treasurer of the Measure Finance Committee and the receipt and disposition of every anonymous contribution shall be reported to the Board, in writing, at the time the campaign financing disclosure statements required by subsection (c) of this section are filed. Such report must disclose the goods services, moneys, or other contributions received, its value, the date of receipt and the date and method of disposition.

(h) For the purposes of this section, contributions and expenditures include those contributions received and expenditures made by or on behalf of an individual at any time prior to the individual filing a Declaration of Candidacy for the office of Mayor or Councillor through the time the final campaign financing disclosure statement is due, or by or on behalf of a Measure Finance Committee at any time prior to the relevant election through the time the final campaign financing disclosure statement is due.

(Amended at Regular Municipal Election, October 2, 2001, as Proposition #9.)

(i) Campaign Finance Records.

1. All campaign finance records and statements shall be open to inspection and/or audit by the Board, its designated representative, or its auditor; statements shall be presented to the Board for inspection or audit, or both. The City Clerk shall create an electronic data base for all campaign reporting required in this Election Code and place that information on the City's web site.

2. Campaign Financial Records.

A. Each candidate or the candidate's treasurer and each chairperson or treasurer of a Measure Finance Committee shall keep financial records of the campaign for a period of one year following the date of election, to assure their availability in the event of complaint or inquiry by the Board. Such campaign financial records shall include records of all contributions, regardless of amount, expenditures, cancelled

checks, invoices, receipts, bank statements, bills of sales, statements of accounts, leases, rental agreements, and all other financial records pertinent to the campaign.

B. In preparing and maintaining financial records, ledgers, journals, or otherwise, and in recording contributions and expenditures on the statements required by subsection (c) of this section, each candidate or the candidate's treasurer and each chairperson or treasurer of a Measure Finance Committee shall:

- 1) Record in-kind contributions as both contributions and expenditures equal to the fair market value of the goods or services received.
- 2) Record campaign loans as contributions, with subsequent repayment of loans credited against contributions.
- 3) Record returned contributions as credits against contributions.
- 4) Record names of contributors on the bank deposit slips.

3. During the period between noon on the Friday immediately preceding the election and the day of the election, each candidate or the candidate's treasurer, and the chairperson or treasurer of each Measure Finance Committee, shall appear before the Board at a time and place designated by the Board. The appearance of the candidate's treasurer or the Committee's treasurer before the Board on the candidate's or Committee's behalf does not relieve the candidate or the Committee's chairperson of the ultimate and complete responsibility for the accuracy of all reports filed and the control of the candidate's or Committee's campaign. At the designated time and place, the campaign financial records of each candidate and each Measure Finance Committee required through the second statement pursuant to Section 4 of this Election Code shall be submitted to the Board for inspection and audit, or both. Each candidate and the chairperson of each Measure Finance Committee shall be given at least three days written notice of the designated time and place.

(j) Fund-Raising Activity.

1. The gross receipts of a fund-raising activity on behalf of a candidate are considered to be campaign contributions, and all expenditures associated with such a fund-raising activity are considered to be campaign expenditures. As used in this subsection, the term "gross receipts" includes all monies and donations of any kind which are received as part of the fund-raising activity.

2. The host of a fund-raising activity on behalf of a candidate or Committee shall be responsible for reporting the contributions resulting from the activity unless contributors are identified in the required manner on the Disclosure of Campaign Financing Statement, and the limits to contributions specified in subsection (e) of this Section 4 shall apply as if the total contributions at the fund-raising activity, not otherwise reported, were made by the host.

(k) Measure Campaign Financing. Any person or group which has contributed in excess of thirty percent of the Mayor's salary to support or oppose a measure shall have the name of such person or group inserted into the name of the Measure Campaign Committee to which the funds were contributed or shall create a new committee with the name of the contributor in the committee name. It is the obligation of the Measure Finance Committee to immediately inform the Board of the Committee's required name change; the Committee shall simultaneously report the amount of the contribution which triggers the name change. For the purposes of this subsection, "Mayor's salary" means the salary paid by the City of Albuquerque as of the date of the contribution; support or oppose a measure covers qualification for the ballot plus voter approval or disapproval of a given measure.

(Ord. 17-1993; Am. Ord. 32-1999; Am. Ord. 16-2002; Am. Ord. 13-2003)

#### **Section 5. CAMPAIGN MATERIALS.**

Each candidate and each chairperson of each Measure Finance Committee shall ensure that all campaign materials specify the name of the sponsor who authorized the printing or distribution of such material and the name and address of the establishment that printed or otherwise created the campaign materials; provided, that the name and address of the printing establishment is not required to be specified in a newspaper advertisement. Each candidate and each chairperson of each Measure Finance Committee shall also ensure that a copy of each campaign material used in the campaign is promptly filed with the Board upon such material being printed or distributed.

(Ord. 17-1993)

#### **Section 6. MEASURE FINANCE COMMITTEES.**

(a) Each Measure Finance Committee shall register with the City Clerk within five days of formation by preparing and filing with the Board a statement, signed by the chairperson of the Committee, setting forth:

1. The exact name of the Committee;
2. The official address and phone number of the Committee; and
3. The names of the officials of the Committee.

(b) When knowledge is received of the formation and existence of any Measure Finance Committee, the Board shall furnish to the chairman, moderator, or head (however designated; herein referred to as the "chairperson") of such committee, and also the fund-raising member thereof (however designated), if known, a copy of this Election Code and the Rules and Regulations of the Board, and call attention to the requirements for reporting contributions and expenditures by the Measure Finance Committee as provided for in this Election Code. Within five days from receipt of said notification from the Board, the Measure Finance Committee shall prepare and file with the Board a statement, signed by the chairperson of the Committee, setting forth:

1. The exact name of the Committee;
2. The official address and phone number of the Committee;
3. The names of the officials of the Committee; and
4. Acknowledgement of receipt of a copy of this Election Code and the Board's Rules and Regulations and of the requirements regarding filing of reports.

(c) It is recognized that an affirmative duty rests on the officials of any such Measure Finance Committee to be aware of the provisions of this Election Code, and nothing contained in this Section shall exempt a Measure Finance Committee from filing its statement of formation or existence as required herein at the earliest possible date. Failure to so file according to the provisions of subsection (a) of this section shall subject the Committee to a fine not to exceed the maximum amount authorized by state law or public reprimand or both as provided in the Board's Rules and Regulations. Accordingly, such officials are enjoined to prepare and file the statement specified in subsection (a) of this section without such a request from the Board. In instances where such statement is filed spontaneously by the Committee, and complies with subsection (a) of this section, the Board is excused from providing the notification specified in subsection (b) of this section.

(Ord. 17-1993)

**Section 7. FAMILIARITY WITH ELECTION CODE AND RULES AND REGULATIONS.**

The Board shall have available on request by candidates and chairpersons of Measure Finance Committees, copies of the Board's Rules and Regulations and the City Charter of Albuquerque, revised to date, and require that each candidate filing a Declaration of Candidacy and each chairperson of a Measure Finance Committee acknowledge in writing receipt of and familiarity with the terms of this Election Code and the Board's Rules and Regulations. Each candidate and chairperson shall furnish an address and phone number at which the candidate or chairperson can be reached, and to which communications, including notifications of alleged violations or hearings, can be mailed or delivered, and agreeing that notice left at such address shall be deemed received by the candidate or chairperson.

(Ord. 17-1993)

**Section 8. PRESERVATION OF RECORDS.**

(a) The records and statements required by this Election Code shall be preserved intact as public records by the Board for a period of at least seven years after the election in question.

(b) All records of the Board in the conduct of its business, including minutes of meetings and recommendations to the City Council and Mayor, shall be preserved intact as permanent public records by the Board.

(Ord. 17-1993)

**Section 9. RULES AND REGULATIONS; ASSISTANCE; [CAMPAIGN AND ELECTION AUDITOR].**

(a) The Board shall promulgate reasonable Rules and Regulations for its conduct and in aid of interpretation and enforcement of this Election Code, and amend such Rules and Regulations as it may, from time to time, deem advisable; provided, that amendments to said Rules and Regulations shall not be made by the Board during the ninety days preceding an election. The current Rules and Regulations of the Board shall be made available in published form no later than sixty days prior to any election.

(b) There is hereby created the position of Campaign and Election Auditor. The Auditor shall be either a Certified Public Accountant or a Registered Public Accountant and shall:

1. Be retained by the Board as an independent contractor to serve from the established date of filing of the Declaration of Candidacy for each election until ninety days following the specified final date set forth for filing of the final statement on disclosure of campaign financing; provided, that the Board in its discretion may retain the services of the Auditor at other times including elections in which only measures are to be placed on the ballot.

2. Monitor all disclosure statements to examine the accuracy and compliance by the person filing such statements with the provisions of this Election Code and with any Rules and Regulations promulgated by the Board, and provide such other services as may be required by the Board.

3. At the direction of the Board, be available to assist candidates and Measure Finance Committees in connection with this Election Code and with any Rules and Regulations promulgated by the Board, and provide such other services as may be required by the Board.

(Ord. 17-1993)

## **Section 10. ENFORCEMENT.**

(a) Charges of Violations.

1. Any charge or charges that a candidate or the chairperson of a Measure Finance Committee or any other group has committed a violation of this Election Code or of the Rules and Regulations promulgated by the Board shall be made in writing, notarized and brought before the Board.

2. Each charge of any alleged violation shall specify the specific provision alleged to have been violated or a clear and concise statement of why the complainant believes a violation has occurred, and shall include documentation as to time, place, facts, and the names of any witnesses to the alleged violation. No charge shall be accepted unless the complaint is signed and unless the documentation referred to above, the statement of the provision alleged to have been violated, or the reason for the complaint, is presented at the same time the complaint is filed.

3. Except as provided in subsection (d) of this section, the Board shall give written notice of such charge or charges to the candidate or chairperson before taking further action.

(b) The Board, in its discretion, may establish a Complaint Committee to review the complaint for completeness, and the Complaint Committee shall either refer the complaint to the Board or reject the complaint and give written notice to the Board and the complainant of the reasons for the rejection. The complainant may appeal the Complaint Committee's rejection to the Board.

(c) Upon referral of any complaint by the Board, the Campaign and Election Auditor shall investigate the charge or charges and report to the Board.

(d) Notwithstanding any other provision in this section, the Board may, on its own initiative, initiate a charge or charges that a candidate or the chairperson of a Measure Finance Committee or any other group has committed a violation of this Election Code or of the Rules and Regulations promulgated by the Board. In the event that inspection and/or audit of the candidates or Measure Finance Committees campaign financial records made pursuant to Section 4(i)3. results in a charge or charges against a candidate or Measure Finance Committee, written notice to the candidate or chairperson of the charge or charges shall not be required before the Board takes further action.

(e) Should the Board find, after due hearing, that a violation of this Election Code or the Rules and Regulations of the Board has occurred, it may, for each violation, issue a public reprimand or impose a fine not to exceed the maximum amount authorized by state law, or do both.

(f) Automatic Fines. Notwithstanding subsection (e) of this section, a failure to file, late filing, or incomplete filing shall subject the candidate or the chairperson of the Measure Finance Committee or any other obligated person, whichever may be the case, to an automatic fine and public reprimand according to the schedules established in the Rules and Regulations of the Board.

(g) In addition to imposing such sanctions, or as an alternative thereto, and if the violator be a successful candidate in the election, the Board may recommend to the Council that the violator be removed from office.

(h) The Council may, upon the recommendation of the Board, and after due hearing of the charge, order the suspension or removal of an elected official; provided, however,

that no official shall be removed or suspended except upon the concurrence of two-thirds of the Councillors qualified to vote thereon.

(i) An appeal may be taken from any findings and action of the Board pursuant to subsections (e) and (f) of this section and from any order of the Council pursuant to subsection (h) of this Section to the District Court of the Second Judicial District, by filing Notice of Appeal in the said District Court within five days of the date of the action or order appealed from, and by filing with said District Court within thirty days a true transcript and record of the proceedings upon which said action or order is based. The hearing in District Court shall be held on said transcript and record only, and new testimony shall not be taken.

(j) All fines not timely paid shall be assessed interest at the maximum rate allowed by state law commencing on the thirty-first day following the date that the fine was imposed.

(k) Any fines collected under this section shall be placed into the City's General Fund.

(Ord. 17-1993)

#### **Section 11. NON-WAIVER OF PENALTIES.**

Nothing herein set forth shall be construed to affect or otherwise diminish any penalties otherwise provided by law for violation of this Election Code or the Rules and Regulations promulgated by the Board, nor shall prevent the Board from bringing to the attention of the proper authority any alleged violation coming to its attention which may be subject to other penalties.

(Ord. 17-1993)

#### **Section 12. AMENDMENTS.**

This Election Code may be amended without requiring compliance with Article VI of this Charter by ordinance adopted by a majority plus two of the entire membership of the Council voting in favor of such amendment or amendments, and said ordinance being otherwise governed by Article XI of this Charter.

(Ord. 17-1993)

### **Section 13. REPRESENTATIVE INSPECTIONS.**

(a) Certification of Representatives. All declared and certified candidates for municipal office, measure finance committee or committee or organization dedicated to turning out the voters on election day shall be entitled to designate representatives who may enter precinct polling places for the sole purpose of observing voter signature rosters. Each candidate, measure finance committee or committee or organization dedicated to turning out voters on election day shall request from the City Clerk the number of representative authorization passes that are wished for use on election day. The authorization passes shall designate the name of the candidate, measure finance committee or committee or organization dedicated to turning out voters on election day and may be used at any precinct within the City Council district that a Councillor candidate is seeking or all districts for Mayoral candidates. The authorization passes may be used by those people designated by the candidate, measure finance committee or committee or organization dedicated to turning out voters on election day. The candidates' representatives' name need not appear on the authorization pass.

(b) Access to Signature Rosters. Candidate, committee and/or organization representatives who have received an authorization pass may enter the polling precincts to observe the voter signature rosters during the hours the polling place remains open to voters. Those representatives may observe the voter signature rosters at times and in a place and manner that the presiding election judge determines shall not interfere in the orderly and timely process of voting. Only members of the precinct board shall handle signature rosters. The precinct election judges shall facilitate the representatives in observing each page of the voter roster. No more than one representative for a particular candidate, committee or organization shall be present at a precinct at a time. Should representatives for more than one candidate, committee or organization wish to observe the voter roster at the same time, the presiding election judge shall determine the manner in which such observation shall take place.

(c) Orderly Conduct. In the event a candidate, committee or organization representative is disorderly or fails to obey the instructions of a precinct election judge, the representative shall surrender his authorization pass and shall no longer be entitled to be present at the polling place as a representative.

(Ord. 40-2003)

## **ARTICLE XIV. SEVERABILITY**

### **Section 1. NO IMPAIRMENT FROM PARTIAL INVALIDITY.**

The provisions of this Charter are severable, and if any provision, section, clause, sentence, or part thereof is held to be illegal, invalid, unconstitutional, or inapplicable, to any person, persons, circumstances, situation, or otherwise, the illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining sentences, clauses, sections, articles, or parts of this Charter or their applicability to other persons, circumstances or situations.

(Adopted at Special Election, February 26, 1974 as part of Proposition #3.)

## **ARTICLE XV. COMPETITIVE BIDDING FOR ELECTRICAL FRANCHISES**

The City of Albuquerque shall have no power to grant or extend any franchises, licenses or other rights to provide electricity to the public or to wholesalers unless the franchise, license or right has been awarded by competitive bid to the lowest cost suppliers. The total term of any franchise, license or right shall not exceed 25 years. The city shall have the power and the mandatory duty to implement this Article through legislation. Such legislation shall maximize actual competition in the selection process, in fact as well as form. This Article shall not prohibit the grant of multiple franchises, licenses or rights for all or part of the city.

(Article XV adopted at Runoff Election, November 1, 1989.)

## HISTORICAL POSTSCRIPT

The City of Albuquerque as a community was established in 1706 with the founding of Old Town by the Spanish. In 1885, while New Mexico was still a territory of the United States, Albuquerque was chartered as a Town, and in 1891 Albuquerque was organized under Territorial laws as a city.

The Charter adopted pursuant to State Law, under which the City of Albuquerque government now operates, was adopted in 1917. It changed the system of government from a Mayor-Council (ward) system to a Commission-Manager system. The Charter was amended four times (July 22, 1919, October 7, 1919, February 15, 1966, and June 29, 1971) prior to the city's government being changed to the Mayor-Council form in 1974.

The July 22, 1919 amendment increased the number of City Commissioners from three to five and provided for the election of the added members within 60 days [Note 1]. They were in fact chosen October 7, 1919, and their successors have been selected every four years thereafter [Note 2]. Also at the October 7, 1919 election, two additional amendments were adopted, one concerning the method of filling vacancies on the City Commission created by a recall election and the other eliminating the provision concerning compensation of \$5 per week for each member of the City Commission.

At the Special Election, February 15, 1966, eight amendments, adding some new sections and repealing some other sections, were adopted as indicated in the parenthetical statements following the appropriate sections. These amendments were submitted to the electors of the City of Albuquerque upon recommendations made by a City Charter Study Committee appointed by the City Commission on July 6, 1965. Nine proposals had been made but one recommendation was rejected by the electors. The rejected proposal would have increased the number of City Commissioners from five to seven and changed the general election date to the first Tuesday of March in even-numbered years [Note 3].

On November 3, 1970, the State adopted a new constitutional provision popularly called the Home Rule Amendment to the New Mexico State Constitution, compiled as Article X, Section 6. Subsequently, on December 7, 1970, the City Commission appointed a Charter Study Committee which made its final report on May 10, 1971. Its recommendations, consisting of five propositions, were submitted to the electors on June 29, 1971; of these propositions, three were adopted. The preamble and Article I providing for Home Rule were amended, a new provision (Article VIII) was adopted

concerning human rights, and a new provision (Article IX) was added concerning the preservation of environment [Note 4].

Of the two proposed amendments which were not adopted, Proposition #2 would have changed the form of city government to a Mayor-Council type, would have established councilmanic districts, provided for the official salaries and would have made other changes. Proposition #5 would have permitted the City Council to establish subordinate governmental districts and provide an elective citizen council in each district with authority to act upon appropriate local matters.

It should be noted that the Charter Committee of 1971 proposed the title "City Council" for the existing City Commission. Since Propositions #2 and #5 failed while Propositions #1, #3, and #4 succeeded, the reader should recognize that "City Commission" and "City Council" refer to the same body.

On January 24, 1974, the City Commission submitted to the electors five proposed amendments which were voted upon at the Special Election, February 26, 1974. Three amendments were adopted by the electorate as indicated in the parenthetical statements following the appropriate sections. The amendments replaced the five-member, at-large City Commission which had governed the city since 1917 with a full-time Mayor as the city's chief executive and a nine-member, part-time districted City Council as the legislative arm of city government. The amendments also provided for an Election Code and a Code of Ethics [Note 5].

Of the two proposed amendments which were not adopted, Proposition #4 would have added four at-large commissioners to the nine-member City Commission and Proposition #5 would have provided for partisan elections.

On August 4, 1975, the City Council submitted to the electors four proposed amendments to the Charter which were voted upon at the Regular Municipal Election October 7, 1975. All four amendments were approved by the electorate. The amendments removed all of the transitional language in the Charter relating to the shift from the Commission-City Manager form of government to the Mayor-City Council form of government, exempted certain contractual obligations relating to bonding from the initiative and referendum procedures, clarified the time limits relating to veto power and required candidates for Mayor and Councillor to obtain petitions in order to be placed on the ballot [Note 6].

On July 27, 1977, the City Council submitted to the electors a proposed amendment to the Charter which was voted upon at the Regular Municipal Election, October 4, 1977.

The proposed amendment, which was not approved by the electorate, would have changed the annual salaries of the Councillors [Note 7].

On July 16, 1979, the City Council submitted to the electors three proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 2, 1979. All three proposed amendments were disapproved by the electorate. Proposition #1 would have required the Mayor to attend City Council meetings, Proposition #2 would have changed the annual salaries of the Councillors, and Proposition #3 would have increased the membership of the Council [Note 8].

On July 20, 1981, the City Council submitted to the electors two proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 6, 1981. Proposition #1, which was not approved by the electorate, would have changed the annual salaries of the Councillors. Proposition #2, which was adopted by the electorate, amended the provision relating to Council district boundary revisions [Note 9].

On July 18, 1983, the City Council submitted to the electors a proposed amendment to the Charter which was voted upon at the Regular Municipal Election, October 4, 1983. The proposed amendment, which was approved by the electorate, increased the number of signatures on petitions of persons desiring to be candidates for Mayor or Councillor to be placed on the ballot [Note 10].

On August 5, 1985, the City Council submitted to the electors two proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 8, 1985. Both proposed amendments were disapproved by the electorate. Proposition #1 would have increased the salary of the Mayor and Proposition #2 would have changed the salaries of the Councillors to equal the salaries received by the Bernalillo County Commissioners [Note 11].

On August 3, 1987, the City Council submitted to the electors a proposed amendment to the Charter which was voted upon at the Regular Municipal Election, October 6, 1987. The proposed amendment, which was not approved by the electorate, would have changed the annual salaries of the Councillors [Note 12].

A City Charter Review Task Force was established in July 1988 and in its final report, which was submitted on January 17, 1989, the Task Force recommended thirty-five amendments to the Charter. Subsequently, on June 19, 1989, the City Council submitted to the electors eight proposed amendments to the Charter which were voted upon at the

Regular Municipal Election, October 3, 1989. The eight proposed amendments included twenty-nine of the thirty-five amendments recommended by the Task Force.

In addition, on August 7, 1989, the City Council submitted to the electors a proposed amendment to the Charter which was proposed by a petition filed pursuant to Article VI and which was voted upon at the Regular Municipal Election, October 3, 1989.

Five of the nine proposed amendments were adopted by the electorate as indicated in the parenthetical statements following the appropriate articles. The amendments amended Articles II, III, IV, V, VI, VII, X, XI, and XII.

Of the four proposed amendments which were not adopted, Proposition #3 would have increased the salaries of the Councillors, Proposition #5 would have increased the salary of the Mayor, Proposition #6 would have added a new article concerning open meetings and public records and Proposition #9 would have added a new section to Article XI, which would have required prior voter approval of increases in gross receipts and property taxes [Note 13].

On October 10, 1989, the City Council submitted to the electors two proposed amendments to the Charter which were proposed by two petitions filed pursuant to Article VI and which were voted upon at the Runoff Municipal Election, November 1, 1989. Proposition #1, which was not approved by the electorate, would have required the approval of the voters of any city building project for which the construction cost is estimated to exceed \$3 million. Proposition #2, which was approved by the electorate, requires competitive bidding for electrical franchises [Note 14].

On January 23, 1991, the City Council submitted to the electors a proposed amendment to the Charter which was proposed by a petition filed pursuant to Article VI and which was voted upon at the Special Municipal Election, March 26, 1991. The proposed amendment, which was approved by the electorate, added Section 7 to Article XI, requiring the approval of the voters of any city building or project costing more than \$10 million, except for specifically excepted buildings or projects [Note 15].

On July 15, 1991 and August 5, 1991, the City Council submitted to the electors two proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 8, 1991. In addition, on August 5, 1991, the City Council submitted to the electors a proposed amendment to the Charter which was proposed by a petition filed pursuant to Article VI and which was voted upon at the Regular Municipal Election, October 8, 1991. All three propositions were approved by the electorate; however, because of the wording in Proposition #2 that it would take effect only if

Proposition #3 was not adopted, Proposition #2 did not take effect. Proposition #1 changed the one year residency requirement for candidates for City Council and Proposition #3 repealed the requirement of a public vote on major buildings or projects costing more than \$10 million and enacted a requirement that a public vote be held on a proposed performing arts center costing more than \$10 million [Note 16].

On October 5, 1992, the City Council submitted to the electors a proposed amendment to the Charter which was proposed by a petition filed pursuant to Article VI [of the Charter] and which was voted upon at the Special Municipal Election, December 8, 1992. The proposed amendment, Proposition #4, which was not approved by the electorate, would have repealed existing Article XV [of the Charter] and added a new Article XV which would have prohibited the city from owning, operating or leasing property or equipment to be used for providing electrical service without prior approval of the voters [Note 17].

The Code of Ethics and the Election Code have been amended by the enactment of several ordinances since their initial adoption at the Special Election, February 26, 1974.

The Election Code has since been amended by the enactment of several ordinances since its initial adoption at the Special Election, February 26, 1974, including being extensively amended by Ordinance No. 17-1993.

On April 20, 1981 the City Council, pursuant to Article IV, Section 3, adopted Ordinance No. 35-1981 (amended by Ordinance No. 41-1981), which altered the boundaries of the nine Council districts on the basis of the 1980 Federal Census and amended Appendix A to identify the Council districts according to Bernalillo County precincts.

On June 17, 1991 the City Council, pursuant to Article IV, Section 3, adopted Ordinance No. 28-1991 (amended by Ordinance No. 31-1991), which altered the boundaries of the nine Council districts on the basis of the 1990 Federal Census and amended Appendix A to identify the Council districts according to Bernalillo County precincts.

On May 3, 1993, the City Council adopted Ordinance 21-1993 amending Appendix A by modifying some of the precinct numbers to conform to the precinct numbers adopted by the Bernalillo County Commission.

On June 21, 1993, the City Council submitted to the electors two proposed amendments to the Charter which were voted upon at the Regular Municipal Election,

October 5, 1993. Both proposed amendments were disapproved by the electorate. Proposition #5 would have permitted the City Council and attorneys from the City's Legal Department to meet in closed attorney-client meetings and Proposition #6 would have changed the annual salaries of the Councillors [Note 18].

On November 15, 1993, the City Council submitted to the electors a proposed amendment to the Charter which was proposed by a petition filed pursuant to Article VI [of the Charter] and which was voted upon at a Special Municipal Election, January 11, 1994. The proposed amendment, Proposition #7, which was approved by the electorate, added Section 13 to Article IV, limiting the terms of Councillors to two elected terms [Note 19].

On June 19, 1995, the City Council submitted to the electors a proposed amendment to the Charter which was voted upon at the Regular Municipal Election, October 3, 1995. The proposed amendment, which was not approved by the electorate, would have changed the annual salaries of the Councillors. [Note 20].

A City Charter Review Task Force was established in September 1998 and its final report, which was submitted on June 2, 1999, the Task Force recommended eleven amendments to the Charter. In addition, City Council recommended an additional amendment. Subsequently, on August 2, 1999, the City Council submitted to the electors twelve proposed amendments to the Charter which were voted upon at a Special Election held in conjunction with a Regular Municipal Election on October 5, 1999.

Five of the twelve proposed amendments were adopted by the electorate as indicated in the parenthetical statements following the appropriate articles. The amendments amended Articles II, IV, V, VI, and XII.

Of the seven proposed amendments which were not adopted, Question #1 would have repealed Article XI regarding a public vote on a performing arts center, Question #4 would have amended Article VIII, regarding human rights, Question #5 would have increased the salaries of the Councillors, Question #6 would have increased the salary of the Mayor, Question #8 would have added language to Article IV, Section 10, regarding council duties, Question #10 would have repealed Article IV, Section 13, regarding term limits, and Question #11 would have repealed Article XV, regarding competitive bidding for electrical franchises. [NOTE 21]

On June 25, 2001 the City Council, pursuant to Article IV, Section 3, adopted Ordinance No. 26-2001, which altered the boundaries of the nine Council districts on the

basis of the 2000 Federal Census and amended Appendix A to identify the Council districts according to Bernalillo County precincts.

On May 21, 2001 and August 6, 2001, the City Council submitted to the electors three proposed amendments to the Charter which were voted upon at the Regular Municipal Election, October 2, 2001. All three propositions were approved by the electorate. Proposition #8 requires the appointment of a redistricting committee representative of the city's geographic, racial, ethnic and gender diversity to redraw boundaries after every federal census. Proposition #9 requires all candidates for mayor or City Council to publicly disclose all campaign contributions and expenditures at any time prior to their formal declaration of candidacy. Proposition #10 requires quarterly financial reports of political contributions and expenditures by the incumbent mayor and councilors throughout their terms of office. [NOTE 22]

On August 16, 2004, the City Council submitted to the electors a proposed amendment to the Charter which was voted upon at the November 2, 2004 General Election. The proposed amendment, which was not approved by the electorate, would have changed the annual salaries of the Councillors. [NOTE 23]

Pursuant to Section 2, Article V regarding the Mayor's salary, the Council has passed three resolutions approving increases. Resolution 132-1977, adopted July 18, 1977, increased the Mayor's salary from \$34,000 to \$39,000 per year, effective December 1, 1977. Resolution 246-1981, adopted November 23, 1981, increased it from \$39,000 to \$46,000 per year, effective July 1, 1982. Resolution 245-1981, also adopted November 23, 1981, provided that the Mayor's salary "shall be automatically increased July 1 of each fiscal year in the amount equal to the across the board percentage increase granted to city M-series employees." The Mayor's salary as of July 1, 2004, is \$93,204.80.  
Endnotes

1. Election certified at Regular Commission Meeting held on July 31, 1919.
2. Election certified at Regular Commission Meeting held on October 8, 1919.
3. Election certification dated February 16, 1966. Approved at Regular Commission Meeting, February 22, 1966.
4. Election certification dated June 30, 1971. Approved at Regular Commission Meeting, July 12, 1971.

5. Election certification dated February 27, 1974. Approved at Regular Commission Meeting, March 4, 1974.
6. Election certification dated October 13, 1975. Certification noted in Journal at Regular Council Meeting, October 20, 1975.
7. Election certification dated October 11, 1977. Certification noted in Journal at Regular Council Meeting, October 17, 1977.
8. Election certification dated October 8, 1979. Certification noted in Journal at Regular Council Meeting, October 15, 1979.
9. Election certification dated October 12, 1981. Certification noted in Journal at Regular Council Meeting, October 12, 1981. Amended election certification dated October 15, 1981 noted in Journal at Regular Council Meeting, October 19, 1981.
10. Election certification dated October 11, 1983. Certification noted in Journal at Special Council Meeting, October 11, 1983.
11. Election certification dated October 15, 1985. Certification noted in Journal at Regular Council Meeting, October 21, 1985.
12. Election Certification dated October 7, 1987. Certification noted in Journal at Special Council Meeting, October 12, 1987. Amended election certification dated October 15, 1987 noted in Journal at Regular Council Meeting, October 19, 1987.
13. Election certification dated October 6, 1989. Certification noted in Journal at Special Council Meeting, October 10, 1989.
14. Election certification dated November 3, 1989. Certification noted in Journal at Regular Council Meeting, November 6, 1989.
15. Election certification dated March 29, 1991. Certification noted in Journal at Regular Council Meeting, April 1, 1991.
16. Election certification dated October 11, 1991. Certification noted in Journal at Regular Council Meeting, October 21, 1991.

17. Election certification dated December 11, 1992. Certification noted in Journal at Regular Council Meeting, January 4, 1993. Amended election certification dated March 29, 1993, noted in Journal at Regular Council Meeting, May 3, 1993.

18. Election certification dated October 8, 1993. Certification noted in Journal at Regular Council Meeting, October 11, 1993.

19. Election certification dated January 13, 1994. Certification noted in Journal at Regular Council Meeting, February 7, 1994.

20. Election certification dated October 6, 1995. Certification noted in Journal at Regular Council Meeting, October 16, 1995. Amended election certification dated October 30, 1995 noted in Journal at Regular Council Meeting, November 6, 1995.

21. Election certification dated October 8, 1999. Certification noted in Journal at Regular Council Meeting, November 1, 1999.

22. Election certification dated October 5, 2001. Certification noted in Journal at Regular Council Meeting, October 15, 2001.

23. Election certification dated November 12, 2004. Certification noted in Journal at Regular Council Meeting, December 6, 2004.

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