

UNIFICATION CHARTER INFORMATION

UNIFICATION CHARTER ELECTION

Voting

The proposed Unification Charter will be on the November 2, 2004 General Election ballot. Voters will be asked to vote for or against the Charter.

Background

In 2000, the voters of New Mexico passed a state constitutional amendment that enables Bernalillo County and the City of Albuquerque to form a single urban government pending the adoption of a voter-approved charter. Pursuant to the schedule mandated by the constitutional amendment, in November 2002 the City Council and County Commission created an 11-member Unification Charter Commission to draft a charter for a new government. The voters in a special mail-in election on November 5, 2003 defeated this 2003 charter.

Pursuant to the constitutional amendment when the first charter proposal was not adopted by a majority of the qualified voters, another charter commission was appointed. If the 2004 proposed charter is not adopted by a majority of the qualified voters at the second or any subsequent election, then after at least two years have elapsed after the election, another charter commission may be appointed and another proposed charter may be submitted to the qualified voters for approval or disapproval.

If adopted, the charter will serve as the organizational framework for the new government, providing for the form of government and distribution of legislative and executive powers.

UNIFICATION CHARTER SUMMARY

Article 1. Creation and Powers

The name of the new unified government would be Albuquerque-Bernalillo County and the boundaries would be the same as those of the current Bernalillo County. Albuquerque-Bernalillo County will have all of the powers necessary for a single urban government including the powers of an urban county and a municipal corporation. For the incorporated municipalities within the boundaries of the new urban county, other than the City of Albuquerque, the County will continue to exercise all powers and perform all functions of a county government.

Article 2. Commission

An eleven-member commission, nominated and elected on a partisan basis from single member districts, would serve as the legislative body replacing the existing nine-member City Council and five-member County Commission. The 2004 Charter also allows for increasing the Commission in increments of 2 districts each time the federal census shows an increase of 100,000 population. There are no provisions in present City or County law allowing for the increase in commission or council districts.

The duties and powers of the Commission include the power to propose and adopt all ordinances, resolutions and other legislation, the power to confirm or deny the Mayor's appointment of County Manager and County Attorney and confirm or deny the Manager's appointees for department directors. The Commission is granted the power to confirm or deny the Mayor's appointments of advisory committees, commissions and boards. The Commission has the power to review, approve and amend all budgets and annual appropriations and to override the Mayor's veto by 2/3 majority. The Commission is empowered to establish and maintain a personnel merit system. The Commission would appoint a County Internal Auditor.

The members of the Commission would serve for terms of four years with term limits of two terms pursuant to the New Mexico State Constitution. The Commissioner's annual salary would be \$28,000, one-fourth the Mayor's salary of \$112,000. Presently, Bernalillo County Commissioners earn \$25,712 and City Councillors earn \$9,318.

Article 3. Administration/Executive Branch

Mayor: The entire city and county would elect the Mayor at large on a partisan basis for a term of four years. The Mayor would be the official full-time head of administrative branch of the government with basically the same duties and powers that the Mayor of Albuquerque presently has. In the 2004 Charter the Mayor has full veto power and does not sit on the Commission. The Mayor appoints the County Manager, County Attorney and board and commission members.

In the 2003 Charter the Mayor presided over the Commission, could vote to make or break a tie and could propose ordinances. The Mayor had veto power only over line items in the budget and no general veto power

The Mayor's starting salary would be \$112,000. Presently, the Mayor of Albuquerque earns \$93,204.

County Manager: The Mayor would select a professional manager subject to confirmation by the Commission. The Manager would be hired solely on the basis of education and experience through an open, competitive process as established by ordinance. The Manager would generally supervise the administrative operation of the government and administer and protect the employee merit system.

The Manager would appoint and dismiss department directors, the County Treasurer and County Assessor through an open competitive process with Commission confirmation. Department directors will be directly responsible to the Manager.

County Attorney: The County Attorney, appointed and removed by the Mayor, would be in charge of the county legal department. The County Attorney would appoint the Probate Judge.

County Clerk: The County Clerk would be elected on a partisan basis, at large, for a term of four years. Under the 2003 Charter the County Clerk was appointed. The present term of the clerk will end December 1, 2005 and the Clerk elected in 2005 will serve a partial term of 3 years 1 month. The initial salary of the Clerk is \$80,000. The present salary set by state law is \$56,957.

County Sheriff: The County Sheriff shall be elected on a partisan basis, at large, for a term of four years and shall perform the duties required of county sheriffs by State law with the exception that the Sheriff will not control or operate the County jail. All law enforcement in the County would be under the direction and control of the County Sheriff. Under the 2003 Charter the Sheriff was appointed. The present term of the Sheriff will end December 1, 2005 and the Sheriff elected in 2005 will serve a partial term of 3 years 1 month. The Sheriff's initial salary is set at \$103,000. The current annual salary under state law is \$59,398.

The Commission would establish law enforcement policy for the Sheriff's office and establish a Citizen's Oversight Commission. There were no previous provisions or laws providing for an oversight committee for the County Sheriff, although there is currently a police oversight commission for the City.

Article 4. Elections

All County elected officials would be nominated and elected to four-year terms on a partisan basis, pursuant to the New Mexico Election Code, including primaries to narrow the field of candidates. Except the transition year of 2005, the elections will be held the same time as the state primary and general election in even numbered years.

The Charter establishes contribution limits from one person to a candidate at no more than 3% of the annual salary for the position.

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Contributions from the candidate are excepted from this contribution limit. Person is defined as any individual, partnership, corporation, association, firm, committee, club or other group of persons, however organized.

Article 5. Finance

The Commission is granted the authority to create or eliminate special districts and authorities, including but not limited to urban and rural districts, to meet specific service needs or to safeguard the property of the residents of the County.

Existing general obligation bonds would be paid off through tax revenues collected by the governmental entity that issued the bonds; i.e. only residents within the current City limits would be responsible for debts incurred by the City prior to unification. Existing property taxes would remain the same until and unless changed by the Commission. The voters must approve new taxes other than those authorized by general law.

Article 6. Land Use and Water

The Charter mandates that the Commission, with opportunities for public participation, adopt a Comprehensive Plan that would guide lower ranking plans and ensure that rational development respects human, economic, and environmental needs and recognizes the history and cultural diversity of the rural, urban, community land grants, acequia associations, and traditional and Native American communities.

The Albuquerque-Bernalillo County Comprehensive Plan, that adopted lower ranking plans, and zoning codes and other ordinances and regulations for the City and unincorporated areas of the County, would remain in effect until changed by the Commission.

The Charter provides that the Commission, by ordinance, create County land use districts, including but not limited to, urban district, rural, agricultural and conservation districts. The Charter also recognizes techniques to complement conventional zoning, including formation of conservation easements, land trusts and agricultural preservation ordinances.

The Charter also mandates that the Commission adopt a comprehensive water use plan that addresses the diverse issues of geographically distant regions of the County, including, but not limited to the East Mountains, the South Valley and the Westside. No such provision exists in present City or County law.

The Commission is also mandated to protect, preserve and promote the environmental features of the County to ensure proper environmental use and development of land and promote and maintain the distinctive urban and rural communities.

Article 7. Personnel

A merit system would be established to provide that employment or promotion of all employees be made on the basis of merit. No person would be discriminated against in employment on the basis of race, national origin, age, sex, religion, color, ancestry, sexual orientation, disability, political affiliation or other categories required by law.

All employees of the former city and county governments would become employees of the unified government.

The Commission and the Mayor would be prohibited from becoming involved in the hiring, promotion, demotion or discharge of any County employees, except where the Charter specifically requires their action.

County employees would be prohibited from holding an elective office of the State of New Mexico unless they held the office at the effective date of the Charter.

The Commission would adopt a collective bargaining ordinance recognizing the right of the County's employees to organize and bargain collectively through their representatives.

Article 8. Ethics

An ethics code would be established. The 2004 Charter creates an independent Board of Ethics and Campaign Practices made up of seven

county residents. It is similar to the present ethics board of the City, but adds subpoena powers. Presently the County has no such board.

The 2004 Charter requires continuous disclosure of sources of direct and indirect income earned or received by every elective county office. These specific provisions were not in the 2003 Charter and are not in current City or County law.

Article 9. Legislation

This article provides for the procedures of legislation including style, adoption, approvals, and publication requirements. The process and the Mayor's powers to override all legislation and line item veto appropriation measures is set forth in detail.

Article 10. Miscellaneous

Amendments to the Charter may be initiated by an ordinance that is adopted by two-thirds of the Commission and then submitted to and passed by the voters. Amendments can also be initiated by a petition signed by at least ten percent of the registered voters and passed by a majority of the voters at the next General Election.

The Commission is mandated to protect, preserve and promote human rights and prohibit discrimination based on race, color, religion, national origin, age, sex, sexual orientation, gender identity, physical or mental disability or other categories required by law.

Article 11. Transition

Upon passage of the Charter by the voters, the City of Albuquerque is disincorporated and the Albuquerque-Bernalillo County comes into existence. At the time the new County Government comes in to existence, the former Councillors shall continue to govern the area that was the former city and the former County Commissioners shall continue to govern the area that was the former county until December 1, 2005. The Mayor continues his role as administrator for the area of the former City of Albuquerque but cannot veto joint actions of the former Commissioners and former Councillors. The nine City Councillors and five County Commissioners will function as the governing body for purposes of districting, adoption of the budget and issuing election resolutions until December 1, 2005.

Transition Commission and Office: A Transition Commission will be formed consisting of three City Councillors and three County Commissioners and the Mayor to oversee the budget for the fiscal year 2005-2006. The Transition Commission shall cease to exist December 1, 2005. In January 2005 the former Councillors and former Commissioners will appoint a transition office and an oversight commission that oversees the transition office. The Transition Office and Oversight Commission will submit a report to the Commission elected in 2005 making proposals and recommendations concerning the consolidation of agencies and development of a comprehensive classification and compensation plan for County employees.

Terms of Current Officials: The terms of all County Commissioners, City Councillors, and the county officials, including the Clerk, Sheriff, Treasurer, Assessor and Probate Judge are terminated December 1, 2005. The Mayor, eleven Commissioners, Clerk and Sheriff elected in 2005 will take office December 1, 2005.

2005 Elections: The offices of Mayor, eleven Commissioners, Clerk and Sheriff will be elected at partisan elections, including a primary in August and a general election in October. The Mayor, five Commissioners, the County Clerk and Sheriff will be elected to terms of three years one-month in 2005 and the remaining Commissioners will be elected to terms of five years one-month terms in 2005.

All employees of the former City and County governments would become employees of the unified government. All existing wages, benefits, collective bargaining certification and agreements, contracts and conditions of employment shall continue until modified by lawful action. The elimination of duplication will be through attrition, reassignment, and reorganization or through the budgetary process.