

## 2021 Proposed Charter Amendments

### 1.07 Charter Review and Amendment.

A. Charter Review. The Governing Body shall provide, by ordinance, for a process of periodic review of the Charter. The purpose of the review is to evaluate, propose or recommend amendments. Provisions shall be made for a review to occur within five (5) years after the effective date of this Charter, and not less than once every ~~six-eight (8)~~ (8) years thereafter.

### Section 2.06 Filling Vacancies.

A. A vacancy in the Office of Mayor shall be filled as follows:

- (1) Within ~~forty-five-sixty~~ forty-five-sixty days of the vacancy, the Governing Body shall appoint a qualified successor who shall serve as mayor until the next regular municipal election.

B. A vacancy in the office of city councilor shall be filled as follows:

- (1) The mayor shall, within ~~forty-fivesixty~~ forty-fivesixty days of the vacancy, appoint a qualified successor to fill the vacancy, subject to the confirmation of the Governing Body as provided in Section 3.02 of this Charter, who shall serve until the next regular municipal election.

### Section 2.14 Authentication and Recording; Codification.

A. Authentication and Recording. ~~All ordinances and resolutions adopted by the Governing Body. The city clerk shall be authenticated by signing of the mayor and city clerk and affixation of the City seal. The city clerk, and shall record the ordinances and resolutions in full within the aCity archive for proper preservation. by indexed book kept for that purpose, all ordinances and resolutions adopted by the Governing Body.~~

B. Codification. ~~Within three years after adoption of this Charter, and at least every ten years thereafter, the Governing Body. The city clerk shall provide for the preparation of a general codification of this Charter and shall provide for supplementation of additions or amendments upon adoption, but no less than semi-annually. all general City ordinances.~~ The general codification shall include such codes of technical regulations and other rules and regulations as the Governing Body may specify.

### 3.06 Acting City Manager.

In the event of the temporary absence, disability, suspension, or other unavailability of the city manager, the mayor shall appoint a City employee to serve as an acting city manager for no more than thirty consecutive days. The Governing Body shall appoint an acting city manager for any vacancy or period of temporary absence, disability or suspension exceeding thirty consecutive days. At the time of appointment, the Governing Body shall assign a salary that is no less than the minimum salary listed in the established pay grade for the city manager position as determined by the Human Resources Department or Governing Body. the base salary amount for the City Manager position.

## ARTICLE IV

### 4.01 Creation; Power; Duties.

A. Following the adoption of this Charter there shall be one municipal judge; however, in accordance with Section 35-14-4 NMSA 1978, additional judges may be elected if the Governing Body determines that the workload of the Municipal Court requires more than one judge, and enacts an ordinance creating one or more additional elective Offices of Municipal Judge.

B. The municipal judge:

(1) Shall constitute the judicial branch of the City ~~G~~government;

(2) Shall be entitled to exercise all of the powers and duties of office as are authorized by the Constitution and laws of the State of New Mexico;

(3) Shall have jurisdiction over all offenses and complaints under the ordinances of the City;  
~~and~~

(4) May issue subpoenas, warrants and punishment for contempt;

(5) Shall consult with, prepare and submit to the City Manager a proposed annual budget and capital program for Municipal Court for inclusion in the Draft Recommended Budget not later than the first Tuesday in February of each year. In the event a Municipal Court budget proposal is not submitted as required by this section, the City Manager shall prepare an annual budget and capital program for Municipal Court for inclusion in the Draft Recommended Budget. The municipal judge shall have authority in allocation of budget and personnel wherein the judicial branch is affected; and ~~Shall prepare and submit the annual budget and capital program for the judicial branch to the governing body by February 15 each year, and shall present such budget and capital program to the governing body as part of their annual budget review process. The municipal judge shall have authority in allocation of budget and personnel wherein the judicial branch is affected.~~

(6) Shall be subject to all Rules of Procedure from the Municipal Courts, as promulgated by the New Mexico Supreme Court, Rules 8-101 through 8-802 (as amended).

#### **4.02 Qualifications.**

A. No person shall serve as municipal judge unless that person possesses the qualifications required by law and enumerated in this section.

B. The municipal judge shall:

(1) Be a qualified elector of the City of Rio Rancho.

(2) Shall be a licensed attorney and member in good standing through the New Mexico State Bar.

(3) Possess all of the aforementioned qualifications during the municipal judge's entire term of office.

#### **5.07 Boards and Commissions; Advisory Bodies.**

D. Except as otherwise provided in this Charter, the mayor shall appoint all members of boards, commissions and advisory bodies, and fill vacancies thereon, subject to the confirmation of the Governing Body, as provided in Section 3.02 of this Charter. The mayor shall appoint persons within forty-five days of the formation of the board, commission or advisory body, or ~~within thirty days of~~ as soon as practicable for a vacancy thereon.

### **ARTICLE VI**

#### **FINANCIAL PROCEDURES**

##### **6.13 Permanent Fund.**

A permanent fund shall be established, as follows:

(1) The principal of the initial investment, \$10,000,000,-shall remain intact in perpetuity;

(2) Fifty percent of the investment earnings shall be added to the principal, and fifty percent of the investment earnings shall be distributed annually to the City General Fund for general government purposes; and

(3) The Governing Body shall adopt by ordinance guidelines for additional contributions, investments, and provisions for the management and administration of the permanent fund.

### 7.03 Recall.

*\*Annotation – The portions of this section stricken were superseded by Chapter 1, Article 25, NMSA 1978 (the Recall Act) in 2019 by the State Legislature. The Recall Act shall be used for the recall of elective officers; however, the City of Rio Rancho shall continue to utilize any local provisions that provide greater due process than the Recall Act. The portions of this section not stricken will remain intact. This change does not require approval from the voters.*

A. The power of recall is hereby reserved by the voters of the City.

B. Except as otherwise provided herein, the provisions of the New Mexico ~~Municipal~~ Election Code, Chapter 1, Article 25 NMSA 1978 and Section 3-1-5 NMSA 1978, as they currently exist or may hereafter be amended or superseded, shall govern the exercise of the power of recall under this Charter.

~~C. The mayor and all city councilors are subject to recall.~~

~~D. The following provisions shall govern the right of recall:~~

~~(1) A written notice to announce an intention to file a petition of recall must be submitted to the city clerk and must contain a minimum of 50 signatures with printed names and addresses of qualified electors residing in the particular council district, or within the city limits for the office of Mayor.~~

~~(2) Recall shall commence by the filing of a petition with the city clerk, which complies with the following requirements:~~

~~(a) The form of the proposed petition shall be submitted to the city clerk prior to its circulation in the City for signature. If a particular proposed petition is not submitted to the city clerk prior to circulation, or if such a proposed petition is not approved as to form by the city clerk, then the city clerk shall not accept that recall petition for filing. If the Governing Body member sought to be recalled is a city councilor, then the proposed petition for recall may only be filed by a qualified elector of that particular district.~~

~~(b) The city clerk shall indicate in writing on a proposed petition that it is approved as to form if:~~

~~(i) the petition contains a heading which states that the petition is for the purpose of recall;~~

~~(ii) the heading sets forth the name of the Governing Body member who is the subject of the recall;~~

~~(iii) the petition heading contains a clear and concise statement specifying the reason for the recall;~~

~~(iv) the petition contains a place for the person signing the petition to write the date, name (printed), address, and signature;~~

~~(v) the petition contains a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature or signing a petition when that person knows he or she is not a qualified elector in the City of Rio Rancho, is guilty of a fourth degree felony; and~~

~~(vi) each page of the petition for signatures contains the requirements as specified in subsections (i) through (v) in the heading.~~

~~(c) The signed petition shall be filed with the city clerk not more than sixty consecutive days following the date upon which the city clerk approved the petition as to form.~~

~~(d) In the case of the mayor, the petition shall be signed by a number equal to or more than 5 percent of the total number of qualified electors within the City.~~

~~(e) In the case of a city councilor, the petition shall be signed by a number equal to or more than five percent of the total number of qualified electors for the particular council district, or a minimum of two hundred fifty valid signatures, whichever is greater. For the purposes of this section, qualified elector means a registered voter who resides in the same council district as the city councilor whose recall is sought.~~

~~(3) Upon the filing of a recall petition which has been previously approved as to form, the city clerk shall verify the recall petition, pursuant to Section 3-1-5 NMSA 1978, and the city clerk and Governing Body shall perform the duties otherwise required in Section 3-1-5 NMSA 1978, except to the extent that such provisions are inconsistent with this section of the Charter.~~

~~(4) Upon the filing of a recall petition which has been certified as complying with the requirements of paragraph (2) of this subsection, the Governing Body shall enact an election resolution calling for a special election.~~

~~(5) If the Governing Body member sought to be recalled is a city councilor, then the special recall election shall be held only in the election district represented by that city councilor. Only those qualified electors residing in the same council district as the councilor sought to be recalled shall be eligible to vote.~~

(16) At any recall election, the official holding office shall be recalled only if:

(a) a majority of the votes cast at the recall election are in favor of recalling the official; and

(b) this majority equals or exceeds the number of votes the official received when elected.

(7) If an official is recalled, he or she shall not be eligible for re-election until the term for which he or she was originally elected has expired.

~~(8) If a recall election results in a failure to secure the votes necessary to recall, the official who is the subject of the recall election shall not again be subject to recall during the remain~~