



**CITY OF RIO RANCHO  
AGENDA BRIEFING MEMORANDUM**

**Legislation Item:** D71

1 \_\_\_\_\_

2 AGENDA DATE:

3 \_\_\_\_\_

4 November 9, 2016

5 \_\_\_\_\_

6 DEPARTMENT:

7 \_\_\_\_\_

8 2016 Charter Review Committee

9 \_\_\_\_\_

10 SUBJECT:

11 \_\_\_\_\_

12 Charter Review Committee Recommendation

13 \_\_\_\_\_

14 SYNOPSIS:

15 \_\_\_\_\_

16 Pursuant to section 33.19 of the Ordinances for the City of Rio Rancho and  
17 its enabling Resolution, the Committee has submitted its recommendation to  
18 the Governing Body.

19 \_\_\_\_\_

20 The Committee recommends that the salary and benefits, as currently  
21 outlined in Ordinance for the Mayor and City Council, should be established  
22 in the Charter.

23 \_\_\_\_\_

24 BACKGROUND AND ANALYSIS:

25 \_\_\_\_\_

26 The Charter defines the basic organization, powers, functions, and essential  
27 procedures of municipal government. The Charter is the most important  
28 legal document of a City government. A City Charter is comparable to the  
29 U.S. Constitution or a State Constitution.

30 \_\_\_\_\_

31 The citizens of the City of Rio Rancho adopted the current Charter at a  
32 regular election held on March 3, 1992, and further amended it on March 5,  
33 1996; March 5, 2002; March 7, 2006; March 6, 2012; and March 1, 2016.  
34 Section 1.07 of the Charter requires the Charter to be reviewed not less than  
35 once every six years. Section 33.19, et seq., of Rio Rancho Ordinances  
36 allows a Charter Review Committee to be activated at any other time by  
37 Resolution of the Governing Body to review and recommend amendments to  
38 the existing Charter. The Governing Body approved an activation Resolution  
39 on July 27, 2016, and in doing so specifically directed the Committee to only  
40 consider the following: (1) review of Section 2.04 (A) Compensation; and (2)  
41 make specific recommendations regarding the placement of the Mayor and  
42 City Council member annual salaries in the Charter. The Committee was

1 requested to submit its recommendations, if any, to the Governing Body no  
2 later than October 31, 2016.

3  
4 The Mayor and City Councilors approved the following individuals on August  
5 4, 2016, to serve on the Committee:

6  
7 Mayor At-Large - Alonzo Clayton

8 District 1 – Phil Pigott

9 District 2 – William White

10 District 3 – Tamara Gutierrez

11 District 4 – Aaron Fleming

12 District 5 – Michelle Bunzel

13 District 6 – Marilyn Salzman

14  
15 The Committee selected Gutierrez as Chairperson and White as Vice-  
16 Chairperson. The Committee held public meetings on the following dates  
17 pursuant to State Opening Meetings Act requirements: August 31,  
18 September 7, September 22, October 6, and October 21.

19  
20 The Committee recommends that the salary and benefits, as currently  
21 outlined in Ordinance for the Mayor and City Council, should be established  
22 in the Charter. As such, the Committee is recommending that at the next  
23 municipal election voters are given the opportunity to approve or not  
24 amending the Charter in this manner.

25  
26 If voters approve, the salary and specific benefits (access to the same  
27 medical, dental, and vision insurance coverage provided to City employees;  
28 Mayor provided a City vehicle) already established via Ordinance for the  
29 Mayor and City Council would be specified in the Charter. If salary and  
30 specific benefits are specified in the Charter, the only way salary and these  
31 specific benefits could be changed in the future is by majority vote of a  
32 Charter amendment question by qualified electors at an election. No longer  
33 would the Governing Body have the ability to adjust Mayor and City Council  
34 salary and the specific benefits noted as has been the case historically. If  
35 voters do not approve, the salary and benefits already established via  
36 Ordinance remains in place and unchanged. In the future, the Governing  
37 Body would continue to have the ability to adjust Mayor and City Council  
38 salary and the specific benefits noted.

39  
40 Pursuant to the State of New Mexico Constitution, whether the  
41 recommended Charter amendment question is approved by voters or not, a  
42 change (increase or decrease) to Mayor and City Council salary approved by  
43 either qualified electors at an election or the Governing Body would not

1 affect the current office holder and would be applicable to the next office  
2 holder.

3  
4 Next Step for Governing Body

5 Within 30 days (from October 28, 2016), the Governing Body shall either  
6 approve the suggested Charter amendments by a majority vote or refer the  
7 proposed Charter amendments back to the Committee with its suggestions.  
8 Only those matters referred back to the Committee by the Governing Body  
9 can be considered by the Committee. After considering the  
10 recommendations of the Governing Body, the Committee shall resubmit its  
11 proposed Charter amendments to the Governing Body for approval within 30  
12 days. This back-and-forth process continues until proposed Charter  
13 amendments are approved by a majority of the Governing Body or until the  
14 term of the Committee expires on March 31, 2017.

15  
16 Once Charter amendments are approved by a majority of the Governing  
17 Body, the Governing Body approves holding an election for voters to  
18 consider amendments (would likely coincide with the next regular municipal  
19 election in March 2018). Proposed amendments must receive a majority of  
20 votes cast in order to be adopted.

21  
22 Current Ordinance

23 At its meeting on July 27, 2016, the Governing Body approved updates  
24 pertaining to Rio Rancho elected official compensation in order to address  
25 changes to the Office of the Mayor that had taken place from 2012 to 2016  
26 with no corresponding pay adjustment and to make necessary amendments  
27 to ensure consistency with the State of New Mexico Constitution.

28  
29 Pertaining to the Mayor and City Council, these changes were:

30  
31 -Starting in 2018, established the Mayor's annual salary as Rio  
32 Rancho's median household income, as reported by the U.S. Census  
33 Bureau (\$59,243, reflective of 2014 data).

34  
35 -Starting in 2018, established City Council member annual salary  
36 as 28 percent of Rio Rancho's median household income, as  
37 reported by the U.S. Census Bureau (\$16,588.04, reflective of 2018  
38 data).

39  
40 Access to the same medical, dental, and vision insurance coverage provided  
41 to City employees for the Mayor and City Council and eligible family  
42 members as well as a City vehicle provided to the Mayor has been in  
43 Ordinance since 2004. These specific benefits were retained when the

1 Governing Body updated Ordinances pertaining to elected official  
2 compensation in July 2016.

3

4 IMPACT:

5

6 N/A

7

8 ALTERNATIVES:

9

10 Within 30 days (from October 28, 2016), the Governing Body shall either  
11 approve the suggested Charter amendments by a majority vote or refer the  
12 proposed Charter amendments back to the Committee with its suggestions.  
13 Only those matters referred back to the Committee by the Governing Body  
14 can be considered by the Committee.

15

16 DEPARTMENT RECOMMENDATION:

17

18 N/A

19

20 REVIEWED BY:

21

22  City Attorney

Information Tech

23  City Clerk

Library & Info Svcs

24  Development Services

Parks, Rec & Comm. Svcs

25  Financial Services

Police

26  Fire and Rescue

Public Works

27  Human Resources

Utilities

28

29

30 PREPARED BY: Asst. City Manager Peter Wells

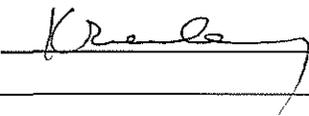
DATE: 11/1/16

31

32 DEPT DIRECTOR: \_\_\_\_\_

DATE: \_\_\_\_\_

33

34 CITY MANAGER: 

DATE: 11/1/16

35

36

37 ATTACHMENT I: Committee Transmittal Letter and Recommendation

October 28, 2016

Rio Rancho Governing Body  
Rio Rancho City Hall  
3200 Civic Center Circle  
Rio Rancho, NM 87144

RECEIVED  
OCT 28 2016  
CITY OF RIO RANCHO  
ADMINISTRATION

Dear Mayor and City Councilors:

Pursuant to your direction to review Section 2.04 (A) Compensation of the City Charter and make specific recommendations regarding the placement of the Mayor and City Council members annual salaries in the Charter, the 2016 citizen Charter Review Committee submits to you the attached recommendation.

As you will see in the attachment, the Committee recommends that the salary and benefits, as currently outlined in Ordinance/Municipal Code and approved by the Governing Body, for the Mayor and City Council should be established in the Charter. As such, the Committee is recommending that at the next municipal election voters are given the opportunity to approve or not approve amending the Charter in this manner. Please be advised that the attachment reflects what would be presented to voters on the ballot, including the explanation text, and has been verified as appropriate by City staff.

The Committee's recommendation is the result of data review, discussion and deliberation that took place over the course of five Committee meetings. Should the Governing Body not approve the Committee's recommended amendments to the Charter and have suggestions, the Committee stands ready to meet again to consider the Governing Body's input and provide a follow-up response.

Sincerely,



Tamara Gutierrez  
Chairperson of the 2016 Charter Review Committee/City Council District 3 Appointee

Enclosure: Committee Recommendation

Cc: Mayor At-Large Appointee –Alonzo Clayton  
City Council District 1 Appointee – Phil Pigott  
City Council District 2 Appointee – William White (Vice-Chairperson)  
City Council District 4 Appointee– Aaron Fleming  
City Council District 5 Appointee – Michelle Bunzel  
City Council District 6 Appointee– Marilyn Salzman  
City Clerk Stephen Ruger  
Assistant City Manager Peter Wells

**Shall Article II, Governing Body, Section 2.04, Compensation; Expenses, Be Amended to Read as Follows?**

Section 2.04 Compensation; Expenses.

~~A. Compensation. The Governing Body shall determine the salary of the mayor, City Council members, and municipal judge by ordinance, subject to the limits of the New Mexico Constitution and irrespective of the annual salary of the county commissioners of any county within which all or part of the City is situate.~~

A. Compensation. (1)Beginning in 2018 and thereafter, the annual salary of the Mayor shall be the most current estimated median household income in Rio Rancho, as reported by the United States Census Bureau, on the day the Mayor is sworn into office.

(2)Beginning in 2018 and thereafter, the annual salary of the City Council members shall be 28% of the most current estimated median household income, as reported by the United States Census Bureau, on the day the City Councilor is sworn into office.

(3)The Mayor and City Councilors and eligible family members shall be offered medical, dental and vision insurance coverage as provided to other city employees.

(4)The annual salary of the Mayor and City Councilors shall not be increased or decreased during his or her term of office.

(5)The Mayor shall be provided a city vehicle.

(6)The Governing Body shall determine the salary of the municipal judge by ordinance.

B. Expenses. The mayor, City Council members, and the municipal judge shall receive their actual and necessary expenses incurred in the performance of their duties of office, subject to budgetary limitations and subject to any per diem and mileage limits as may be set by ordinance.

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*Explanation: If approved, the compensation and benefits already established via ordinance by vote of the Governing Body (mayor and City Council members) for the mayor and city councilor positions effective in 2018 would be specified in the Charter. If compensation and benefits for the mayor and city councilors is specified in the Charter, the only way compensation and benefits could be changed in the future is by majority vote of a Charter amendment question by qualified electors at an election. No longer would*

*the Governing Body have the ability to adjust mayor and city councilor compensation and benefits as has been the case historically.*

*If not approved, the compensation and benefits already established via ordinance by vote of the Governing Body for the mayor and city councilor positions effective in 2018 remains in place and unchanged. In the future, the Governing Body would continue to have the ability to adjust mayor and city councilor compensation and benefits.*

*Pursuant to the State of New Mexico Constitution, whether this Charter amendment question is approved or not approved, a change (increase or decrease) to mayor and city councilor compensation approved by either qualified electors at an election or the Governing Body would not affect the current office holder and would be applicable to the next office holder.*

**FOR AMENDMENT: 0**

**AGAINST AMENDMENT: 0**