Model City Council: Lesson 1

Lesson Topics: Introduction to city government and City Council districts

Aim: To gain a basic understanding of Albuquerque city government; to identify and begin an exploration of your own City Council district.

Skills to be Addressed:
- Gathering information from a website

Objectives:
Students will:
- Have some basic knowledge of the role of government and the City Council.
- Know how to find their council district; know in which district their school is located.
- Learn how to gather information about the city from its website.

Common Core Standards Addressed:
- CCSS.ELA-LITERACY.RH.11-12.9
  Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.
- CCSS.ELA-LITERACY.RST.11-12.7
  Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., quantitative data, video, multimedia) in order to address a question or solve a problem.

Timeframe: One 60 minute period.

Materials:
Computers with access to Internet, including one that can be displayed on a screen.
Scavenger Hunt: Albuquerque City Government at a Glance: cabq.gov

Procedure:
I. Basic Introduction to Albuquerque city government:

Explain:

The Albuquerque City Council is the lawmaking (legislative) body of the city of Albuquerque. It is made up of nine members from nine districts across the city. They are elected to four-year terms in elections staggered every two years. The council is an equal partner with the mayor in governing the city. Councilors propose bills and pass laws to help govern the city.

The mayor is the executive leader of the city, just as the president is the chief executive of the United States. The mayor is charged with enforcing city law. One of the mayor's greatest responsibilities is drafting the budget.

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The City Council checks the power of the mayor. The mayor must work with the council to get what he wants; he can't simply pass the budget or a law by himself. This prevents one person or one branch of government from having too much control over Albuquerque.

The council represents the city's diverse communities. Council districts comprise relatively large geographical areas of the city. This allows communities that didn't necessarily vote for the mayor to be represented, and it gives a voice to the needs of local residents. The council must find a way to balance the city's many different interests. Council members want to pass legislation that serves the citizens of their districts, but they also must look out for the whole city.

II. Find your district and councilor.

Go to cabq.gov. Under "Departments" or "A to Z" find the City Council page. Click on View information about the City Council. On the Council page, click on Find your councilor.

Using the table below, type in your high school's address in the "Search by Address" to find the number of your district and the name of your councilor. (The district number is also provided below, but it's more fun to find it yourself).

Explain that students may live in a different district than the school's district. They can enter in their own address to find out their district and city councilor.

> **Notice how the larger the population within the district, the smaller the geographical size of the district. This is to ensure that approximately the same number of people reside in each district.**
>
> **Ask: Why would the City of Albuquerque want to have the same number of people in each district?**

High School	Address	City Council
Albuquerque High	800 Odelia Rd. NE 87102	District 2
Atrisco Heritage*	10800 Dennis Chavez Blvd SW 87121	District 3*
Cibola	1510 Elison Dr. NW 87114	District 5
Del Norte	5323 Montgomery Blvd. NE 87110	District 4
Eldorado	11300 Montgomery Blvd. NE 87111	District 8
Highland	4700 Coal Ave. SE 87108	District 6
La Cueva	7801 Wilshire Ave. 87122	District 4
Manzano	12200 Lomas Blvd. NE 87112	District 9
Rio Grande*	2300 Arenal SW 87105	District 3*
Sandia	7801 Candelaria NE 87110	District 7
Valley	1505 Candelaria NW 87107	District 2
Volcano Vista	8100 Rainbow Rd. NW 87114	District 5
West Mesa	6701 Fortuna Rd. NW 87121	District 1

* Atrisco Heritage and Rio Grande HS lie outside the city limits. They've been "assigned" to District 3 for this curriculum.

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Click on your district on the map to go to your councilor's web page that has information about your district. Briefly explore the projects, legislation, services, etc. on this page. Make notes in a group KWL chart (Know, Want to Know, Learned) that you can return to after students have explored and photographed their own district and/or after a visit from your city councilor or council staffer.

> If you plan to invite a councilor or council staff person to your classroom, you may want to schedule it now. The telephone number for the council office is 768-3100.

In the next several days, students will find out more about their district by exploring it themselves. They'll take pictures and create a slide show about the district. They'll look at the district from the point of view of a city councilor or council staffer, evaluating what's good, what's bad, and what can be improved.

III. Virtually explore the city of Albuquerque.

Find out what services the city provides and how the city government operates through its website, cabq.gov.

Students use "Scavenger Hunt: Albuquerque City Government at a Glance" to find out more about the city. Students can hunt for the answers in groups or as individuals. Working alone, a student might take over an hour to complete this.

Answers are found on "Scavenger Hunt – answers."

Go over the answers as a class. The scavenger hunt can lead to discussions about city services, the city budget, and the city council.
- Questions 1 and 2 refer to the city's all-purpose 311 phone number and app for answering questions about the city.
- Questions 3 through 16 deal with city services that might interest teenagers.
- Question 17 addresses voter registration.
- Questions 19 through 20 deal with the budget.
- Questions 22 through 25 deal with City Council meetings.

IV. Possible Homework:

- Finish the Scavenger Hunt.
- Learn more about your district from its councilor's web page.
- Find out in which district your home is.
- Download the ABQ311 app.

V. Optional Assignment
Using the A-Z directory of links on cabq.gov, students create a display, slide show, alphabet book for younger children, or some other presentation about Albuquerque featuring items beginning with each letter of the alphabet.
(There's no "Q" – so maybe something quirky for Q?)

Model City Council: Lesson 2

Lesson Topics:
- What makes a city good to live in?
- How can I evaluate my district?
- How do I map my district?

Aim: To gather data about your city and to use it to think critically about the place you live.

Skills to be Addressed:
- Analysis and synthesis of information gained through reading, discussion and observation
- Gathering data from multiple sources and analyzing data from multiple perspectives
- Mapping, using GIS

Objectives:
   Students will:
- develop a framework for analyzing issues in their local community.
- gather data about their local community.

Common Core Standards Addressed:
- CCSS.ELA-LITERACY.RH.11-12.2
Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.
- CCSS.ELA-LITERACY.SL.11-12.1.C
Propel conversations by posing and responding to questions that probe reasoning and evidence; ensure a hearing for a full range of positions on a topic or issue; clarify, verify, or challenge ideas and conclusions; and promote divergent and creative perspectives.
- CCSS.ELA-LITERACY.SL.11-12.1.D
Respond thoughtfully to diverse perspectives; synthesize comments, claims, and evidence made on all sides of an issue; resolve contradictions when possible; and determine what additional information or research is required to deepen the investigation or complete the task.
- CCSS.ELA-LITERACY.SL.11-12.1.B
Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.
- CCSS.ELA-LITERACY.RST.11-12.7
Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., quantitative data, video, multimedia) in order to address a question or solve a problem.

Timeframe: One 60 minute period.

Materials:
- A computer that can be displayed on a screen, with access to Internet.

- "The Politics of Happiness", an article from Yes Magazine, either as a handout or at *http://www.yesmagazine.org/issues/finding-courage/the-politics-of-happiness*.
- District Scorecard, handout.
- FAQs_AGIS (frequently asked questions about AGIS), handout.
- Computers with Internet access or smart phones or tablets with downloaded apps for Geographical Information System (GIS) maps.
- "Have fun: There is never a wrong time to applaud," an opinion piece from the Albuquerque Journal, by Winthrop Quigley (2013). Also at http://www.abqjournal.com/214195/have-fun-there-is-never-a-wrong-time-to-applaud.html/upfront-19
- "Want to See How Governments Are Making Real Progress? Look to the Cities Tackling Our Biggest Problems," an article from *Yes* Magazine, 2015. Also available at http://www.yesmagazine.org/issues/cities-are-now/look-to-the-cities-tackling-our-biggest-problems

Procedure:

I. **City at a Glance Discussion**

If you haven't already, as a class review answers to the City at a Glance Scavenger Hunt (from Lesson 1) The scavenger hunt can lead to discussions about city services, the city budget, and the City Council.

- Questions 1 and 2 refer to the city's all-purpose 311 phone number and app for answering questions about the city.
- Questions 3 through 16 deal with city services that might interest teenagers.
- Question 17 addresses voter registration.
- Questions 19 through 20 deal with the budget.
- Questions 22 through 25 deal with City Council meetings.

II. Discussion: What Makes a Great City?

Refer to your councilor's web page and the question, "What does your councilor think is important in your district?

What do you think is important in a council district? What is needed to make a neighborhood or a district a good place to live? What's needed to make a city a good place to live?

Lots of people have opinions about this. You can google "What makes a great city?" and you'll find lots of articles and lots of opinions.

What are your ideas?

If students need prompting, ask, *What about housing? What kind of housing is needed in a great city? Safety? Transportation? Shopping? Recreation?*

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Let's look at one person's ideas about what makes a great city, the former mayor of Bogotá, Colombia, Enrique Peñalosa. Hand out "The Politics of Happiness" (http://www.yesmagazine.org/issues/finding-courage/the-politics-of-happiness)
for students to read individually or in groups.

Discuss this articles and Peñalosa's ideas. What does Peñalosa think is the key to a great city?

A few years ago, a man named Charles Landry came up with an idea a lot of people liked. He said a city needs to encourage people to be creative if it wants to be great. He said people need to be able to think, plan, and act with imagination, and that the arts were important for that.

Look at this scorecard for evaluating a district. What do you think of these ideas as measures of a great, that is, vital, dynamic, growing city?

Hand out the District Scorecard. Ask students to look over the criteria for scoring a district. Can they think of others? If so, add those to the scorecard.

Over the next several days, your homework is to drive or bike or walk around your district. Photograph it. Take pictures of streets, bus stops, parks, businesses, schools, whatever you think is important. Look for the good, the bad, the beautiful, the ugly. Focus on areas that are thriving and areas that need improvement.

You'll be able to find many of the features of the district using the city's GIS, Geographical Information System. I'll tell you more about that in a minute.

And you will evaluate your district using this scorecard.

You'll create a slide show or poster or report or rap song or some other form of presentation about your district. If possible, the presentations can be put on the Model City Council Facebook page for other students to view.

Eventually, you'll use these presentations to brainstorm ideas for projects that would benefit your district.

Remember, as you look at your district, consider <u>all</u> the people who live there: the young, the old, men, women, people from various cultures, employees, business owners, consumers, and all education and income levels. But … you might especially see your district from the point of view of a young person, since you understand that best.

If students will evaluate and photograph their district in groups, they can meet with those groups now to plan and to determine the boundaries of their district (below).

If you want to break this assignment down, consider assigning groups to look at different areas or different features of the district, rather than the district as a whole.

III. Get to know the boundaries of your district.

- At http://www.cabq.gov/gis/map-views/city-council-map, use the + feature to locate the street boundaries of your district.

- Using a printout of this map
  (http://ttr.sandia.gov/Maps/Albuquerque%20Street%20Map.pdf) or this map
  (*http://www.cabq.gov/parksandrecreation/documents/2016-abq-bike-map-side-1.pdf*), mark the boundaries of your district as best you can.
- Explore the Maps for Mobile at https://www.cabq.gov/gis/maps-for-mobile
  to see which maps you can access through your phone.
- Students in class or at home can use the Albuquerque Geographic Information
  System map viewers to explore their neighborhood or district. The viewer can be set
  to display features like libraries, parks, sports facilities, cultural centers, bike paths –
  all kinds of information. The document FAQs_AGIS (frequently asked questions
  about AGIS) can help.

Map programs on a computer or apps on a tablet or smartphone can tell you a lot about the area around your current location or most other places you might want to research. More than the "where," Google Maps will give the "when" — hours that a business is open. It will autodial if you're using a smartphone. It will seamlessly open the store's website in a browser so you can find out availability and price of what you're looking for. Bunches of information that used to be scattered around telephone books, catalogs and other paper records are now conveniently pinned to a virtual map accessible anywhere you can get an Internet or cell connection.

In the same way, the city and other governments have pinned tons and tons of information on virtual maps, making it far more accessible to citizens. You can find out a lot about your neighborhood or district at http://www.cabq.gov/gis — GIS stands for Geographic Information Systems.

Explore some of the options on the left side of that web page. "Map Views and Searches" is a good place to start. The "Advanced Map Viewer" can stack up layers of different categories of data. The information may overwhelm certain web browsers or computers. Best bet is a computer with an ethernet wired connection running Internet Explorer. A WiFi-connected computer or wireless mobile device may seem slow. If so, scroll down the "Advance Map Viewer" page to find the "Simple Viewer." Either map viewer can be manipulated to show the locations of parks and pools, libraries, bus and bike routes, and athletic facilities, helping with the queries on the District Report Card of Lesson 2.

For location-based crime data, visit abqjournal.com/crime. The page opens with every category of crime selected in the panel in the upper right hand corner — pretty dense. Hit "clear all," and you can choose one type of crime, like DWI, and see all the arrests with the date range specified at the bottom of the panel. This may be a good place to get a handle on the District Report Card's safety rating.

If you have fun with this, check out http://www.esri.com/products/maps-we-love#relatedmaps_section. There are some incredible maps.

Playing around with Geographical Information System maps can give a headstart in gathering information about your neighborhood and council district. As you do so, keep in

mind that learning GIS skills can put you a step ahead along more and more career paths.

V. Homework

Begin exploring the district with the District Score Card.

VI. Optional assignments:

Read Quigley, "Have Fun: There is Never a Wrong Time to Applaud," in the Albuquerque Journal, either as a handout or at http://www.abqjournal.com/214195/have-fun-there-is-never-a-wrong-time-to-applaud.html.

This is a short column that looks at culture, creativity and connectedness in a city.

and/or

Van Gelder, "Want to See How Governments are Making Real Progress? Look to the Cities Tackling Our Biggest Problems" in Yes Magazine, as a handout or at http://www.yesmagazine.org/issues/cities-are-now/look-to-the-cities-tackling-our-biggest-problems.
This is a longer, more scholarly article about how cities often lead the way in solving problems.

and/or

Interview an older person from your district to find out what changes have occurred in the last twenty, thirty or more years. Report on what you learned.

AGIS (Albuquerque Geographic Information System)

- **Where do I obtain maps of Bernalillo County?**
  Contact the [Bernalillo County GIS office](#).
- **Can I get the Zone Atlas on-line?**
  Yes. The Zone Atlas is available for free at the [AGIS website](#).
- **Can I view AGIS data on the Internet?**
  Yes. The City of Albuquerque has an interactive GIS web site at [cabq.gov/gis](#).
- **Can I download GIS data?**
  Yes. There are many GIS data layers available at [www.cabq.gov/gis](#).
- **Can AGIS provide location information for specific addresses?**
  Yes. This information is available on the city's [GIS website](#).
- **What neighborhood association am I in?**
  You will need the address or legal description of the property. Call AGIS at (505) 924-3816.
- **Can I get a map of a Neighborhood Association?**
  Yes. These are available on the [AGIS page](#). These are updated annually, so if you need more current information, visit the [GIS interactive website](#).
- **How can I obtain demographic, census, or economic data?**
  The City Planning Department's Publications and Records Division maintains some current and historical information. Contact the Planning Department's Publications and Records Division office at (505) 924-3662. The office is open Monday through Friday, from 8 a.m. to 5 p.m. Additional information may be available at the [Bureau of Business and Economic Research](#) -OR- [The Mid-Region Council of Governments](#) -OR- the [United States Census Bureau](#).
- **How do I determine if my building project or property is in the city or in the county?**
  You will need the address or legal description of the property you are asking about. Call AGIS at (505) 924-3816.
- **I live in the City of Albuquerque and your GIS site displays my address incorrectly. Who do I contact?**
  City Addresses can be verified by the City Address Verification Clerk. Phone contact: (505) 924-3848.
- **I live in Bernalillo County and your GIS site displays my address incorrectly. Who do I contact?**
  County Addresses can be verified by contacting [Bernalillo County permits section](#).
- **Can I purchase city maps?**
  Yes. You can purchase many standard product maps as listed at the following website: [www.cabq.gov/planning/agis/](#). If you don't see what you need contact call (505) 924-3816.
- **I don't know how to use the GIS interactive website?**
  You can call (505) 924-3816 for assistance or you can refer to the [GIS Interactive website](#).

Want to See How Governments Are Making Real Progress? Look to the Cities Tackling Our Biggest Problems

New energy is transforming our cities into hotbeds of democracy and progressive innovation.

By Sarah van Gelder.

This article appears in Cities Are Now, the Winter 2015 issue of YES! Magazine, http://www.yesmagazine.org/issues/cities-are-now/look-to-the-cities-tackling-our-biggest-problems

If you've been looking to the federal government for action on big challenges such as poverty, climate change, and immigration, this has been a devastating decade. Big money's dominance of elections, obstructionism by the Tea Party, and climate denial have brought action in Washington to a near standstill. But while the media focuses on the gridlock, a more hopeful story is unfolding. Cities are taking action.

Climate change is a case in point. Cities are already experiencing the damage caused by an increasingly chaotic climate. Many are located along coastlines, where rising sea levels coupled with giant storms bring flooding and coastal erosion. Some low-lying areas are being abandoned.

Others cities face protracted water shortages due to diminishing rainfall and shrinking snowpack. And cities are subject to the urban heat island effect that can raise temperatures to lethal levels.

Cities can't afford to wait for the ideological wars to play out.

On Oct. 29, 2012, Hurricane Sandy slammed into the East Coast, flooding lower Manhattan, filling subway tunnels, twisting up the boardwalk along the beaches in the Rockaways, and turning Long Island and New Jersey communities into disaster zones.

Just two weeks later, Munich Re, a major insurance company, reported that weather-related disasters in North America had increased five-fold over the previous three decades, causing $1.06 trillion worth of damage. And the disasters are just starting, the report said.

While Congress debates whether climate change is a vast left-wing conspiracy, Houston is spending $200 million to restore wetland ecosystems in anticipation of increased flooding. The 4,000-acre Bayou Greenways project will absorb and cleanse floodwater while creating space for trails and outdoor recreation.

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"Houston's best defense against extreme climate events and natural disasters is grounded in its local efforts to leverage ... its bayous, marshes and wetlands," Houston Mayor Annise Parker said in a press release.

In Philadelphia, if you look up while waiting for a bus, you might find you are standing under a living roof. Philadelphia is dealing with excessive storm water runoff by encouraging rain gardens, green roofs—large and small—and absorbent streets that allow water to soak through into the soil.

Given the threat posed by runaway climate change, one would expect ambitious national and international action to reduce greenhouse pollution. But cities are out in front, taking action to reduce their own climate impacts with or without federal support. From New York to Seattle, cities are adopting efficient building standards, taxing carbon, switching to energy-efficient street lighting, promoting local food, and financing building-scale conversion to solar energy.

Cities are responsible for a new surge in bicycling, not just on the crunchy West Coast, but in old industrial cities. In September, Bicycling Magazine named New York the number-one U.S. city for bicycling, noting its hundreds of miles of bike lanes, ambitious bike-share program, and long-term commitment to cycling. "One million more people will come to New York City by 2030, and there's simply going to be no more room for cars," Janette Sadik-Khan, commissioner of the Department of Transportation, told Bicycling.

Chicago, named number two, is set to meet its goal of creating 100 miles of protected bike lanes by 2015, and it will soon have the nation's largest bike-share program.

Chicago will have built 100 miles of protected bike lanes by next year, and the Chicago Streets for Cycling Plan 2020 calls for a 645-mile network of bikeways, up from the current 215 miles, to be in place by 2020. The goal is to make sure every city resident is within a half-mile of a bike path. Photo by John Greenfield.

These developments are in part thanks to enlightened city officials, including those looking for low-cost ways to attract young, entrepreneurial residents.

But cities are getting more bike-friendly in large part because of persistent pressure by

activists. For more than 20 years, Critical Mass bike rides have taken over streets in more than 300 cities around the world, with large groups riding together and claiming the right to a safe ride.

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A citizens' group in Minneapolis made the point about bike safety by building pop-up bicycle-only lanes, using DIY plywood planters to separate the bike riders from automobile traffic. Bicycle advocates in Atlanta, Denver, Oakland, Calif., Fargo, N.D., and Lawrence, Kans., followed suit.

These urban climate solutions are not only homegrown. Increasingly, cities are sharing their best climate innovations. In September, the mayors of Philadelphia, Los Angeles, and Houston announced the Mayors National Climate Change Action Agenda. The initiative will be built on other urban collaborations, including the U.S. Conference of Mayors, the C40 Cities Climate Leadership Group, and the Urban Sustainability Directors Network.

Responsive to the poor and excluded

Cities are leading in other realms, too, where the federal government has failed to act.

Immigration reform is stalled at the national level. But Los Angeles, San Francisco, New Haven, Conn., and New York City are issuing identification cards to undocumented residents, allowing them to open bank accounts, sign leases, and access city services.

On issues of poverty and inequality, cities have a mixed track record. Some neglect poor and minority neighborhoods or steer polluting projects and noisy highways to those areas. Others promote policies that displace the most vulnerable residents, making desirable land available to the wealthy and well-connected. Some cities have even criminalized homelessness.

But in many cities, strong people's movements are electing leaders with a greater connection to the poor and middle class.

New York City, one of the most unequal cities in the country, is a case in point. The top 1 percent of New Yorkers took in 32.3 percent of the city's total personal income in 2009, according to the city's comptroller. The bottom 50 percent shared just 9.9 percent.

But organizations like the Working Families Party have spent years building a grassroots power base, and their work paid off when they helped elect Mayor Bill de Blasio in November 2013. Today, de Blasio is working to boost the minimum wage and is requiring developers to offer affordable housing. And thousands of new prekindergarten slots opened up this fall, with the goal of universal access to free pre-K.

Richmond, Calif., and Newark, N.J., also have progressive mayors elected in cities with

strong popular movements. Both were hit hard by the foreclosure crisis and the predatory lending that especially targets poor people and people of color. And both cities are now exploring using eminent domain to reduce home mortgages to current market value and restructure loans so that current homeowners can retain ownership.

Seattle is leading the nation by raising its minimum wage to $15 an hour, following a successful grassroots initiative in the nearby city of Sea-Tac, and an insurgent city council race that focused on a higher minimum wage. Popular movements across the country are pressing for better pay and human rights for the working poor.

Why cities?

What is it about cities that enables them to move forward while the nation as a whole is stalled?

Benjamin Barber, political scientist and author of If Mayors Ruled the World, thinks a lot about what makes urban leaders effective problem solvers.

City leaders can't afford to be ideologues, Barber said in an interview with YES! Magazine. "Their job is to pick up the garbage, to keep the hospitals open, to assure fire and safety services and that police and teachers do their jobs."

This pragmatism requires civility. "Mayors simply can't afford to trade in bigotry," he said. "A businessman like [former New York Mayor Michael] Bloomberg has to deal with the unions, and a progressive like de Blasio has to deal with business and developers."

Perhaps this focus on getting work done explains why nearly two-thirds of Americans polled by the Pew Research Center have a favorable view of their local government, at a time when just 28 percent approve of the federal government.

Along with pragmatism, cities have the advantage of multiculturalism and the innovative spark that goes with it, Barber says. "Cities are points of intersection, communication, sharing, and travel," he said. "And cities have always—to paraphrase Whitman—contained multitudes."

Nations, on the other hand, are a more recent idea, more oriented around independence than interdependence, and more competitive. "The last 400 years of nation-states ruling the world has gone very badly, with war, genocide, rivalry, and very little social justice as a consequence," Barber said.

Cities are solving problems while nation-states are failing, Barber said. So it's time to put cities in charge. Of the whole world.

Barber laid out a plan for a global parliament of mayors in his recent book, and now he's working with city officials on bringing the idea to reality.

Should cities rule the world?

Mention global governance, and some people imagine black helicopters. But Barber

insists he is not proposing a top-down system. Instead he sees mayors and other city leaders reaching consensus on solutions and then bringing the policy ideas home. The result, he said, would be a sort of horizontal, pragmatic, noncoercive form of global governance.

Cities could agree on a universal minimum wage, for example. Such a move would remove incentives for companies to relocate to low-wage regions. Metropolitan regions are where most economic activity is happening, Barber said. So if enough cities agreed on a minimum wage, companies would just have to pay it, thus helping to alleviate poverty and inequality.

A first step in making this vision a reality is to incorporate the suburbs and central cities into metropolitan regions. Such a move would make sense for cities whether or not they rule the world. If Detroit, for example, were redefined to include the well-off suburbs, instead of being bankrupt, it would be the fourth most prosperous metropolitan region of the United States, Barber said.

From that foundation, cities could lead even in arenas like immigration that are not normally part of urban decision-making. If more cities begin issuing their own immigration documents, "you're going to have a fast track to citizenship inside cities, since 85 or 90 percent of undocumented workers are in cities," Barber said.

A global parliament of cities "is a means to regulate the global economy, address climate change, deal with immigration and global trade," he said.

It's a bold idea that is capturing the imagination of an international group of urban leaders. On Sept. 19, mayors, city planners, and others met in Amsterdam. If all goes as hoped, Barber said, 600 mayors could join him in London in September 2015 to launch a pilot parliament.

Not everyone thinks cities are up to the challenge. Following the Amsterdam meeting, Reinier de Graaf, a Dutch architect and city planner, wrote in European Magazine, "The current vitality of cities is largely based on the luxury that more heavy duty political responsibilities are kept at bay."

But British journalist Misha Glenny found the proposal intriguing. In a column for the BBC he wrote: "This group of can-do politicians may end up rewriting constitutions across the globe … by doing what they always have—getting on with the job."

The idea is worth exploring when so much else isn't working, Barber said.

"In a time of pessimism about democracy, pessimism about government, a sense of too many problems, I believe the cities movement is a powerful note of hope and optimism," he told YES!

"Moving the focus from states to cities is a new brief for democracy," he said. "It's a new brief for hope. And a new sense that maybe we can, after all, control some of the forces that seem to be pushing us toward an unsustainable, unjust world, so we can move instead in the direction of the more sustainable and more just world."

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Model City Council: Lesson 3

Lesson Topics: Making improvements to the city by passing a bill in the City Council

Aim: To read a city ordinance and related newspaper articles (with scaffolding); to consider how improvements to the city have been made in the past.

Skills to be Addressed:
- Using structure and vocabulary to read and understand a difficult text (a city ordinance)
- Use background knowledge to read and understand a newspaper article.
-

Objectives:
> Students will:
- analyze the structure of a city ordinance, using that structure to understand its meaning.
- integrate information from the ordinance to understand a newspaper article about the ordinance.
- understand how a proposed project is brought into existence in the city via city council legislation and mayoral administration.

Common Core Standards Addressed:
- CCSS.ELA-LITERACY.RH.11-12.5
  Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the   whole.
- CCSS.ELA-LITERACY.RI.11-12.4
  Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze how an author uses and refines the meaning of a key term or terms over the course of a text (e.g., how Madison defines faction in Federalist No. 10).
- CCSS.ELA-LITERACY.RH.11-12.9
  Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.
- CCSS.ELA-LITERACY.RI.11-12.10
  By the end of grade 11, read and comprehend literary nonfiction in the grades 11-CCR text complexity band proficiently, with scaffolding as needed at the high end of the range.

Timeframe: One 60-minute period.

Materials:
- Computer(s) with access to Internet that can be displayed on a screen.
- Dog Park Bill history, handout. Also at
- Dog Park bill (pdf.)
- Journal Dog Parks #1
- Journal Dog Parks #2

Albuquerque Model City Council Curriculum

Procedure:

I. Reading a city bill

What can a city councilor do to make his district or his city better?

In 2005, City Councilor Eric Griego took his dog, Zorro the Wonder Mutt, to one of the city's two dog parks to let him run. There he met some of his constituents. Constituent is the name of someone who is represented by an elected official. (The constituents of a district are all the citizens that live in that district. "Constituents" means parts of a whole.)

Councilor Griego's constituents showed him how rundown the dog park was because so many dog owners were bringing their dogs to the park. The councilor realized the city, and his district, needed more dog parks.

He introduced a bill at a City Council meeting that listed reasons for more dog parks and that determined rules for what he called off-leash areas in parks. City councilors talked about the bill, suggested a change (called an amendment), then voted yes on that amendment. They voted to send the bill to a committee that dealt with finances in the city, where councilors and council staff could think about what the costs would be to set up more off-leash areas and how the city could pay for those costs. After the committee further amended the bill with language about how the parks would be paid for, it sent the bill back to the City Council as a whole. It was amended again, then voted on as amended, and it passed. A bill needs only a majority of councilors to vote for it for it to pass. In this case, only one councilor voted against it. The bill was then sent to the mayor, who signed it, and it became a law in the city.

Show on screen:
https://cabq.legistar.com/LegislationDetail.aspx?ID=1259045&GUID=1808F86F-7F05-4E12-B4EA-683A31163B3B&Options=ID|Text|&Search=dog+park or
Dog Park Bill history (handout). Click on 4-40fin.pdf to download the resolution, which is also available as a pdf in the Lesson 3 resources.

Many of you have been to a dog park? What did you observe?

We're going to look at this bill – it's called a resolution, but in Albuquerque, a proposed ordinance, or "resolution" are all called bills. Let's see if we can make sense of it. Hand out "Dog Park bill.pdf" or download it from the link above.

This is hard reading. It uses a vocabulary we're not familiar with. But like any kind of reading, the more familiar you are with what the words mean, and the structure of the writing, the easier it is to read.

First: what do you notice? What else do you notice?

Let's break it down into its constituent parts (what does constituent mean?)

What's the bill's number? (R-04-40)

What kind of a bill is this? (A resolution. That's probably what the R stands for.)

Who sponsored the bill? (Councilor [Eric] Griego)

What's the title? (Adopting policies governing off-leash dog exercise areas...)

What are all these "whereas-es?" (reasons for the resolution)

What do you think is the best reason?

In line 24, it gets a little complicated. Lines 24 through 25 reads: "Be it resolved by the Council, the governing body of the City of Albuquerque...." OK, so now we're getting to the resolution, that is what they're "resolving."

Then it says, Section 1. Is there a Section 2? (No.)

How is Section 1 broken up? (Into different policies, 7 in all).

Let's look at the first policy. Read it out load, slowly, talking about the meaning of each part. This is where the vocabulary's new to us, so we have to work to understand it.
- *Development procedures – what could those be?*
- *Design guidelines – what could that mean?*
- *Location criteria – what are those?*
- *Space criteria – how are those different from location criteria?*
- *Set forth in Administrative Instruction – what does that mean (the administration, or the city government overseen by the mayor will decide these things.)*

OK, so here you see how the legislative branch, the City Council that approved this resolution, will end up working with the executive branch, which the mayor administers, to accomplish the intent of the resolution.

Look at Policy 2. Who has already found some good places or sites for dog parks? (a committee of citizens and staff). There's a date listed in this section; why is it necessary? (because it sets a deadline for something to get done.)

In Policy 3, there's a promise or guarantee. What is it? (that the new dog parks won't disrupt any other park activities. That's good for skateboarders to know.)

What about Policy 4? What's the promise there? (When new parks are developed or renovated – fixed up – a dog park area will be offered as an option.)

Policy 5 has to do with funding. How will the city pay for people to design the dog parks and people to build the dog parks? (impact fees, developer dedications, public improvement districts, city general obligation bonds, and federal, private, and state grants, or any other means acceptable to the city.)

Without going into detail, there are a lot of different sources of income for these parks: private and public. The impact fee – charging people for using the dog park -- is discussed in Policy 6.

In Policy 6, they talk about how they would figure how much to charge people, if they had to charge people for maintaining the parks. How would they do it? They would analyze the cost

per acre to maintain it. Each year, the department that was in charge of the dog parks would keep track of whether that was the right amount to charge.

What's Policy 7 about? (finding a large area for dogs to run in the East Mountains). *Did they do that?* (don't know – maybe we can find out.)

So you just took something really hard to read, studied its structure, learned some new vocabulary, and made sense of it. Congratulations.

II. Reading Related Newspaper Articles

Let's look at another piece of writing, this time a newspaper article, and see if it's easier to understand.

Read the handout, Journal: Dog Parks #1, "Underused Parks May Go to the Dogs," (also at http://www.abqjournal.com/news/metro/150723metro02-27-04.htm*). When was it written?* (February 27, 2004, after the bill came out of the Finance Committee and before it went to the City Council for a vote.)

Did you learn anything new from the newspaper article that you didn't from reading the bill? (could be: ratio of dog parks to people parks, that other U.S. cities are creating dog parks, some possible locations for dog parks, that dog parks can solve discipline problems for dogs)

The article mentions a companion bill. What was in the companion bill? (allowing the city to impose a fee for the dog parks).

So it looks like they merged the two bills, because the fee language is in the final resolution.

Here's a second newspaper article, Journal: Dog Parks #2 ("Bill's Passage Unleashes Search for Dog Parks," (also at http://www.abqjournal.com/news/metro/158188metro03-17-04.htm*) written <u>after</u> the bill or resolution passed. What new information can you learn from this article?* (that one person voted against it, because he thought people parks were the first priority. Also, the administration will either 1) increase the cost of a pet license, charge a fee to enter the parks, or issue permits to people that use the dog parks).

Which do you think is the best idea? Also, the article says it will take two years to find, evaluate and choose the parks and that people will be able to voice their opinions on where the parks should be.

Which is easier to read, a bill or a newspaper article?
That's one reason we have newspapers.

III. Planning Presentations on Council Districts.

Students meet in groups to work on their presentations about their council district.

IV. Possible Homework:

- Work on presentations.
- Visit a dog park with your dog.

CITY of ALBUQUERQUE
SIXTEENTH COUNCIL

COUNCIL BILL NO. _____R-04-40_____ ENACTMENT NO. _____

SPONSORED BY: Eric Griego

1   **RESOLUTION**

2   **ADOPTING POLICIES GOVERNING OFF LEASH DOG EXERCISE AREAS**

3   **INCLUDING PROCEDURES FOR DEVELOPMENT, LOCATION CRITERIA AND**

4   **SITE CONSIDERATIONS, PLANNING, DESIGN, MAINTENANCE AND FUNDING**

5   **MECHANISMS.**

6   **WHEREAS, the City has established parks and open space to provide**

7   **recreational opportunities for its citizens; and**

8   **WHEREAS, for many of those residents, playing, exercising, and**

9   **interacting with their dogs as they run free is a primary source of recreation;**

10   **and**

11   **WHEREAS, more than 19,000 dogs are registered to City residents; and**

12   **WHEREAS, such recreation is a legitimate use of City parks and merits the**

13   **equitable allocation of City resources to create and maintain the facilities to**

14   **permit that recreation; and**

15   **WHEREAS, providing securely fenced areas for such activities serves both**

16   **the safety of the dogs and the convenience and peace of mind of owners,**

17   **drivers and surrounding neighbors; and**

18   **WHEREAS, it is desirable to make such areas available to City residents in**

19   **locations distributed throughout the City; and**

20   **WHEREAS, fenced, Off Leash Dog Exercise Areas enable disabled and**

21   **elderly people to exercise their dogs; and**

22   **WHEREAS, the presence of community members in parks throughout the**

23   **day and evening tends to discourage unlawful activities in those parks and**

24   **surrounding neighborhoods; and**

1   WHEREAS, Off Leash Dog Exercise Areas for dogs tend to attract regular

2   visitors and provide valuable community-building opportunities for dog

3   owners; and

4   WHEREAS, veterinary professionals agree that dogs which are exercised

5   and socialized regularly are better neighbors and exhibit fewer behavioral

6   problems; and

7   WHEREAS, the provision of Off Leash Dog Exercise Areas for dogs is an

8   established amenity that is gaining popularity across the nation; and

9   WHEREAS, the establishment of an Off Leash Dog Exercise Area for large

10   dogs and for City approved events displaying the skills of canines will benefit

11   the quality of life of the residents of the City promoting tourism; and

12   WHEREAS, Policies BG1, B1 and B12 of the Albuquerque/Bernalillo County

13   Comprehensive Plan states that the City is to prepare Park Planning and

14   Development Guidelines. The design of parks and other open areas shall

15   incorporate multi-functional use of resources and compatible facilities,

16   maintenance and landscaping appropriate to the location, function, public

17   expectations and intensity of use, integration into residential design for easy

18   accessibility and orientation to encourage use and lighting, site design, or

19   other methods to minimize vandalism. The City is to include a wide variety of

20   recreational resources in park design; and

21   WHEREAS, the Off Leash Dog Exercise Area policies are for the betterment

22   of the community and were developed by a committee composed of citizens

23   and staff.

24   BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF

25   ALBUQUERQUE:

26   Section 1. The following policies are established for Off Leash Dog

27   Exercise Areas:

28   Policy 1. DEVELOPMENT PROCEDURES

29   Development procedures, design guidelines, location criteria and space

30   criteria for Off Leash Dog Exercise Areas are to be set forth in Administrative

31   Instruction.

32   Policy 2. IDENTIFICATION OF OFF LEASH DOG EXERCISE AREA

33   LOCATIONS

1   A committee of citizens and staff have identified a list of potential sites for Off

2   Leash Dog Exercise Parks that do not displace current activities within parks

3   and are located throughout the City to provide reasonable travel times from all

4   points within the City. The Administration shall communicate to the City

5   Council by December 31, 2004, a list of at least 6 designated Off Leash Dog

6   Exercise Areas. If the Administration is unable to identify 6 such areas by that

7   date they shall submit a list of areas that are eligible and proceed to identify

8   other areas and communicate a list of these areas by June 30, 2005.

9   Policy 3.   MAINTAINING EXISTING RECREATIONAL ACTIVITIES

10 As Off Leash Dog Exercise Areas are implemented into a park the City will not

11 displace existing activities already provided in the park.

12   Policy 4. NEW PARK DEVELOPMENT FOR OFF LEASH DOG EXERCISE

13 AREAS

14 When existing parks are renovated and new parks are planned, the inclusion

15 of an Off Leash Dog Exercise Area is to be provided as an option during the

16 public input process pertaining to the development or renovation of the park.

17   Policy 5. FUNDING DEVELOPMENT OF OFF LEASH DOG EXERCISE

18 AREAS

19 Funding for the design and construction of Off Leash Dog Exercise Areas

20 should occur through those means established for park development

21 including but not limited to impact fees, developer dedications, public

22 improvement districts, City general obligation bonds and federal, private and

23 state grants, or any other means acceptable to the City.

24   Policy 6. MAINTENANCE OF OFF LEASH DOG EXERCISE AREAS

25 The City of Albuquerque shall be responsible for maintenance and upkeep of

26 Off Leash Dog Exercise Areas. If the City exercises the option to provide for

27 the expense, by imposing a fee and prior to imposing such fee the Office of

28 Internal Audit shall conduct a cost analysis of the task and associated costs to

29 determine a per acre cost for maintenance of Off Leash Dog Exercise Areas

30 versus per acre cost for maintenance of neighborhood parks. This would

31 establish the basis for value of the fee. The Department overseeing

32 maintenance of Off Leash Dog Exercise Areas shall include such expenditures

1 in their annual budget and shall develop appropriate performance measures to

2 gauge the effectiveness of this activity.

3   Policy 7. LARGE OFF LEASH DOG EXERCISE AREAS

4 The administration shall provide by December 1, 2004 a study identifying a

5 tract of land on City owned property in the East Mountain Area that is

6 scheduled for sale and a tract of land on City owned property west of the City

7 Limits, scheduled for sale. These lands are to be designated as Large Off

8 Leash Dog Exercise Areas. The Open Space Division shall identify the land

9 best able to serve such a function with the least impact to the goals and

10 objectives of the open space program. The Administration by December 1,

11 2005 shall issue a plan for the operation of these areas and assign

12 responsibility to the Department best able to manage such a facility. If the land

13 is not sold, Open Space is to be reimbursed by the appropriate user

14 Department, for the land no later than Fiscal Year 2006. The Open Space

15 Division may continue to market the land for sale until such time as funding is

16 committed in the City Budget or by other means to reimburse the Open Space

17 Trust fund for the land for use as a Large Off Leash Dog Exercise Area.

[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough Material-] - Deletion

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Wednesday, March 17, 2004

Bill's Passage Unleashes Search for Dog Parks

By Isabel Sanchez
Journal Staff Writer
http://www.abqjournal.com/news/metro/158188metro03-17-04.htm

The city will start looking for six underused city parks, or portions of them, following the City Council's approval of a bill Monday creating spaces for dog parks.

The dog parks will not displace existing uses, said Councilor Eric Griego, the bill's sponsor. The idea is to find places not being used to give city dog owners more options than the two current dog parks, plus one that allows dogs to be off-leash for a couple of hours every morning.

"If it's a park that's being used, we don't want it," Griego said.

The bill also gives neighborhoods the chance to add an off-leash dog area to their new parks if they want them, or leave them out if they don't, he said.

The only vote against the bill was cast by Councilor Miguel Gomez, who said he was concerned about creating dog parks while southwest areas in his District 1 are in need of new parks, said council staffer Tom Menicucci.

"There is nothing in this bill that would undermine what he wants to do," Griego said.

The bill authorizes the council and administration to impose fees if necessary, Menicucci said. They may choose one of three methods: an increase in the city pet license; an entrance fee; or a permit, similar to fishing permits sold by the state.

Menicucci said the parks department will do an in-depth study of its maintenance costs, which now are about $5,600 an acre a year.

Other costs, such as fencing, shade structures, water supplies or parking, would come out of the city's Capital Implementation Program, funded mostly by general obligation bonds backed by property taxes.

Griego said it will take about two years to find, evaluate and choose the parks. Public hearings will be held on each.

A subcommittee of the Parks and Recreation Department advisory board has looked at 15 parks as possible to be used for off-leash dogs.

The current dog parks are Rio Grande Triangle Park at 1511 Kit Carson SE, Tom Bolack Urban Forest Park at 2000 Dakota SE and Roosevelt Park at 500 Spruce SE.

Roosevelt allows dogs off their leashes only from 9 to 11 a.m. daily. The other parks' hours are 6 a.m. to 10 p.m.

Friday, February 27, 2004

Underused Parks May Go to the Dogs

By Isabel Sanchez
Albuquerque Journal
http://www.abqjournal.com/news/metro/150723metro02-27-04.htm

   The citizens of Albuquerque have 253 parks for their fun and games, their picnics, their reunions. The dogs of Albuquerque have two and one-eighth.
   City Councilor Eric Griego, believing dogs and their owners deserve better, has sponsored a resolution calling for the city to add at least six more dog parks.
   It's a quality-of-life issue, he said. If the city wants to encourage the humane treatment of dogs and discourage, for example, the use of chains to keep them in yards, the city should also offer the owners some options.
   "You've got to put your money where your mouth is," he said.
   The resolution, which goes before the full council March 15, calls for the administration to come up with six locations in existing parks that are underused by Dec. 31.
   It's hard to put a dollar figure on the proposal, Griego said. Parks that already have fences, parking and water could be converted very cheaply because little more is needed.
   A companion bill would allow the city to impose a fee for the "off leash dog exercise areas," perhaps on top of the city pet license or as a separate dog park user fee. That money would be used to maintain and operate the parks.
   How the fee will be structured— or even whether it will be imposed— hasn't been decided.
   "We haven't worked it out," Griego said. "We're going to see how the parks (department) budget looks. If we find a couple of parks we can do cheaply, we may not have to assess anything."
   Currently, there are dog parks designated at Tom Bolack Urban Forest near I-40, Roosevelt Park on Coal Avenue and Rio Grande Triangle Park near Tingley Beach.
   Griego had brought his dog, Zorro the Wonder Mutt, to the Triangle Park when the dog was younger.
   There, he and Zorro met other dogs and their owners, and the first issue that his dog park constituents brought up was that the park was run down. But the larger issue, he said, is that even a totally improved Rio Grande dog park doesn't solve the problem.
   "Dogs are hard on parks," Griego said. "We need to have more of them."
   Imagine if the city had only one park— instead of 150— in which to practice soccer, said Janet Saiers, a member of the dog park task force and a former city parks planner.
   "Dog parks are happening all over the United States," she said. "For most places, a dog park is nothing more than an area with a fence around it, so we're not talking the Taj Mahal."
   The task force, created by Griego, visited 15 parks, such as USS Bullhead Memorial Park next to Veterans Administration Hospital, Saiers said.
   Behind the four softball fields at Bullhead, Saiers said, "is a wonderful grassy area with trees. That would be an example of an underused area. It's about 100 feet wide and

linear. The only people who go back there are retrieving home run balls."

The bill allowing fees is an amendment to the city's animal services ordinance. It also adds rules for dog park users, human and canine.

Many of them are already posted at the parks but are not written into law. Dogs that can't "interact safely" with others are not allowed. Neither are dogs without collars and vaccination tags. Dogs that bark too much must leave. No digging or destructive behavior. Owners are responsible for dogs' behavior and for picking up their "nuisances."

"Most (dog park users) are responsible dog owners," Griego said. Putting the rules in the animal services law will reassure neighbors, nearby businesses and people using the rest of the park "that we're not just letting the dogs run wild."

Wild is how Riley ran, before owner Edna Sprague took him to the dog park.

"He was 3 when I got him and completely uncontrollable. Uncontrollable on a leash, uncontrollable off a leash. Going to the dog park burned off all the steam he used to act badly," she said.

Sprague goes with Riley, an Irish wolfhound-terrier mix, and Sasha, a Lab-chow-wolf-Akita, to the Rio Grande park every day in the summer and less often in the winter because the park has no lights.

The dogs love it, she said.

"It's a total play group. It's really amazing to see how the animals interact."

And, she said, "It solves every discipline and bad behavior dog problem I've ever had."

Albuquerque Model City Council Curriculum

Model City Council: Lesson 4

Lesson Topics: Strengths, weaknesses, and needs of a council district; Participatory Budgeting process

Aim: To think as a citizen and decision maker about your community.

Skills to be Addressed:
- Digital media skills
- Oral presentation skills
- Brainstorming ideas to solve problems

Objectives:
> Students will:
- Present photographs and impressions of their council district.
- Understand the participatory budgeting process
- Begin brainstorming ideas to improve their council district.

Common Core Standards Addressed:
- CCSS.ELA-LITERACY.SL.11-12.5
  Make strategic use of digital media (e.g., textual, graphical, audio, visual, and interactive elements) in presentations to enhance understanding of findings, reasoning, and evidence and to add interest.
- CCSS.ELA-LITERACY.SL.11-12.2
  Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.

Timeframe: One 60-minute period.

Materials:
- Computer with access to Internet
- Projector and screen
- "Sawmill/Wells Park" Community Strengths and Community Issues"
- "Meet the Citizens Who Helped Decide Their City's Budget—and Got Better Buses, Benches, and Crosswalks," an article from *Yes* Magazine, either as a handout or at http://www.yesmagazine.org/new-economy/meet-the-citizens-who-helped-decide-their-citys-budget-and-got-better-buses-benches-and-crosswalks-20160520

Procedure:

I. Student Presentations about City Council Districts

Students present their slide shows or other presentations about their districts, talking about what they learned. They talk about their responses to their district scorecards.

II. Class Write: Community Strengths and Community Issues

- Read together "Sawmill/Wells Park" Community Strengths and Community Issues."
- As a class, create a similar document for your district.

II. Learn about Participatory Budgeting

Watch the 4 minute video, "Real Money, Real Power," https://vimeo.com/162743651.

Tell students a little about Participatory Budgeting:

Participatory budgeting (PB) is a different way to manage public money, and to engage people in government. It is a democratic process in which community members directly decide how to spend part of a public budget. It enables taxpayers to work with government to make the budget decisions that affect their lives.

The process was first developed in Brazil in 1989, and there are now over 1,500 participatory budgets around the world. Most of these are at the city level, for the municipal budget. PB has also been used, however, for counties, states, housing authorities, schools and school systems, universities, coalitions, and other public agencies.

Though each experience is different, most follow a similar basic process: residents brainstorm spending ideas, volunteer budget delegates develop proposals based on these ideas, residents vote on proposals, and the government implements the top projects. For example, if community members identify recreation spaces as a priority, their delegates might develop a proposal for basketball court renovations. The residents would then vote on this and other proposals, and if they approve the basketball court, the city pays to renovate it.

More info at the PB FAQ page: http://www.participatorybudgeting.org/about-participatory-budgeting/faq/

Explain that young people in Boston took part in participatory budgeting.
Show the 1 minute video, www.youtube.com/watch?v=YdkPhHEkDt0, about "Youth Lead the Change" in Boston.
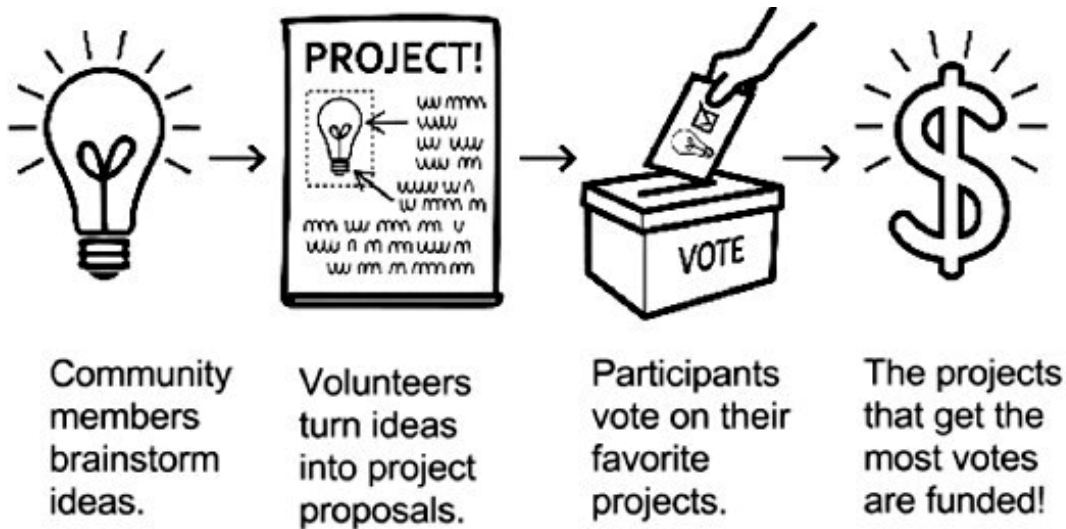
III. Begin mock Participatory Budgeting for your district.

Explain:
We're going to run PB in our class. In groups, you're going to come up with ideas to spend $1 million to improve our district.

Show or draw this graphic:

We'll brainstorm ideas, in groups. You'll turn those ideas into project proposals. We'll vote on our favorite ideas, and in our case, we'll present our idea to our city councilor. Maybe he or she can propose legislation that will be voted on by the City Council and maybe it will get funded. Who knows?

Call on students for ideas about what could be done in their district to improve the lives of people. Consider:
- Expanding business opportunities
- Park improvements
- Gardens
- Art
- Activities for babies, toddlers, children and teenagers
- Activities for senior citizens
- Activities for people with disabilities
- Stopping bullying
- Recycling
- Projects for schools
- Transportation

Record and save those ideas for the next lesson.

IV. Possible Homework:

- Look at ideas that have been implemented in other cities. Use google, or these examples:
    - Klyde Warren Park in Dallas, https://www.klydewarrenpark.org
    - Community gardens. http://about.greeni.us/10-coolest-urban-gardens-world/

- o Ideas from around the globe: http://architizer.com/blog/change-your-city-top-10-urban-transformation-projects/

- Read about participatory budgeting in Greensboro, North Carolina, "Meet the Citizens Who Helped Decide Their City's Budget – and Got Better Buses, Benches, and Crosswalks," (handout); also at www.yesmagazine.org/new-economy/meet-the-citizens-who-helped-decide-their-citys-budget-and-got-better-buses-benches-and-crosswalks-20160520

Albuquerque Model City Council Curriculum

Meet the Citizens Who Helped Decide Their City's Budget—and Got Better Buses, Benches, and Crosswalks

Greensboro, North Carolina, is the first Southern city to give citizens direct control over a slice of public spending.

Greensboro resident Hasan Black.

Photo by Alexa Stutts.

By *Ken Otterbourg Posted May 20, 2016*

When Hassan Black moved to Greensboro, North Carolina, a year or so ago, he often rode the bus. And he often spent a lot of time waiting for the bus, because he never quite knew when the next one was arriving.

His frustration could have ended there, but it didn't. Through a friend, he heard about a process called participatory budgeting, which Greensboro's city government was using for the first time this year. It allowed city residents, rather than elected representatives, to directly decide how to spend a portion of city funds.

The result: The Greensboro Transit Authority is installing software that will allow passengers to track bus movements and better plan their days. "I was really happy," said Black, who this year is starting a master's program in information technology at North Carolina A&T State University. "I put a lot of time and effort into that, and now I'll be able to see the results. It's important for anybody who rides the bus."

Participatory budgeting, or PB for short, is the idea that putting some of the power of the

purse directly in the hands of citizens can pay powerful dividends. It makes sure that the city funds things residents really want, strengthens democracy, and builds trust between elected officials and the people they represent. A growing number of cities around the world—including Sevilla in Spain, Belo Horizonte in Brazil, and Newcastle in the United Kingdom—use PB for slices of their budget.

The handful of communities that use it in the United States tend to be major cities and often leave the decision of whether to deploy it up to individual council members. The result is that one part of the city might have PB; another won't.

That's why what's happened in Greensboro is so important. It's a mid-sized southern city of about 285,000 people, and it's also doing the process citywide, across all five of its districts. Greensboro has a progressive streak—it's where the sit-ins to end racial segregation began in 1960 at a Woolworth's lunch counter—but no one's going to mistake it for a liberal enclave. In other words, according to PB's supporters, if the process can work here, it can work anywhere.

Here's how PB operates in Greensboro. The city council agreed to allocate $100,000 for expenditures in each district through participatory budgeting. The additional cost of implementation, approximately $200,000, was split between the city and local advocates, who received much of their funding from community foundations. The implementation costs include the expense of evaluating suggestions and for hiring the Participatory Budget Project, the New York nonprofit that is leading the PB movement in the United States, to oversee the engagement process.

PB is just a drop in the bucket of Greenboro's budget of about $488 million—it amounts to spending about one-tenth of one percent of the city's total budget through the public process. But the results still mean a great deal for residents who will benefit from the projects across the city.

In years past, Greensboro's budget would simply have been presented at a public hearing. While residents who attended those meetings could make recommendations, the truth is that by the time a budget was formally proposed it was difficult to change. As Council Member Nancy Hoffman said: "At a typical budget meeting, you come and then we tell you what were are going to do."

PB helps city officials find out what people want done, she said, but the information flows both ways. Citizens also come away with a greater understanding of how government works and what projects actually cost. Hassan Black, for example, said he worked closely with the city's transit authority, and the process helped him better appreciate government and also realize the importance of direct communication. "It teaches you how to have good people skills," he said.

Ranata Reeder, the community engagement coordinator for Greensboro's PB process, said that the initial round of submissions produced 675 suggestions. Many of those couldn't be considered for further review. Some were too vague. Others were for projects that were too grand or would require operating as well as capital expenses. "You say you want a lazy river," she said, referring to an actual submission. "You're not going to get a

lazy river."

Eventually, about 90 proposals were sent to the city staff for cost estimates. Some of those were dropped as too expensive, but the ones that survived moved on to expos around the city.

The expos—held at community centers and libraries—looked like a science fair for adults. There were cardboard displays on folding tables, each filled with pictures and graphics and brightly colored lettering. One woman kept a glue stick close at hand. The sessions offered a chance for residents to learn more about the proposals and for their proponents to lobby for support during the actual voting, which took place over two weeks in April.

Many of the recommended projects were for simple improvements that make a neighborhood more livable or safer. Residents proposed crosswalks for intersections, chess tables at parks, a sun canopy at a public pool, and a big mural on a downtown parking garage. Reeder said the proposals reflect the needs of residents, particularly in poorer parts of Greensboro, where small improvements— such as a bench to sit on while waiting for the bus—can make a big difference.

Greensboro resident Kathy Newsom with her project proposal. Photo by Ken Otterbourg.

"For many people in low-wealth neighborhoods, these projects are the bare minimum of what they need," she said. It's not that the conventional budget process sets out to ignore these residents. But by inverting the process, PB helps ensure that more voices are heard.

Albuquerque Model City Council Curriculum

Spoma Jovanovic, a professor at the University of North Carolina at Greensboro, was one of the people who helped bring PB to the city. It took four years of lobbying and advocacy that began in 2011. At first, the ordinariness of the proposals left her a little disappointed, but she realized that the submissions reflected the needs of city residents. "It gives city officials a level of comfort," she said, because they aren't being asked to fund superfluous projects. "It fosters trust both ways."

Voting on the projects occurred in late April. Fliers announcing the balloting were printed in five languages, including Arabic and Vietnamese, a testament to Greensboro's growing immigrant population. The winning projects included that downtown mural and sun canopy, as well as bus shelters and emergency call boxes at several parks. Because the bus system is citywide, Black's bus app proposal had to win approval in all five districts. The cost of that project is $90,000, nearly a fifth of the total.

Kevin Williams, the co-chairman of the city's PB steering committee, said he was encouraged by the involvement of people who are ordinarily shut out of the political process. "We're reaching out to homeless and immigrant communities," he said.

Williams is a former chairman of the city's human relations commission, and he said that participatory budgeting has the potential to bridge gaps between communities that too often talk past each other.

"Historically, this city has been—how would you say it?—we're liberal but we're conservative," he said. "There are certain ideas that are appealing but to get the oomph to go after it is a different story." Participatory budgeting gives him encouragement that the city can keep becoming more inclusive.

David Beasley, the communications director with the Participatory Budgeting Project, said that roughly 20 communities in the United States and Canada are using or have used PB in some form. He said that for the movement to grow, cities have to use PB consistently, not just in one-time, feel-good events. And over time, he would like to see more cities use participatory budgeting for operating budgets, not just capital expenses or one-time programs. That's only occurred in a handful of cities.

But before that happens, PB needs to be standard operating procedure, not an occasional exercise in democracy. In Greensboro, the news is encouraging. The process is tentatively included in the budget for next year. That means another round of community discussion over projects, more votes that put residents in charge of a slice of spending, and—yes—more poster board presentations and glue sticks.

Ken Otterbourg wrote this article for <u>YES! Magazine</u>. *Ken is a writer who lives in Winston-Salem, North Carolina. His work has appeared in National Geographic, Fortune, the Washington Post Magazine and other regional and national publications. Follow him on Twitter* <u>@otterbourg</u>.

COMMUNITY STRENGTHS
AND COMMUNITY ISSUES

"...A neighborhood becomes a community if the people in it talk together, work together, respect one another....When neighborhood people become community...a neighbor...is someone with whom one owns the neighborhood."

"If the neighborhood does not define its own problems, someone else may define them inappropriately."

---*Partners: Neighborhood Revitalization Through Partnership and A Minneapolis Case Study*, Dayton Hudson Foundation, 1981.

COMMUNITY STRENGTHS

The plan's proposed policies, regulations, projects and programs flow from the area's many strengths. Building on these strengths should create a strong community of businesses, institutions, and residents. The most important Sawmill/Wells Park assets are the people who live, work and do business there:

- •Residents and Business Owners interested in improving the area
- •Over 2000 employees
- •Staff from area museums and the Wells Park Community Center
- •Active community organizations and local service providers:
  - •Sawmill Advisory Council
  - •Wells Park Neighborhood Association
  - •Neighborhood Housing Services

A PARTIAL LIST OF COMMUNITY STRENGTHS FOLLOWS:

THE AREA IS PHYSICALLY INTERESTING.

- Distinctive platting, buildings and streets from the past (See Area History, pp.5 - 11)

- Potential landscaping areas between street curbs and sidewalks and on large street medians south of I-40 on Twelfth Street and Fifth Street

THE CITY AND STATE ARE MAKING PUBLIC INVESTMENTS IN THE AREA.

- Drainage project, sidewalk installation, and street paving for the John Baron Burg Park Addition completed in 1992
- Wells Park Community Center grounds renovation completed in 1994
- New neighborhood gateway park at Zearing and Rio Grande Boulevard completed in 1994
- Ongoing investment in local streets, sidewalks, drainage, etc.
- Proposed Wells Park Community Center renovation
- City in the process of acquiring 27+ acres of vacant industrial land to assist redevelopment for housing, trail, park, and economic development

THE AREA IS CONVENIENTLY LOCATED FOR BOTH RESIDENTS AND BUSINESSES.

- Housing and business areas within walking distance of Old Town, Downtown, and three major north/south bus routes
- Businesses close to Interstate Highway 40
- Railroad spurs for businesses and some railway right-of-way for possible conversion to trails or other public uses

EDUCATIONAL AND RECREATIONAL OPPORTUNITIES ARE CLOSE BY AND ACCESSIBLE.

- Old Town
- Museums (New Mexico Natural History Museum, Albuquerque Museum, Explora! Science Center, Children's Museum)
- Trail Corridor along the Rio Grande
- Wells Park Community Center
- Local artists and artisans who teach their skills to young people

EMPLOYMENT AND BUSINESS OPPORTUNITIES ARE PLENTIFUL.

- Over 100 industrial and commercial businesses in the plan area
- Vacant land and buildings for new business development

THE COMMUNITY HAS INITIATED SEVERAL INNOVATIVE PROJECTS AND PROGRAMS.

- The Sawmill Advisory Council, a nonprofit organization made up of local residents, has been successfully informing the community about and combatting pollution in the area over several years.

- A Wells Park resident wrote a grant and coordinated efforts with Wells Park Community Center staff to initiate a youth conflict mediation pilot program. The program ended, but may serve as a model for other neighborhoods.

- The Wells Park Neighborhood Association applied for a grant and started a tree planting program in 1992. Many trees were planted in front yards and are thriving.

- The Sawmill Advisory Council applied for grants and started an after-school tutoring program in spring 1993.

- In the summer of 1993, the Sawmill Advisory Council began managing mural projects. Thirty children worked with Leo Romero, a local artist, to paint murals at Twelfth Street and Sawmill Road. A mural is being planned for a warehouse wall at Zearing and Rio Grande Boulevard and another is being planned for the neighborhood gateway park recently built by the City at the same location.

- The Wells Park Neighborhood started a Beautification Program with donations from Sunwest and Norwest banks. Volunteers use the money to help landscape homes with drought resistant plants. Homeowners then volunteer to help their neighbors landscape.

- Neighborhood Housing Services, Wells Park Community Center, and the Wells Park Neighborhood Association initiated a "spruce-up" program. Teenagers paint, clean and do minor home repairs for seniors on fixed incomes.

- Neighborhood Housing Services, a nonprofit organization serving the Downtown, Sawmill, and Wells Park neighborhoods, concentrated its housing rehabilitation loans in the Sawmill/Wells Park area in the early 1990s, helping to rehabilitate about 50 houses in four years.

- The Sawmill Advisory Council formed a separate nonprofit organization. Working with Neighborhood Housing Services, they obtained funds to buy land and develop seven affordable houses for low to middle income families on vacant lots in the Sawmill and Wells Park neighborhoods.

- Sawmill Advisory Council and Wells Park Neighborhood Association publish and distribute newsletters that feature interviews about local history.

COMMUNITY ISSUES

The following issues either have already had a negative effect on the community or could threaten the community if appropriate steps are not taken.

1. Deterioration of the community's physical appearance and character

2. Environmental degradation

3. Unemployment, under-employment and insufficient household incomes to maintain properties, to pay escalating property taxes, and to buy or improve homes

4. Insufficient visible public investment

5. Insufficient public recreational opportunities for adults and children

6. Incompatible land uses
    Encroachment of intense land uses on residential areas
    Isolated neighborhoods surrounded by regional services or manufacturing

7. Insufficient neighborhood commercial services

The Sector Plan's action plans, public project design policies, and zoning regulations address these concerns. The following proposals are consistent with policies in all other plans and ordinances affecting the plan area: The Albuquerque/ Bernalillo County Comprehensive Plan, the Rio Grande Boulevard Corridor Plan as it relates to properties abutting Rio Grande Boulevard, and Historic H-1 Zone regulations as they relate to properties within the Historic Old Town Buffer Zone.

Model City Council: Lesson 5

Lesson Topics: Participatory Budgeting: Brainstorming and Crafting a Project Proposal

Aim: To shape an idea into an proposal to improve your council district

Skills to be Addressed:
- Working with peers to promote discussion and decision making
- Working with peers to envision a project to improve the city
- Setting goals, deadlines, and establishing individual roles in a group

Objectives:
   Students will
- Finish brainstorming ideas to improve their council district.
- Understand the participatory budgeting process.
- Collaborate with peers to begin creating a project proposal to improve their district.

Common Core Standards Addressed:
- CCSS.ELA-LITERACY.SL.11-12.1.C
  Propel conversations by posing and responding to questions that probe reasoning and evidence; ensure a hearing for a full range of positions on a topic or issue; clarify, verify, or challenge ideas and conclusions; and promote divergent and creative perspectives.
- CCSS.ELA-LITERACY.SL.11-12.1.D
  Respond thoughtfully to diverse perspectives; synthesize comments, claims, and evidence made on all sides of an issue; resolve contradictions when possible; and determine what additional information or research is required to deepen the investigation or complete the task.
- CCSS.ELA-LITERACY.SL.11-12.1.B
  Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.
- CCSS.ELA-LITERACY.CCRA.SL.5
  Make strategic use of digital media and visual displays of data to express information and enhance understanding of presentations.
- CCSS.ELA-LITERACY.SL.11-12.2
  Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.

Timeframe: One 60-minute period.

Materials:
- Computer(s) with access to Internet, including one that can be displayed on a screen.
- Parent Kid Laundromat Project
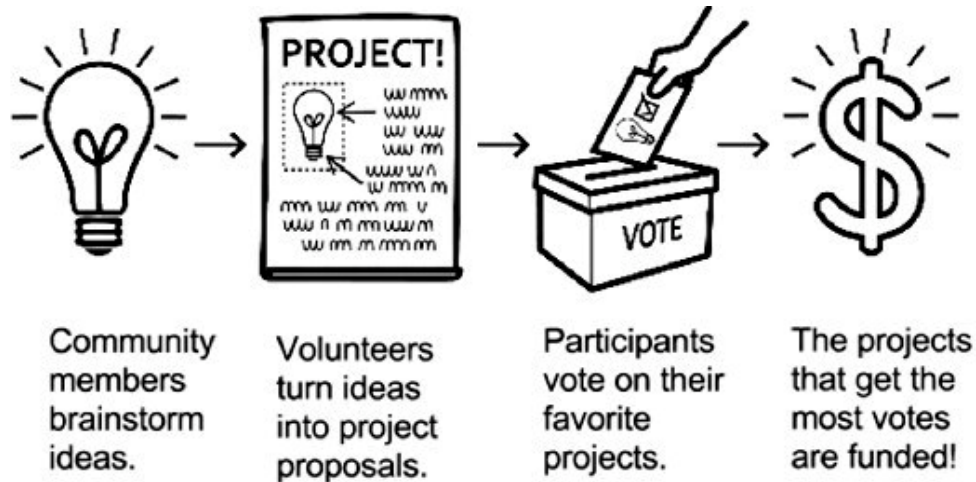- Parent Laundromat Sketch
- PB Project Display Example

- Project Proposal Form

Procedure:

I. Complete Brainstorming for Participatory Budgeting.

- If necessary, review the process of participatory budgeting from Lesson 4, replaying the 4-minute video from the last lesson, "Real Money, Real Power," https://vimeo.com/162743651 and showing this graphic:

| Community members brainstorm ideas. | Volunteers turn ideas into project proposals. | Participants vote on their favorite projects. | The projects that get the most votes are funded! |

- Explain that students will finish the first step and begin the second step today.
- Record all student ideas for improving your district, along with ideas collected from the previous lesson.
  Consider:
    - Expanding business opportunities
    - Park improvements
    - Gardens
    - Art, such as murals, music, sculpture
    - Activities for babies, toddlers, children and teenagers
    - Activities for seniors citizens
    - Activities for people with disabilities
    - Stopping bullying
    - Recycling
    - Projects for schools
    - Transportation
- Group the ideas into categories (i.e., parks, transportation, recycling, etc.)

II. Groups Prepare Project Proposals

- Explain this imaginary scenario:

One million dollars has been set aside for participatory budget improvements to our district. We've been asked to come up with project proposals to spend the money. In groups, you will

choose one of the ideas we've listed in our brainstorming session and create a written proposal, a sketch, and a display about the project. The class will vote on the top [top three] best projects.

Your class can actually present their ideas to your councilor, by letter, in a private meeting with the councilor or his staff, or at an actual City Council meeting.

Turning an idea into an actual proposal will mean thinking it through as thoroughly as possible. Ask yourselves:
  o *What problem will this project solve or help?,*
  o *What exactly do you propose?*
  o *How do you envision the project?*
  o *What will you need for the project?*
  o *How much do you estimate it would it cost?*

Let's say your idea is to build a laundromat in your district, a laundromat where moms or dads can get their laundry done while they are looking after their baby or small children.

Here's how you might write up the project. (Show Parent Kid Laundromat Project).
Go over the parts of the project proposal.
Examine the cost of the project. How did someone come up with this amount?
Look at the drawing of the project, Parent Laundromat Sketch.

Your job will be to write up your project, to sketch it, and to create a display that will sell your project to other students.

- Hand out Project Proposal Form to help guide students' thinking.

- Show PB Project Display Example as an example of the kind of display students will create.

The deadline for your project proposal is _____.
On that day, we'll vote on the winning project(s).

- Form groups. Groups select ideas they would like to turn into project proposals.

- Students use the rest of the class time to work on their proposal.

III. Possible Homework:

- Read one or all four of the stories of young people who became community leaders through Participatory Budgeting:
  http://www.participatorybudgeting.org/stories/

Problem: Women who suffer abuse and parents who abuse or neglect their children report greater isolation, more loneliness, and less social support.

Question: How can the city decrease isolation and foster more social support, especially for parents of young children?

Proposal: A Laundromat + Baby Nap Area +Toddler Room + Kids Play Area

- A place where a parent can meet other parents and children
- A place where a parent can get some laundry done
- A safe place for babies, toddlers, and young children
- A beautiful and relaxing place.

Features:

1. Laundromat overlooking Toddler Room with
   - cribs, changing table and playpen
   - comfortable chairs
   - children's books, parent books
   - cubbies or lockers for storage
   - bathrooms

2. Toddler Room designed after Explora's Baby and Toddler room with
   - Climb & slide
   - Several levels for practicing walking
   - Toys and creative materials for exploring
   - Chairs for parents
   - Parenting books

4. Shaded Play Area with
   - Big foam building blocks (like those in outside area at Explora)
   - Picnic tables and chairs, for adults and kids
   - Small garden that children can walk in and investigate
   - Storage area for blocks

5. Playground with
   - Climbing areas
   - Swings
   - Sand pile
   - Picnic tables
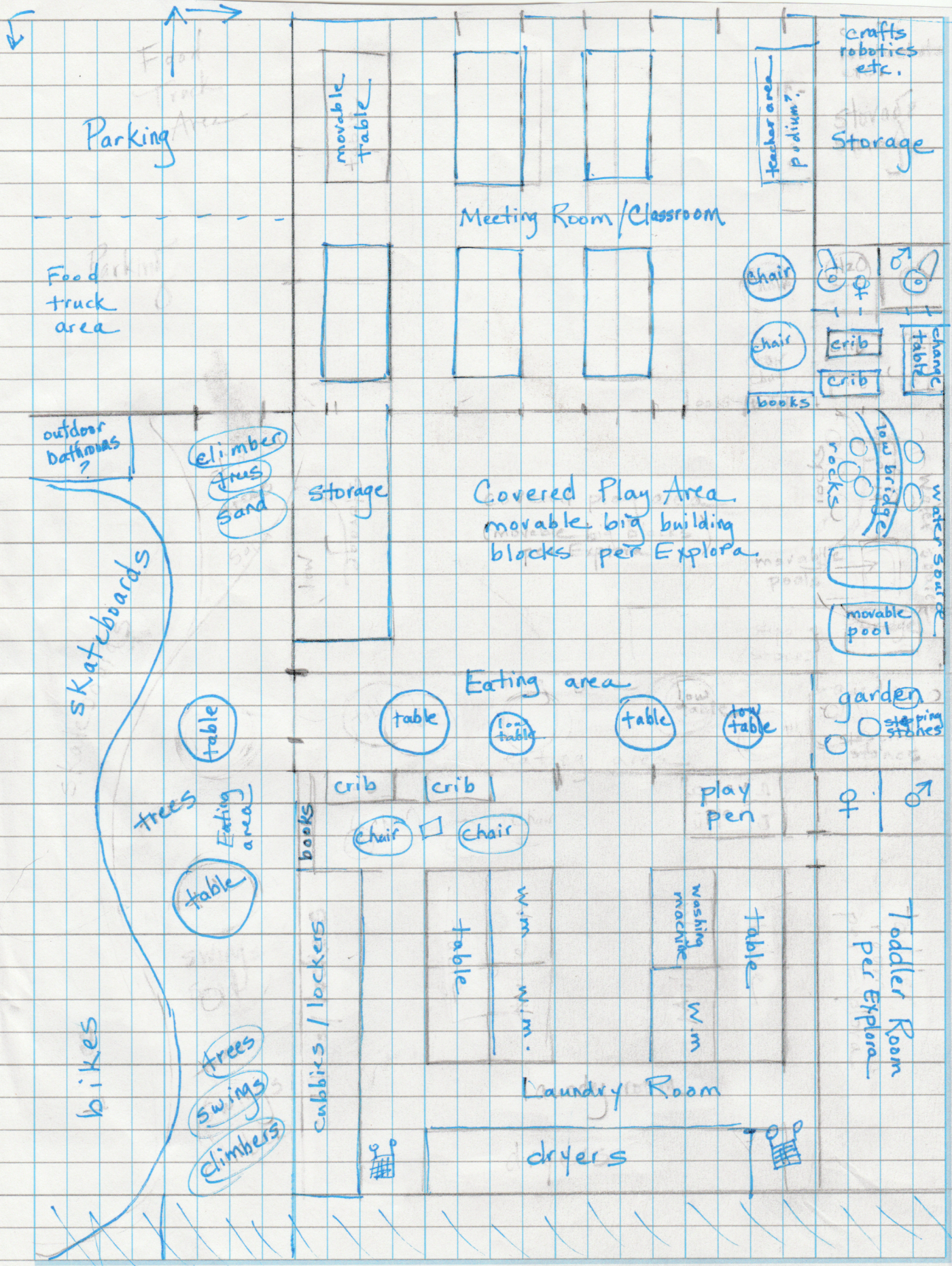   - Trees for shade

Other Ideas:
   - Create a low maintenance, low overhead building.

- Partner with a private company to operate the laundromat if a business already serves the area to avoid controversy.
- Use privately owned food trucks to supply food and coffee as needed.
- Ask Rotary Club or other group to donate building blocks (one organization donated the blocks at Explora).
- Ask Master Gardeners to design water/garden area.
- Allow the building and events held there to evolve with desires of the community.
- Hours of operation: Monday through Saturday, 8 a.m. – 5 p.m.

Estimated Costs:
- Capital costs: $600,000
  - Buildings
  - Equipment

- Annual operational costs, offset by income from laundromat: $80,000
  - wages and benefits
  - maintenance
  - liability insurance

Parking

Food
truck
area

outdoor
bathrooms?

Skateboards

trees

Eating area

bikes

trees
swings
climbers

movable
table

Meeting Room/Classroom

crafts
robotics
etc.

Storage

chair

chair

books

change
table

crib

crib

climber
truss
sand

Storage

Covered Play Area
movable big building
blocks per Explora.

rocks

low bridge

water source

movable
pool

movable
pool

table

Eating
area

table

Eating area

table

low
table

table

low
table

garden

stepping
stones

crib

crib

chair

chair

play
pen

books

cubbies/lockers

table

w.m. w.m. w.m.

washing
machine

w.m

table

Toddler Room
per Explora

Laundry Room

dryers

Names:

Problem:

Question:

Proposal:

Features:

Estimated Costs:

Albuquerque Model City Council Curriculum

Model City Council: Lesson 6

Lesson Topics: Project Proposals for Participatory Budgeting; Parliamentary Procedure

Aim: To continue crafting a participatory budget project proposal in groups and to gain a basic understanding of parliamentary procedure.

Skills to be Addressed:
- Working with peers to create a proposal for a project to improve the city.
- Setting goals, deadlines, and establishing individual roles in a group.
- Parliamentary procedure

Objectives:
    Students will
- Continue collaborating with peers to create a project proposal to improve their district.
- Understand the reasons for Parliamentary Procedure.
- Be familiar with the basic terminology and concepts of Parliamentary Procedure.

Common Core Standards Addressed:
- CCSS.ELA-LITERACY.SL.11-12.1.B
  Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.
- CCSS.ELA-LITERACY.CCRA.SL.5
  Make strategic use of digital media and visual displays of data to express information and enhance understanding of presentations.
- CCSS.ELA-LITERACY.SL.11-12.2
  Integrate multiple sources of information presented in diverse formats and   media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.
- CCSS.ELA-LITERACY.SL.11-12.6
  Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate.
- CCSS.ELA-LITERACY.SL.11-12.2
  Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.

Timeframe: One 60 minute period.

Materials:
- Computers with access to Internet, including one that can be displayed on a screen.
- Parliamentary Procedure "Cheat Sheet"
- Parliamentary Procedure Useful Terms
- Parliamentary Procedure: Fill in the Blanks

- Parliamentary Procedure: Matching Terms

Procedure:

I.   In groups, students continue working on Participatory Budgeting Project

II.   Introduction to Parliamentary Procedure

Show one minute video, "Robert's Rules Rap,"
https://www.youtube.com/watch?v=BznWaC1uhK4

What do you think this video is about? Parliamentary Procedure, aka Robert's Rules of Order.
- *There's a set of rules for running meetings – meetings of all kinds – that allows everyone to be heard.*
- *The rules have been used for centuries. Thomas Jefferson adapted the rules in the United States. Later, a man named Martyn Robert updated the rules, after he saw the trouble that came from chaos in a meeting.*
- *Robert's rules became the standard and are used by people holding meetings everywhere: business meetings, school board meetings, 4H Club meetings, City Council meetings,*
- *The rules are also called Parliamentary Procedure.*

There are four principles of parliamentary procedure:
- *Justice and courtesy for all. Why would that be important?*
- *One thing at a time. Why would that be important?*
- *The rule of the majority. Why would that be important?*
- *The right of the minority. Why would that be important?*

Learning parliamentary procedure is a little bit like learning a new language and getting used to the way people behave in a culture new to you. But learning parliamentary procedure is much easier than learning a language.

Hand out:
- Parliamentary Procedure "Cheat Sheet"
- Useful Terms in Parliamentary Procedure

Go over these together or have students study them.

As practice or as a quiz on parliamentary procedure, students can use:
- Parliamentary Procedure: Matching Terms
- Parliamentary Procedure: Fill in the Blanks (Answer Sheets is in Lesson 7)

Just like a language, you can only get so far in studying parliamentary procedure. You have to practice it to really learn it. Tomorrow we'll practice, by using it in a meeting here in class. Come prepared!

III. Possible Homework:

- Fill out worksheets on Parliamentary Procedure.
- Continue working on Participatory Budgeting Project Proposal

"Cheat Sheet"
Parliamentary Procedure

A City Council meeting follows an **agenda,** a list of what will happen.

Someone writes down what happens at the meeting, called the **minutes**.

Nothing gets discussed at the meeting without a **motion being on the floor:**
- A member raises hand when no one else has the floor.
- The chair* **recognizes** the member by name.
- The member makes the **motion**: I move that (or "to") _____."
- Another member **seconds** the motion: "I second the motion or I second it or second."
- Consideration of the Motion.
- Vote on the Motion.

In the case of the City Council, the chair is the president of the council.

HOW TO ACCOMPLISH WHAT YOU WANT IN MEETINGS

Let's say you want to propose a new idea or action for the group.
- Raise your hand and address the chair, then wait for her to recognize you.
- State the motion. Say, "Madame President, I move that _____."
- Wait for someone to second it. He says "I second that motion."
- The chair states the motion: "It is moved and seconded that _____. Are you ready for the question?" (The word *question* can used for the word *motion*.) If no one raises his hand, the chair takes the vote.
    - o If someone wants to discuss the motion, he raises his hand and waits for the chair to recognize him.
    - o The person who proposed the motion has the privilege of opening and closing the debate on it.
    - o A councilor who is speaking can **yield the floor** to let another councilor speak.
    - o Debate on a motion should be polite.
- If no one seeks the floor for further debate, the chair says, "Are you ready for the question?"
    - o The chair says: "The question is on the adoption of the motion that _____. As many as are in favor, say 'Aye'. (Pause for response.) Those opposed, say 'Nay'. (Pause for response.) Those abstained please say 'Aye'."
    - o If a motion ends in a tie vote, the motion loses.
    - o The chair announces the result of the vote. "The ayes have it, the motion carries, and _____" or "The nays have it and the motion fails."

You want to change some of the wording that is being discussed.
- After recognition, "Madame President, I move that the motion be amended by adding the following words _____."
- After recognition, "Madame President, I move that the motion be amended by striking out the following words _____."
- After recognition, "Madame President, I move that the motion be amended by striking out the following words, _____, and adding in their place the following words _____."

You want to move the discussion to later in the meeting.
- After recognition, "Madame President, I move that the motion be **tabled**.

You want the council to have more time than this meeting to consider the question.
- After recognition, "Madame President, I move to postpone the question until _____."

You feel that an idea or proposal being discussed needs to be studied more before voting.
- After recognition, "Madame President, I move that the question be referred to a committee made up of members Jones, Chavez and Begay."

You want to kill a motion that is being discussed.
- After recognition, "Madame President, I move to postpone the question indefinitely."

You think discussion has gone on for too long and you want to stop discussion and vote.
- After recognition, "Madame President, I move to the previous question."

You think discussion is getting long, but you want to give a reasonable length of time to consider the question.
- After recognition, "Madame President, I move to limit discussion to two minutes per speaker."

You want to take a break for a while.
- After recognition, "Madame President, I move to recess for ten minutes."

You want the meeting to end.
- After recognition, "Madame President, I move to adjourn."

You have made a motion and after discussion, are sorry you made it.

> • After recognition, "Madame President, I ask permission to withdraw my motion."

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chair: "State your point."
- Member: "There is too much noise, I can't hear."

It is obvious that the meeting is not following proper rules.

> •Without recognition, "I rise to a point of order," or "Point of order."

You are wondering about some of the facts under discussion.

> • Without recognition, "Point of information."

You are confused about some of the parliamentary rules.

> • Without recognition, "Point of parliamentary inquiry."

You want to appeal the president's decision about something.

- After recognition, "Madame President, I move to appeal that decision because _____."
- The president responds.
- The council votes. If a majority agrees with you, the president's decision is overturned.

PARLIAMENTARY PROCEDURE

1. The person who runs the meeting is called the _____.

2. In the Albuquerque City Council, the chair is the _____.

3. Only _____ speaker can be recognized at a time.

4. A person must be _____by the president in order to speak.

5. If a councilor wants to take some action, he or she must make a _____ that must be _____ by another councilor.

6. If I want to postpone consideration of a bill, but have its future be discussed before the meeting ends, I move that it be _____.

7. If I want the council to immediately vote on a motion, I can move to the

   _____.

8. Who has the privilege of opening or closing debate on a motion?

   _____

9. If I have a question about parliamentary procedure, I can be recognized for a point _____.

10. I can appeal any decision of the president but a _____ of the councilors present are required to sustain the appeal.

11. The order in which Council business is conducted follows an _____ and the written record of its business is called the _____.

14. If I give the floor to another speaker, I _____ it.

15. If I change the wording of a motion, I _____it.

Albuquerque Model City Council Curriculum

Parliamentary Procedure
Terms Used at Meetings

The following terms are often used in meetings. Match each terms with its description by writing the correct letter in the blank.

_____1. A motion waiting a decision   A. point of information
_____2. A short break or intermission   B. majority
                                                              C. recess
_____3. To eliminate part of a motion by crossing it out.   D. aye
                                                              E. expunge
_____4. Ask for this if you are confused   F. parliamentary procedure
                                                              G. motion
                                                              H. debate
_____5. To speak for or against a motion   I. pending question
                                                              J. recognize
_____6. The right to speak in a meeting without interruption K. second the motion
      from others.   L. having the floor
                                                              M. yield
_____7. To allow someone to have the floor.   N. postpone the question

_____9. To give the floor to another speaker

_____10. A suggestion by a member that certain action be taken by the group

_____11. The approval or support of a motion by another member

_____12. To delay making a decision on a motion until another day

_____14. The formal term for *yes*

_____15. At least more than half of the members present at the meeting.

_____16. A set of rules for conducting a meeting that allows everyone to be heard

PARLIAMENTARY PROCEDURE
Useful Terms

Addressing the Chair: Getting the chair's attention by saying, for example, "Mr. President," or "Madame President."

Agenda: Order of business; program of a business meeting.

Adjourn: To end a meeting.

Amend: To change the wording of a motion that has been made.

Aye: The formal term for *yes.*

Carried: Passed or adopted; used in referring to an affirmative vote on a motion.

Chair: As a noun, the chairman, chairwoman, chairperson or presiding officer; as a verb, to preside over. In Albuquerque, the president is the chair of the council.

Convene: To open a session; to open the hearing.

Debate: To speak for or against a motion.

Expunge: To eliminate part of a motion by crossing out or drawing a line around words; one never erases, since the original text may be needed for the minutes.

Having the Floor: Having been recognized by the chair to speak.

In Order: Correct according to the rules of parliamentary procedure.

Majority: More than half of the votes cast by persons legally entitled to vote (in this case, the council members) constitutes a simple majority. Some actions require a super majority, which is defined by the body.

Minutes: A written record of the business covered at a meeting

Motion: A proposal by a member in a meeting, that the body take a particular action.

Obtaining the Floor: Getting permission to speak.

Pending Question: A motion awaiting decision.

Point of Information: Request for information concerning a motion. A council member can request more information any time he or she is confused or if something does not make sense.

Recess: A short break or intermission.

Recognize: To allow someone to have the floor in order to speak.

Rescind: To repeal, annul, cancel, or revoke formally.

Roll Call Vote: A procedure by which the vote of each member is formally recorded in the minutes.

Second: To indicate support for a motion by saying: "I second the motion."

Unanimous (or General) Consent: A means of taking action on a motion without a formal vote. When a presiding office (in this case, President Cadigan) perceives that there is a little or no opposition to a motion, he or she can simply call for objections by saying, " If I hear no objections, the motion will carry." If no objection is heard, the motion is adopted; if even one member objects, the motion is brought to a formal vote by the usual procedure.

Yield: To give the floor to the chair, to another speaker, or to a motion taking precedence over that being considered.

AGENDA

CITY OF _____PARKS AND RECREATION DEPARTMENT

25TH OF JANUARY 20___, 7:00 P.M.

MAIN STREET EVENTS CENTER

1. Call to Order

2. Reading and Approval of Minutes

3. Reports of Officers

4. Standing Committee Reports

5. Unfinished business

6. New Business

7. Announcements

8. Adjournment

PRACTICING PARLIAMENTARY PROCEDURE:
STREET-NAMING BILLS

These are the five bills to be considered during the "Class Council."

Bill No. ST-17-1   Dennis Chavez Boulevard

Would name a street in the South Valley after Dennis Chavez, U.S. representative and senator from New Mexico. Dennis represented New Mexico in Washington, D.C., from the 1920s until his death in 1962. He was a supporter of Franklin Roosevelt's New Deal. As a lifelong advocate of civil rights, he worked to prohibit discrimination in employment and to protect Indian lands, citizenship, and voting rights. Throughout his congressional career, Dennis supported water and soil conservation programs, and helped to bring electricity to rural New Mexico. As the only Spanish-speaking senator, he helped develop the Good Neighbor Policy for Latin America.

By Councilor Knight

Bill No. ST-17-2   Notah Begay III Avenue

Would name a street in the Northeast Heights for Notah Begay III, a professional golfer born in Albuquerque. Begay was named one of *Golf Magazine's* Innovators of the Year in 2009 and has also been named one of the Top 100 Sports Educators. He owns a golf course development company, NB3 Consulting, which works with Native American communities to develop world-class golf properties.
In 2005, Begay established the non-profit Notah Begay III Foundation, whose goal is to provide health and wellness education to Native American youth in the form of soccer and golf programs.
By Councilor Day

Bill No. ST-17-3   Georgia O'Keeffe Place

Would name a street in Old Town for Georgia O'Keeffe, a world famous painter who lived and painted in New Mexico for forty years. Among Ms. O'Keeffe's most famous paintings are scenes of mountains and churches in northern New Mexico. She was one of the first women

painters to achieve international fame. Many of her paintings magnify and show the beauty of small, natural things like flowers and bones. As one of the most innovative and varied painters of the 20th century, she has been called the "mother of American modernism."

By Councilor Summer

Bill No. ST-17-4   Tony Hillerman Avenue

Would name a street on the West Side for Tony Hillerman, a former journalist and prize-winning novelist, who lived in Albuquerque from 1966 until his death in 2008. Mr. Hillerman wrote a series of bestselling mysteries set on the Navajo reservation in New Mexico, feature tribal police detectives who use their knowledge of Navajo folklore to unravel the crimes. His mysteries have been made into television dramas and movies. In all, Mr. Hillerman wrote 30 books, including a memoir and books about the history and beauty of the Southwest.

By Councilor Winter

Bill No. ST-17-5   Amanda Tall Street
Would name a street in the Southeast Heights for Amanda Tall, a well-respected member of her community and proud grandmother of Councilor Tall.

By Councilor Tall

Model City Council: Lesson 7

Lesson Topics: Parliamentary Procedure; Participatory Budgeting Project Proposals (continued)

Aim:
- To practice parliamentary procedure
- To continue crafting a participatory budget project proposal (in groups)

Skills to be Addressed:
- Public speaking
- Parliamentary procedure
- Working with peers to create a proposal for a project to improve the city.

Objectives:
    Students will
- Continue collaborating with peers to create a project proposal to improve their district.
- Be familiar with the basic terminology and concepts of parliamentary procedure.
- Practice using parliamentary procedure.

Common Core Standards Addressed:
- CCSS.ELA-LITERACY.SL.11-12.1.A
  Come to discussions prepared, having read and researched material under study; explicitly draw on that preparation by referring to evidence from texts and other research on the topic or issue to stimulate a thoughtful, well-reasoned exchange of ideas.
- CCSS.ELA-LITERACY.CCRA.SL.4
  Present information, findings, and supporting evidence such that listeners can follow the line of reasoning and the organization, development, and style are appropriate to task, purpose, and audience.
- CCSS.ELA-LITERACY.CCRA.SL.6
  Adapt speech to a variety of contexts and communicative tasks, demonstrating command of formal English when indicated or appropriate.
- CCSS.ELA-LITERACY.SL.11-12.1.C
  Propel conversations by posing and responding to questions that probe reasoning and evidence; ensure a hearing for a full range of positions on a topic or issue; clarify, verify, or challenge ideas and conclusions; and promote divergent and creative perspectives.
- CCSS.ELA-LITERACY.SL.11-12.1.B
  Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.

Albuquerque Model City Council Curriculum

Timeframe: One 60-minute period.

Materials:
- "Cliffs Notes" for Robert's Rules of Order
- Parliamentary Procedure Useful Terms
- Answer sheet: Parliamentary Procedure: Fill in the Blanks
- Answer sheet: Parliamentary Procedure Matching Terms
- Street–Naming Bills
- In-class "Council" Roles
- In-class meeting agenda

Procedure:

I. Reviewing Parliamentary Procedure

- Go over the answers to the two worksheets on parliamentary procedure, using the answer sheets.

II. Practicing Parliamentary Procedure

- Explain: *One of the powers of the City Council is to name or rename streets. Streets are often named after famous persons who have made some contribution to the city or country. Any councilor can propose a bill to name a street.*
- Choose students to play the role of six city councilors in a "class council."
- Assign them the roles of
  - Councilor Short (President).
  - Councilor Knight
  - Councilor Day
  - Councilor Winter
  - Councilor Summer
  - Councilor Tall

- Explain to the class the newly chosen councilors will be debating and voting on five bills, the street-naming bills in "Practicing Parliamentary Procedure: Street–Naming Bills." Hand out copies of this and of the In-Class Meeting Agenda to all students (or display on a screen).
- Give copies of "Practicing Parliamentary Procedure: Street–Naming Bills." to the six volunteers, along with the description of his or her role in "In-class Council Roles" (cut and distribute).
- Explain that you will play the role of council staff. Tell the non-council students they can also speak on each of these bills, in the time for public comment. Should they wish to speak, they should give their name to you, along with the name of the bill they wish to speak about. You will give these names to "President Short."

- When everyone understands what they are to do, begin the in-class "council" meeting. The student chosen to be Councilor Short will run the meeting.

- Evaluate the "meeting," and evaluate parliamentary procedure. Does it work? Could it be improved? (See the suggestion for homework.)

III. Students continue working in groups on participatory budgeting project proposals.

IV. Possible Homework

- In Making Democracy Fun, the author, Josh Lerner, argues that if public meetings featured competition and collaboration they would be more fun and more people would participate.

  He suggests public meetings could include team challenges, clear rules, measurable progress such as scores and levels, and engaging sounds and visuals.

  He argues that even while democracy is losing power, games are becoming more influential. He challenges people to design good games that would make democracy fun.

  Come up with some ideas – or a game - to make a City Council meeting more fun.

- Decide if you'd like to represent the class in the mock City Council. If so, tomorrow you'll campaign and the class will vote.

Parliamentary Procedure (answers)

1. The person who runs the meeting is called the <u>chair</u>.

2. In the Albuquerque City Council, the chair is the <u>president of the council</u>.

3. Only <u>one</u> speaker can be recognized at a time.

4. A person must be <u>recognized </u>by the president in order to speak.

5. If a councilor wants to take some action, he or she must make a <u>motion</u> that must be <u>seconded</u> by another councilor.

6. If I want to postpone consideration of a bill, but have its future be discussed before the meeting ends, I move that it be <u>tabled</u>.

7. If I want the council to immediately vote on a motion, I can move to the <u>previous question.</u>

8. Who has the privilege of opening or closing debate on a motion?
   <u>The councilor who made the motion.</u>

9. If I have a question about parliamentary procedure, I can be recognized for a point <u>of order.</u>

10. I can appeal any decision of the president but a <u>majority </u>of the councilors present are required to sustain the appeal.

11. The order in which council business is conducted follows an <u>agenda</u> and the written record of a meeting is called the <u>minutes</u>.

14. If I give the floor to another speaker, I <u>yield</u> it.

15. If I change the wording of a motion, I <u>amend</u> it.

TERMS USED AT MEETINGS (answers)

The following terms are often used in meetings. Match each terms with its description by writing the correct letter in the blank.

__F__1. To end a meeting   A. parliamentary
          procedure
__N__2. A list of things to do or discuss at a meeting   B. majority
C. minutes
___I_3. To change the wording of a motion that has been made   D. aye
E. motion
___G_4. The presiding officer at a meeting, such as the president,   F. adjourn
or chairperson   G. chair
H. debate
___H_5. To speak for or against a motion   I. amend the motion
J. table the motion
___L_6. The right to speak in a meeting without interruption   K. second the motion
from others.   L. having the floor
M. yield
__C__7. A written record of the business covered at a meeting   N. agenda

__M__9. To give the floor to another speaker

___E_10. A suggestion by a member that certain action be taken by the group

___K_11. The approval or support of a motion by another member

__J__12. To delay making a decision on a motion until later in the meeting

__D__13. The formal term for *yes*

___B__15. At least more than half of the members present at the meeting.

PRACTICING PARLIAMENTARY PROCEDURE
ROLES TO PLAY

<u>Make sure that students only see the description for their role. This exercise will be more fun and true to life if they don't know what the other people are going to say.</u>

- (cut)

PRESIDENT SHORT:

Your main job is to make sure the meeting runs smoothly.
- First, you call the meeting to order, saying, "The meeting of the Advisory Committee will come to order."
- Call the names of the Committee members: Councilor Knight, Councilor Day, Councilor Summer, Councilor Winter, Councilor Tall and acknowledge them one by one.
- You say, "Thank you councilors for being here. I also want to thank the members of the public who have taken time out of their busy schedules to attend this meeting."
- You say, "Today we will be considering five bills which name streets in Albuquerque for famous New Mexicans. Councilor Knight, you have the floor."
- Councilor Knight should move that the City name a street in the South Valley for Dennis Chavez. You ask, "Is there a second?" Someone should second it.
- Say, "It is moved and seconded that we name a street in the South Valley for Dennis Chavez. Councilor Knight, please lead off the discussion."
- Call on councilors as they raise their hand and ask to speak.
- As the councilors debate, any time a motion is made, it is your job to ask if anyone would like to second the motion. If no one seconds the motion, it cannot be considered. (Points of Order do not require seconds.)
- If a motion is seconded, you say, "It is moved and seconded that we…" and then restate the motion.
- When discussion has ended say, "As you know, anyone can express their point of view before the Council. If you'd like to speak about naming a street in the South Valley for Dennis Chavez, please give your name to the Council Staff (our teacher) and your name will be placed on a speaker list. You will be allowed to speak for two minutes.

- Allow time for anyone to give their name to council staff, and then for staff to give the names to you. Read the names and allow each person to speak for two minutes.
- You say, "Thank you members of the public. Councilor Knight, would you like to say some final words about your motion?"
- When Councilor Knight is finished, say, "The question is on the adoption of the motion that the City of Albuquerque name a street in the South Valley for Dennis Chavez. As many as are in favor, say 'Aye'. (Pause for response.) Those opposed, say 'Nay'. (Pause for response.) Those abstained please say 'Aye'." (If a motion ends in a tie vote, the motion loses.)
- Announce the result of the vote: "The ayes have it, the motion carries, and a street in the South Valley will be named for Dennis Chavez." or "The nays have it and the motion fails."

Repeat this process for each of the other four bills.
The bills and sponsors are:
   a. Councilor Knight - ST-17-1 Dennis Chavez Boulevard
   b. Councilor Day - ST-17-2 Notah Begay III Avenue
   c. Councilor Summer -ST-17-3 Georgia O'Keefe Place
   d. Councilor Winter - ST-17-4 Tony Hillerman Avenue
   e. Councilor Tall - ST-17-5 Amanda Tall Street

When there is a motion to adjourn the meeting, and it receives a second, you must take a vote and announce that the meeting is over.

------------------------------------(cut)

COUNCIL MEMBER KNIGHT:
You have introduced Bill ST-17-1 to name a street in the South Valley for Dennis Chavez. You speak in support of this bill. You may like or dislike any of the other bills.

------------------------------------(cut)

COUNCIL MEMBER DAY:

You have introduced Bill ST-17-2 to name a street in the Northeast Heights for Notah Begay III. You speak in support of this bill. You may like or dislike any of the other bills.

_____(cut)

COUNCIL MEMBER SUMMER:
You have introduced Bill ST-17-3 to name a street in Old Town for Georgia O'Keeffe. You speak in support of this bill. You may like or dislike any of the other ordinances.

_____(cut)

COUNCIL MEMBER WINTER:
You have introduced Bill ST-17-4 to name a street on the West Side for Tony Hillerman. You speak in support of this bill. You may like or dislike any of the other ordinances.

_____(cut)

COUNCIL MEMBER TALL:
You have introduced Bill ST-17-4 to name a street in the Southeast Heights for your grandmother, Amanda Tall. You speak in support of this bill. You may like or dislike any of the other ordinances.

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AGENDA

CITY OF _____ ADVISORY COMMITTEE

____ OF _____ 20_____

_____ HIGH SCHOOL

1. Call to Order

2. Roll call of Committee members

3. Welcome

3. Naming of five streets in Albuquerque
    a. ST-17-1 Dennis Chavez Boulevard
        i. Motion and debate
        ii. Public comment
        iii. Vote
    b. ST-17-2 Notah Begay III Avenue
        i. Motion and debate
        ii. Public comment
        iii. Vote
    c. ST-17-3 Georgia O'Keefe Place
        i. Motion and debate
        ii. Public comment
        iii. Vote
    d. ST-17-4 Tony Hillerman Avenue
        i. Motion and debate
        ii. Public comment
        iii. Vote
    e. ST-17-5 Amanda Tall Street
        i. Motion and debate
        ii. Public comment
        iii. Vote

4. Adjournment

PRACTICING PARLIAMENTARY PROCEDURE: STREET-NAMING BILLS

These are the five bills to be considered during the "Class Council."

Bill No. ST-17-1   Dennis Chavez Boulevard

Would name a street in the South Valley after Dennis Chavez, U.S. representative and senator from New Mexico. Dennis represented New Mexico in Washington, D.C., from the 1920s until his death in 1962. He was a supporter of Franklin Roosevelt's New Deal. As a lifelong advocate of civil rights, he worked to prohibit discrimination in employment and to protect Indian lands, citizenship, and voting rights. Throughout his congressional career, Dennis supported water and soil conservation programs, and helped to bring electricity to rural New Mexico. As the only Spanish-speaking senator, he helped develop the Good Neighbor Policy for Latin America.

By Councilor Knight

Bill No. ST-17-2   Notah Begay III Avenue
Would name a street in the Northeast Heights for Notah Begay III, a professional golfer born in Albuquerque. Begay was named one of *Golf Magazine's* Innovators of the Year in 2009 and has also been named one of the Top 100 Sports Educators. He owns a golf course development company, NB3 Consulting, which works with Native American communities to develop world-class golf properties.
In 2005, Begay established the non-profit Notah Begay III Foundation, whose goal is to provide health and wellness education to Native American youth in the form of soccer and golf programs.
By Councilor Day

Bill No. ST-17-3   Georgia O'Keeffe Place
Would name a street in Old Town for Georgia O'Keeffe, a world famous painter who lived and painted in New Mexico for forty years. Among Ms. O'Keeffe's most famous paintings are scenes of mountains and churches in northern New Mexico. She was one of the first women

painters to achieve international fame. Many of her paintings magnify and show the beauty of small, natural things like flowers and bones. As one of the most innovative and varied painters of the 20th century, she has been called the "mother of American modernism."

By Councilor Summer

Bill No. ST-17-4   Tony Hillerman Avenue

Would name a street on the West Side for Tony Hillerman, a former journalist and prize-winning novelist, who lived in Albuquerque from 1966 until his death in 2008. Mr. Hillerman wrote a series of bestselling mysteries set on the Navajo reservation in New Mexico, feature tribal police detectives who use their knowledge of Navajo folklore to unravel the crimes. His mysteries have been made into television dramas and movies. In all, Mr. Hillerman wrote 30 books, including a memoir and books about the history and beauty of the Southwest.

By Councilor Winter

Bill No. ST-17-5   Amanda Tall Street
Would name a street in the Southeast Heights for Amanda Tall, a well-respected member of her community and proud grandmother of Councilor Tall.

By Councilor Tall

Model City Council: Lesson 8

Lesson Topics: Campaigns in Albuquerque; In-Class Campaigns, Candidate Speeches; and Mock Election

Aim: To give students background on campaigns and elections in Albuquerque; to give students an opportunity to reflect on campaigns; to give students practice in public speaking and evaluating a candidate; to elect a "city councilor" for the mock council hearing.

Skills to be Addressed:
- Reflection on contemporary campaigns after participating in a mock campaign
- Public speaking
- Short essay writing

Objectives:
> Students will
- Learn about Albuquerque elections.
- Create and present materials to the class.
- Deliver and/or listen to campaign speeches.
- Participate in a mock election.
- Write essays that reflect on contemporary campaigns and elections.

Common Core Standards Addressed:
- CCSS.ELA-LITERACY.SL.11-12.1.B
  Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.
- CCSS.ELA-LITERACY.SL.11-12.4
  Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.
- CCSS.ELA-LITERACY.SL.11-12.6
  Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate.
- CCSS.ELA-LITERACY.SL.11-12.3
  Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.
- CCSS.ELA-LITERACY.W.11-12.10
  Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of tasks, purposes, and audiences.

Timeframe: One 60-minute period.

Materials:
- Martin Luther King's "I Have a Dream" speech

- Computers with access to the Internet
- Posterboard, markers, and other art materials

NOTE: If you want your class to participate in a mock council, you could:
- arrange a mock council with another class in your school.
- arrange a mock council with a class in another school. You could use the [Model City Council Facebook page](#) to find a class that is interested.
- arrange a more formal mock council at the city's Council Chambers (arrange through the [City Council office](#)), the school district's board meeting room or some other special venue. Classes have used the Council Chambers in the past. The University of New Mexico also has facilities that would lend verisimilitude to the proceedings.

Procedure:

I. Developing campaigns
- Divide students into groups of four. Once in their groups, students should be asked to assign one person to be a *researcher*, one person to be a *speechwriter*, one person to be a *campaign manager*, and one person to be the *candidate.* If there are more than four students in a group, more than one student can hold any position except candidate.

Those playing the role of councilors should know they will have to prepare for and take on extra responsibilities at the Mock Council.

The group's job is to serve as the campaign team for a mock election for the City Council seat from your district. It must be clear the candidate(s) who wins this in-class election will represent the class as the councilor at the Mock City Council hearing.

Each campaign team's goal, then, is simple: to get its candidate elected. To do so, the campaign team will have to write a speech that the candidate will deliver to "residents" of the council district, i.e., the class.

The researcher's role is to find statistical information on the election district.

The campaign manager's job is to think strategically about the makeup of the district, the concerns of district residents, and what the candidate should stand for. The campaign manager will use information taken from the researcher's findings to develop the focus and content of the mock election speech and of the campaign. The campaign manager is also responsible for overseeing the creation of a campaign poster. The poster should, using a slogan and graphics, reinforce the campaign message.

The speechwriter takes this information and creates a persuasive, polished speech. The "Giving a Speech" handout will give him some structure and guidance about the speech.

The candidate's job is to rehearse and perfect the speech so that he or she may present it smoothly to the class next day. He can collaborate with the others to create a campaign he's comfortable with. He could also practice giving a speech using Martin Luther King's "I Have a Dream Speech."

Campaign groups can also create brief campaign commercials advertising their candidate. <u>No negative campaigning is allowed.</u> In other words, they can promote their candidate, but they cannot disparage another candidate.

Ask groups if they would like you to provide the posters and markers and other materials for their campaigns or if they would like to provide it themselves. Chances are, they will take the materials from you. You can point out that you are providing **public financing for their campaigns**, an option that candidates for public office in Albuquerque also have.

Albuquerque's Public Financing System

Candidates running for city councilor or mayor can choose to receive **public financing** to run a campaign. A candidate qualifies for public campaign funds if he agrees to limit his spending to a certain amount and if he gathers a certain number of $5 contributions from registered voters. Voters overwhelmingly chose to enact the public finance system in 2005. It was called the Open and Ethical Elections Program.

Why would giving a candidate public money to run a campaign help create open and ethical campaigns? What are the advantages to voters to have publicly financed campaigns? What are the disadvantages?

Some advantages:
        --Public financing allows anyone to run for office, not just those with money, as long as they prove they have support in the community (the $5 contributions prove support).
        --Candidates can spend their time talking to voters rather than raising money.
        --Public financing means candidates will not receive money from private or business interests that might want something in exchange after a candidate is elected.

Some disadvantages:
        --The money comes from taxpayers.
        --A publicly financed campaign might have a hard time competing against a candidate who uses private money and outspends him

Can the city (or state or U.S. government) limit the amount of money a candidate can spend? *No. The U.S. Supreme Court says limiting campaign spending limits free speech.*

Can the city (or the state or the U.S. government) limit how much money a person can contribute to a candidate? *No. The U.S. Supreme Court says limiting campaign contributions is limiting free speech.*

Public financing, because it's a *voluntary* system, *is* constitutional, according to the U.S. Supreme Court.

II. Presenting Campaigns and Speeches
- Groups present their campaign to the class.
- Candidates give their speeches to the class.
- Students can take notes, perhaps to justify, in a paragraph, their vote. Which issues were most important? Did the speeches make a difference? Would negative campaigning have influenced their vote?

III. Voting

- Vote. It may be easier to have prepared ballots ready.
- If no candidate receives more than 40 percent of the vote, you can hold a run-off between the top two. See the note above about run-offs.

After a council representative has been elected, he or she chooses two to four council staff persons who will help him prepare for the Mock Council.

City Elections

The City Charter is the governing document of the City of Albuquerque just as the Constitution is to the federal government. The Charter says a candidate who wants to run for the City Council must file a petition with the signatures of 2 percent of registered voters in the district he wishes to represent.

Both the in-class mock election and a city election are non-partisan. Candidates for city office do not run explicitly as Republicans or Democrats.

If no candidate gets 50 percent of the vote in the regular election, the top two candidates compete in a **runoff** the following month.

IV. Quick Write
- Ask students to write a paragraph or more about the election they just participated in and any impressions, reflections and opinions they have about modern campaigns based on their own experiences.

Optional Homework

- Research public financing of campaigns in Albuquerque. (One helpful document: http://research.policyarchive.org/96100.pdf)

- Learn about runoff elections and how they can change the outcome of an election.

- Prepare to present Participatory Budgeting Project Proposals at the next class.

Practicing Public Speaking
I Have A Dream
By Martin Luther King Jr.

Delivered on the steps at the Lincoln Memorial in Washington D.C. on August 28, 1963. Source: Martin Luther King, Jr: The Peaceful Warrior, Pocket Books, NY 1968

Five score years ago, a great American, in whose symbolic shadow we stand signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of captivity. But one hundred years later, we must face the tragic fact that the Negro is still not free.

One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languishing in the corners of American society and finds himself an exile in his own land.

So we have come here today to dramatize an appalling condition. In a sense we have come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir.

This note was a promise that all men would be guaranteed the inalienable rights of life, liberty, and the pursuit of happiness. It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check which has come back marked "insufficient funds." But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation.

So we have come to cash this check -- a check that will give us upon demand the riches of freedom and the security of justice. We have also come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to open the doors of opportunity to all of God's children. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood.

It would be fatal for the nation to overlook the urgency of the moment and to underestimate the determination of the Negro. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end, but a beginning. Those who hope that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. There will be neither rest nor tranquility in America until the Negro is granted his citizenship rights.

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The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges. But there is something that I must say to my people who stand on the warm threshold which leads into the palace of justice. In the process of gaining our rightful place we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred.

We must forever conduct our struggle on the high plane of dignity and discipline. we must not allow our creative protest to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force.

The marvelous new militancy which has engulfed the Negro community must not lead us to distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny and their freedom is inextricably bound to our freedom.

We cannot walk alone. And as we walk, we must make the pledge that we shall march ahead. We cannot turn back. There are those who are asking the devotees of civil rights, "When will you be satisfied?" we can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied, and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow cells. Some of you have come from areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive.

Go back to Mississippi, go back to Alabama, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair. I say to you today, my friends, that in spite of the difficulties and frustrations of the moment, I still have a dream. It is a dream deeply rooted in the American dream.

I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident: that all men are created equal." I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit down together at a table of brotherhood. I have a dream that one day even the state of Mississippi, a desert state, sweltering with the heat of injustice and oppression, will be transformed into an oasis of freedom and justice. I have a dream that my four children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream today.

I have a dream that one day the state of Alabama, whose governor's lips are presently dripping with the words of interposition and nullification, will be transformed into a situation where little black boys and black girls will be able to join hands with little white boys and white girls and walk together as sisters and brothers. I have a dream today. I have

a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together. This is our hope. This is the faith with which I return to the South. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

This will be the day when all of God's children will be able to sing with a new meaning, "My country, 'tis of thee, sweet land of liberty, of thee I sing. Land where my fathers died, land of the pilgrim's pride, from every mountainside, let freedom ring." And if America is to be a great nation, this must become true. So let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania! Let freedom ring from the snowcapped Rockies of Colorado! Let freedom ring from the curvaceous peaks of California! But not only that; let freedom ring from Stone Mountain of Georgia! Let freedom ring from Lookout Mountain of Tennessee! Let freedom ring from every hill and every molehill of Mississippi. From every mountainside, let freedom ring.

When we let freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, "Free at last! free at last! thank God Almighty, we are free at last!"

Public Campaign Financing in Albuquerque:
Citizens Win with Clean Money Elections

by Molly Milligan

PUBLIC CAMPAIGN FINANCING

IN ALBUQUERQUE:

Citizens Win with Clean Money Elections

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CGS   **Center for Governmental Studies**

Center *for* Governmental Studies

Board of Directors:

The Center for Governmental Studies (CGS), founded in 1983, helps civic organizations, decision-makers and the media to strengthen democracy and improve governmental processes by providing rigorous research, non-partisan analysis, strategic consulting and innovative models of public information and civic engagement.

The CGS Board of Directors takes no position on the statements and views expressed in this report.

FOREWORD

This report analyzes Albuquerque, New Mexico's new system of public campaign financing for municipal elections. Adopted by city voters in 2005, Albuquerque's "Open and Ethical Elections" program offers qualifying candidates significant amounts of full or "clean money" to fund their campaigns. The city has now conducted two elections under its new system.

Based on historical reviews of past Albuquerque elections, interviews with candidates and expert observers, constitutional and legal analyses of Albuquerque's law and examinations of campaign contribution, spending and public financing data for two city elections, this report concludes that Albuquerque's new law has successfully met its goals—to curtail excessive electoral spending, foster issue debates, reduce candidate dependence on private contributions and encourage widespread candidate participation. The report offers several recommendations to improve the law's operation and preserve it against potential constitutional challenges.

CGS has studied public financing of campaigns for over 25 years. It has published several general reports on public financing, including a comprehensive analysis of state and local jurisdictions, *Keeping It Clean: Public Financing in American Elections* (2006); a primer, *Investing in Democracy: Creating Public Financing Elections in Your Community* (2003); and a report on innovative ways to fund public financing programs, *Public Financing of Elections: Where to Get the Money?* (2003).

CGS has also published detailed, jurisdiction-specific analyses of public financing programs in numerous state and local jurisdictions, including: *Public Financing: North Carolina Judiciary* (2009), *Public Campaign Financing in Florida: A Program Sours* (2008); *Public Campaign Financing in Wisconsin: Showing Its Age* (2008); *Public Campaign Financing in New Jersey—Governor: Weeding Out Big Money in the Garden State* (2008); *Public Campaign Financing in New Jersey—Legislature: A Pilot Project Takes Off* (2008); *Public Campaign Financing in Minnesota: Damming Big Money in the Land of 10,000 Lakes* (2008); *Public Campaign Financing in Michigan: Driving Towards Collapse?* (2008); *Political Reform That Works: Public Campaign Financing Blooms in Tucson* (2003); *A Statute of Liberty: How New York City's Campaign Finance Law is Changing the Face of Local Elections* (2003); *Dead On Arrival? Breathing Life into Suffolk County's New Campaign Finance Reforms* (2003); *On the Brink of Clean: Launching San Francisco's New Campaign Finance Reforms* (2002); and *Los Angeles: Eleven Years of Reform: Many Successes, More to be Done* (2001). Copies of CGS reports are available at www.cgs.org and www.policyarchive.org.

CGS thanks the public officials, administrators and advocates in Albuquerque and New Mexico who provided valuable information, insights and observations about the city's public campaign financing system.

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EXECUTIVE SUMMARY

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Randy Autio, former Albuquerque City Clerk

"The voters won; it was money well spent."
Steve Allen, New Mexico Common Cause

After two election cycles offering full public campaign funding for qualified municipal candidates, the City of Albuquerque should be proud of the successes of its Open and Ethical Elections program (OEE). Of Albuquerque's ten current elected city officials, eight won their seats using public financing. Candidates have reduced their campaign spending. Citizens have seen a return to a form of "retail" politics characterized more by personal contacts with candidates than expensive media advertising. The program has reduced the appearance of undue influence by large campaign donors.

Voters have embraced Albuquerque's public campaign financing program, and officials contacted said they would use the program again instead of raising private donations. None of them needed supplemental "opposing funds" during their campaigns to rebut messages by privately-funded opponents or independent groups. The "clean money" system has an annual budget of one-tenth of one percent of Albuquerque's General Fund, yet the city actually expended only $140,000 in 2007 and $1.094 million 2009, about 76% of the total available over the two election cycles,.

In Albuquerque's recent 2009 campaign for mayor, voters witnessed an aggressive campaign funded entirely by tax dollars. The three mayoral candidates were not diverted from the issues by fundraising pressures. They each critiqued the positions of the others; avoided funding by special interests; campaigned "closer to the people" in meetings and

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debates; avoided extensive televised advertising campaigns; and stayed within prescribed expenditure limits. Their spending decreased dramatically from the previous mayoral campaign.

The election successfully met the goals set five years earlier by Albuquerque citizens when they voted overwhelmingly for Open and Ethical Elections: to avoid real or apparent corruption from large contributions; to strengthen public confidence in governmental and election processes; to give candidates adequate funding to run competitive campaigns; to increase the accountability of elected officials to constituents, not contributors; and to insure a fair, responsible and ethical municipal election process.

Since its implementation following the 2005 election, the OEE has:

- Reduced municipal campaign expenditures dramatically to the lower spending levels sought when city residents voted enthusiastically in support of the OEE.

- Generated campaigns characterized by vigorous debates of issues, rather than aggressive media campaigns funded by special interests.

- Encouraged over 60% of candidates appearing on the municipal ballot to accept public financing, including all three 2009 mayoral candidates.

- Encouraged participation by eight of the ten current elected officials, including three newcomers to the municipal stage, two of whom were newcomers to elected politics.

- Witnessed no apparent misuses of funds or spending violations by candidates.

- Saw significant private opposition funds trigger supplemental matching funds in just one race, indicating that privately-funded candidates and "measure finance committees" (local, non-candidate political committees) may have voluntarily moderated their spending.

This report recommends that the Albuquerque City Council should adopt the following improvements to strengthen its Open and Ethical Elections program. These

recommendations will help protect the city against constitutional attacks, safeguard taxpayer monies, increase the credibility of campaign spending using those dollars and improve the transparency of OEE-funded campaigns.

 1. **Albuquerque should amend its "Opposing Funds" provision in the City Charter** if the United States Supreme Court invalidates matching funds provisions in public campaign financing programs. Albuquerque's provision currently provides candidates with additional public funding to meet high spending by privately financed candidates and measure finance committees as an incentive to participate in the program. The city should, in the alternative, provide candidates with additional public funding when voters are shown to lack sufficient information to make informed choices at the polls. These new incentives would not chill or threaten nonparticipating candidates' First Amendment rights.

2. **The Council should extend by four weeks the qualifying period in which mayoral candidates may gather $5 contributions.** This would make it easier for mayoral candidates to participate in the OEE.

3. **The Council should identify a dependable source of supplemental funding for the OEE to assure its continued viability.**

4. **Albuquerque should conduct mandatory audits of all participating candidate spending**. Audits would reinforce the credibility of its program, perhaps recover unexpended funds and identify issues for future city oversight.

5. **The Council should amend "Form 5,"** which citizens and candidates fill out to verify receipt of $5 qualifying contributions, to deter more directly any abuse or potential abuse in their gathering.

6. **Albuquerque should improve the City Clerk's website** to make campaign finance information more visible and accessible to site visitors.

7. **Albuquerque should require measure finance committees to state clearly the purpose of their spending** – in support of or in opposition to a particular candidate or measure – in campaign finance disclosure reports.

Albuquerque's Open and Ethical Elections program has been measurably successful in its 2007 and 2009 election cycles. It has encouraged the election of independent, impartial and responsible candidates and assured the public that local government will operate with integrity. It has helped return to Albuquerque the political culture it seemingly lost when earlier popular restraints on electoral spending were set aside.

I. HISTORY OF ALBUQUERQUE'S CAMPAIGN FINANCE REGULATIONS

The City of Albuquerque has for decades expressed deep concern over the distorting affects of money in its municipal elections. In 1974, voters passed Proposition 2 by a 90% margin. It created "an election code for candidates" which strictly limited both contributions to and expenditures by municipal candidates.[1] The law guided Albuquerque municipal elections until 1997, when a court temporarily enjoined the law's spending limits following a legal challenge by a mayoral candidate.[2] Under the challenged provision, candidates could not *raise or spend* an amount for a campaign based on the salary of the office being sought. Council candidates were limited to raising or spending an equivalent to the annual salary of a councilor; mayoral candidates were limited to raising or spending an equivalent to two times the annual salary of the mayor.[3] By 1999, the annual salary of the mayor was slightly over $87,000. In the years leading up to 2000, no incumbent mayor was reelected, in part because spending limitations negated the electoral advantage generally enjoyed by incumbent candidates.[4]

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[1] The Albuquerque City Council ordered a special election held on February 26, 1974, including 5 proposals to amend the City Charter. Proposition 2, section 9, provided: "No candidate for elective office shall allow contributions or make expenditures in excess of the following: As to Councillors . . . , one year's salary as provided by this Charter; . . . As to the Mayor, two times one year's annual salary, as provided by this Charter." Also on the ballot: Proposition 1 created a code of ethics, and was adopted by a 90% margin; Proposition 3 drastically revised the city's election code instituting a mayor/council system of governance to replace one structured around a commission and city manager, and was adopted by a 79% margin; Proposition 4, to create at-large city council seats, and Proposition 5, to permit partisan municipal elections, were defeated, receiving 46.5% and 42.9% of the vote, respectively. *See also* New Mexico Common Cause, *Out of Control: The Rise of Campaign Spending in Albuquerque Mayoral Campaigns* (2005), http://www.commoncause.org/aft/cf/%7BFB3C1&E2-CDD1-4DF6-92BE-BD4429893665%7D/OUTOFCONTROLMAYORALCAMPSPENDING.PDF ("*Out of Control"*).

[2] The spending limits were invalidated by a state district judge but later reinstated following the stipulated dismissal of the suit.

[3] Municipal elections in Albuquerque are held in odd-numbered years. The mayoral term is four years; council members also serve four-year terms, but their terms are staggered so that odd-numbered and even-numbered districts are contested in different election cycles.

[4] This was a finding of fact made by the District Court in its ruling to enjoin the spending limitation in Albuquerque's City Charter. *Homans v. City of Albuquerque*, 217 F.Supp.2d 1197 (D.N.M. 2002).

A mayoral candidate successfully challenged, and the court enjoined,[5] the spending limit prior to the municipal elections for mayor and city council in the fall of 2001. Campaign spending in that election increased significantly compared to the previous mayoral election in 1997. In February 2004, the United States Court of Appeal for the 10th Circuit denied an appeal to restore the spending limit.[6]

Because Albuquerque citizens were accustomed to limited municipal campaign spending, the federal court's decision to overturn the city's spending limits together with the subsequent, dramatic increases in campaign spending created an environment that encouraged additional reforms.[7] As State Senator Dede Feldman and former United States Senator Fred Harris wrote when the mayoral campaign heated up in 2005, "Albuquerque voters have shown disdain for the role big money plays in politics. Our now defunct spending limits, thrown out by the courts, were highly popular with Albuquerque residents; a 2001 poll showed that 74 percent of likely voters supported those mandatory limits on campaign spending."[8] These elected officials advocated "voluntary spending limits and low-cost public financing."[9]

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[5] After a series of hearings in Federal District Court and interlocutory appeal of that court's denial of a preliminary injunction to the 10th Circuit Court of Appeals, plaintiff Rick Homans was granted the preliminary injunction of the expenditure limits that he sought prior to the 2001 election. *Homans v. City of Albuquerque,* 264 F.3d 1240 (10th Cir.2001). The expenditure limits were permanently enjoined in *Homans v. Albuquerque*, 217 F. Supp. 1197 (D.N.M. 2002).

[6] *Homans v.City of Albuquerque*, 336 F.3d 900, 908 (CA10 2004)(no "convincing evidence" that "expenditure limits are *necessary* to deter corruption.") (emphasis in original).

[7] On March 7, 2003, the City Council passed a "memorial" to support the enactment of "legislation by the New Mexico State Legislature to provide public financing of certain statewide political campaigns (positions on the Public Regulation Commission). Council Bill No. M-03-34. On March 13, 2003, the City Council passed a second memorial resolving that the new Albuquerque/Bernalillo County Government Charter "should include provisions for voluntary public financing of campaigns for local elective office. Council Bill No. M-03-37. http://cabq.legistar.com/legislation.aspx.

[8] State Senator Dede Feldman and former U.S. Senator Fred Harris, "Return Campaigns to Voters," *Albuquerque Journal*, June 18, 2005.

[9] *Id*.

The City Council, reformers and others took action because they were concerned about the appearance of undue influence by large campaign contributors over elected officials as well as access by special interests to city hall decision makers.[10] On June 30, 2005, the Council submitted a charter amendment to the voters. The measure proposed providing "clean money" in the form of full public financing for municipal candidates in return for their pledge to limit their campaign spending and forego accepting any private contributions.

In the months leading up to the October 4, 2005, election, Albuquerque voters watched candidate spending escalate to new heights. The incumbent mayor spent over $1.2 million in his re-election campaign.

The previous mayoral election cycle in 2001 also saw a dramatic increase in spending by mayoral candidates. In 1997, seven candidates spent a combined total of about $486,000. In 2001, eight candidates combined spent more than $1.8 million, and a single candidate spent almost $552,000, more than the combined seven candidates in 1997.[11]

In 2005, however, spending by only four candidates mushroomed to more than $1.5 million.[12] By the end of the campaign, the incumbent mayor spent over $1.2 million, more than twice the amount of the previous high spender. The mayor won re-election

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[10] Former City Clerk Randy Autio recalled that concern grew about the "buying of the mayor by the developers, or at least the appearance that that was the case." Interview with Randy Autio, former City Clerk, September 2010. Assistant City Attorney (Election Specialist) Robert Kidd recalled that civic motivation behind the enactment of the OEE was to counter the "perception that somehow successful candidates were those backed by the biggest corporations or donors." Interview with Robert Kidd, Assistant City Attorney, August 2010.
[11] Challenger Rick Homans had expenditures of over $551,000, according to data maintained by the City Clerk. www.cabq.gov/onlinesvcs/campaign.
[12] Clerk of the City of Albuquerque, Campaign Reporting, www.cabq.gov/onlinesvcs/campaign. *See also Out of Control*, pp. 1-3.

with 47% of the general election vote.[13] Just over 41,000 votes were cast for him in that race, meaning that he spent over $29 for each vote he received.

In the same 2005 election, Albuquerque voters overwhelmingly passed the Open and Ethical Elections (OEE) referendum, which created municipal public financing for city council and mayoral campaigns.[14] The vote was a lopsided 69% to 31%. Voters, "fed up with the amount of private money flooding into New Mexico,"[15] decisively continued their strong support for limited spending in municipal campaigns and declared their willingness to spend their tax dollars to achieve that goal.

This report analyzes Albuquerque's OEE to determine whether it has achieved its goals and suggests ways in which it might be improved.

II. DEVELOPMENT OF THE OPEN AND ETHICAL ELECTIONS (OEE) PROGRAM

After losing its appeal in *Homans v. City of Albuquerque,* in 2004, the city looked for a different strategy to deter corruption and contain municipal election costs. The City Council proposed to voters that they adopt the Open and Ethical Elections program in the 2005 municipal election. The measure's supporters explained that adoption of a public financing system for candidates in Albuquerque municipal elections would bring back many aspects of the political culture that had long been in place.

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[13] Mayor Chavez defeated his nearest competitor by more than 21 percentage points. http://www.bernco.gov/upload/images/clerk/past_elections/city_2005_10.html. A run-off election is not held if one candidate receives 40% or more of the vote in the general election. Charter of the City of Albuquerque (hereinafter "Charter"), Art. II, Section 7.

[14] Council Bill No. R-05-298, June 30, 2005, place a proposed amendment to the City Charter on the October 4, 2005, ballot to provide for public campaign financing in municipal elections. (enactment #: R-2005-105). http://cabq.legistar.com/LegislationDetail.aspx?ID=248749&GUID=F0780E5B-FBEF-4EAA-ADC3-96084DA003AB&Options=ID|Text|&Search=Open+and+Ethical+Elections.

[15] Interview with Steve Allen, executive director of New Mexico Common Cause, September 2010.

Voters approved the proposal in October of 2005, just 20 months following the 10th Circuit ruling.

The OEE included several goals to:

- Avoid actual or apparent undue influence or corruption of municipal office holders by large campaign donors.

- Strengthen public confidence in governmental and election processes.

- Provide qualified candidates with adequate funding to run competitive campaigns for election and thereby provide increased choices to city residents in the leadership and direction of the city.

- Increase accountability of elected municipal officials to constituents, rather than contributors.

- Insure a fair, responsible and ethical municipal election process.

Since adoption of the OEE in 2005, the city has conducted two municipal elections during which candidates could seek public financing for their campaigns. The first elections conducted under the program in 2007 were for city council seats, and mayoral candidates were first able to seek public funding in the 2009 city elections.

III. HOW THE OEE WORKS

The Open and Ethical Elections law requires the City Clerk to adopt rules to implement the new program.[16] Specifically, the clerk has ongoing responsibility to determine candidate qualifications; certify participation; disperse city funds to

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[16] Charter, Art. XVI, Section 19.

candidates; collect qualifying contributions and other revenues; assure return of unspent disbursements; and provide public education about the OEE.

A. Program Funding

The referendum approved by Albuquerque voters established a specific fund ("the Fund") for the money to be paid to municipal candidates through the program. The city budgets one-tenth of one percent of its General Fund to provide resources for the Fund, as mandated by the city charter.[17] Additionally, money for the program is "deposited directly to the Fund" when received from the following sources:

- Public contributions directly to the public campaign program.[18]

- Unspent qualifying funds raised by candidates seeking public funding of their campaigns.

- Excess qualifying funds as defined by the program.

- Unspent amounts by candidates who withdraw from or become ineligible to participate in the program.

- Unspent amounts by participating candidates at the conclusion of a municipal campaign.

- Additional amounts appropriated by the City Council based on the recommendation of the City Clerk or the City Attorney.[19]

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[17] Charter, Art. XVI, Section 10 (D). "One-tenth of 1% of the approved General Fund (Fund 110) appropriation shall be reserved in the Fund to fund Participating Candidates . . . as provided in the Open and Ethical Elections Code." For FY 2011 the amount budgeted for the OEE is $421,000, not including $34,000 for indirect overhead. City of Albuquerque FY/11 Approved Budget, Volume One: Financial Plan, www.cabq.gov/budget/fy2011approved/FY11_Financial_Documents.pdf
[18] *Id.,* Section 10 (E).
[19] *Id.,* Section 10 (C).

B. Candidate Participation

Candidates running in city elections can voluntarily opt into the program if they are able to qualify under its rules, or they may choose to finance their campaigns through private contributions. Candidates who wish to participate in the public funding program are required to raise qualifying contributions to demonstrate their viability.[20] They are permitted to raise seed money "for the primary purpose of enabling the applicant candidate to collect qualifying contributions and petition signatures."[21] If they are certified as qualifying, they receive lump sum grants. When they agree to accept the public funds, candidates must also agree to limit their expenditures[22] and forego spending any other money on their campaign – either their own funds or private contributions. Additional supplemental funds are also available to address high spending by nonparticipating opponents and independent groups.

C. Candidate Certification

In order to be placed on the ballot as a participating candidate, individuals seeking to be certified must raise qualifying contributions and, as do all candidates seeking a place on the ballot, gather petition signatures. The law requires the gathering of qualifying contributions by candidates who seek public funding to ensure that candidates prove themselves viable contenders before receiving any public funds. Candidates are

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[20] Charter, Art. II, Section 4. In addition to collecting qualifying contributions, OEE participants must, as do privately financed candidates, qualify for the ballot by obtaining the signatures of citizens: 3,000 petition signatures are required of candidates for mayor and 500 petition signatures are required of candidates for the City Council.

[21] Charter, Art. XVI, Section 3 (R). Seed money may be raised in contributions of no greater than $100 per person. A candidate, however, may contribute up to $500 for his or her campaign. The aggregate amount of seed money may not exceed 10% of the applicable spending limit, an amount calculated by the Clerk of the City of Albuquerque.

[22] Regulations of the Albuquerque City Clerk for the Open and Ethical Elections Code (hereinafter "Regulations"), Part A. Expenditures are limited to "an amount that is equal to the amount of revenue distributed to the Participating Candidate from the Fund . . ."

additionally permitted to raise seed money to fund the collection of qualifying

contributions and petition signatures. Detailed reports about the candidates' progress in

this process are required to be filed with the City Clerk.[23] After candidates file

declarations of intent to seek public funding, they obtain receipt books to record the $5

contributions they gather and nominating petitions to be signed by a specified number of

registered voters. Subsequent to being certified as a participating candidate, the law

requires candidates seeking public funding to comply with contribution and expenditure

reporting, exactly the same as nonparticipating candidates, including reporting of in-kind

contributions received. [24]

1. *Seed Money*

During a preliminary period of time, candidates can "explore" the possibility of

running for office and can seek "seed" money with which to attempt to qualify for the

program by later collecting sufficient qualifying contributions and petition signatures.

Seed money is defined as cumulative contributions of no more than $100 per person and

$500 of the candidate's own money.[25] This "exploratory period" runs between January 1st

and February 15th of an election year for mayoral candidates and between March 15th and

May 31st for city council candidates. Seed money may not be used for retiring a previous

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[23] Regulations, Part C (3) and (4). For 2009 mayoral candidates, on each Friday of the qualifying period after March 1, candidates were required to report their qualifying contributions by turning in the contributions and the receipts that verify the contributions to the clerk. For 2009 council candidates, the contributions and receipts were due on each Friday of the qualifying period beginning May 15.

[24] Charter, Art. XVI, Section 9. Participating candidates file campaign finance disclosure reports pursuant to the Election Code, as does any municipal candidate, whether publically or privately financed. *See also* Regulations, Part D (1).

[25] Regulations, Part B (6) (a) and (b). Two special reports are required of candidates who seek public funding. The first occurs before the collection of any qualifying contributions and includes information on seed money and in-kind contributions. It is filed at the same time a candidate files with the clerk a declaration of intent to seek public funding. The second disclosure report is required at the time the final report of qualifying contributions is due (April 1 for mayoral candidates and June 1 for council candidates, or the next city working day).

campaign debt; the regulations specify that public money "may only be used for the current campaign."[26]

The total amount raised for seed money cannot exceed 10% of the maximum grant available for a candidate running for a particular office. The clerk provides estimates of the applicable spending limit for candidates seeking public funding at the beginning of the exploratory period. Any seed money raised in excess of 10% of that amount is deducted from the amount of the grant.[27] For example, maximum council grants have ranged from about $27,000 to just over $42,000, so that amounts exceeding roughly $2,700 to $4,200 would be deducted from a candidate's grant. In-kind contributions, each having a value "not to exceed 5% of the annual salary" of the office being sought, may also be accepted, so long as, in the aggregate, in-kind contributions do not exceed 10% of the applicable spending limit.[28]

2. *Qualifying Contributions*

Following the exploratory period, there is a "qualifying period" that runs between February 16th and March 31st for mayoral candidates and between May 1st and May 31st for city council candidates, during which seed money may be spent to pay for initial campaign costs associated with the collection of specific "qualifying" $5 contributions and citizen petition signatures. Candidates for City Council must collect individual $5 contributions from one percent of the voters registered in the district in which they seek to run; candidates for Mayor must collect them from one percent of all voters registered

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[26] Regulations, Part B (3).
[27] Charter, Art. XVI, Section 6 (C) "Seed money that exceeds 10% of the applicable distribution to a Participating Candidate shall be deducted from the revenues distributed to the Applicant Candidate from the Fund." *See also* Regulations, Part B (4).
[28] *Id.*, Section 3 (K). In-kind contributions do not include the value of personal services volunteered by individuals.

in Albuquerque. In 2009, for example, mayoral candidates were required to raise such contributions from over 3,200 voters. During the qualifying period, a candidate may continue to raise seed money, so long as he or she has not exceeded the "10% of the maximum grant" limit noted above.

3. *Petition Signatures*

During these two fundraising periods, all candidates, whether or not they seek public funding for their campaigns, are required to obtain the signatures of two percent of the voters in the district in which they seek to run. Candidates running for mayor must obtain more than 6,500 signatures.

D. Additional Limitations on Candidates

Once a candidate is certified to receive a grant of public funds to finance his or her campaign, the program specifically prohibits certain uses of that public money. Thus, no public funding is permitted to be used as a contribution to another candidate, political committee or measure, or be used in any race – other than the one in which a publically-funded candidate is running. Candidates may not pay off loans, debts or campaign penalties using public funds. [29]

The program restricts any personal use of public funds. Candidates may not fund out-of-state travel, purchase household items or supplies, make mortgage or rent payments on personal residences, purchase event tickets unless attendance is part of a campaign function, or pay dues or other fees at clubs of any sort unless the cost is part of a specific event. [30] Candidates are permitted to purchase clothing using the public funds,

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[29] *Id.*, Section 8.
[30] *Id.*

but only that which "has a campaign message as part of the clothing or is used as a uniform for campaign staff and/or volunteers."[31]

Salaries may only be paid using public funds to individuals who provide bona fide services to the campaign. This bona fide standard also applies to the services of political consultants.

E. Reporting Requirements for Candidates Seeking Public Funding

Candidates who seek public funding must file, prior to seeking any $5 qualifying contributions, a Declaration of Intent to obtain public financing. In the declaration, candidates agree to comply with the regulations for the program and not use any funds received under the Fund to retire a previous campaign debt.[32] Candidates who seek public funding also submit two more special disclosure reports to the city clerk.[33]

1. *Disclosure Reports*

Campaign-related contributions made to and expenditures made by all municipal candidates, publicly funded or not, are monitored through six mandatory pre-election reports to the city clerk.[34] Two additional disclosure reports, however, due several weeks prior to the campaign finance reports from every candidate, are made only by candidates

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[31] Regulations, Part E.

[32] *Id.*, Form 1.

[33] *Id.*, Part C (4).

[34] Charter, Art. XIII, Section 4 (c) (2). Information in these reports determines the availability of matching funds-opposing funds to candidates participating in the Fund. The reports are due as follows:

First report	Friday of the 12th week preceding the election
Second report	Friday of the 8th week preceding the election
Third report	Friday of the 4th week preceding the election
Fourth report	Friday of the 2nd week preceding the election
Fifth report	Friday of the week preceding the election
Sixth report	Monday immediately preceding the election

Two other reports are due from candidates and measure finance committees following the election. One must be filed by the 7th day following the election; the other may be filed no sooner than 7 days or later than 45 days following the election.

who seek public funding. In the event a runoff election is necessary, publically-funded candidates must file additional mandatory disclosure reports.[35]

The first of the two initial reports required of publicly-funded candidates is made during the qualifying period, prior to collection of any qualifying contributions, at the same time candidates submit their "Declaration of Intent." This first disclosure report and the Declaration of Intent must be filed no later than March 31 for mayoral candidates and May 31 for city council candidates.[36] It must list all contributors of seed money, including name, address, occupation and employer (including the employer's address), expenditures of seed money and the details of all in-kind contributions, including identification of the contributor and a description of the contribution.[37]

The second disclosure report required of those candidates seeking public financing occurs at the end of the qualifying period and requires further disclosure of seed money and in-kind contributions and expenditures. It is filed at the same time as the final Qualifying Contribution report is due (see below).

2. *Qualifying Contributions Reports*

The Qualifying Contributions report is required to include, for each qualifying $5 contribution:

- The date the qualifying contribution was received, which must be within the qualifying period.

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[35] Regulations, Part B (6) (f).

First report	Friday of the 4th week preceding the runoff election
Second report	Friday immediately preceding the runoff election
Third report	Monday immediately preceding the runoff election
Fourth report	The 7th day following the runoff election
Fifth report	No sooner than 7 days or later than 45 days following the runoff election.

[36] Regulations, Part C (1).
[37] Regulations, Part B (7).

- The name and residential address of the contributor, which must match that contained on the voter registration rolls and which address must be within the district for the office sought by the candidate.

- Copies of receipts issued to each contributor, signed by the contributor and the candidate (which are intended to verify that the contributor knowingly contributed his or her own money for the purpose of qualifying the candidate for public funding, and that the qualifying contributions each are made with the knowledge of the candidate).

The report is initially due from candidates on each Friday of the qualifying period following March 1.[38] The final Qualifying Contributions report is due at noon on the work day immediately following the expiration of the qualifying period: April 1 for mayoral applicants and June 1 for City Council applicants.[39]

F. Funding Distribution

Two days following the certification of those candidates who have met the requirements of the program, the city clerk is required to make the first distribution of funds from the Fund.[40] Candidates receive $1 per each registered voter in the district in which he or she seeks election (either a particular city council district in the case of city council candidates, or the entire city in the case of mayoral candidates). The amount of seed money and qualifying contributions for each candidate are deducted from his or her

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[38] Regulations, Part C (4).
[39] Regulations, Part B (6).
[40] Charter, Art. XVI, Section 14 (A).

grant amount.[41] Distributions are specifically subject to the availability of resources in the Fund.[42]

Candidates who are running unopposed are not eligible to receive grants from the Fund following notice from the city clerk that they are unopposed.[43]

G. Matching Funds

The program additionally distributes supplemental matching funds to participating candidates when funds spent in opposition by a nonparticipating candidate "exceed the distribution from the Fund plus any seed money spent."[44] These so-called "Opposing Funds" are paid to participating candidates "as soon as possible after the first, second and third campaign finance disclosure reports are due . . . ."[45] Amounts are calculated based on spending by a nonparticipating opponent or a measure finance committee[46] that makes expenditures in an electioneering ad or mailer that specifies a participating candidate by name or title.[47]

H. Run-off Elections

Albuquerque elections in which no candidate garners more than 40% of the vote require a mandatory run-off election.[48] Publically-funded candidates who participate in run-off elections receive an additional $0.33 per registered voter in the district in which

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[41] *Id.,* Section 12 (C).

[42] *Id.,* Section 14 (B).

[43] Regulations, Part H (10).

[44] Charter, Art. XVI, Section 16. These funds, too, are subject to the availability of resources.

[45] Regulations, Part H (9) (a).

[46] A measure finance committee is defined as a political committee that works in support of or in opposition to a candidate, or which supports or opposes ballot measures. A group making independent expenditures is not subject to a spending limit. A group coordinating its expenditures with a candidate is permitted to make a certain amount of expenditures, which are treated as in-kind contributions, *Id.,* Part F (1), the aggregate amount of which is not to exceed 10% of the applicable spending limit. For mayoral candidates that amount is about $5,000. *Id.,* Part H (6).

[47] *Id*., Part H (9) (c).

[48] Charter, Art. II, Section 8 (a).

the run-off election will occur (as opposed to $1 per voter in the regular municipal election).[49]

I. Treatment of Grants to Candidates Who Withdraw

A candidate is permitted to withdraw from OEE following his or her certification as a participating candidate and continue the campaign as a nonparticipating candidate, but he or she must do so by filing a written statement with the city clerk and return "an amount of money equal to all monies distributed to the candidate from the Fund plus interest at the rate of twelve percent per annum."[50] If a participating candidate withdraws entirely from the race, he or she "shall immediately return any amount to the Fund that is unspent . . ."[51]

J. Return of Unexpended, Unencumbered Grant Monies

The public financing scheme adopted in Albuquerque contemplates the return of unexpended funds by candidates within two weeks after the regular municipal election.[52] In two election cycles since the OEE was adopted only one candidate has returned excess funds to the city.[53]

K. Enforcement

The Board of Ethics and Campaign Practices currently has the power to enforce the Open and Ethical Elections Code.[54] Prior to the October 6, 2009, election the City Attorney was responsible for enforcement and violations of the OEE but was only able to

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[49] Charter, Art. XVI, Section 15.

[50] Regulations, Part G (2).

[51] *Id.*, Part G (5). Candidate Feroza Jussawalla withdrew from the District 6 race in 2007, as noted below in Table 1 on page 22.

[52] Charter, Art. XVI, Section 8 (C); *Id.*, Section 10 (C).

[53] Interview with City Clerk Amy Bailey, August 2010. Candidate Benton returned unspent funds following the District 3 race in 2009, as noted on Table 3 on page 27.

[54] Charter, Art. XVI, Section 21 (amended by Proposition 6 on the ballot in the municipal election, October 6, 2009).

bring criminal penalties. The thrust of the voter-approved charter amendment in 2009 was that most violations of the OEE should be treated as civil, rather than a criminal, matters. There has been only one instance in which an enforcement action was undertaken. Robert Kidd, an Assistant City Attorney, reported that a 2007 city council candidate was found to have overspent. Before any criminal action was initiated by the City Attorney, however, the candidate readily admitted the error and settled with the city for a fine of about $500. According to Mr. Kidd, "The process was rather informal." [55]

IV. ANALYSIS

The Open and Ethical Elections (OEE) program has been in place for two election cycles: 2007 and 2009.

The first municipal candidates eligible to receive public funding through the OEE ran for city council in 2007, when even-numbered city council seats (Districts 2, 4, 6, and 8) were contested. In 2009, the office of mayor and the odd-numbered city council seats (Districts 1, 3, 5, 7, and 9) were contested.

Of the ten current incumbent elected municipal officials in Albuquerque, eight won their seats using public funding for their campaigns. Their eight campaigns spent a combined total of just over $512,000, which is less than one half of the more than $1.2 million spent by one mayoral candidate in 2005. In fact, the entire bill for the OEE over the 2007 and 2009 election cycles was just over $1.2 million, which represents about 76% of the total amount mandated (one-tenth of one percent of the city's General Fund) for the OEE for those two elections. Thirteen candidates were fully funded.

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[55] Interview with Assistant City Attorney Kidd, September 2010.

Interestingly, since implementation of the public funding program, there have been no run-off elections in municipal races, even in aggressively-contested, multi-candidate races and open seat races.

A. The 2007 City Council Election

In 2007, ten candidates ran for four city council seats. Six of them qualified for public funding, although one withdrew before Election Day. Of the five remaining publically-financed candidates, two were victorious: incumbent Debbie O'Malley in District 2 and newcomer Rey Garduno in District 6. O'Malley was an incumbent progressive who supported adoption of the OEE and garnered 72% of the vote. Garduno, a newcomer to elective politics, won 49% of the vote in a four-way open seat race. Turnout on Election Day was just over 10%.

To be certified by the city clerk as a qualified candidate, each candidate seeking public financing was required to raise contributions from one percent of registered voters in the particular district in which he or she ran. The number of these qualifying contributions varied, because the districts themselves did not contain equal numbers of registered voters. The number ranged from 253 contributions ($1,264 in $5 per voter increments) to 383 contributions ($1,913 in $5 increments).

The five grants to candidates made from the Fund in 2007 ranged between $24,000 and $32,000. The total grant amount distributed by the city was about $139,700, even though the city's budget had allocated more than $480,000 to the Fund. Supplemental matching funds, called Opposing Funds, were available at an amount of not more than two times the original amount received by any candidate. Only one candidate received additional funds – just over $1,600 – based on the spending of opponents, but

the funds were released to that participating candidate too late in the campaign to be utilized effectively.[56]

Table 1

Open and Ethical Election Participant Grants and Spending, 2007

		Grant	Seed Money	In-Kind Contribution	Expenditures
Dist. 2	Debbie O'Malley (I)*	$ 29,820 1,638[57]	$ 4,709	$ 2,034	$ 31,299
Dist. 4	Paulette de'Pascal	$ 31,692	$ 3,270		$ 36,167
Dist. 6	Rey Garduno*	$ 25,903	$ 1,278		$ 25,439
	Kevin Wilson	$ 26,720	$ 460	$ 500	$ 26,628
	Joan Griffin	$ 24,140	$ 3,400	$ 2,771	$ 26,786
	Feroza Jussawalla	$ 26,295	$ 885		$ 2,655
Total Dispersed		**$166,208**			
Returned to Fund[58]		**$ 26,520**			
Total OEE Funds Expended		**$139,688**			

(I) incumbent
* elected

Councilor O'Malley later compared her first electoral campaign in 2003 to her publically-funded campaign in 2007. She noted that in 2003:

"A great deal of time was spent fundraising. I spent every morning for a month or so calling people and asking for money." She continued, "Industry [was] putting lots of money in campaigns to get their candidates elected. That was the first time such contributions had appeared in council races. Because there was no spending cap, it

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[56] Interview with Councilor Debbie O'Malley, August 2010.
[57] Opposing Funds grant.
[58] Ms. Jussawalla withdrew from the race after the first reporting period; she returned the grant, less expenditures plus interest of $225, to the Fund.

[raising money and planning expenditures] was flexible. I could strategize and call on my district network. But many other candidates couldn't even get in the race."

In the 2007 race, O'Malley admitted that the spending limit "was a downside." On the other hand, she continued, "with the [OEE] program, you do a lot more outreach and the voters have a lot more ownership of the election process, because many of them have given $5 to help get a candidate qualified."[59] She stated that she did not believe the requirements for qualification as a council candidate were too daunting.

Table 2

Cost Per Vote for All Candidates, 2007[60]

Office	Candidate	Votes Received	Expenditures	Cost Per Vote
Dist. 2	Debbie O'Malley (I)*	3,229 (72%)	$ 35,222	$10.91
	Katherine Martinez	1,235 (28%)	$ 38,280	$31.00
Dist. 4	*Brad Winter* (I)*	3,086 (81%)	$ 26,289	$ 8.52
	Paulette de'Pascale	707 (19%)	$ 36,167	$51.16
Dist. 6	Rey Garduno*	1,957 (49%)	$ 25,439	$13.00
	Kevin Wilson	906 (23%)	$ 26,628	$29.39
	Joan Griffin	799 (20%)	$ 26,786	$33.52
	Blair Kaufman	344 (9%)	$ 4,255	$12.37
Dist. 8	*Trudy Jones**	2,538 (100%)	$ 32,337	$12.74

(I) incumbent
* elected
Italicized name indicates candidate was privately financed

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[59] Interview with Councilor O'Malley, August 2010.
[60] The expenditure amount for candidates does not include spending reported during the qualifying period. It includes campaign spending reported beginning on July 13, 2007.

The 2007 participating candidates were bound by expenditure limits, because they agreed to accept public financing from the city. Their privately-financed opponents did not have to limit their spending. Table 2 above shows that the spending of privately-funded candidates was not out of line with the spending of the publically-funded candidates, perhaps because public expectation supported the spending limits imposed by the OEE. The two candidates who were incumbents spent less than their opponents, whether or not they participated in the OEE. Two of the four publicly financed candidates prevailed, and privately financed candidate was unopposed.

The 2007 election was for many purposes the dress rehearsal for the mayoral race, which took take place two years later. Most observers believe that the city got through the 2007 election well.[61]

Following the 2007 election, the city council refined the OEE to assure that it would operate smoothly on the larger, city-wide stage.

The city council changed the campaign finance reporting regulations to improve the effectiveness of the supplemental matching funds provision. Instead of only six reporting dates, with four of them prior to Election Day,[62] the council settled on eight reporting dates. It increased to six the number of pre-election reports and added reports

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[61] Interview with City Clerk Autio, September 2010; interview with Assistant City Attorney Kidd, September 2010, and New Mexico Common Cause, *Returning Elections to Voters, Albuquerque's Success with Voluntary Public Financing of Campaigns (2007)* http://www.commoncause.org/atf/cf/%7Bfb3c17e2-cdd1-4df6-92be-bd4429893665%7D/RETURNING%20ELECTIONS%20TO%20VOTERS.PDF.

[62] For the 2007 election, campaign finance reports were required of all candidates and measure finance committees according to the following schedule:

First Report	Friday of the 12th week preceding the election
Second Report	Friday of the 4th week preceding the election
Third Report	Friday of the week preceding the election
Fourth Report	Monday immediately preceding the election

Two other reports were due from candidates and measure finance committees following the election. One was due the 7th day following Election Day; the other was due the 45th day after Election Day. Office of the City Clerk, *2007 Election Guide,* http://www.cabq.gov/clerk/documents/2007%20Election%20guide%20May%2029%202007.pdf/view.

due the eighth and second weeks preceding the election. This was intended to assure that spending that might trigger Opposing Funds to a publically-funded candidate could be calculated and public funds dispersed in time for the candidate to make effective use of them.[63]

Also, voters in 2009 approved various charter amendments, including one intended to depoliticize the office of the city clerk by making it more independent of the mayor and the council. [64] The new provision added by Proposition 3, which passed with 66% of the vote, requires an "open and competitive hiring process conducted by the Mayor with the advice and consent of two-thirds of . . . the Council," and it specifies that the clerk's term coincide with the mayor's unless the clerk is removed for cause.[65]

B. The 2009 Mayoral and City Council Elections

Many observers believed that the October 6, 2009, municipal elections in Albuquerque would determine the future of public funding in the city. The mayoral election in 2009 offers a textbook example of the value of public funding in democratic elections. The OEE is on solid ground.

The election was a success for many reasons, not the least of which was that the vigorous campaign for mayor attracted several credible candidates during the qualifying period, and each of the three candidates ultimately on the ballot was certified to run their campaigns with full public funding. Every one of the five winning city council candidates opted-in to the OEE, including two who were not incumbents. Residents noticed a

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[63]On December 8, 2008, the City Council passed an ordinance amending Article XIII, sections 2 and 4, of the Elections Code, including a provision to increase required reporting by candidates and measure finance committees. File # O-08-52 (Enactment # O-2008-44). http://cabq.legistar.com/legislation.aspx.

[64] Interview with Councilor O'Malley, August 2010.

[65] Charter, Art. V, Section 4 (e).

difference in the method of campaigning on the part of all the candidates. "The campaign consisted more of retail politics – meet and greets, mailers, town hall meetings with groups of voters, radio spots – more like local political campaigns should look like."[66] Albuquerque citizens experienced a lively mayoral campaign that focused more on important local issues and voter contact and less on special interest issues and aggressive media campaigns that were the focus of the preceding two elections in 2001 and 2005. "I think the candidates [. . .] stayed on the issues by and large," commented political scientist Timothy Krebs.[67]

There were no violations of the expenditure limits to which the candidates had agreed. The grants made to candidates were adequate to assure competitive campaigns. Most of the publically-funded candidates had more money to spend than their privately-funded opponents.

In a hotly-contested three-way race for mayor and in five city council districts (three of which featured contested races), the voters were presented with important issues. Independent expenditures were minimal and of little consequence to the campaigns of the publically-funded candidates. Supplemental matching funds were not triggered in any race. Turnout on Election Day was 25%, up from 10% in 2007.

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[66] Interview with Matt Brix, policy director of the Center for Civic Policy, September 2010.
[67] Timothy Krebs, professor of political science, University of New Mexico, quoted by Dan McKay, "Mayoral Race Down to the Wire," *Albuquerque Journal*, October 4, 2009.

Table 3

Open and Ethical Election Participant Grants and Spending, 2009

		Grant	Seed Money	In-Kind Contribution	Expenditures
Mayor	Richard Berry*	$319,220	$28,651	$ 28,651	$308,935
	Martin Chavez (I)	$328,680		$ 31,309	$328,814
	Richard Romero	$297,934	$34,280	$ 22,878	$331,153
Subtotal		**$945,834**			**$968,902**
Dist. 1	Ken Sanchez (I)*	$ 35,577		$ 939	$ 8,770
Dist. 3	Isaac Benton (I)*	$ 29,424	$ 2,930	$ 200	$ 29,197
Dist. 5	Dan Lewis*	$ 42,482	$ 4,988	$ 4,687	$ 41,583
Dist. 7	Michael Cook*	$ 36,450	$ 925	$ 316	$ 31,163
Dist. 9	Don Harris (I)*	$ 32,811	$ 20	$ 987	$ 32,822
Subtotal		**$176,744**			**$145,535**
Total Dispersed		**$1,122,578**			
Returned to Fund[68]		**$ 28,508**			
Total OEE Funds Expended		**$1,094,070**			

(I) incumbent
* elected

The city had approved a budget of $1.17 million for the Fund in fiscal year 2009.

This proved sufficient, although there was concern that there would be so many

candidates that the city would not be able to fund them all.[69] The city clerk for the 2009

election, Randy Autio, noted, "There was not a single Ethics Board challenge in the 2009

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[68] District 1 candidate Sanchez was unopposed and, pursuant to Section 10 of the regulations, returned $26,807 to the fund at the time of the Third campaign finance report (September 11, 2009). District 3 candidate Benton had unspent funds following the election and, pursuant to the Charter, Art. XVI, Section 8 (C), returned $1,701 to the fund at the time of the Eighth campaign finance report (November 20, 2009).
[69] Interview with Councilor O'Malley. August 2010. *See also* Dan McKay, "City May Lack Money to Fund '09 Campaigns," *Albuquerque Journal*, November 11, 2008, and "Obtaining Public Money is 'Painstaking,'" *Albuquerque Journal*, March 23. 2009.

campaign. It was one of the cleanest elections that I could have hoped for."[70] Steve Allen,

executive director of New Mexico Common Cause, remarked about the election, "The

system worked great in both elections. Albuquerque's approach to campaign financing

encouraged candidate participation in the program and was very attractive to them. The

voters won; it was money well spent."[71]

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[70] Interview with City Clerk Autio, September 2010.
[71] Interview with Steve Allen, New Mexico Common Cause, September 2010.

Table 4

Cost Per Vote for All Candidates, 2009[72]

Office	Candidate	Votes Received	Expenditures	Cost Per Vote
Mayor	Richard Berry*	36,466 (44%)	$308,935	$ 8.47
	Martin Chavez (I)	29,140 (35%)	$328,814	$11.28
	Richard Romero	17,458 (21%)	$331,153	$18.97
Dist. 1	Ken Sanchez (I)*	5,322 (100%)	$ 8,770	$ 1.65
Dist. 3	Isaac Benton (I)*	3,598 (59%)	$ 29,197	$ 8.11
	Alan Armijo	2,462 (41%)	$ 30,697	$12.47
Dist. 5	Dan Lewis*	6,229 (56%)	$ 41,583	$ 6.68
	Michael Cadigan (I)	4,898 (44%)	$ 26,617	$ 5.43
Dist. 7	Michael Cook*	7,795 (96%)	$ 31,163	$ 4.00
	David Green (w/i)	351 (4%)	21	$ .06
Dist. 9	Don Harris (I)*	6,392 (79%)	$ 32,822	$ 5.13
	David Barbour	1,677 (21%)	$ 3,620	$ 2.16

(I) incumbent
(w/i) write-in candidate
* elected
Italicized name indicates candidate was privately financed

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[72] The expenditure amount for candidates does not include spending reported during the qualifying period. It includes spending reported beginning July 17, 2009.

1. *The Mayoral Race*

In 2007, the voters approved a ban on contributions to candidates from business entities or individuals in contractual relationships with the City.[73] This legislation became a game changer for, although business entities and city contractors were still permitted to contribute to measure finance committees (local, non-candidate political committees), candidates could no longer look to them as sources of contributions. The OEE thus became more attractive to the candidates than traditional fundraising, "because obviously one of the easier ways to raise money is through business entities," observed Clerk Autio.[74] Candidates who were not independently wealthy may have opted to campaign with public funds rather than risk being unable to compete if they could not raise enough money from individual contributors or unions.

Three candidates remained in the mayoral race late in March and all three qualified for OEE grants. They adopted significantly different strategies in spending their OEE grants. Incumbent Mayor Martin Chavez saved about 60% of his money for the last four weeks of the campaign; up to that stage of the election he reported expenditures of just over $128,000. State Senator Richard Romero spent the most of any of the mayoral candidates in the early stages of the campaign -- $227,000 – which was more than 75% of his grant. Richard Berry, the State Representative who won the race, spent just over half of his grant – $174,000 – saving over 40% of his grant for the last four weeks of the

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[73] The ban was approved by voters 72% to 28% in Proposition 2 in the 2007 municipal election, which amended the City Charter, Art. XIII, Section 4, by adding a new subsection (f). The ban states: "No candidate shall accept a contribution in support of the candidate's campaign from any corporation, limited liability company, firm, partnership, joint stock company or similar business entity. No candidate shall accept a contribution in support of the candidate's campaign from any person, other than a City employee, who at the time of the contribution is in a contractual relationship with the City to provide goods or services to the City."

[74] Marjorie Childress, "New Campaign Finance Rules Will Shape ABQ Mayor's Race," *New Mexico Independent*, February 9, 2009.

campaign. In contrast, at the same point of the 2005 mayoral race, Chavez had reported expenditures of more than $700,000.

Ultimately, challenger Berry defeated incumbent Chavez by nine percentage points and avoided a run-off election by garnering 44% of the vote. The third candidate, Richard Romero, former Democratic leader of the New Mexico Senate, received 21% of the vote. All three candidates were well known to Albuquerque voters before the mayoral race began.

Two early mayoral hopefuls were city council members whose familiarity with voters generally ended at the edge of their districts. Council incumbents M. Debbie O'Malley and Michael Cadigan left the mayoral race in the spring of 2009, because they anticipated being unable to raise the required number of qualifying contributions.[75] They stated that the problem was not the required 3,200 contributions but the too brief time -- six weeks -- in which to collect them. Cadigan noted that the process was time consuming and difficult. He said, "Not only do people often not have cash or checkbooks on them these days, but many also don't know the system so you have to spend a lot of time with them."[76] Both he and Councilor O'Malley suggested that the short period of time gave a built-in advantage to candidates who had ready city-wide networks to assist them with the task, and they advocated an extension of the period to collect the contributions by four to six weeks. They argued that such a change would not compromise the integrity of the OEE. It would merely provide interested candidates sufficient time to participate, thus allowing voters more choices in the voting booth on Election Day.[77]

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[75] Cadigan opted to seek reelection to his city council seat, a race he lost.
[76] Marjorie Childress, Blog entry, *New Mexico Independent*, March 16, 2009.
[77] Interview with Councilor O'Malley, August 2010.

2. *The City Council Races*

The five 2009 city council district races each included a candidate who qualified for public funds. Three of those candidates were incumbents, who won handily. Indeed, one of them, Ken Sanchez, was uncontested in the District 1 race. Incumbent Councilor Isaac Benton of District 3 later commented that "there was a big difference [running as a participating candidate]. Not having to fundraise—I had more time to focus on the issues." He continued, "I do not like asking for large contributions and as a publicly-financed candidate, I did well, so I would opt-in again."[78] He won by 18 percentage points and spent $4,500 less on the 2009 campaign than he had in 2005. The other incumbent, Don Harris in District 9, won by 58 percentage points and spent about $33,000. In 2005, Harris prevailed after spending nearly $89,000, of which $65,000 was spent on a run-off election.

The fourth OEE participant, conservative businessman Dan Lewis, upset incumbent Michael Cadigan by 16 percentage points. Even though new to electoral politics, Lewis did not believe the qualification requirements for the OEE were too steep. He called those requirements "a good balance and part of the vetting process. A candidate has to show support and the ability to get volunteers. You have to have a good team."[79]

Lewis stated that "I liked that the election was issue oriented and there was no added pressure of fundraising. I was able to focus on the message and the issues rather that the fundraising."[80] Interestingly, he was the beneficiary of substantial independent expenditures opposing incumbent Cadigan.[81] One observer noted that Cadigan was

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[78] Interview with Councilor Isaac Benton, July 2010.
[79] Interview with Councilor Dan Lewis, July 2010.
[80] *Id.*
[81] http://cognosout.cabq.gov/cognos8/cgi-bin/cognos.cgi

privately funded and could not, therefore, receive matching funds. This had the effect of encouraging the independent spending in that race, and energized the conservative base in Albuquerque to the benefit of all of the more conservative candidates on the city-wide ballot.[82] Lewis stated emphatically that in the future he would opt-in again "because the way the system is set up discourages not participating."[83]

The other participating candidate was businessman Michael Cook in District 7, a newcomer to electoral campaigning who faced only token write-in opposition.

V. RECOMMENDATIONS FOR IMPROVEMENT

A. Alternatives to Albuquerque's "Opposing Funds" Provision

Supplemental matching funds in public campaign finance programs, which give participating candidates additional funding to reply to messages by well-funded, nonparticipating candidates and opposing independent groups, are also designed to give candidates an incentive to accept public financing, forego traditional fundraising and limit their campaign expenditures. These provisions, however, have also provided fodder for recent constitutional challenges in federal courts. These challenges may undermine the public financing programs that matching funds were specifically intended to strengthen. The U.S. Supreme Court will have the opportunity to determine the fate of supplemental matching funds in public financing programs across the country, perhaps before the end of its 2010-2011 term.

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[82] Interview with Matt Brix, Center for Civic Policy, September 2010. "Everything aligned properly [for conservative candidates]: the D5 race and the lack of enthusiasm by Democrats, which is even more evident today."
[83] *Id.*

1. *Albuquerque's Supplemental Matching Fund Provision*

Candidates accepting public financing in Albuquerque receive an initial lump sum of public money for their campaigns after they are certified as participating candidates. The OEE also offers them additional funding of up to twice the amount of the original grant if funds spent by either (1) an independent group in opposition to a participating candidate or (2) an opposing, nonparticipating candidate "who has the highest total of Expenditures and supportive Independent Expenditures"[84] exceed the amount of the grant received by a participating candidate, plus any seed money spent.[85]

In other words, the OEE gives participants the ability to respond to well-funded attack messages, even though it does not allow participants to raise additional funds from private sources. Thus, supplemental matching funds, called "Opposing Funds" in the city charter, give candidates an incentive to opt into the program without fear that they will be left defenseless against well funded attacks.

2. *Federal Courts Divided on the Constitutionality of Matching Funds*

Several federal circuit courts have divided over whether to extend the Supreme Court's 2008 holding in *Davis v. FEC,*[86] which struck down a provision allowing certain federal candidates to raise additional *private* contributions, and invalidate supplemental matching fund provisions in *public* campaign financing programs. In *Davis*, the Supreme Court applied strict scrutiny to strike down the so-called Millionaire's Amendment to the federal Bipartisan Campaign Reform Act of 2002. That amendment provided that if a candidate for the United States Congress – running in an election in which *all* candidates are *privately* financed and subject to the *same* federal election rules – funded his or her

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[84] Charter, Art. XVI, Section 3 (M).
[85] *Id.,* Section 16.
[86] *Davis v. FEC*, 128 S. Ct. 2759 (2008).

campaign with *personal funds* in excess of a specified threshold amount, then opposing candidates in the same race could raise private contributions under contribution limits that were treble the normal legal limits for federal campaigns. The *Davis* Court ruled that the political speech of a self-funded candidate was impermissibly chilled by this asymmetrical scheme, because spending by a wealthy candidate could trigger a benefit to his or her opponent, allowing that opponent to raise larger private contributions than the wealthy candidate could.

The Supreme Court recently agreed to hear a challenge to a supplemental matching funds provision in Arizona's program of statewide public campaign financing. Appellants argue that the supplemental matching funds available to participating candidates in Arizona, which are available when independent groups or opposing, nonparticipating candidates spend over a specified amount, are analogous to the asymmetrical contribution limits struck down in *Davis* and impermissibly chill the political speech of those groups and nonparticipating candidates (neither of whom are bound by the restrictions or regulations of the public financing program). *McComish v. Bennett*[87] is scheduled for oral argument on March 28, 2011.

The Ninth Circuit rejected the reasoning of the *McComish* appellants, because it determined that Arizona's matching fund provision "places only a minimal or indirect burden on Plaintiffs' speech and that the Supreme Court's latest campaign finance decision, *Citizens United v. Federal Election Commission* reaffirmed that intermediate scrutiny applies to such laws." [88] The appellate court noted that "the Supreme Court has held that it is constitutional to subject candidates running against each other for the same

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[87] *McComish v. Bennett,* 611 F.3d 510 (9th Cir. 2010)
[88] *Id.* at 513, 525, citing *Citizens United v. FEC,* 130 S.Ct. 876 (2010).

office to entirely different regulatory schemes when some candidates voluntarily choose to participate in a public financing system,"[89] and that the public financing scheme approved by the Supreme Court in the seminal *Buckley v. Valeo* decision was "a congressional effort, not to abridge, restrict, or censor speech, but rather to use public money to facilitate and enlarge public discussion and participation in the electoral process, goals vital to a self-governing people."[90] It concluded that Arizona's supplemental matching funds program did not create a burden on speech.

The Ninth Circuit distinguished *Davis* "because it singled out the speakers to whom it applied based on their identity (wealth),"[91] while Arizona's "matching funds provision makes no such identity-based distinctions."[92] In other words, Arizona's law dispenses supplemental funds to participating candidates whose privately-financed opponents spend over a certain amount, whether or not they have funded their campaigns personally. Because it does not "distinguish between different sources of nonparticipating candidates' financing at all"[93] the program places only an "indirect or minimal" burden on the speech of nonparticipating candidates.[94]

The Ninth Circuit reasoned that Arizona's matching funds are substantially related to Arizona's interest in providing an incentive to candidates to participate in its public financing program, which furthered Arizona's interest in deterring corruption or the appearance of corruption,[95] recognized since 1976 by the *Buckley* court as a compelling governmental interest. It concluded that "[i]n this case, as in *Buckley* and

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[89] *Id.* at 522, citing *Buckley v. Valeo,* 424 U.S. 1, 97 (1976).
[90] *Id.,* quoting *Buckley* at 92-93.
[91] *Id.*
[92] *Id.*
[93] *Id.*
[94] *Id.* at 523.
[95] *Id.* at 525.

Citizens United, the burden that Plaintiffs allege is merely a theoretical chilling effect on donors who might dislike the statutory result of making a contribution or candidates who may seek a tactical advantage related to the release or timing of matching funds. The matching funds provision does not actually prevent anyone from speaking in the first place or cap campaign expenditures."[96]

Two other federal circuit courts later disagreed with the Ninth Circuit's holding. The Second Circuit, ruling on a provision in Connecticut's public campaign financing program,[97] and the Eleventh Circuit, in a ruling involving Florida's program,[98] found that *Davis* makes the provision of matching funds in public campaign financing programs impermissible under the First Amendment. They identified a burden that "chilled" the free-speech rights of nonparticipating candidates and independent expenditure groups because matching funds in the public campaign finance programs are triggered by the spending of nonparticipating candidates or independent groups. Applying strict scrutiny, as did the *Davis* court, these federal appellate courts concluded that matching fund provisions fail because they "severely" burden the First Amendment interests of nonparticipating candidates and are not the least restrictive way for states to further the states' acknowledged interest in fighting the appearance of corruption.

Supplemental matching fund provisions thus currently stand in a precarious position. If the U.S. Supreme Court reverses the Ninth Circuit in *McComish*, which seems possible because it refused to enjoin the district court's ruling invalidating the

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[96] *Id.*
[97] *Green Party of Connecticut v. Garfield,* --- F.3d --- , 2010 WL 2737153 (2nd Cir. 2010).
[98] *Scott v. Roberts*, 612 F.3d 1279 (11th Cir. 2010).

matching funds provision,[99] its ruling would undermine a key incentive for candidates to participate in public financing programs and undermine the stability of any such system.

3. *Four Proposed Solutions:*

The Supreme Court may uphold Arizona's supplemental funding trigger, in which case this provision of Albuquerque's law can remain intact. Should the Court declare Arizona's trigger fund unconstitutional, however, CGS suggests four alternative reforms that each would circumvent the constitutional issue, eliminate this threat to Albuquerque's program and strengthen the OEE for years to come. The suggested changes would give candidates incentives to participate in the city's public financing program either through increased lump-sum grants, a generous public match for small private contributions, or the promise of supplemental funding not based on the expenditures of any opposing candidate or group.

Albuquerque's program of public funding of campaigns is strong. Every effort should be made to preserve it.

Option (a): Repeal the current trigger mechanism and increase the dollar amount for grants.

Under this option, Albuquerque would increase the amount of public funding available to participating candidates to at least $1.50 per voter. Increased funding would continue to make the program attractive to candidates, particularly in the absence of a promise of supplemental matching funds. All qualified candidates would receive larger lump sum grants and would be free to strategize their expenditures accordingly. This option would likely increase OEE expenditures, even if participation does not increase.

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[99] Order in Pending Case, 09A1133,
http://www.scotusblog.com/wp-content/uploads/2010/06/09A1133_McComish_v_Bennett.pdf

Option (b): Adopt matching funds modeled on New York City's system.

In New York, the city matches small contributions ($175 or below)[100] raised by participating candidates from private contributors at a $6-to-$1 ratio.[101] This system requires participating candidates to demonstrate a broad base of support by raising a large number of small contributions. The generous match gives candidates a built-in incentive to participate, and taxpayers in New York find it attractive because their money is not wasted on frivolous candidates who cannot raise many small private contributions and will thus do not receive much public funding. This "hybrid" model of small private contributions and public funding is considered a legitimate alternative, even by those who are committed to clean money systems.[102] Of course, it has the downside of requiring candidates to continue to fundraise throughout the campaign.

Option (c): Disperse additional grants when races which are "competitive."

CGS alternatively proposes that the city consider retaining the supplemental funding aspect of the OOE but change its trigger mechanism from the current program, which relies on opponent spending over a specified amount, to a program based on a lack of voter information. This suggestion, like *option (d)* below, is an innovative yet untested approach developed by CGS. It would allow Albuquerque to continue to provide participating candidates with the incentive of supplemental funding. This option assumes

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[100] New York City Campaign Finance Act, Section 3-703 (2) (a). www.nyccfb.info/act-program/CFACT.htm

[101] *Id.*, Section 3-705 (2) (a). The New York City Campaign Finance Board has said, "Both [clean money programs like Arizona's and New York City's system] seek to reduce the influence of large, access-seeking contributions. We strongly believe that these goals are best achieved when most candidates participate. If public financing programs cannot provide an adequate level of public funds to candidates whose opponents opt out, candidates will not take part. New York City's experience with bonus matching funds is instructive . . . . Additional public funds for candidates facing a high-spending non-participant have helped *increase* – rather than restrict – the volume of speech in City elections." http://www.nyccfb.info/press/news/press_releases/2010-12-1.pdf.

[102] Interview with Matt Brix, Center for Civic Policy, September 2010; interview with Steve Allen, New Mexico Common Cause, September 2010.

that voters would need additional information to cast an informed ballot. It is on that basis that supplemental funding would be dispersed, triggered by the competitiveness of the race in the relevant district.

Specifically, the city would increase to $1.50 or more the dollar amount per voter and dispense first-stage grants of 60% of the total amount possible for an election in a particular district. The city would disperse the remaining 40% of the available monies only if the result of a simple poll shows the voters need more election-related information to make up their minds. The poll should be conducted on the Friday four weeks before Election Day and would ask two or three questions at most.[103] If the poll results show that a participating candidate was either ahead by 15 or fewer percentage points, or within that margin of the leader, *AND* had "educated the voters" (expended 50% or more of his or her initial grant by the day of the poll), the city would disperse supplemental funding to that participating candidate because the race was "competitive," the assumption being that voters would benefit from more information prior to Election Day. Only those participating candidates who meet both criteria would receive supplemental funding. Privately funded candidates, of course, would have the opportunity to continue to raise additional contributions.

Option (c) responds to the fact that Albuquerque has spent significant amounts of public funding over the past two election cycles in races that were lopsided.

- In 2007, only District 6 had a campaign that arguably was competitive four weeks before Election Day, yet in two other districts (District 2 and District 4) candidates received and spent their entire grants. The winner in

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[103] The poll contemplated by this option would ask, for example: Q: Have you heard this name? (ask about four names, two are planted phonies, names to be rotated). Q: Can you tell me when the next city election is? Q: If the election were today, for whom you would vote?

District 2 won by 44 percentage points, and the winner in District 4 prevailed by 62 percentage points.

- In 2009, the race for mayor was very competitive four weeks before Election Day, but races in District 7 and District 9 were not; candidates in those races were still given full grants and those funds were spent. In District 7, the winner, facing only write-in competition, received 96% of the vote, and in District 9 the winner received 79% of the vote.

If this option had been adopted prior to the 2009 municipal election and the grants were based on a formula of $1.50 per voter, this option would have resulted in the following scenarios:

- The District 3 race would not have been considered competitive. Incumbent Isaac Benton used public financing to defeat a privately financed challenger by about 19 percentage points. Benton's grant from the city was $29,400. Using the new scheme, Benton would have received a first-stage grant of $26,520, and could have been eligible, assuming he also met the expenditure threshold, to receive an additional $17,680 four weeks before Election Day in a competitive race (for a total of $44,200). Because the race was not within the 15 point competition threshold, no additional funding above his initial grant from the City would have been dispersed. In fact, he returned slightly more than $1,700 in unexpended funds to the OEE Fund.

- The District 9 race also would not have been considered competitive. Incumbent Don Harris used public financing to defeat a privately financed challenger by about 58 percentage points. His grant was $32,811. Under this proposal, while he would have been eligible to receive close to $49,200 in a competitive race in which he additionally met the expenditure threshold, because his race was not competitive he would have received only an initial grant of $29,500, slightly less than the amount which was more than adequate to secure his victory in 2009.

- In the 2009 mayoral race, the grants varied somewhat (based on the seed money raised) but the race among the three candidates was competitive throughout. Thus, each candidate would have received $315,000 initially and only if a particular candidate had expended $157,000 by the fourth Friday before Election Day (in other words, had not held back significant funding but had "educated" the voters) would additional public funding have been released to him. Candidates would have had an incentive to participate because there would be clear rules to assure the release of supplemental funding. The most a candidate would have been able to spend under this scenario would have been $525,000.

Option (d): Disperse supplemental funding when there are substantial numbers of "undecided" voters four weeks before an election.

Option (d) is another innovative approach, devised by CGS, which has not been tested in the courts; nevertheless, it also offers the promise of improving voter information and providing participating candidates the significant incentive of additional funding to communicate their messages.

As in *option (c)*, the city would calculate grants for publicly financed campaigns using a formula of $1.50 per voter or more. Grants would be dispersed in two stages, with the first stage comprising 60% of the total amount possible for an election in a particular district. The city would disperse the remaining 40% of the available monies only if the result of a simple poll shows the voters needed more election-related information to make up their minds. The poll would be conducted in the relevant districts on the Friday four weeks prior to Election Day. It would simply ask the voter whether he or she has already decided for whom to vote, or whether the voter is "undecided." If the poll results indicate that 15% or more[104] of the voters queried were undecided *AND* a participating candidate had expended 50% or more of his or her initial grant by the day of the poll, then the city would distribute supplemental funding to the participating candidate(s) in that district who meet the expenditure threshold, enabling them to continue to communicate their messages. Privately funded candidates would have the opportunity to continue to raise additional contributions.

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[104] This percentage can be varied depending on local circumstances. Requiring a higher percentage of undecideds (e.g. 20%) would be more sparing of city funds. A lower percentage of respondents may be undecided, however, if a participating candidate is faced by a high-spending wealthy opponent or independent expenditure group.

The trigger mechanism suggested here assumes that a significant number of undecided voters would benefit from further campaign-related information prior to Election Day, and it is on that basis that supplemental funding would be dispersed. This option would be easy to implement, because the city would only ask one question in the poll: "Have you decided who you will vote for in the [relevant district] race?" It would not "chill" the speech of non-participating candidates because it would not be triggered by non-participating candidates' expenditures.

Assumptions that support both options (c) and (d):

Both options (c) and (d) would continue the city's stated goals to

(1) Deter corruption or its appearance,

(2) Encourage participation in the OEE, and

(3) Strengthen confidence in governmental and election processes.

In addition, each suggestion would be supported by a strong governmental interest in allowing candidates to provide voters with additional information as the basis for release of supplemental funding, rather than basing such funding on the calculation of an opponent's spending, thereby avoiding a trigger mechanism that is vulnerable to constitutional challenge.

Further, because these options recognize the government's interest in creating an informed electorate, they directly further the principles set forth in *Buckley* that the ability of citizens to "make informed choices among the candidates for office is essential . . ."[105] and that "debate on public issues should be uninhibited, robust, and wide-open."[106]

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[105] *Buckley*, 424 U.S. at 14.
[106] *Id.,* citing *New York Times v. Sullivan,* 376 U.S. 254, 270 (1964).

CGS suggests that, whether based on a close "competitive" race or a significant bloc of "undecided" voters, 15 percentage points represents a reasonable bright line to justify the further expense of taxpayer monies. Under either option, the need for additional voter information would directly link to the *Buckley* Court's finding that public funding of campaigns is appropriate to "enlarge public discussion and participation in the electoral process."[107]

Either approach requires the city to increase the total amount of its OEE grants to $1.50 or more per voter, but it would not disperse any grant in a lump sum (we suggest that only 60% be dispersed in the first stage), and it might not disperse a significant part of the budgeted funds at all. Instead, the city would award grants in two stages, the second stage being based on a demonstrated need for more money to be spent in a particular race, and only on that basis. This would be "demonstrated" by (i) requiring that candidates expend a certain percentage of their initial grant (we suggest 50%) by the date of the poll, so that candidates only receive supplemental funding if they have sought to educate voters in the early weeks of the campaign, and (ii) conducting a simple poll in the relevant district, the question(s) always being the same,[108] to determine if the race warrants further expenditures in order to give citizens more campaign information before voting on Election Day. In races that do not meet the determined threshold, additional funds would be withheld and not spent, ultimately saving the city money.

The promise of a supplemental, second-tier grant, based on a larger total grant made possible by increasing the amount of public funding per voter, would provide an

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[107] *Id.* at 92-93.
[108] CGS recommends that the City Charter be amended to include the specific language of the poll question(s), so that the question(s) never change, meaning the poll would be consistent and completely transparent.

important incentive to candidates to opt-in to the OEE at the beginning of the campaign cycle. Because supplemental funding would be available only in certain races, based on objective poll results, the plan would be tailored to protect the city's resources.

Albuquerque's political culture does not favor overspending – no mayoral candidate spent more than $360,000 in 2009. Mandatory audits, also recommended in this report, would help assure that expenditures are for legitimate campaign purposes. But these proposals would still hold out sufficient grant amounts to provide participating candidates with an attractive alternative to fundraising from private sources. Increasing participation has been one of OEE's strengths in the last two election cycles and is a benefit to Albuquerque voters. The fact that all three 2009 mayoral candidates participated in the OEE allowed them to avoid the taint of undue influence by special interests, a significant achievement at any level of politics.

Instituting either of these two-tiered approaches to triggered supplemental funding of publicly financed candidates would require city charter changes that would:

(1) Determine what percentage of the total funding available to an OEE participant will be released in the first-tier grant. CGS suggests 60% of the grant theoretically available be released to candidates initially.

(2) Define the percentage of the percentage "competitive gap" or "undecided" poll respondents in a race that would trigger the release of supplemental funds. CGS recommends 15% in either option.

(3) Determine the day the poll would be conducted. CGS recommends the Friday of the fourth week before Election Day and suggests the poll be called the Four Week Poll.

(4) Determine when the supplemental grants would be dispersed. CGS recommends the Monday following the Four Week Poll.

(5) Determine an appropriate percentage of the grant and the date by which it must be expended in order for the publicly financed candidate to be eligible for supplemental funding based on poll results. CGS recommends that 50% of the initial grant be required to be expended by the day of the Four Week Poll.

(6) Embed the perennial poll question(s), intended to measure the need for further voter information in particular races, in the City Charter. Candidates and voters alike will thus have notice of the exact questions to be asked of respondents.

B. Extend Period to Gather Mayoral Qualifying Contributions by Four Weeks

The issue of the amount of time for mayoral candidates to collect qualifying contributions should be addressed by the city council before the next mayoral election cycle begins. Whether candidates are required to gather too many contributions in too abbreviated a period, particularly candidates who lack city-wide name recognition before the qualifying period begins, or whether the task is made reasonably difficult to guard against funding candidates who do not have demonstrated broad appeal, should be clarified for candidates and voters alike.

Other jurisdictions have statutes that provide much longer periods of time in which candidates gather qualifying contributions. In comparably sized Portland, Oregon,[109] for example, candidates in its public financing program are allowed four and one-half *months* to gather qualifying signatures. It should be noted that in Portland all six

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[109] The population of Albuquerque is 535,239, according to the City's web site; the population of Portland is 582,130, according to Portland State University. http://www.pdx.edu/sites/www.pdx.edu.prc/files/media_assets/2009CertPopEst_web3.pdf.

of the elected officers, not just candidates for mayor, run at large, and candidates in

Portland need only gather 1,500 qualifying contributions.

Proposed Solution:

The city should extend the time frame for gathering $5 contributions by mayoral

candidates, who must obtain significantly more of these contributions than their city

council counterparts. By adding four weeks to the current six weeks, candidates without

city-wide name recognition will be able to develop networks of support throughout the

city and gather the required number of contributions, currently a daunting task for

mayoral candidates simply because the number of required contributions is so high.

C. Alternate Sources of OEE Funding

The city should consider using additional funds from sources outside the General

Fund, together with the designated one-tenth of one percent from the General Fund, as a

way to ensure that the Fund will be able to accommodate all candidates who can qualify.

As Councilor Benton has declared, "The program has worked well overall. We will

address any funding issues. It's the cost of good government."[110]

Proposed Solution:

A possible source, perhaps banking both on widespread voter support for the OEE

and on Albuquerque's status as one of the nation's most affordable places to visit, might

be a small fee on room occupancy ("fifteen cents -- $0.15 -- for clean elections") within

the city limits. Based on a 50% occupancy rate for approximately 15,000 hotel rooms, a

fifteen cent per night fee would generate $410,625 annually to supplement the fund.[111]

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[110] Interview with Councilor Benton, July 2010. He noted that the general fund "is stressed right now" and that the City Council "will probably have to discuss that soon."

[111] Voters might be in favor of such a fee given their strong support for the OEE if the burden of good government could be shared with visitors. See *Lodging, Rental Car and Meal Taxes on Travelers in the*

Other possible sources are suggested in the 2003 CGS publication *Public Financing of Elections: Where to Get the Money?*[112]

D. Audits of Campaign Spending

OEE participants are not audited after the election to determine whether they have spent public funds appropriately. Auditing would reinforce the value of the program.

Campaign finance disclosure reports, required under the Election Code of all candidates whether or not participating in the OEE, currently are submitted to the clerk and reviewed during the campaign by an independent contractor, who has access to campaign bank statements and bank accounts.[113] The contractor, a certified public accountant, determines if the forms properly list contributions and expenditures and is responsible for identifying instances of non-compliance, such as missing information for a contributor. In such cases, the candidate involved receives a notification letter and is given a 10-day period to correct the identified error.[114]

Top 50 U.S. Cities, National Business Travel Association, July 2008 (Albuquerque central city and airport per diem taxes fall below the average and most common rates in the top 50 cities in the country). In 2009, voters approved 59% to 41% a tax not that dissimilar to this proposal: a quarter-cent transportation gross-receipts tax (which amounts to 25 cents on a $100 purchase).

[112] http://cgs.org/images/publications/Where_to_get_the_money.pdf.

[113] Charter, Article XIII, Section 9, provides: (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.

[114] Interview with City Clerk Autio, September 2010.

In 2007 and 2009, the city followed this procedure to review the campaign finance disclosure reports for all candidates, whether or not participating in the OEE. The clerk for the 2009 election noted that, with respect to that race, all of the identified errors involved very minor omissions that were corrected within the 10-day time frame. Indeed, there were only a handful of violations, and they occurred early in the campaign. He believes that the lack of many problems noted later in the campaign resulted from campaign managers becoming more familiar with Albuquerque's unique rules.[115]

This type of monitoring differs greatly from the comprehensive audits that should be conducted with respect to the expenditures of participating OEE candidates. In the interest of assuring that taxpayer money is being judiciously spent – as opposed to being just spent – audits specifically geared toward verifying that expenditures are legitimate campaign expenditures should be added to the city's necessary oversight.

Because the current system is not designed to oversee the propriety of candidate spending, there is an unintentional gap in accountability between the taxpayers and the candidates. Citizens simply do not know if their dollars are being spent appropriately and, thus, whether the OEE is meeting its stated goals.

The city charter outlines permissible and impermissible uses of OEE funds.[116] It enumerates issues that should be the focus of post-election oversight by the city, including a prohibition on personal use of campaign funds, ban on using OEE funds to retire a previous campaign debt, purchase of certain property by a campaign,

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[115] Additionally, the regulations of the Board of Ethics and Campaign Practices call for a mandatory pre-election meeting to permit inspection and/or audit of each candidates campaign financial records. Rules & Regulations of the Board of Ethics & Campaign Practices, Section 5 (M). This requirement was described by Mr. Autio as "archaic," because the reports are online. He said that in 2009 there was no public input at all during this meeting. Interview with City Clerk Autio, September 2010.
[116] Charter, Art. XVI, Section 8.

compensation to campaign staff, forfeiture of unspent seed money and return of unexpended funds within a two-week time frame after Election Day.

Proposed Solution:

The credibility of the OEE depends on city-wide support from the taxpayers. The Office of the Independent Auditor routinely reviews city programs and is well suited to conduct post-election audits of campaigns funded by the OEE. The council should mandate that the city auditor undertake this task. These audits should review the complete records of all participating candidates to verify that taxpayer funds are appropriately spent and to identify problem areas for the Council.

E. Verification of Signatures

The former city clerk reported that the significant task of verifying signatures, to determine whether individual candidates had qualified for grants under the OEE, was a burden on his small office. To provide the most accurate verification possible of qualifying contributions, the policy of the city clerk is to verify every signature, rather than to verify only a random sample.[117] In 2009, this tremendous burden included the verification of about 20,000 individual signatures.

The clerk specifically cited the difficulty of linking a particular $5 qualifying contribution to a particular signature, because many contributors used cash. As he noted, in those cases there is no way to assure that the person who signed the affidavit gave the $5. The bills can be bundled together and are not distinguishable. This issue, and the possibility that the current process is open to abuse, was also raised by one of the potential candidates for mayor who dropped out of the race.

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[117] Interview with City Clerk Autio, September 2010.

Proposed Solution:

To address this concern, Form 5 should be re-written to clearly state the transaction between the voter and the candidate, the reason for the transaction, that the funds given are those of the voter, the identifying information for both the voter and the candidate or agent, and awareness of the penalty for committing perjury. A copy of proposed language for Form 5 appears in the Appendix. A clear declaration that a voter has made the $5 contribution, under penalty of perjury, would minimize abuse of this important phase of candidate qualification.

F. Clearer Navigation and Identifying Labels on the Clerk's Website

Mayor Berry vigorously advocates increased transparency for Albuquerque city government on the city's web site. Accordingly, the city should significantly clarify basic information about city elections and campaign finance for web site visitors, particularly because the OEE is currently "policed" via complaint. Thus, it is important that information on campaign financing is properly labeled and clearly displayed to make it accessible.

Former and present city clerks agree that the current web site is showing its age. Finding specific disclosure records filed by the candidates and measure finance committees on the city's web site is difficult. The current system is cumbersome to use, because its information is not organized in an intuitive way, and campaign finance information is sorted through a number of software filters that are poorly labeled.[118] Furthermore, the major links to the reports are not defined in terms of what information they lead to and why that particular information has been filtered in that particular way

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[118] An additional admittedly minor complaint is that the pull-down list of candidates is organized alphabetically by first name. The more intuitive approach would be to alphabetize this list by the candidates' last names.

("Current Campaign Records," "All Campaign Records," "Summary Audit Reports,"
etc.). There is no guide to inform visitors about required content in the various reports
submitted ("Q1," "M1," "S1," etc.). There is no way to tell if a measure finance
committee has spent its funds supporting or opposing any particular candidate. The
reports available are not sortable. Researchers also were not able to open any requested
document in excel form.

Despite this, comprehensive information does exist for the visitor if he or she can
find it among the various groupings of campaign finance reports, and according to the
clerk this information is available instantaneously once it is submitted by the
candidate.[119]

One additional note: the clerk's web site contains a number of very helpful
documents, including many which provided historical context, that were hidden from
view unless a visitor happened to press a link on the "Elections" page on the City Clerk's
site for "procedures" (which was embedded in the sentence: "The City Clerk established
campaign procedures that publicly financed candidates for political office follow under
the Open and Ethical Election Code."). A list of very helpful documents was displayed.
Unfortunately, that link has been removed recently and the site no longer informs tell
visitors how to find this trove of documentary information.

Proposed Solution:

The most basic change would edit the first page of the city's web site so that
visitors would see a link for "City Elections Information" instead of the current
"Upcoming Elections," which is misleading and incomplete. Once the visitor has

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[119] Interview with City Clerk Autio, September 2010.

navigated to the city clerk's section of the web site, there should be clear, headline-type links leading visitors to:

- Important dates for candidates and voters, and specific information about upcoming elections.

- Campaign finance disclosure reports for candidates and committees, including a legend explaining (1) the substance of the reports that can be found under specific headings and (2) what the abbreviations on the reports stand for (i.e., "S1," "M2," etc.).

- Archived information about past elections, including complete lists of candidates and comprehensive election results.

- The City Charter and all regulations relating to municipal elections.

- A historic archive of all statutes and other ordinances, regulations, court cases, and reports relating Albuquerque's municipal elections.

These changes would not be difficult to implement, and would greatly enhance the accessibility of the information that is already there.

G. Improved Disclosure Reports

Candidates, including those running for mayor, did not have to decide whether they would run until nominating petitions were due on April 28, 2009. Citizens could not follow early contributions and expenditures, however, because the city's campaign finance reporting system has software flaws that make some important information difficult, if not impossible, to retrieve. Specifically, there are no dates displayed to

website visitors for individual transactions, despite the fact that candidates are required to keep records of "all financial records pertinent to the campaign."[120]

By far the most confusing example was that of then incumbent, Mayor Martin Chavez. Voters interested in how his fundraising efforts would comply with the OEE were probably left scratching their heads. The Mayor filed quarterly disclosure reports as a current office holder, including those due for 2008. In addition, he filed OEE reports on seed money contributions and in-kind contributions on January 1, 2009, and April 1, 2009. These reports, like all disclosure reports posted on the city clerk's web site, were immediately available to interested citizens when they were electronically filed.

Even in their most final form, however, none of the reports available on the city's web site included the date of any transaction. It was therefore nearly impossible to follow the money raised and spent by the Mayor from the first report required of him in 2009 to the first campaign finance report required of all candidates on July 17, 2009. In a January 15, 2009, quarterly report, the Mayor reported contributions of $41,050 and expenditures of exactly the same amount, but there are no dates for any contribution or expenditure. Voters were left in the dark about when this money actually was raised or spent.

In addition, site visitors were likely perplexed because news reports told them that the Mayor had gathered all the necessary $5 qualifying contributions by March 6, 2009[121] but apparently had done so without raising or spending any seed money.[122] At the same time, other candidates reported raising and spending significant amounts of seed money

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[120] Charter, Art.XIII, Section 4 (J) (2).

[121] Marjorie Childress, "ABQ Mayoral Candidates Make Progress on $5 Contributions – and Mayor Chavez is Already Done," *The New Mexico Independent*, March 6, 2009.

[122] Summary Audit Reports: M1, M1 and Q3. In the report labeled Q3, Chavez reported that "contributions and expenditures for the third quarter, related to my re-election, are reported in the S-1 campaign disclosure report filed on July 17, 2009." There is no Q2 report (which was due April 15, 2009) on the City's web site; there are no dates listed for contributions and expenditures listed in the S1 report. http://cognosout.cabq.gov/cognos8/cgi-bin/cognos.cgi.

to obtain qualifying contributions. State Senator Richard Romero raised $34,280 in seed money and expended $25,454, according to reports he filed on January 1 and April 1, 2009. State Representative Richard Berry raised $23,936 in seed money and spent $8,316. Councilor M. Debbie O'Malley raised $21,900 in seed money and spent $16,139, before she withdrew from the mayoral race on March 14. Councilor Michael Cadigan raised $9,460 in seed money and spent $8,286, before he also withdrew on March 16, 2009.[123] Romero and Berry turned in sufficient qualifying contributions late in March 2009.

Proposed Solution:

Require that each disclosure report electronically filed with the city clerk include the date of each individual transaction, whether it is a contribution or expenditure, and show the dates on the reports that are accessible by voters. The only dates currently associated with the campaign finance information on the web site are those upon which reports are due. This is not an appropriate level of information in a system that holds itself out to voters as the source of campaign spending information in general, and should take pains specifically to clarify the spending of taxpayer dollars with regard to publically funded campaigns. It also falls short of best practices for campaign finance disclosure.

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[123] The data on seed money contributions and qualifying period expenditures was retrieved from M1 and M2 reports for the candidates indicated found at http://cognosout.cabq.gov/cognos8/cgi-bin/cognos.cgi.

VI. FINDINGS

Since its implementation,

- The OEE has dramatically reduced expenditures in municipal campaigns and restored spending levels that are acceptable to city residents.

- Campaigns have been characterized by a vigorous debate of issues, rather than by aggressive media campaigns by incumbents, well funded by special interests.

- The OEE has been used by more than 60% of candidates appearing on the municipal ballot, including all three mayoral candidates in 2009.

- Sitting elected officials have overwhelmingly used the OEE: eight of the ten current elected officials were program participants, including three newcomers to the municipal stage of whom two were newcomers to elected politics.

- There has been no apparent misuse of OEE funds.

- Participating candidates have not exceeded expenditures limits.

- Opposing funds, while they have been used just once and without effect in that race, have perhaps helped to limit campaign spending as privately-funded candidates and measure finance committees appear to have moderated their spending.

VII. CONCLUSION

CGS believes that Albuquerque's Open and Ethical Election program can meet the challenges that lie ahead and remain a stable program for years to come. Our recommendations will help assure that the program will continue to achieve its ambitious goals.

The citizens of Albuquerque should be proud of their impressive civic achievement in adopting and implementing the Open and Ethical Elections program. Their determination to reduce expenditures in municipal campaigns has been richly rewarded. The long-term prospects of the OEE, however, will depend on the city's careful stewardship to assure that its fundamental goals continue to be met. With minor course corrections, the OEE will stand as a model for other municipalities where citizens strive to gain control of the distorting effects of money in civic elections.

Appendix

FORM 5

My signature represents that on this date I declare, under penalty of perjury, that I am a registered voter in the City of Albuquerque and live in Council District _____. I provided a $5 contribution to support the allocation of public funds to the candidate named below.

I personally contributed $5 of my own money, in cash or by check, and for which I received no compensation, to _____, a candidate running for [insert appropriate race], in the municipal election to be held on [insert date], or his/her agent, _____ [insert name of contribution gatherer].

I understand that if any part of this declaration is untrue, I will be subject to penalties and fined a minimum of [a deterrent amount as determined by the Council].

DATE:_____   SIGNED:_____

    REGISTERED NAME OF VOTER:_____

    REGISTERED ADDRESS OF VOTER:_____

    _____

    CANDIDATE PETITION SIGNED:_____YES

                                _____NO

I witnessed the signature of this voter and personally received a $5 qualifying contribution from him/her on this date. I gave nothing of value in return.

DATE:_____   SIGNED:_____

    NAME OF CANDIDATE:_____

    NAME OF AGENT (if applicable):_____

Public Campaign Financing in Albuquerque:
Citizens Win with Clean Money Elections

Citizens Win concludes that Albuquerque's new system of public campaign financing for municipal elections has been markedly successful. Eight of the city's ten currently elected officials accepted public financing to conduct their campaigns in the last two elections. Candidates decreased their spending. Campaigns focused on issues not fundraising. Large, privately funded campaigns did not materialize. Office holders reported they would accept public financing again instead of raising private donations.

Citizens Win recommends that Albuquerque consider two innovative CGS proposals to give candidates additional public funding when voters lack sufficient information to make informed choices four weeks before the election. Either approach would encourage candidates to participate in the city's public campaign financing program without implicating the First Amendment rights of high-sending opponents or other groups.

Citizens Win also recommends that mayoral candidates receive four extra weeks to gather $5 qualifying contributions. The city should conduct mandatory audits of the records of all participating candidates after each election campaign. And the city should upgrade its website to make campaign disclosure reports more accessible and comprehensible.

Citizens Win is one in a series of CGS reports on public campaign financing programs in states and cities, including Florida, Michigan, Minnesota, New Jersey, North Carolina, Wisconsin, Los Angeles, New York City, Portland, Suffolk County New York, San Francisco and Tucson.

cover design: www.smartartanddesign.com

CGS

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www.cgs.org

Model City Council: Lesson 9

Lesson Topics: Participatory Budgeting Process; Communicating Ideas to Public Officials; Community Based Organizations

Aims: To decide, as a class, which would be the best participatory budgeting project; to decide how to communicate your ideas to public officials; to learn about community based organizations and political advocacy.

Skills to be Addressed:
- Oral and visual presentation skills
- Reasoning, evaluation, making decisions
- Discussing ideas with peers
- Letter writing (optional)

Objectives:
> Students will
- Present and argue for their participatory budgeting projects proposals
- Vote for the best project proposal.
- Learn how to advocate for their proposal and/or participatory budgeting
- Learn about community-based organizations.

Common Core Standards Addressed:
- CCSS.ELA-LITERACY.SL.11-12.5
  Make strategic use of digital media (e.g., textual, graphical, audio, visual, and interactive elements) in presentations to enhance understanding of findings, reasoning, and evidence and to add interest.
- CCSS.ELA-LITERACY.SL.11-12.2
  Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.
- CCSS.ELA-LITERACY.SL.11-12.1.B
  Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.

Timeframe: One 60-minute period.

Materials:
- PB Evaluation Form
- PB Ballot
- PB in Schools Info Sheet (in English and Spanish)
- "Writing Public Officials"
- Sample PB postcard to mayor

Procedure:

I. Participatory Budgeting Exhibition
- Students set up exhibits for project proposals, similar to a science fair.
- Students walk around the exhibits, talking to the creators, who answer questions and advocate for their proposals. Students evaluate the proposals asking themselves: **which project provides the greatest good for the greatest number and fits within the budgetary limitations?**
- Students vote for the best project.
- Announce the winner and runners up.

II. Class discussion about Participatory Budgeting
- Do you think it would work in our city? In APS? In our school?
- Distribute the PB in Schools Info Sheet, to show how it's been used in schools. Students could take these sheets home to talk about PB with their parents.
- Show the postcard used to register support for projects in Greensboro, N.C.: PB-post-card-mayor. Students could write similar postcards to Albuquerque's mayor.
- Decide if and how you want to let your city councilor know about the winning project proposal, through a meeting, with a letter, or in a class visit. You could write together as a class or students could write individually (see optional homework.) If you've invited the city councilor or a council staff person to visit your classroom, you could explain the project then. You could also arrange a meeting with the councilor at City Hall.
- How else could you advocate for your project? With a letter to the editor of the newspaper? Through a community-based organization?

III. Community Based Organization Lecture

One of the ways that councilors decide what's important in their district is by listening to community members and community-based organizations. There are a number of different kinds of community organizations, including:

- ***Service organizations***, which work to meet a specific need or provide a specific service within the community. Organizations of this type include charities, soup kitchens, after school programs for youth, etc. and are often affiliated with churches and other religious institutions.
- ***Neighborhood associations***, officially recognized groups representing residents within established boundaries who work together to improve the quality of life in their neighborhood.
- ***Advocacy groups***, which use political strategy to try to meet certain social or political goals. This type of organization includes environmental groups, women's groups, gun owners' groups, etc. Common Cause New Mexico, which created the Model City Council curriculum, is a non-profit advocacy organization.

Because service organizations are more familiar to most people than advocacy groups, here's a description of advocacy groups and what they do.

Advocacy groups can be divided into what is known as the "three-legged stool": *grassroots organizing, lobbying, and media outreach.* There is a great deal of overlap between the categories, as one advocacy effort can serve many functions.

Grassroots organizing refers to activities that use "people power." Just as the roots of the grass are the beginning point and the part closest to the ground, grassroots advocacy efforts work with individuals who form the base of community efforts. Examples of grassroots organizing activities include holding a meeting in the community to educate people about the problem, writing letters to elected officials, protesting, and writing a petition.

Media outreach refers to activities that use the power of the media to raise public awareness of issues and opinions. In the same way that corporations use the media to sell products, organizations use the media to "sell" their message on an issue. Some media outreach activities include Facebook pages, Tweeting, making posters or flyers that discuss an issue; inviting the media to a large protest to show the public and elected officials that lots of people are worried about a problem; running TV, radio, or print advertisements; and writing letters to the editor.

Lobbying refers to activities that involve meeting with an elected official in person. Students can remember this word because it makes reference to all of the people who wait in the lobby (often for hours at a time) to meet with public officials (often for only a few minutes). Some lobbying activities include going to speak at a public hearing and calling or meeting with a public official one-on-one. Many large companies and advocacy organizations hire lobbyists to try to influence public officials to make one public policy decision or another. Often, much of the information a public official has on an issue will come directly from lobbyists who bring him or her facts and figures to support their employer's opinion or preference. Public officials can choose who they meet with, so some people find it easier to arrange meetings than others. Still, anyone can try.

If there is enough good public advocacy, then elected officials will have the information and diversity of perspectives they need to make informed decisions that reflect both their best judgment and the clear will of the majority.

IV. Discussion

Imagine what kind of service or advocacy-oriented community based organization you would like to have in your neighborhood, community or council district. What issues would this organization address? You could ask these questions:
- *What are the most serious problems identified on the District Score Cards?*
- *Are the problems long-standing or relatively new? Will it be more effective to approach a new problem or one that has existed for a long time?*
- *Can the district's main problems be best addressed by providing a service or by advocating for action by the city government?*
- *Keeping in mind that organizations are specialized and have limited resources, what would your organization do? How would you convince others that your organization is important?*

V. Possible Homework

- Write your city councilor about an issue concerning your district or about a project you would propose for your district. Use the "Writing Public Officials" handout to help you.
- Post about the class' PB project proposals on the Model City Council Facebook page.

PRESUPUESTACIÓN PARTICIPATIVA
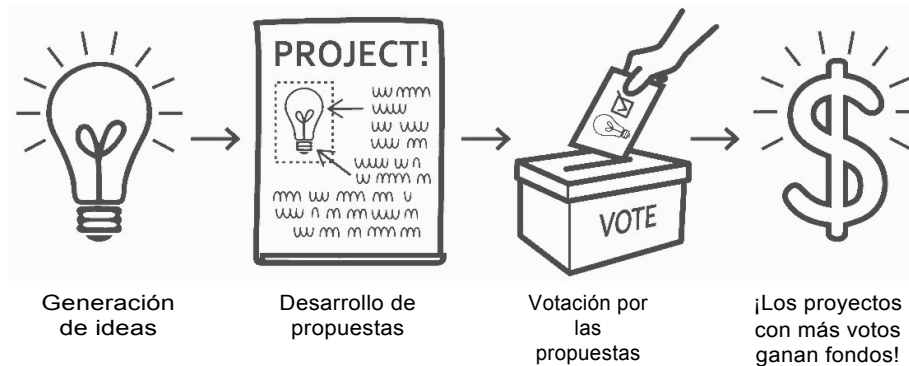## EN ESCUELAS Y DISTRITOS ESCOLARES

Participatory Budgeting (PB) es un proceso democrático por medio del cual los miembros de la comunidad deciden cómo utilizar parte de un presupuesto público.

PB PARA PRESUPUESTOS DE ESCUELAS Y DISTRITOS ESCOLARES

Al igual que las ciudades, los condados y otras instituciones públicas, las escuelas y los distritos escolares manejan amplios y complejos presupuestos, a menudo con una mínima participación de los miembros de la comunidad a la que sirven. El proceso de presupuestación participativa en escuelas se ha utilizado a nivel mundial para financiar programas y mejoras escolares. Este arroja luz sobre los presupuestos escolares, revela las necesidades más urgentes de los estudiantes y promueve la toma de decisiones democráticas que producen mejores escuelas y comunidades.

¿CÓMO FUNCIONA?

Los miembros de la comunidad escolar toman decisiones presupuestarias en el transcurso de un ciclo de reuniones y votación. En la mayoría de las experiencias se sigue un proceso básico similar:

| Generación de ideas | Desarrollo de propuestas | Votación por las propuestas | ¡Los proyectos con más votos ganan fondos! |

Las partes interesadas generan ideas sobre cómo utilizar los fondos, los delegados de presupuesto voluntarios desarrollan propuestas en base a estas ideas y la escuela o distrito escolar financia los proyectos con más votos.

¿Quién participa?

Los participantes pueden incluir a cualquier miembro de la comunidad educativa:

- Estudiantes
- Padres
- Maestros
- Personal

¿Cuáles fondos?

El monto de fondos en juego puede ser amplio o reducido y podría incluir porciones de:

- Presupuestos de los distritos escolares
- Presupuestos escolares
- Fondos discrecionales del director
- Presupuesto de la asociación PTA
- Presupuesto de gobierno estudiantil

¿Dónde se basa el proceso?

El proceso de PB podría basarse en:

- una escuela individual, o
- un distrito escolar para financiar mejoras y programas en distintas escuelas

¿DÓNDE HA FUNCIONADO?

Ridgeview Elementary School

Vancouver, Columbia Británica, Canadá | Proceso de PB para escuela individual

Los estudiantes de la escuela primaria Ridgeview Elementary, una escuela pública del kínder al séptimo grado, decidió cómo utilizar $2,000 en fondos del presupuesto del Consejo de Padres por medio de un proceso de PB en 2005. Participó un total de 350 estudiantes: desarrollaron ideas de proyectos en clase, votaron por la mejor idea y luego votaron en una asamblea de todo el distrito. Los estudiantes votaron a favor de organizar una tienda escolar que les permitiera recabar fondos adicionales a fin de poder adoptar una serie de proyectos como clases de cocina, una mascota escolar, una fuente de agua, entre otros.

Región Poitou-Charentes

Francia | Proceso de PB para un distrito escolar

El gobierno regional de Poitou-Charentes en el oeste de Francia se ha servido del proceso de PB desde 2005 para asignar 10% del presupuesto a las 93 escuelas secundarias de la región, incluidas algunas escuelas privadas. Todos los participantes —estudiantes, padres, maestros y empleados— se reúnen en asambleas en cada escuela para generar ideas y desarrollar propuestas. Los delegados de cada escuela entonces se reúnen en una junta regional para votar por los proyectos que serán financiados. Se han aprobado más de 1,800 proyectos, incluidas mejoras a las instalaciones, instalación de Wi-Fi, materiales curriculares y programas deportivos.

¿CUÁLES SON LOS RESULTADOS?

Funcionarios electos, organizaciones comunitarias, académicos e incluso las Naciones Unidas han declarado que PB es un modelo de gobierno democrático. ¿Por qué?

- **SE TOMAN DECISIONES DE FORMA DEMOCRÁTICA** PB representa una escasa oportunidad de diálogo democrático entre estudiantes, maestros, padres, administradores y otros empleados escolares. Este proceso une a la comunidad escolar.

- **CONFIERE PODERES A LA CIUDADANÍA** Los residentes locales saben mejor que nadie cuáles son las necesidades de su comunidad. Cuando se reúnen, suelen decidir enfocar las propuestas presupuestarias a las comunidades con las necesidades más apremiantes.

- **CREA CIUDADANOS ACTIVOS Y DEMOCRÁTICOS** Los estudiantes y padres aprenden sobre la democracia practicándola. Además, se familiarizan mejor con los problemas presupuestarios complejos de las escuelas y sus necesidades.

- **DA MÁS VOZ A LOS ESTUDIANTES** Cuando los miembros de la comunidad deciden cómo utilizar fondos por medio del voto, hay menores oportunidades para la corrupción, el malgasto o las reacciones negativas por parte del público.

- **CONECTA A LOS POLÍTICOS CON SU ELECTORADO** Los políticos forjan lazos más estrechos con su electorado. Los miembros de la comunidad conocen a sus funcionarios electos y gobiernos locales.

¡PARTICIPA!

Para obtener más información acerca de un proceso PB en tu escuela o distrito, comunícate con **The Participatory Budgeting Project** en las direcciones a la derecha. PBP es una organización sin fines de lucro que otorga a la gente las riendas para decidir unida cómo utilizar fondos públicos, al colaborar con gobiernos y organizaciones para desarrollar procesos PB.

33 Flatbush Avenue, Fourth Floor Brooklyn, New York 11217 USA www.participatorybudgeting.org info@participatorybudgeting.org 1-347-554-7357

PARTICIPATORY BUDGETING
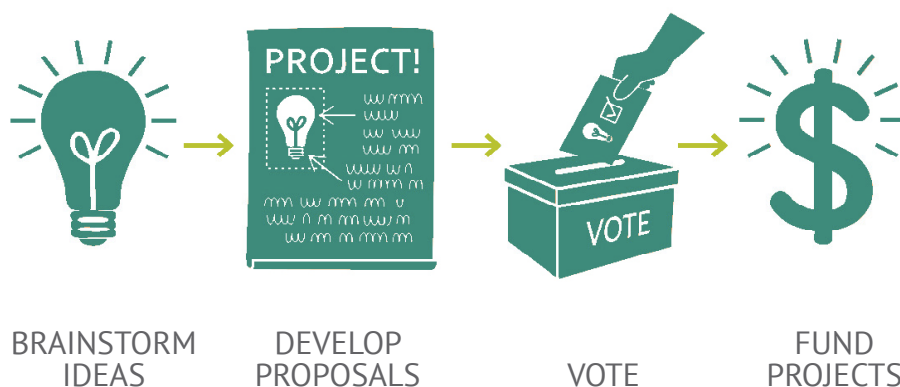## in Schools & School Districts

Participatory Budgeting (PB) is a democratic process in which community members decide together how to spend part of a public budget.

Schools and school districts operate large and complex budgets, often with little participation from the community members they serve. Schools have used PB around the world to engage students, parents, teachers, and community members in deciding which school programs and improvements to fund. This process builds understanding of school budgets, directs funds to pressing needs and innovative ideas, and helps students and other community members learn democracy and active citizenship.

HOW DOES IT WORK

School community members make budget decisions through a cycle of meetings and voting. Most experiences follow a similar basic process:

School community members brainstorm spending ideas, develop proposals based on these ideas, and vote on proposals. The school or school district funds the top projects.

BRAINSTORM IDEAS → **DEVELOP PROPOSALS** → **VOTE** → **FUND PROJECTS**

WHO PARTICIPATES?

Participants may include any members of the educational community:
• *Students*
• *Parents*
• *Teachers*
• *Staff*

WHICH FUNDS?

The amount of funds at stake may be small or large and may include portions of:
• *School district budgets*
• *School budgets*
• *Principal's discretionary funds*
• *PTA budgets*
• *Student government budgets*

WHERE IS THE PROCESS BASED?

The PB process may be based in:
• *Individual schools*
• *School districts – to fund improvements and programs across multiple schools*

Ridgeview Elementary School   *Vancouver, British Columbia* | Individual School PB process

Students at Ridgeview Elementary, a K-7 public school, decided how to spend $2,000 from the Parent Advisory Council budget through PB. 350 students participated and voted to set up a school store to help them raise additional funds for projects like cooking classes, a school pet, and a water fountain.

Overfelt High School   *San Jose, California* | Individual School PB process
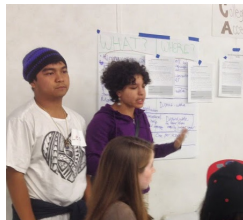
An innovative principal and student organizers teamed up to launch PB in Overfelt High School. Students, parents, and faculty decided together how to spend $50,000 of the school's discretionary budget, funding new sports uniforms, trips to local colleges, and even driving lessons.

Region Poitou-Charentes   *France* | School District PB process

The regional government of Poitou-Charentes in western France has used PB since 2005 to allocate 10% of the budget for its 93 high schools, including some private schools. Over 1800 projects have been approved including facilities improvements, Wi-Fi, curricular materials, and sports programs.

WHAT ARE THE OUTCOMES?

- **ACTIVE & DEMOCRATIC CITIZENS** Students and parents learn democracy by doing it. They gain more understanding of complex school issues and needs, and become more engaged in the community.

- **STRONGER SCHOOL COMMUNITY** When school community members feel like they have a say in school decisions, they are more likely to invest time and energy in the school. Democratic dialogue between students, teachers, parents, and staff brings the school community together.

- **INNOVATIVE & EFFECTIVE SPENDING** School community members have valuable insider knowledge about school needs, and new ideas for how to address these needs. Engaging them in budgeting helps direct funds to the top needs and best ideas.

PARTICIPATE!

To learn more about starting PB in your school or district, contact the Participatory Budgeting Project (PBP), a non-profit organization that empowers people to decide together how to spend public money.

info@participatorybudgeting.org
347-652-1478

www.participatorybudgeting.org
@PBProject

PARTICIPATORY
BUDGETING PROJECT

PARTICIPATORY
BUDGETING

OUR MONEY, OUR CITY, OUR CHOICE

Mayor Perkins,

I live in Greensboro and I want PB!

Participatory Budgeting is an open, democratic & transparent way for Greensboro's residents to have a direct say in spending our money.

Greensboro can lead this movement by becoming the first city in the South to launch a PB process.

Please do what you can to bring this to our community!

Name: _____

Phone: _____

Email: _____

Address: _____

Signature: _____

Mayor Robbie Perkins
PO Box 3136
Greensboro, NC
27402-3136

Writing to Public Officials

- A letter to a councilor should start, "Dear Councilor [Jones].

- In your first paragraph, you should always explain who you are and why you are writing. You might say something like, "My name is Jane Doe, and I am a student at Leadership High School. We have been studying about city government in our English class, and I would like to offer some suggestions for improving our district."

- Always be polite. If you attack the councilor, he or she is unlikely to listen to your suggestions.

- Be clear about what you want. The councilor is more likely to be able to work on a problem if you are specific about what you would like changed and suggestions you have for changing it. For example, just saying that your neighborhood is boring for teenagers is not specific, but saying that you would like to see a recreation center for teens built with basketball courts and a skate park is helpful.

- Be as personal as possible. If you have an experience or story that helps to show the need for improvement in your neighborhood, include it in the letter. A councilor may be more likely to act upon a complaint about transportation for the disabled if it comes from a handicapped person who has trouble getting around the neighborhood.

- A letter to a councilor should end with "Sincerely," and you should sign your full name and give your address as well as your phone number and email address if you have them. Otherwise, the councilor cannot contact you to ask you further questions or to let you know that he or she will be working on the problem you have discussed.

Model City Council: Lesson 10

Lesson Topics: Teen curfew bill; roles and preparation for Mock City Council

Aim: To prepare for the Mock City Council by reading and analyzing a teen curfew law.

Skills to be Addressed:
- Reading and analyzing a bill
- Hearing a full range of positions.
- Playing a role to further democratic discussion
- Providing evidence to support an opinion
- Public speaking
- Parliamentary procedure

Objectives:
    Students will
- Read, discuss, annotate, and form an opinion about a city law; research that law.
- Prepare for role-playing at a Mock City Council.

Common Core Standards Addressed:
- CCSS.ELA-LITERACY.RH.11-12.5
  Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the   whole.
- CCSS.ELA-LITERACY.RI.11-12.4
  Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze how an author uses and refines the meaning of a key term or terms over the course of a text (e.g., how Madison defines faction in Federalist No. 10).
- CCSS.ELA-LITERACY.RI.11-12.10
  By the end of grade 11, read and comprehend literary nonfiction in the grades 11-CCR text complexity band proficiently, with scaffolding as needed at the high end of the range.
- CCSS.ELA-LITERACY.SL.11-12.1.A
  Come to discussions prepared, having read and researched material under study; explicitly draw on that preparation by referring to evidence from texts and other research on the topic or issue to stimulate a thoughtful, well-reasoned exchange of ideas.
- CCSS.ELA-LITERACY.SL.11-12.1 Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.
- CCSS.ELA-LITERACY.SL.11-12.1.C
  Propel conversations by posing and responding to questions that probe reasoning and evidence; ensure a hearing for a full range of positions on a topic or issue; clarify, verify, or challenge ideas and conclusions; and promote divergent and creative perspectives.
- CCSS.ELA-LITERACY.SL.11-12.4
  Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning,

alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

- CCSS.ELA-LITERACY.SL.11-12.6
  Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate.

Timeframe: One 60-minute period.

Materials:
- computers with Internet access
- Teacher Check List – Preparing for Mock Council
- Curfew Bill
- Student Checklist Mock Council
- Student Roles and Responsibilities
- Agenda for Mock Council
- "Danger in the Dark" an Albuquerque Journal article either as a handout or at www.abqjournal.com/621867/will-curfew-make-our-kids-streets-safer.html.
- "Why Don't Youth Curfews Work?", an oped from Juvenile Justice Information Exchange either as a handout or at http://jjie.org/op-ed-why-dont-youth-curfews-work/
- "House OKs Bill To Allow Youth Curfew Ordinances," an Albuquerque Journal article, either as a handout or at http://www.abqjournal.com/716526/house-passes-bill-to-allow-youth-curfews.html

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Teacher Check List for Mock Council:
1. Arrange with another teacher or school (possibly through the Facebook page) to hold a mock council. Find a time and location for the Mock Council. You could hold a more formal mock council at the city's Council Chambers (arrange through the City Council office), the school district's board meeting room or some other special venue. Classes have used the Council Chambers in the past. The University of New Mexico also has facilities that would lend verisimilitude to the proceedings.
2. Determine who will play the role of councilors (up to 9).
3. Determine who will play the role of council president.
4. Determine who will play the role of the sponsor of MC-05-20 (curfew bill).
5. Decide if you want anyone to play the role of the press at the meeting and what they will do. Can this be arranged with a journalism or media or language arts teacher, possibly as an extra-credit opportunity?
6. Determine who will play the role of the recorder. A teacher could play this role. The recorder
   --will collect names of the public who wish to speak.
   --keep track of the time allotted for each speaker and announce when the three minutes is up.
   --*could* also collect proposed amendments to the bill.
   --*could* also record what happens at the meeting as minutes.

Arrange for someone to take pictures at the mock Council to post on the Model City Council Facebook page.

Procedure:

I. Read the curfew bill.

- Explain that on [date] students will participate in a Mock City Council hearing at [location]. (The exercise could be limited to one class, be in conjunction with other classes in the school or involve other schools.) The student or students elected by the class will play the role of city councilors. Students chosen by a councilor to help him will play the role of Council Staff. Other students will play the roles of advocates and opponents of a bill.

> The bill that will be debated at the Council is a real bill, passed by the Albuquerque City Council and signed into law by Mayor Martin Chávez in 1994.
>
> In 1999, the Supreme Court struck down the city's curfew, saying it violated state law and the due process rights of minors.
>
> In 2016, The New Mexico House voted to approve a bill that would allow cities and counties to enact youth curfew ordinances, sending it on to the Senate, where it died in committee.
>
> There is a reasonable chance in the future that the Legislature would enact a similar bill, making it possible for the city of Albuquerque to re-enact a curfew on minors.
>
> You can read a history of Albuquerque's curfew in the Journal article (handout), "Danger in the Dark" or at www.abqjournal.com/621867/will-curfew-make-our-kids-streets-safer.html.

    Read together the curfew ordinance. This bill is fairly straightforward and should hold interest for students. The first part, in caps, provides the structure of the bill. Have students annotate their copies, while thinking about which roles they might play at the council, i.e., police officer, parent, teacher, school principal, lawyer, business owner, person under 17. As you read, you might ask:
  - What's a curfew?
  - Who's considered a minor in this bill?
  - What reasons does the bill give for establishing a curfew? Do you think those are true? Fair?
  - Who can commit an offense and be punished by this bill? *(a minor, a parent or guardian, a business owner)*
  - What's the fine for an offense? *(not more than $500 or imprisonment not longer than 90 days or both.*
  - What is Section 7 about? *It's amending another ordinance.*
  - What's the Severability Clause (Section 8) about? *It separates (severs) the whole bill from any part that is found invalid.*

- Have students refer to the text of the ordinance using the Sections and headings under the sections and the line numbers to the left of the text.

II. Students choose roles to play at the Mock City Council, research and build arguments for or against the bill, and prepare for the Mock Council.

- City Councilor – This elected representative will participate in debating the curfew bill, and vote on the bill. He will also read a resolution about the class' winning PB project proposal at the Council.
- City Council Staff (2 to 4 students) These students will have 3 tasks:
  - To prepare their councilor for debate of the curfew bill.
  - To assist the councilor during the hearing. Staff members may communicate with their councilor via written notes during the hearing.
  - To write a resolution based on a Participatory Budgeting project for the councilor to read at the Mock City Council.
- Advocates for the curfew bill (unlimited number of students).
  They will speak in favor of the bill, playing the role of a community member of public official. Students will be given 3 minutes to speak, and must write out their remarks before speaking. Roles that might be considered:
  - Police officer
  - Parent
  - Teacher
  - School principal
  - Lawyer
  - Business owner
- Opponents of the curfew bill (unlimited number of students). They will speak in opposition to the bill, playing the role of a community member or public official. Students will be given 3 minutes to speak, and must write out their remarks before the mock hearing. Roles that might be considered:
  - Parent
  - Teenager
  - A homeless teenager
  - Teacher
  - School Principal
  - Business owner
  - Lawyer for the American Civil Liberties Union

III. Students practice their roles and prepare for the mock council.

- Pass out copies of
  - Student Roles and Responsibilities
  - Agenda for Mock Council
  - Student Checklist for Mock Council
- Group students according to their roles to prepare for the Council. Students prepare for the Mock Council. Make available these resources and/or access to the Internet to find arguments for or against curfews for minors.
  - Danger in the Dark" an Albuquerque Journal article either as a handout or at www.abqjournal.com/621867/will-curfew-make-our-kids-streets-safer.html
  - "Why Don't Youth Curfews Work?", an oped from Juvenile Justice Information Exchange either as a handout or at http://jjie.org/op-ed-why-dont-youth-curfews-work/
  - "House OKs bill to allow Youth Curfew Ordinances," an Albuquerque Journal article, either as a handout or at http://www.abqjournal.com/716526/house-passes-bill-to-allow-youth-

curfews.html

IV. Possible Homework

- Watch a part of a City Council meeting. Videos of the meetings can be found at https://cabq.legistar.com/Calendar.aspx.

CITY of ALBUQUERQUE
MOCK COUNCIL

COUNCIL BILL NO. MC-05-20   ENACTMENT NO. _____

SPONSORED BY:

1   ORDINANCE

2   ESTABLISHING CURFEW HOURS FOR MINORS; DEFINING TERMS; CREATING

3   OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS

4   ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES;

5   PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING A

6   PENALTY AND AMENDING SECTION 12-1-6-6, REVISED ORDINANCES OF

7   ALBUQUERQUE, NEW MEXICO, 1974.

8   BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF

9   ALBUQUERQUE:

10   Section 1. Intent.

11   A.   Findings.

12   1.   The City Council has determined that there has been an

13   increase in juvenile violence, juvenile gang activity, and crime, by persons under the

14   age of 17 in the City of Albuquerque: and

15   2.   Persons under the age of 17 are particularly susceptible by

16   their lack of maturity and experience to participate in unlawful and gang related

17   activities and to be victims of older perpetrators of crime.

18   B.   Purpose. The purpose of this Ordinance is to provide for the

1 protection of minors from each other and from other persons, to provide for the

2 enforcement of parental control over and responsibility for children, to protect the

3 general public and reduce the incidence of juvenile criminal activities pursuant to the

4 City's power to promote the health, safety and general welfare of its citizens.

5   Section 2. Definitions. For the purpose of this Ordinance, the following terms,

6 phrases, words and their derivations, shall have the meaning given herein.

7   A.   "Curfew Hours" means:

8   1.   11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday,

9 or Thursday until 6:00 a.m. of the following day; and

10   2.   12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

11   B.   "Emergency" means an unforeseen combination of circumstances

12 or the resulting state that calls for immediate action. The term includes, but is not

13 limited to, a fire, a natural disaster, automobile accident, or any situation requiring

14 immediate action to prevent serious bodily injury or loss of life.

15   C.   "Establishment" means any privately-owned place of business

16 operated for a profit to which the public is invited, including, but not limited to, any

17 place of amusement or entertainment.

18   D.   "Guardian" means:

19   1.   a person who, under court order, is the guardian of the

20 person of a minor; or

21   2.   a public or private agency with whom a minor has been

22 placed by a court.

23   E.   "Minor" means any person under 17 years of age.

24   F.   "Operator" means any individual, firm, association, partnership, or

25 corporation operating, managing, or conducting any establishment. The term includes

2

1 the members or partners of an association or partnership and the officers of a

2 corporation.

3   G.   "Parent" means a person who is:

4   1.   a natural parent, adoptive parent, or step-parent of another

5 person; or

6   2.   at least 18 years of age and authorized by a parent or

7 guardian to have the care and custody of a minor.

8   H.   "Public Place" means any place to which the public or a

9 substantial group of the public has access and includes, but is not limited to, streets,

10 highways, and the common areas of schools, hospitals, apartment houses, office

11 buildings, transport facilities, and shops.

12   I.   "Remain" means to:

13   1.   linger or stay; or

14   2.   fail to leave premises when requested to do so by a police

15 officer or the owner, operator, or other person in control of the premises.

16   J.   "Serious Bodily Injury" means bodily injury that creates a

17 substantial risk of death or that causes death, serious permanent disfigurement, or

18 protracted loss or impairment of the function of any bodily member or organ.

19   Section 3. Offenses.

20   A.   A minor commits an offense if he remains in any public place or

21 on the premises of any establishment within the City during curfew hours.

22   B.   A parent or guardian of a minor commits an offense if he

23 knowingly permits, or by insufficient controls allows, the minor to remain in any public

24 place or on the premises of any establishment within the City during curfew hours.

25   C.   The owner, operator, or any employee of an establishment

3

1   commits an offense if he knowingly allows a minor to remain upon the premises of the

2   establishment during curfew hours.

3   Section 4. Defenses.

4   A.   It is a defense to prosecution under Section 3 that the minor was:

5   1.   accompanied by the minor's parent or guardian;

6   2.   on an errand at the direction of the minor's parent or

7   guardian, without any detour or stop;

8   3.   in a motor vehicle involved in interstate travel;

9   4.   engaged in an employment activity, or going to or returning

10 home from an employment activity, without any detour or stop;

11   5.   involved in an emergency;

12   6.   on the sidewalk abutting the minor's residence or abutting

13 the residence of a next-door neighbor if the neighbor did not complain to the police

14 department about the minor's presence;

15   7.   attending an official school, religious, or other recreational

16 activity supervised by adults and sponsored by a civic organization, or another similar

17 entity that takes responsibility for the minor, or going to or returning home from,

18 without any detour or stop, an official school, religious, or other recreational activity

19 supervised by adults and sponsored by a civic organization, or another similar entity

20 that takes responsibility for the minor;

21   8.   exercising first amendment rights protected by the United

22 States Constitution, such as the free exercise of religion, freedom of speech, and the

23 right of assembly; or

24   9.   married or had been married or had disabilities of minority

25 removed in accordance with Chapter 26 of the New Mexico Human Rights Act.

4

1   B.   It is a defense to prosecution under Section 3.c. that the owner,

2 operator, or employee of an establishment promptly notified the police department that

3 a minor was present on the premises of the establishment during curfew hours and

4 refused to leave.

5   Section 5.   Enforcement. Before taking any enforcement action under this

6 Section, a police officer shall ask the apparent offender's age and reason for being in

7 the public place. The officer shall not issue a citation or make an arrest under this

8 Section unless the officer reasonably believes that an offense has occurred and that,

9 based on any response and other circumstances, no defense in Section 4 is present.

10   Section 6. Penalties. A person who violates a provision of this Ordinance is

11 guilty of a separate offense for each day or part of a day during which the violation

12 is committed, continued or permitted. Each offense, upon conviction, is punishable

13 by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment for not

14 more than ninety (90) days, or by both such fine and imprisonment.

15   Section 7. Section 12-1-5-5 Revised Ordinances, 1974, is amended to read as

16 follows:

17 '12-1-5-5 OFFENSES BY CHILDREN.

18 Offenses by children consists of any person:

19   A.   Under the age of 18 years exhibiting any fictitious or false

20 registration card, identification card, note, or other instrument for the purpose of

21 consummating any transaction whatsoever within the City, or for the purpose of

22 deceiving or misleading any other person as to the true age of such person;

23   B.   Under the age of 21 years procuring, buying, purchasing,

24 possessing or obtaining any alcoholic beverage.

25   Section 8.   SEVERABILITY CLAUSE. If any section, paragraph, sentence,

5

1 clause, word or phrase of this ordinance is for any reason held to be invalid or

2 unenforceable by any court of competent jurisdiction, such decision shall not affect

3 that it would have passed this ordinance and each section, paragraph, sentence,

4 clause, word or phrase thereof irrespective of any provision being declared

5 unconstitutional or otherwise invalid.

6   Section 9 . COMPILATION. Sections 1 through 7 of this ordinance shall be

7 incorporated in and compiled as part of the Revised Ordinances of Albuquerque, New

8 Mexico.

9   Section 10 . EFFECTIVE DATE. This ordinance shall take effect five days after

10 publication in full.

6

http://www.abqjournal.com/621867/will-curfew-make-our-kids-streets-safer.html

Albuquerque Journal, August 2, 2015

Danger in the Dark

by Dan McKay

The lights draw teens from across the city.

Atop Pat Hurley Park on the West Side, they can see Downtown buildings glowing green and purple, traffic lumbering across the interstate and countless yellow street lamps.

That landscape is what attracted 15-year-old Summer Larsen one night.

"We went to look at the view," she said, recalling a visit with friends. "It was really pretty."

But you won't find her there after the park closes at 10 p.m.

"I wouldn't feel safe," she said.

Plenty of adults wish every teenager felt that way.

The shooting death of a 14-year-old boy in the early morning hours at Pat Hurley Park has reignited a familiar debate in New Mexico – over the merits of curfew laws that prohibit youngsters from being out late at night.

An Albuquerque city councilor, Ken Sanchez, plans to begin a push this week for a change in state law that would allow municipalities to set curfews for teenagers. He supports something like the ordinance Albuquerque enforced for about a year in the mid-1990s, before it was struck down in court.

That law prohibited anyone under 17 from being out after 11 p.m. on weeknights or midnight on weekends.

It's an idea that's resurfacing across New Mexico.

"Nothing good comes of very young people being out at wee hours," Roswell Mayor Dennis Kintigh said in an interview.

He said he would pursue adoption of a curfew in Roswell if the Legislature clears the way for one.

Gov. Susana Martinez said she believes communities should have the opportunity to decide whether they want curfews, and Albuquerque Mayor Richard Berry says a curfew might be part of the solution to keeping teens safe, but not the whole answer.

Opponents, however, say curfews are for parents, not the government, to impose.

"Criminalizing kids because we don't know how to reach parents is not an answer for me," said Donald Duran, a former teacher and principal who serves as president of Albuquerque's school board.

Teen shootings

A fatal shooting just last week – at 2 a.m. Monday of 14-year-old Isaiah Albright in Pat Hurley Park – is one of a handful of fatal encounters involving youngsters this year.

- In March, 17-year-old Jaquise Lewis was shot and killed during a fight at Los Altos Skate Park in Northeast Albuquerque. It happened about 10 p.m. on a Sunday.
- In June, Jaydon Chavez-Silver, 17, was gunned down about 10 on a Friday night. He was in the kitchen at a friend's house, and the bullets went through a bay window.
- In July, six teenagers, two as young as 14, were arrested in connection with the killing of Steven Gerecke, a 60-year-old man shot in his driveway in late June. The shooting happened about 3 a.m. on a Friday.

Most of Albuquerque's nearly 300 parks close at midnight under a city ordinance. It's up to police to keep people out.

Pat Hurley Park, which has had a history of problems, closes at 10 p.m. The city stations surveillance cameras there sometimes, though they weren't in the lower part of the park, where the shooting occurred, last week.

Albuquerque police began stationing mobile cameras at the park last summer to discourage vandalism, but the camera unit is also deployed elsewhere in the southwest part of town, depending on where police think they're needed.

On a recent weeknight, the upper level of Pat Hurley Park was largely empty at closing time, though the parking lot still had plenty of cars.

Old debate

Albuquerque's 1994 curfew ordinance

- No one under age 17 could be on the streets after 11 p.m. on weeknights or after midnight on weekends. The curfew expired at 6 a.m.
- Curfew violators were picked up and held at the Wells Park Community Center until a parent or guardian could pick them up.
- Parents and teens could be cited for repeat offenses, and breaking the law was punishable

by a fine of up to $500 and imprisonment of up to 90 days.

The curfew debate isn't new to New Mexico, and there are plenty of political and legal hurdles.

In Albuquerque, former Mayor Martin Chávez successfully pushed for a curfew law in 1994.

Enforcement started in the summer of 1996 and stopped about a year later after a successful legal challenge by the American Civil Liberties Union. A state district judge ruled that the ordinance violated the due process rights of children and conflicted with state law.

In 1999, the state Supreme Court also decided against the curfew law, ruling that it conflicted with the state Children's Code.

Since then, state lawmakers, both Democrats and Republicans, have repeatedly tried and failed to secure passage of a bill to fix the conflict.

The state Children's Code says youngsters can be arrested only for certain offenses, and a curfew violation isn't on the list.

But even if curfew supporters succeed in changing the code, there would be new legal challenges.

Peter Simonson, executive director of the American Civil Liberties Union of New Mexico, said a curfew would violate teenagers' basic civil rights, including their First Amendment right to free speech, such as participating in a protest.

There are also constitutional questions about due process – including whether a teen has adequate notice and fair treatment under the law – and unlawful arrest, Simonson said.

"If the Legislature were to reverse 15 years of history and amend the Children's Code to allow these kinds of ordinances to be passed," Simonson said, "there would still be standing constitutional questions, and I think we'd pursue those vigorously."

Kintigh, the Roswell mayor and a former state representative, doesn't see a constitutional conflict.

Courts throughout the country have found that children can be treated differently in some cases, he said, clearing the way for prohibitions on minors buying alcohol and cigarettes, for example.

"There's no fundamental problem with a curfew on a constitutional basis," he said.

Gov. Martinez and Albuquerque Mayor Berry aren't likely to stand in the way.

Albuquerque Model City Council Curriculum

The governor believes that "local communities should be able to decide for themselves whether to enforce teen curfews with common-sense exceptions for things like emergencies," a spokesman for Martinez said in a written statement.

In an interview, Berry said a broader effort is necessary to keep teens safe.

"The curfew may be part of the answer, and I'm happy to have that discussion," he said, "but let's be honest with each other. That is not a magic wand that's going to solve some of these issues."

Albuquerque's police administration is also on board.

"We believe it is a parent's responsibility to monitor their child, but would support a constitutional law enforcing a curfew if one was passed," APD spokeswoman Celina Espinoza said.

The police union is also supportive. But in a statement, the Albuquerque Police Officers' Association also asked city leaders to recognize that APD is facing a "staffing crisis" that could affect officers' ability to respond to curfew violations.

"With the increase in violence we've seen across the city, specifically among our youth, we would absolutely support a teen curfew and it would definitely help officers to have a way to address these growing issues," union President Stephanie Lopez said.

State Rep. Patricio Ruiloba, D-Albuquerque, was a police officer the last time the city enforced a curfew. There are practical reasons to be concerned about bringing it back, he said, including parents who would tell officers to take their kids to jail, because they weren't going to come pick them up.

"What I'm afraid of now is there's not enough law enforcement resources to support that kind of legislation," said Ruiloba, a police sergeant for the Albuquerque school district and a retired APD officer.

He said he is working on legislation that addresses runaways, and improving communication among government agencies and parents to help them.

Few young people interviewed by the **Journal** said they thought a curfew would succeed in keeping youngsters safe at home. Some said the idea had merit – it just wouldn't work.

Gustavo Tafolla, 15, said teenagers naturally test their limits.

"I think if you put a restriction on a teen, they're most likely going to break it," he said as he gathered with friends at Pat Hurley Park at 9:30 on a recent night.

Josue Nava, 17, said his church group has late activities that might conflict with a citywide

curfew.

Fernanda Banda, also 17, said people her age are naturally rebellious.

"I'm having doubts about it," she said of the effectiveness of a curfew.

Tafolla, Nava, Banda and another friend, Nayeli Ruiz, 18, laughed and relaxed Thursday as they gathered to watch the city lights from Pat Hurley Park. They're part of a Bible study group, and they left shortly before the park closed at 10.

Three members of the Mayor's Youth Advisory Council in Albuquerque say they oppose the idea of a curfew. In a group interview, they also expressed doubt that teens would accept it.

Jordan Padilla, a 16-year-old student at Nex+Gen Academy, said the curfew might backfire as teens deliberately try to hide from view when going out late.

Teens would "become sneakier," she said.

Juhee Patel, a 17-year-old student at Sandia Preparatory School, said more community-sponsored activities would help. She suggested promoting the city's events website – ABQtodo.com.

Daniel Ohiri, 16, a student at Bosque School, said he doesn't like the idea of the government telling teenagers what to do, rather than their parents.

"A curfew is a way of avoiding the problem," he said. "We just need to have better communities for young people."

http://www.abqjournal.com/716526/house-passes-bill-to-allow-youth-curfews.html

Albuquerque Journal, February 1, 2016

House OKs bill to allow youth curfew ordinances

By Dan Boyd

SANTA FE – The New Mexico House voted 44-21 on Monday to approve a bill that would allow cities and counties to enact youth curfew ordinances, sending it on to the Senate.

While critics of the measure argued curfews would criminalize young people and possibly lead to an increase in racial profiling, backers countered by describing them as a necessary tool for some crime-fatigued communities.

"I do see things running out of control," said the bill's sponsor, House Republican floor leader Nate Gentry of Albuquerque, who cited a recent increase in Albuquerque's murder rate. "And I do feel the need to do something."

Gentry has called for the bill to be named Stevie's Law after Steven Gerecke, an Albuquerque bartender who was shot in his driveway last summer. Six juveniles were arrested and indicted in the killing.

If the measure is approved by the Legislature, any curfews subsequently enacted by cities or counties could apply to children 15 and under between midnight and 5 a.m., and during the day on school days.

But Rep. Bill McCamley, D-Mesilla Park, said statistics show most crimes involving high schoolers occur after school gets out.

"The majority of the crimes being committed by teenagers are being committed at times that are not included in the curfew," McCamley said.

He also lamented a perceived focus on tough-on-crime bills in the GOP-controlled House, saying, "All we've heard is, 'Put people in prison, put people in prison, put people in prison.'"

Other House Democrats voiced similar concerns, although nine of them ultimately voted for the measure.

"I wish there was another way to address this with our youth without having to pass this bill," said Rep. Miguel Garcia, D-Albuquerque.

The curfew legislation, House Bill 29, would include various exemptions, including youths going to or returning from school or religious functions.

In addition, local curfew ordinances would allow police to take children into protective custody in some situations – such as when an officer is unable to contact the youth's parent or guardian.

Albuquerque previously had a teen curfew ordinance, but it was struck down by the state Supreme Court in 1999 after a lawsuit was filed by the American Civil Liberties Union of New Mexico.

Meanwhile, the House also voted 65-0 Monday to approve a separate proposal, House Bill 72, that would allow judges to consider an adult offender's juvenile crime record when setting bail and conditions of release.

Nicole Chavez, the mother of Jaydon Chavez-Silver, a Manzano High School student who was shot and killed last summer when shots were fired into a house party he was attending, is one of several family members of victims that have urging lawmakers to approve the crime-related bills.

She was present for Monday's votes and said she hopes the juvenile records bill, which is named after her son, is able to clear the Senate.

"It's very important to me and I think it would make a difference in other cases," Chavez told the **Journal**.

Mock City Council
Sample Agenda
[date]
[location]

1. Call to Order

2. Pledge of Allegiance

3. Introductions

4. Reports from Councilors on Participatory Budgeting Proposals

5. Motion to introduce MC-05-20, Curfew Ordinance by Councilor [X]

6. General Public Comment on MC-05-20

7. Council discussion of MC-05-20

8. Final Action on MC-05-20

9. Adjournment

Student Checklist
Mock City Council Hearing

Questions for Council Members and Staff:

- Do you support MC-05-20 (the teen curfew bill)?
- Do you support MC-05-20 so strongly that you would like to co-sponsor the ordinance? (If so, you will need to mention this when you arrive at the hearing.)
- Do you support certain parts of MC-05-20 but not others?
- If you do not support MC-05-20, what don't you like about this bill and what would you propose that City Council do instead?
- Do you think that the City Council has done enough research and had enough debate to be ready to vote for or against MC-05-20? If not, what would you propose in order to ensure more research and debate?
- Will you suggest an amendment to MC-05-20? (If so, you must submit an amendment in writing.)
- Do you think that constituents of your district would support MC-05-20? Why or why not?
- Are you going to vote for MC-05-20 unless you learn something new at the hearing?
- Are you going to make a motion that requests that a vote not be taken or that the ordinance be considered as separate parts?
- Have you studied Parliamentary Procedure "Cheat Sheet?"

For Advocates and Opponents:

- Do you support MC-05-20?
- Do you support certain parts of MC-05-20 but not others?
- Do you think that City Council had done enough research and had enough debate to be ready to vote for or against Bill MC-05-20? If not, what would you propose that City Council do?
- What would you like to say to the City Council about MC-05-20?
- How can you arrange your thoughts into a persuasive speech that lasts no more than three minutes?
- Would it be beneficial to have members of your group hold up signs supporting your position while sitting in the audience? If so, how would you craft your position into a catchy slogan?

Student Roles and Responsibilities
The Mock City Council Hearing

Keep in mind the press is always present at public hearings. Don't say anything you wouldn't want to have quoted on TV or in the newspaper. The first rule of order is to be polite.

President of the Council:

If you are assigned to play the role of the president, you will be the chair of the mock City Council meeting. As the president you will:
- Call the meeting to order.
- Ask for all present to stand and lead everyone in the Pledge of Allegiance, facing a flag if there is one.
- Say, "All members of the Council are in attendance" (if they are). Introduce any special guests that are in attendance (city councilors, City Council staff, teachers, parents of students, etc. A list of people to be recognized will be given you.)
- Follow the agenda.
- When it is time for public comment, say, "At this time, we will have comments from the public." Call on speakers one at a time from the list provided you by the recorder. Remind speakers they have only 3 minutes to speak. If they exceed the 3-minute time limit (the recorder will announce this) you may interrupt them and say, "Thank you, Mr. or Ms. X).
- When it is time for council discussion of the curfew bill say, "At this time, we will have a discussion by the council on MC-05-20.
- Ask for a second on all motions that require one.
- Make sure all motions are addressed.
- Administer the vote and announce the vote.
- Adjourn the meeting.
- To prepare, study *Parliamentary Procedure "Cheat Sheet."*

Council Members

- You represent your district. You will present to the council the winning participatory budgeting project proposal from your class (district).
- To prepare, study *Parliamentary Procedure "Cheat Sheet."*
- You should decide, with help of your staff, whether or not you support the curfew ordinance.
- You should prepare a short (3 minutes or less) presentation on the winning Participatory Budgeting Project Proposal from your class.
- At the meeting, you should listen to advocates and opponents, and make a decision to vote for or against the ordinance.
- You can suggest an amendment to the bill, but the amendment must be made in writing to the president. (Your staff can assist.)

- At any time, you can raise a Point of Order or a Point of Information. When appropriate, you can also make other types of motions, including a motion to bring the question to vote or a motion to postpone discussion.
- You can debate any motions made by other councilors if you do not agree with them.
- You can also ask questions of the public advocates and opponents once they have finished speaking.

Council Staff

- Prepare your councilor for discussion about the curfew bill.
- You can communicate with your councilor via written notes during the meeting if necessary. You can help the councilor come to a decision about any action on the curfew bill.
- To prepare, study *Parliamentary Procedure "Cheat Sheet"*

Community Advocates and Opponents of the Curfew Bill

- Your job is to present your opinion before the City Council and urge them to support your position.
- Before the meeting begins, give your name to the recorder, saying you wish to make a comment during the council meeting.
- You will have 3 minutes to speak before the council. Write down what you are going to say.
- If you wish, "community members" supporting your position may make posters and signs to hold up during the meeting to emphasize your message.
- Be respectful.
- Speak loudly, slowly, and clearly.

Recorder
- Collect the names of people who wish to speak for or against the curfew bill.

Press (optional)
- Cover the hearing and write a news story about it.

Albuquerque Model City Council Curriculum

Teacher Preparation for Mock City Council Checklist

☐   Find a time and location to hold the Mock Council.

☐   Determine number of councilors (up to 9).

☐   Determine who will play the role of council president.

☐   Determine which councilor will play the role of the sponsor of MC-05-20 (curfew bill).

☐   Decide if you want anyone to play the role of the press at the meeting and what they will do.

☐   Determine who will play the role of the recorder. A teacher could play this role.

The recorder
- Will collect names of the public who wish to speak.
- Keep track of the time allotted for each speaker and announce when the three minutes is up.
- *Could* also collect proposed amendments to the bill.
- *Could* also record what happens at the meeting as minutes.

http://jjie.org/op-ed-why-dont-youth-curfews-work/

Juvenile Justice Information Exchange

OP-ED: Why Don't Youth Curfews Work?

By Mike Males, October 2014

Forget constitutional rights or fairness; doesn't it seem logical that a curfew requiring police to remove an entire group of people from public spaces for hours would at least reduce public crimes and safety risks involving that group?

Well, it doesn't. Research consistently "fails to support the argument that curfews reduce crime or criminal victimization," a 2003 review of multiple studies found. Monrovia, California's widely acclaimed youth curfew famously celebrated by then-President Bill Clinton was indeed followed by a decline in crime — one that was much larger during *non-curfew* hours than during curfew hours. Vernon, Connecticut's youth curfew was followed by increases in crime, particularly youthful offending, while nearby cities without curfews enjoyed decreases.

Studies of dozens of cities across the nation found no effect or bad effects following youth curfews. An 18-year analysis of 21 cities in California found youth curfews useless or worse. San Jose's and Chicago's periods of vigorous curfew enforcement coincided with persistent failure to reduce crime in the late 1990s and early 2000s, while curfew-free cities such as San Francisco, Oakland, New Haven and New York City had impressive crime declines. Even a study purporting to validate curfews — which failed to compare cities with and without them — inadvertently found criminal arrests of youth fell faster across the country in general than in cities that enforced curfews.

Understanding why curfews fail requires radically revising our entire view of young people perpetrated by law enforcement, interest groups, politicians, and the news media from Fox News on the right to The Nation on the left.

Imagine instead — however impossibly, given the drumbeat of fear — that teenagers in this country are not a mass of risk-happy thugs, gunners, rapists and bullies. Imagine that police bent on curfew enforcement could stop hundreds of teenagers late at night and find virtually no wrongdoing — just park basketball players, movie-going throngs, restaurant socializers; that is, young people enjoying their communities.

CJCJ's journal analysis of 400 police citations found just that: Curfews function as remarkably effective tools to waste law enforcement resources removing law-abiding

youths from public places, where youthful presence serves to deter crime. Urban scholarship from William H. Whyte and Jane Jacobs to common knowledge in European and Latin American cities validate that the more folks on the streets, young or old, the safer the public space. A Toronto Mountie once laughed when I asked if the city had a youth curfew: "Maybe for six year-olds."

Every curfew CJCJ has researched overwhelmingly targets African and Latino American youth. Americans in many communities not only routinely criminalize youth merely for venturing into public places during arbitrarily forbidden hours, but delight in venting hostility against the young. *Youth Today*'s survey of officials in communities then campaigning for curfews found they cared nothing for research or reason; sweeping kids off the streets made them feel satisfied and safer.

That's why curfews emerge in suburban and gentrifying neighborhoods in which youth of color are annoyingly visible to adult patrons courted by business and realtors, such as Pasadena's Old Town, Oklahoma City's Bricktown, Minneapolis' Mall of America, or San Jose's First Street.

Youth curfews are demanded after a sensational incident — often not even caused by youths — such as the murder of a teenage girl who Oakland Police branded as an "at-risk 16-year-old" to blame for being shot because she was in public at night (not the 36-year-old man who shot her). Or to gloss over bad conditions officials have failed to redress, such as Baltimore's campaign to curfew kids playing street football during evenings in poorer neighborhoods devoid of parks and recreation facilities. Or to invoke sentimental odes to "protecting children" by forcing them to stay home — where 4,000 domestic violence incidents are reported to Oakland law enforcement every year, and where one-third of Baltimore's murders occur.

In California, Oakland's latest curfew foolishness is a novice council member's proposal to "help young people" by banning youths under age 18 from being in public later than 10 p.m. unless accompanied by someone 21 or older. So, a group of 15-year-olds coming out of a movie get arrested, while a 15-year-old prostitute with her 40-year-old pimp is legal?

Mass curfews — elsewhere enforced only by repressive dictatorships and countries suffering temporary civil emergencies — are the Land of the Free's go-to panacea for officials substituting anti-youth homilies for serious policy innovation. As well as evidence of the Home of the Brave's shameful fear of its young people.

Safer, inclusive communities welcome more teenagers in public, a reality reflected in the fact that police quickly tire of the hassles and antagonisms curfews entail. In California, curfew enforcement rates have plummeted by nearly 80 percent over the last 15 years to a record low level, and today's relatively uncurfewed youth display the lowest rates of nearly every type of major and lesser crime ever reliably recorded. In short, community leaders

who adopt a curfew are admitting there's something radically wrong with their leadership, not young people.