

0-2015-026

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**CITY OF ALBUQUERQUE  
CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO: Richard J. Berry, Mayor**

**FROM: Jon K. Zaman, Director of Council Services**

*Jon 10/27/15*

**SUBJECT: Transmittal of Legislation**

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Transmitted herewith is Bill No. O-15-54 Amending The Accountability In Government Ordinance; Providing Further Guidance For The Issuance And Publication Of Audit And Investigatory Reports (Harris), which was passed at the Council meeting of October 19, 2015 by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

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ALBUQUERQUE CITY OF PRK

2015 NOV -4 PM 3:01

JKZ:mh  
Attachment



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- 1 the unexpired term. Terms shall begin on the first day of September. The  
2 Committee members shall elect the Committee Chair annually.
- 3 (C) The Committee shall meet monthly or upon the call of the Chair or a  
4 majority of its members.
- 5 (D) Committee members shall not receive compensation for their service.  
6 Voting members of the Committee shall not serve on any other city board,  
7 commission or task force.
- 8 (E) The Chief Administrative Officer and the Director of Council Services  
9 or their designees may attend all Committee meetings.
- 10 (F) If an Official is the subject of an investigation, then the ex officio  
11 members, their designees, the Chief Administrative Officer and the Director of  
12 Council Services shall be recused from all meetings where that particular  
13 investigation is being discussed and they shall not have access to the  
14 investigative file during the pending investigation.
- 15 (G) The Committee is a management committee and not a public board,  
16 commission or committee as specified by §§ 2-6-1-1 et seq. and not subject to  
17 the Open Meetings Act. The Committee is not formed to formulate public  
18 policy nor is authority to formulate public policy delegated to the Committee.
- 19 (H) The Director or the Inspector General may only be removed from office  
20 upon an affirmative vote of two-thirds (2/3) of the members of the Committee.  
21 Within five days of removal of the Director or Inspector General, the  
22 Committee shall report the reasons for that removal to the Mayor and the  
23 Council.
- 24 (I) The Committee shall annually recommend a budget to the Mayor and  
25 Council that may include a salary adjustment for the Director or the Inspector  
26 General.
- 27 (J) The Committee shall provide the Director and the Inspector General  
28 with guidance, priorities and potential areas for investigations and audits. The  
29 Committee may also lend advice to the Director and the Inspector General  
30 regarding technical issues that may arise.
- 31 (K) The Committee shall coordinate the work of the Office of Internal Audit  
32 and the Office of the Inspector General with the Mayor's and Council's needs.

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1 (L) The Committee shall not prohibit the Director or the Inspector General  
2 from initiating, carrying out or completing any audit, investigation or review. If  
3 a majority of the Committee members finds that an audit, investigation or  
4 review is questionable, then the Committee shall issue a cautionary statement  
5 to the Director or the Inspector General, as appropriate.

6 (M) The Committee shall review and approve all audit and investigatory  
7 reports in a timely fashion. The Committee must take action on an audit or  
8 investigatory report within 30 days of the first presentation of the final report  
9 to the Committee. The Director of Internal Audit and the Inspector General  
10 may release and publish a final audit or investigatory report upon approval  
11 from the Committee, or after the 30-day period has lapsed. If the Committee  
12 fails to approve an audit or investigatory report within the 30-day period and  
13 the audit or investigatory report is released without its approval, the  
14 Committee may issue a cautionary statement after the release and publication  
15 of the final audit or investigatory report.

16 (N) The Committee shall prepare a job description, specify qualifications  
17 for applicants, work with the Director of the Human Resources Department to  
18 advertise for the position and develop the applicant search procedure and  
19 make recommendations to the Council on the selection of the Director and the  
20 Inspector General.

21 (O) Any discipline of the Director or the Inspector General, as provided by  
22 § 3-1-6 ROA 1994, shall be by the Committee. The Director and the Inspector  
23 General shall report to the Committee for approval of vacation, sick,  
24 emergency and city business leave.”

25 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph,  
26 sentence, clause, word or phrase of this ordinance is for any reason held to be  
27 invalid or unenforceable by any court of competent jurisdiction, such decision  
28 shall not affect the validity of the remaining provisions of this ordinance. The  
29 Council hereby declares that it would have passed this ordinance and each  
30 section, paragraph, sentence, clause, word or phrase thereof irrespective of  
31 any provisions being declared unconstitutional or otherwise invalid.

32 SECTION 3. COMPILATION. This ordinance shall be incorporated in and  
33 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.


1           **SECTION 4. EFFECTIVE DATE.    This ordinance shall take effect five days**  
2 **after publication by title and general summary.**

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1 PASSED AND ADOPTED THIS 19<sup>th</sup> DAY OF October, 2015  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Rey Garduño, President  
City Council

APPROVED THIS 4<sup>th</sup> DAY OF November, 2015

Bill No. O-15-54

  
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Richard J. Berry, Mayor  
City of Albuquerque

ATTEST:

  
\_\_\_\_\_  
Natalie Y. Howard, City Clerk

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# Health City Sun

## AFFIDAVIT OF PUBLICATION

CIUDAD de ALBUQUERQUE  
VIGÉSIMO PRIMER CONCEJO  
PROYECTO DE LEY  
MUNICIPAL NÚM. O-15-54  
PROMULGACIÓN NÚM.  
O-2015-026

PATROCINADO POR:

Don Harris

### ORDENANZA

PARA ENMENDAR LA  
RESPONSABILIDAD  
EN ORDENANZAS  
GUBERNAMENTALES;  
PARA PROPORCIONAR  
ORIENTACIÓN ADICIONAL  
PARA LA EMISIÓN  
Y PUBLICACIÓN DE  
INFORMES DE AUDITORÍA  
Y DE INVESTIGACIÓN.  
ASÍ LO RESUELVE EL  
CONCEJO, ÓRGANO  
GOBERNANTE DE LA  
CIUDAD DE ALBUQUERQUE:  
HCS Pub. November 13, 2015

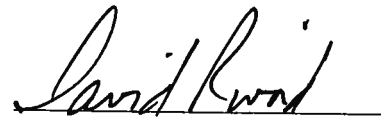
State of New Mexico )  
                                  ) ss  
County of Bernalillo )

David Rivord, being duly sworn declares and says he is the **Publisher** of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.

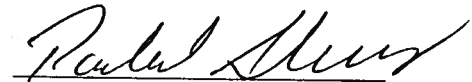
Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 14-11-4 of the New Mexico Statutes annotated (1978).

Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 13th day of November, 2015, and the last publication being in the issue of the 13th day of November, 2015.

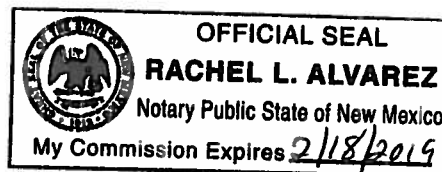
Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.

  
David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 13th day of November, 2015.

  
Notary Public

My Commission Expires 2/18/2019



Office Address: 6300 Montano, NW, 2<sup>nd</sup> floor  
Mailing Address: P.O. Box 67560, Albuquerque, NM 87193  
Phone: 505-242-3010/Fax: 505-842-5464