

027
O-2015-027

**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. F/S O-15-61 Amending The Inspector General Ordinance Relating To Selection And Retention Of The Inspector General (Gibson), which was passed at the Council meeting of September 21, 2015, by a vote of 7 FOR AND 2 AGAINST.

Against: Harris, Lewis

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

JKZ:dm
Attachment
9/23/15

RECEIVED
ALBUQUERQUE CITY CLERK
2015 OCT -2 PM 1:19

CITY of ALBUQUERQUE

TWENTY-FIRST COUNCIL

COUNCIL BILL NO. F/S O-15-61 ENACTMENT NO. O:2015-⁰²⁷~~026~~

SPONSORED BY: Diane Gibson

1 ORDINANCE
2 AMENDING THE INSPECTOR GENERAL ORDINANCE RELATING TO
3 SELECTION AND RETENTION OF THE INSPECTOR GENERAL.

4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
5 ALBUQUERQUE:

6 Section 1. SECTION 2-17-5 OF THE INSPECTOR GENERAL ORDINANCE IS
7 AMENDED AS FOLLOWS:

8 “§ 2-17-5 SELECTION AND RETENTION OF INSPECTOR GENERAL.

9 (A) (1) The Committee, through its staff, shall accept applications from
10 candidates, interview candidates and shall submit to the City Council the
11 names of the three candidates that it finds to be the best qualified to be
12 Inspector General indicating its ranking, and the Council shall appoint the
13 Inspector General from the three. The Committee's recommendation to
14 Council shall be based on the candidates' integrity, capability for strong
15 management and demonstrated ability in accounting, auditing, financial
16 analysis, law, management analysis, public administration, investigation,
17 criminal justice administration or other closely related fields.

18 (2) In lieu of recommending three candidates to the Council, the
19 Committee may recommend to the Council the reconfirmation of the
20 incumbent Inspector General whom the Council may choose to reconfirm.
21 Should the Council decline to reconfirm the incumbent Inspector General, the
22 Council President will notify the Committee that it needs to provide the
23 Council with three alternate candidates pursuant to the provisions of
24 Subsection A(1).

25 (B) If a current or prior City employee or official is appointed to the
26 position of Inspector General, such person shall not investigate or assist in
27 the investigation of the department or agency where such person previously

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

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

1 served or was employed for a period of four years from the last day of such
2 prior employment or service. Any investigations of such department or
3 agency shall be referred by the Inspector General to an independent third
4 party investigator who shall serve as an independent proxy for the Inspector
5 General, vested with the full authority of the Inspector General only for the
6 purposes of the specific investigation(s) so assigned.

7 (C) As a condition of retention, the Inspector General must obtain
8 certification as a Certified Inspector General through the Association of
9 Inspectors General or appropriate successor entity within two years of
10 appointment. Other professional certifications, such as certified public
11 accountant, certified internal auditor and certified fraud examiner are
12 recommended.

13 (D) Prior to the final selection of the Inspector General, the candidate
14 shall be fingerprinted and shall provide two fingerprint cards or the equivalent
15 electronic fingerprints to the Committee to obtain the candidate's Federal
16 Bureau of Investigation record. Records and related information shall be
17 privileged and shall not be disclosed to anyone other than Committee
18 members. The city shall pay for the cost of obtaining the Federal Bureau of
19 Investigation records.

20 (E) The City Council shall consider whether the incumbent Inspector
21 General should be reconfirmed pursuant to the provisions of Subsection (A)(2)
22 of this Section no more than once every four years following the initial
23 appointment.

24 (F) The Inspector General may be removed from office only upon an
25 affirmative vote of two-thirds (2/3) of the members of the Committee, or upon
26 the City Council's decision to not reconfirm the Inspector General pursuant to
27 Subsection E of this Section."

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

1 paragraph, sentence, clause, word or phrase thereof irrespective of any
2 provisions being declared unconstitutional or otherwise invalid.

3 Section 3. COMPILATION. The amendments set forth in Section 1
4 above shall amend, be incorporated in and made part of the Revised
5 Ordinances of Albuquerque, New Mexico, 1994.

6 Section 4. EFFECTIVE DATE. This ordinance shall take effect five days
7 after publication by title and general summary.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31


32

33

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

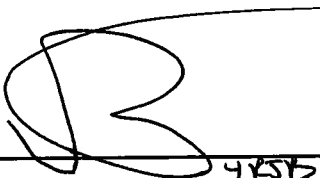
1 PASSED AND ADOPTED THIS 21st DAY OF September, 2015
2 BY A VOTE OF: 7 FOR 2 AGAINST.

3
4 **Against: Harris, Lewis**

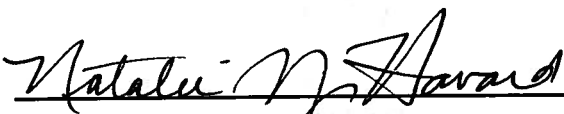
5
6 
7 _____
8 **Rey Garduño, President**
9 **City Council**

10
11
12 APPROVED THIS 1st DAY OF October, 2015

13
14
15 **Bill No. F/S O-15-61**

16
17 
18 _____
19 **Richard J. Berry, Mayor**
20 **City of Albuquerque**

21
22
23
24 **ATTEST:**

25
26 
27 _____
28 **Natalie Y. Howard, City Clerk**

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

29
30
31
32
33

Health City Sun

AFFIDAVIT OF PUBLICATION

State of New Mexico)
) ss
County of Bernalillo)

CIUDAD de ALBUQUERQUE
VIGÉSIMO PRIMER CONCEJO
PROYECTO DE LEY
MUNICIPAL NÚM. F/S O-15-61
PROMULGACIÓN NÚM.
O-2015-026
PATROCINADO POR:
Diane Gibson
ORDENANZA
PARA ENMENDAR LA
ORDENANZA RELATIVA AL
INSPECTOR GENERAL CON
RESPECTO A LA SELECCIÓN Y
RETENCIÓN DEL INSPECTOR
GENERAL.
ASÍ LO RESUELVE EL
CONCEJO, ÓRGANO
GOBERNANTE DE LA CIUDAD
DE ALBUQUERQUE:
Sección 1. L A
SECCIÓN 2-17-5 DE LA
ORDENANZA RELATIVA
AL INSPECTOR GENERAL
ES ENMENDADA DE LA
SIGUIENTE MANERA:
"§ 2-17-5 SELECCIÓN Y
RETENCIÓN DEL INSPECTOR
GENERAL.
HCS Pub. October 16, 2015

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 16th day of October, 2015, and the last publication being in the issue of the 16th day of October, 2015.

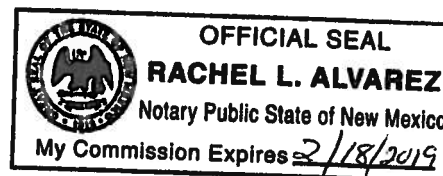
Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.

David Rivord
David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 16th day of October, 2015.

Rachel L. Alvarez
Notary Public

My Commission Expires 2/18/2019



Health City Sun

AFFIDAVIT OF PUBLICATION

**CITY of ALBUQUERQUE
 TWENTY-FIRST COUNCIL
 COUNCIL BILL NO.
 F/S O-15-61
 ENACTMENT NO. O-2015-026
 SPONSORED BY: Diane
 Gibson**

ORDINANCE
 AMENDING THE INSPECTOR
 GENERAL ORDINANCE
 RELATING TO SELECTION
 AND RETENTION OF THE
 INSPECTOR GENERAL
 BE IT ORDAINED BY THE
 COUNCIL, THE GOVERNING
 BODY OF THE CITY OF
 ALBUQUERQUE:
 Section 1. SECTION 2-17-5 OF
 THE INSPECTOR GENERAL
 ORDINANCE IS AMENDED AS
 FOLLOWS:
 "§ 2-17-5 SELECTION AND
 RETENTION OF INSPECTOR
 GENERAL.
 HCS Pub. October 16, 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 16th day of October, 2015, and the last publication being in the issue of the 16th day of October, 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 16th day of October, 2015.


 Notary Public

My Commission Expires 2/18/2019



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