

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-70 ENACTMENT NO. O-2019-020

SPONSORED BY: Isaac Benton and Brad Winter

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ORDINANCE

AMENDING CHAPTER 9, ARTICLE 4, PART 1, SECTION 8 OF THE REVISED ORDINANCES OF ALBUQUERQUE (THE "POLICE OVERSIGHT ORDINANCE") REGARDING CASE REVIEW BY SUBCOMMITTEES OF THE BOARD OF THE CIVILIAN OVERSIGHT AGENCY.

WHEREAS, the Albuquerque City Council approved amending Ordinance C/S 2 O-18-23 on April 1, 2019 which made a variety of changes to the Police Oversight Ordinance; and

WHEREAS, clarification is needed regarding the ability of the subcommittees of the Board of the Civilian Police Oversight Agency to review and make recommendations on civilian complaint cases to the Board at a regular or special meeting.

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

SECTION 1. Section 9-4-1-8 (D) ROA 1994 is hereby amended as follows:
“(D) The Board shall review the proposed findings and recommendations at any properly noticed regular or special meeting. The Board shall adopt and follow rules for such reviews that implement the requirements of this article and ensure fairness and completeness in its reviews. For purposes of these reviews, the Board members shall, at a minimum, adhere to the following standards of conduct:

- (1) Remain impartial in deliberations and decisions and abstain from any independent investigation or review of information not presented by the investigation report or within the investigation file;
- (2) Refrain from any ex-parte communication relating to the matters and parties under consideration other than at a properly noticed meeting, and

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1 recuse from any related hearings as may be necessary based on any improper
2 ex parte communication; any ex-parte correspondence that is inadvertently
3 received by a member shall be referred to or otherwise disclosed to the
4 Director and, when appropriate, made available for review by the relevant
5 complaint and APD officer or their representatives; and

6 (3) Refrain from prejudgment on complaints coming before the board until
7 such time as all relevant information has been reviewed and considered at a
8 properly noticed meeting, and recuse from any hearing in which he or she has
9 a direct or indirect personal conflict of interest or cannot otherwise accord a
10 fair and impartial review, or in which such member's participation would
11 create the appearance of impropriety or partiality. Nothing in this paragraph
12 shall be interpreted as preventing a subcommittee from reviewing and making
13 recommendations on the resolution of a case.”

14 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, word or
15 phrase of this ordinance is for any reason held to be invalid or unenforceable
16 by any court of competent jurisdiction, such decision shall not affect the
17 validity of the remaining provisions of this ordinance. The Council hereby
18 declares that it would have passed this ordinance and each section,
19 paragraph, sentence, clause, word or phrase thereof irrespective of any
20 provision being declared unconstitutional or otherwise invalid.

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

24 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days
25 after publication by title and general summary.

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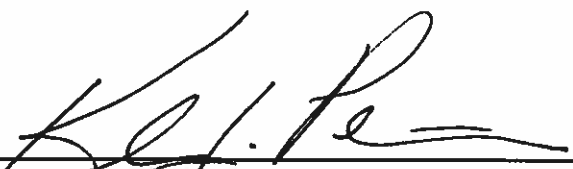
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1 PASSED AND ADOPTED THIS 5th DAY OF August, 2019
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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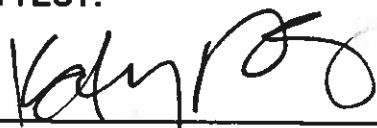


Klarissa J. Peña, President
City Council

APPROVED THIS _____ DAY OF _____, 2019

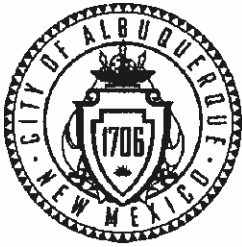
Bill No. O-19-70

Timothy M. Keller, Mayor
City of Albuquerque

ATTEST:


Katy Duhigg, City Clerk

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City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Katy Duhigg, City Clerk

Interoffice Memorandum

September 3, 2019

To: CITY COUNCIL

From: Camille Cordova, City Clerk Executive Assistant

Subject: BILL NO. O-19-70; ENACTMENT NO. O-2019-020

I hereby certify that on August 30, 2019, the Office of the City Clerk received Bill No. O-19-70 as signed by the president of the City Council, Klarissa J. Peña. Enactment No. O-2019-020 was passed at the August 5, 2019 City Council meeting. Mayor Keller did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-19-70.

Sincerely,



Katy Duhigg
City Clerk