CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL

COUNCIL BILL NO. <u>0-22-35</u> ENACTMENT NO. <u>0-2022-03</u> SPONSORED BY: Pat Davis 1 **ORDINANCE** 2 AMENDING THE CITY OF ALBUQUERQUE CODE OF ORDINANCES, SECTION 3 2-7-2-2, "AUTHORITY AND DUTIES OF THE CITY ATTORNEY" TO PROHIBIT POLICY ADVOCACY BY THE CITY LEGAL DEPARTMENT. 4 5 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF 6 ALBUQUERQUE: 7 SECTION 1. Chapter 2, Article 7, Part 2, Section 2 of the Revised 8 Ordinances of Albuquerque, New Mexico, 1994, "Authority and Duties of the 9 City Attorney" is hereby amended as follows: 10 "§ 2-7-2-2 AUTHORITY AND DUTIES OF THE CITY ATTORNEY. 11 The City Attorney, both personally and through his or her assistant city 12 attorneys, shall represent the city in the courts. He or she shall also advise 13 the Mayor and the Council as to legal matters. The City Attorney and assistant 14 city attorneys, while acting in the course and scope of their duties, are 15 prohibited from engaging in policy advocacy relating to matters upon which 16 the City Legal Department has or is likely to be called upon for advisement or 17 representation. Nothing herein shall prohibit the City Attorney or assistant 18 city attorneys from expressing their personal views on any issue while acting 19 outside the scope of their duties." 20 SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause, 21 word, or phrase of this Ordinance is for any reason held to be invalid or 22 unenforceable by any court of competent jurisdiction, such decision shall not 23 affect the validity of the remaining provisions of this Ordinance the Council 24 hereby declares that it would have passed this Ordinance and each section, 25 paragraph, sentence, clause, word, or phrase thereof irrespective of any

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provision being declared unconstitutional or otherwise invalid.

1	SECTION 3. COMPILATION. Section 1 of this Ordinance shall amend, be						
2	incorporated in, and compiled as part of the Revised Ordinances of						
3	Albuquerque, New Mexico, 1994.						
4	SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect five (5)						
5	days after publication by title and general summary.						
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	31	Ethan Watson, City Clerk	-			
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City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

Interoffice Memorandum

October 20, 2022

To:

CITY COUNCIL

From:

Camille Chavez, Assistant City Clerk

Subject:

BILL NO. O-22-35; ENACTMENT NO. O-2022-034

I hereby certify that on October 18, 2022, the Office of the City Clerk received Bill No. O-22-35 as signed by the president of the City Council, Isaac Benton. Enactment No. O-2022-034 was passed at the October 3, 2022 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 beginning October 27, 2022 without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-22-35.

Sincerely,

Ethan Watson

City Clerk