

CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-64 ENACTMENT NO. 0.2025.006

SPONSORED BY: Brook Bassan, by request

1 ORDINANCE

2 AMENDING THE OPEN RECORDS ORDINANCE TO INCLUDE THE
3 PROTECTION OF CONFIDENTIAL SAFEHOUSE INTERVIEWS.

4 **WHEREAS, the Inspection of Public Records Act allows the public to**
5 **request and view public records; and**

6 WHEREAS, the City of Albuquerque is a home rule municipality and has the
7 power of governance to enact local ordinances; and

8 WHEREAS, the City of Albuquerque strives to balance the public right to
9 the greatest possible information regarding the affairs of the City with privacy
10 of individuals; and

11 WHEREAS, the City of Albuquerque has the ability to protect safehouse
12 interviews of minor children based on the custodial status of the abuser; and

13 WHEREAS, the City of Albuquerque seeks to protect the statements of
14 children made during a safehouse interview to protect their right to privacy.
15 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
16 ALBUQUERQUE:

17 **SECTION 1. The Open Records Ordinance (ROA 1994, Chapter 2, Article 7,**
18 **Part 6, Section 5) is hereby amended as follows:**
19 **§ 2-7-6-5 PROCESS.**

20 The City Clerk shall establish a procedure for responding to requests to
21 inspect public records which complies with the requirements of state law as
22 set forth in the Inspection of Public Records Act, Section 14-2-1 et seq. NMSA
23 1978 as currently enacted or hereinafter amended.

24 (A) The social security numbers, home addresses and home telephone
25 numbers of City employees are confidential and exempt from inspection, and
26 shall not be disclosed to any person, except with the express, written consent

1 of the employee or official. The social security numbers of City department
2 heads and officials are confidential and exempt from inspection and shall not
3 be disclosed to any person except with the express written consent of that
4 person. Home addresses and home telephone numbers of City officials and
5 department heads are public record.

6 (B) No inspection of records shall be allowed that, if disclosed, would
7 facilitate unauthorized access to an agency's electronic information systems
8 or clearly jeopardize or compromise information security. Record inspection
9 and copying shall be accomplished in a manner that does not allow the
10 requesting party to access the computer system where the integrity of the
11 information of the computer would be jeopardized.

12 (C) Images, photographs, videos or other likenesses depicting or
13 simulating an intimate act or depicting any portion of a person's genitals, or of
14 a woman's breast below the top of the areola, that is either uncovered or
15 visible through less-than-fully opaque clothing, which images may reasonably
16 be considered to be private, intimate or inappropriate for distribution are
17 exempt from disclosure.

18 (D) All videos, transcripts, and audio recordings of a child's forensic or
19 investigatory interview conducted at a children's safehouse organization,
20 requested by a law enforcement agency or the State of New Mexico Children
21 Youth and Families Department, are confidential and exempt from inspection
22 and shall not be disclosed to any person except as provided for in the
23 Children's Code, Chapter 32A NMSA 1978.


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

31 SECTION 3. COMPILATION. Section 1 of this ordinance shall amend, be
32 incorporated in, and made part of the Revised Ordinances of Albuquerque,
33 New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days after publication by title and general summary.

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

1 PASSED AND ADOPTED THIS 3rd DAY OF February, 2025
2 BY A VOTE OF: 9 FOR 0 AGAINST.

3
4
5
6 

7 Brook Bassan, President
8 City Council
9

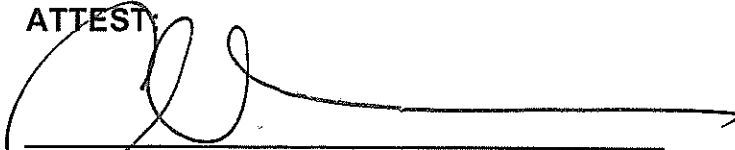
10
11 APPROVED THIS 13 DAY OF July, 2025
12
13

14 Bill No. O-24-64
15
16
17

18
19
20 

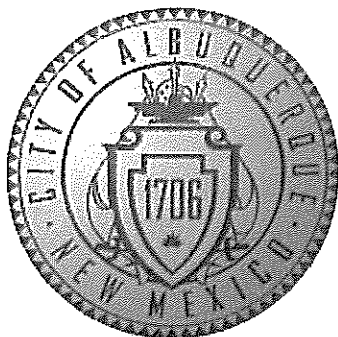
21 Timothy M. Keller, Mayor
22 City of Albuquerque
23
24
25

26 ATTEST:

27 
28

29 Ethan Watson, City Clerk
30
31
32
33

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



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

November 27, 2024

TO: Dan Lewis, President, City Council

FROM: Timothy M. Keller, Mayor




SUBJECT: Safehouse Ordinance

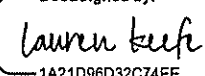
The Office of the City Clerk recommends amending the Open Records Ordinance to protect safehouse interview records. This legislation will make all safehouse interview records confidential and exempt from public inspection, except as provided in the Children's Code, Chapter 32A NMSA 1978.

This amendment is essential to maintaining the City's commitment to protecting information related to minors while ensuring transparency to the public.

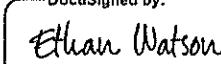
Approved:

Approved as to Legal Form:


Samantha Sengel Date
Chief Administrative Officer

DocuSigned by:
 12/3/2024 | 3:22 PM MST
1A21D96D32C74EE...
Lauren Keefe Date
City Attorney

Recommended:

DocuSigned by:
 11/27/2024 | 11:31 AM MST
49D7E50AAABD429...
Ethan Watson, City Clerk Date

Cover Analysis

1. What is it?

This legislation will clarify the exemptions of certain records available for inspection where there is currently a lack of clarity in the law surrounding safehouse interviews.

2. What will this piece of legislation do?

See above answer.

3. Why is this project needed?

To help protect safehouse interviews of children and the records that can be obtained thereafter.

4. How much will it cost and what is the funding source?

This will not have a fiscal impact.

5. Is there a revenue source associated with this contract? If so, what level of income is projected?

N/A

6. What will happen if the project is not approved?

Ambiguity will remain in current law regarding when safehouse interviews can be produced.

7. Is this service already provided by another entity?

No. This addresses an issue specific to the City.

FISCAL IMPACT ANALYSIS

TITLE: Protection of Confidential Safehouse Interviews

R: O:

FUND:

DEPT: City Clerk

- ☒ No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- ☐ (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2025	Fiscal Years 2026	2027	Total
Base Salary/Wages				-
Fringe Benefits at				-
Subtotal Personnel				-
Operating Expenses				-
Property				-
Indirect Costs				-
Total Expenses	\$ -	\$ -	\$ -	\$ -
<input type="checkbox"/> Estimated revenues not affected				
<input type="checkbox"/> Estimated revenue impact				0
Revenue from program				
Amount of Grant				
City Cash Match				
City Inkind Match				
City IDOH				
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created

COMMENTS:

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY:

DocuSigned by:

Rachel Rodarte

11/27/2024 | 11:27 AM MST

8894C4B740F14CF

FISCAL ANALYST

APPROVED:

DocuSigned by:

Ethan Watson 11/27/2024 | 11:31 AM MST

49D7E50AAABD428...

DIRECTOR

REVIEWED BY:

Signed by:

Stephen Morales

12/3/2024 | 10:00

DocuSigned by:

Lawrence Davis 12/3/2024 | 12:57

CB2G4A0D42604B4...

BUDGET OFFICER

Signed by:

Christine Bernier

12/3/2024 | 1:24 PM MST

E02C2B2349CC47D...

CITY ECONOMIST

EXECUTIVE BUDGET ANALYST