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1 City or in the event that the Office of the City Attorney is the subject of an
2 investigation; and

3 WHEREAS, the Office of Inspector General continues to meet or exceed the
4 goals as defined in the Accountability in Government Oversight Ordinance;
5 and

6 WHEREAS, the Association of Inspectors General – an international
7 authority on the profession – and the City’s Accountability in Government
8 Oversight Committee all support the effort to strengthen and preserve the
9 structural independence of the Office of Inspector General by amending the
10 Accountability in Government Ordinance and the Inspector General
11 Ordinance; and

12 WHEREAS, the City further desires to amend certain elements of the
13 ordinance to provide clarity of language and improve realignment with existing
14 City regulations, professional standards, and practices.

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

17 SECTION 1. Chapter 2, Article 10 of the Revised Ordinances of
18 Albuquerque, New Mexico, 1994, the “Inspector General Ordinance” is hereby
19 amended as follows:

20 “§ 2-17-1 SHORT TITLE.

21 Sections 2-17-1 et seq. may be cited as the "Inspector General Ordinance".

22 § 2-17-2 FINDINGS; PURPOSE; GOALS.

23 (A) [The Council finds that good governance, transparency, and
24 accountability are critical in the public sector for the effective and credible
25 functioning of a healthy democracy, and in fulfilling the government’s
26 responsibility to citizens and taxpayers. Effective independent investigations,
27 inspections, evaluations, and reviews along with transparent and reliable
28 reporting in government serves to promote accountability, enhance the
29 effectiveness of government services to its citizens, and increase the public’s
30 confidence in their government.

31 (B) The Mayor and City Council share a duty to ensure that the actions of
32 public officials, employees, and contractors of the City are carried out in the
33 most responsible manner possible and that city policy, budgets, goals, and

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1 objectives are fully implemented. To accomplish this end, the City requires the
2 services of an independent Inspector General to engage in a program that will
3 involve investigations and may include inspections, evaluations, and reviews
4 of the City government to assist in improving operations, supporting
5 accountability, and enhancing transparency. The Office of Inspector General
6 shall engage in actions to deter and identify fraud, waste, and abuse within the
7 operation of the City government, its departments, agencies, special districts,
8 and entities seeking or receiving funds through the City in order to preserve
9 public trust.

10 (C) The Council finds that in order for the Inspector General to be effective,
11 the Inspector General must be authorized to maintain the confidentiality of
12 investigations resulting from an assignment by the Board of Ethics and
13 Campaign Practices at least until they are completed.

14 (D) The Council finds that the Office of the Inspector General should strive
15 to adhere to the “Association of Inspectors General Principles and Standards
16 for Offices of Inspector General” and participate in the Peer Review Process
17 by seriously pursuing any recommendations resulting from such a process.

18 (E) The Council finds that when the Inspector General is assigned an
19 investigation by the Board of Ethics and Campaign Practices, the usual
20 requirements concerning approval of Inspector General reports by the
21 Accountability in Government Oversight Committee and the publication of the
22 reports should not be followed so as to maintain the rights and duties of the
23 Board of Ethics and Campaign Practices to direct and limit the investigation.

24 (F) The organization and administration of the Office shall be sufficiently
25 independent to assure that no interference or influence external to the Office
26 adversely affects the independence and objectivity of the Inspector General.

27 [(G) (B)] The Inspector General's goals are to:

28 (1) Conduct investigations[, inspections, evaluations, and reviews] in an
29 efficient, impartial, equitable[,] and objective manner;

30 (2) Prevent[, deter,] and detect fraud, waste[,] [and] abuse[, misfeasance,
31 or nonfeasance, defalcation, improper governmental conduct or illegal acts] in
32 city activities including all city contracts and partnerships;

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1 (3) ~~[Deter criminal activity]~~ [Carry out the activities of the Office of
2 Inspector General] through independence in [both] fact and appearance,
3 investigation[,] and interdiction; and

4 (4) Propose ways to [make recommendations to] increase the city's legal,
5 fiscal and ethical accountability to ~~[insure~~ ensure] that ~~[tax payers'~~ taxpayers'
6 dollars are spent in a manner consistent with the highest standards of local
7 governments.

8 § 2-17-3 DEFINITIONS.

9 For the purpose of this article, the following definitions shall apply unless
10 the context clearly indicates or requires a different meaning.

11 [ABUSE. Behavior that is deficient or improper when compared with
12 behavior that a prudent person would consider reasonable and necessary
13 operational practice given the facts and circumstances. This includes the
14 misuse of authority or position for personal gain or for the benefit of another.
15 Abuse does not necessarily involve fraud or illegal acts. However, it may be an
16 indication of potential fraud or illegal acts and may still impact the
17 achievement of defined objectives.]

18 COMMITTEE. The Accountability in Government Oversight Committee.

19 CONTRACTORS. All city contractors[, including those seeking to do
20 business with the City and community-based organizations].

21 [CORRUPTION means bribery and other illegal acts.]

22 [DEFALCATION. The taking or illegal use of money by someone who has
23 responsibility for it, such as a company or government official.]

24 EMPLOYEE. All city employees[, including appointed positions].

25 [FRAUD. Includes, but is not limited to fraudulent financial reporting,
26 misappropriation of assets, corruption, and use of public funds for activities
27 prohibited by the Constitution or laws of the State of New Mexico.

28 FRAUDULENT FINANCIAL REPORTING. Intentional misstatements or
29 omissions of amounts or disclosures in the financial statements to deceive
30 financial statement users which may include intentional alteration of
31 accounting records, misrepresentation of transactions, or intentional
32 misapplication of accounting principles.

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1 IMPROPER GOVERNMENTAL ACTION. Any action taken by a city
2 employee, an appointed member of a board, commission, or committee, or an
3 elected official of the city that is undertaken in the performance of such
4 person’s duties with the city that is in violation of a federal, state, or local
5 government law or rule, an abuse of authority, of substantial and specific
6 danger to the public health or safety, or a gross waste of public funds that is
7 in violation of city policy or rules. The action need not be within the scope of
8 the person’s official duties to be subject to a claim of improper governmental
9 action.

10 INVESTIGATION. A formal inquiry or systematic study conducted by the
11 Office of the Inspector General pursuant to this article. A formal systematic
12 study may include inspections, evaluations, and reviews which are analyses
13 of operations and programs for the purposes of providing information for
14 decision-making, and making recommendations to improve programs,
15 policies, or procedures.]

16 INVESTIGATED PARTY. A city[-]related department, program, activity,
17 agency, vendor, employee, contractor[,], or other city[-]related entity affected
18 by an investigation.

19 [MISAPPROPRIATION OF ASSETS. Theft of an agency’s assets, including
20 theft of property, embezzlement of receipt, or fraudulent payments.

21 MISFEASANCE. The act of someone in authority performing a legal act in
22 an illegal way, often without intending to, but where harm is caused to
23 another.

24 NONFEASANCE. The failure or omission to perform an obligatory or
25 compulsory act.]

26 OFFICE. The Office of the Inspector General.

27 OFFICIAL. The Mayor [and] [, City] Councilors[, and appointed members of
28 City boards, commissions, or committees].

29 PUBLISHED. [A report that has been approved by the Inspector General and
30 has been presented to the Committee when not otherwise prohibited and has
31 been made available to the public and distributed in final form to the Mayor
32 and Chief Administrative Officer, and to the City Council.] ~~[An investigation~~
33 ~~report is published when it is approved by the Board and distributed in final~~

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1 form to the investigated party, to the Mayor and Chief Administrative Officer,
2 and to the City Council. A published report is available on request to the
3 public.]

4 [WASTE. The act of using or expending resources carelessly,
5 extravagantly, or to no purpose. Waste does not necessarily involve fraud or
6 illegal acts. However, it may be an indication of potential fraud or illegal acts
7 and may still impact the achievement of defined objectives.]

8 § 2-17-4 CREATION OF THE OFFICE OF THE INSPECTOR GENERAL;
9 RESOURCES; STAFF.

10 (A) The Office of the Inspector General is created as an independent [and
11 non-partisan] office of city government. The Office is not part of the city's
12 executive branch or the City Council. The Inspector General shall report to the
13 Committee.

14 (B) The Inspector General shall be able to manage a staff of professional
15 investigators, [and others that may include evaluators, reviewers, inspectors,
16 contract specialists, etc., recognizing that many matters that properly come
17 before the Office of Inspector General are most effectively pursued through
18 the application of various skill sets, as provided for in the Association of
19 Inspectors General Standards.]

20 [(C) The Inspector general shall] coordinate [his investigations referrals
21 deriving from external sources and work planned based on internal
22 assessments, wherever appropriate and necessary] with the [Internal City]
23 Auditor and [other regulatory, law enforcement, or prosecutorial authorities.]
24 [prepare a file for use by a prosecutorial agency.]

25 [(D) (C)] The Office of the Inspector General shall [have a dedicated
26 funding source to] be funded [from by] the General Fund. [The appropriations
27 available to pay for the expense of the Office of the Inspector General for each
28 fiscal year shall not be less than three twenty-fifths of one percent (0.12%) of
29 the City's overall recurring General Fund budget appropriations and each
30 subsequent year, shall not increase or decrease more than five percent (5%)
31 from the previous year. Any portion of the allocated funds not expended or
32 encumbered by the end of the fiscal year shall revert back to the General
33 Fund. In the event a fiscal emergency is declared, City Council may adjust the

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1 funding model for the fiscal year to be consistent with the model applied to all
2 city departments. In the fiscal year following the declaration of a fiscal
3 emergency, the funding model described above shall be reinstated.

4 (E) The Office of the City Attorney shall advise and represent the Office
5 of the Inspector General, except that the Office of the Inspector General shall
6 notify the City Attorney should it select an independent legal counsel to
7 advise and represent the Office of the Inspector General as needed or in the
8 event of a conflict of interest.

9 (F) (D)] The Inspector General shall establish the organizational structure
10 appropriate for carrying out the responsibilities and functions of the Office of
11 the Inspector General.

12 [(G) (E)] The Inspector General shall have, subject to appropriation by the
13 City Council, the power to [recruit, hire,] appoint, employ, [set compensation
14 for, promote, discipline,] and remove such assistants, employees, and
15 personnel and establish personnel procedures as deemed necessary for the
16 efficient and effective administration of the activities of the Office of the
17 Inspector General.

18 [(H) (F)] The Office of the Inspector General shall provide staff support to
19 the Committee.

20 [(I) (G)] Neither the Inspector General nor any employee of the Office of the
21 Inspector General shall engage in any partisan political activities or the
22 political affairs of the city during work hours.

23 **§ 2-17-5 SELECTION AND RETENTION OF INSPECTOR GENERAL.**

24 **(A) (1) The Committee, through its staff, shall accept applications from**
25 **candidates, interview candidates and shall submit to the City Council the**
26 **names of the three candidates that it finds to be the best qualified to be**
27 **Inspector General indicating its ranking, and the [City] Council shall appoint**
28 **the Inspector General from the three. The Committee's recommendation to**
29 **Council shall be based on the candidates' integrity, capability for strong**
30 **management and demonstrated ability in accounting, auditing, financial**
31 **analysis, law, management analysis, public administration, investigation,**
32 **criminal justice administration or other closely related fields.**

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1 (2) In lieu of recommending three candidates to the Council, the
2 Committee may recommend to the Council the reconfirmation of the
3 incumbent Inspector General whom the Council may choose to reconfirm.
4 Should the Council decline to reconfirm the incumbent Inspector General, the
5 Council President will notify the Committee that it needs to provide the
6 Council with three alternate candidates pursuant to the provisions of
7 Subsection A(1).

8 (B) If a current or prior city employee or official is appointed to the position
9 of Inspector General, such person shall not investigate or assist in the
10 investigation of the department or agency where such person previously
11 served or was employed for a period of four years from the last day of such
12 prior employment or service. Any investigations of such department or agency
13 shall be referred by the Inspector General to an independent third[-]party
14 investigator who shall serve as an independent proxy for the Inspector
15 General, vested with the full authority of the Inspector General only for the
16 purposes of the specific investigation(s) so assigned.

17 (C) As a condition of retention, the Inspector General must obtain
18 certification as a Certified Inspector General through the Association of
19 Inspectors General or appropriate successor entity within two years of
20 appointment. Other professional certifications, such as certified public
21 accountant, certified internal auditor and certified fraud examiner are
22 recommended.

23 (D) Prior to the final selection of the Inspector General, the candidate shall
24 be fingerprinted and shall provide two fingerprint cards or the equivalent
25 electronic fingerprints to the Committee to obtain the candidate's Federal
26 Bureau of Investigation record. Records and related information shall be
27 privileged and shall not be disclosed to anyone other than Committee
28 members. The city shall pay for the cost of obtaining the Federal Bureau of
29 Investigation records.

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

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1 (F) [The Committee shall review the salary of the Inspector General
2 annually and shall notify the Department of Finance and Administrative
3 Services and the Human Resources Department of any salary adjustment,
4 which will be subject to budget sufficiency and City personnel rules and
5 regulations. The Committee recognizes that the Inspector General must
6 possess vast knowledge and experience in all facets of government including
7 federal, state, and local laws, regulations, and policies, and must be well-
8 versed in their application, whereas other Director roles may be limited to the
9 management of a specific field. The Inspector General shall be provided with
10 compensation relative to their oversight responsibilities at a level consistent
11 with other City Department Directors. Experience, performance, certifications,
12 and advanced degrees may be considered in determining compensation.

13 (G) The Inspector General may be removed from office [for cause] only
14 upon an affirmative vote of two-thirds (2/3) of the members of the Committee,
15 or upon the City Council's decision to not reconfirm the Inspector General
16 pursuant to Subsection E of this Section.

17 § 2-17-6 DIRECTOR'S DUTIES; RESPONSIBILITIES; AUTHORITY;
18 ADMINISTRATIVE SUBPOENA POWER.

19 (A) If the Inspector General detects apparent or potential violations of law
20 or apparent instances of misfeasance or nonfeasance by an official or
21 investigated party, ~~[he they]~~ shall report the irregularities in writing to the
22 Committee. If the irregularity is criminal in nature, the Inspector General shall
23 immediately notify the appropriate prosecuting authority. If the irregularity is
24 found in response to a complaint filed under the provisions of the
25 Whistleblower [Protection Act Ordinance], the Inspector General shall ~~[notify~~
26 ~~the appropriate city department pursuant to the Whistleblower Ordinance~~
27 conduct an investigation in accordance with NMSA 1978, § 10-16C-1 et seq.,
28 the Whistleblower Protection Act]. If the irregularity warrants an audit, then the
29 Inspector General shall refer the matter to the Office of Internal Audit. The
30 Inspector General shall not accept complaints related to discrimination or
31 labor law matters [as they pertain to the union agreements], or other matters
32 that are the subject of pending litigation.

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1 (B) The Inspector General shall receive and investigate complaints referred
2 to ~~[him them]~~by the Board of Ethics and Campaign Practices. In addition, the
3 Inspector General shall receive and evaluate complaints referred to ~~[him them]~~
4 by any official, employee, contractor[,] or the public and initiate an
5 investigation when ~~[he they]~~ deem[s] it appropriate. The Inspector General
6 may also initiate an investigation.

7 (C) The Inspector General shall promulgate regulations to establish
8 procedures for the Office of the Inspector General.

9 (D) The Inspector General shall have the power to subpoena witnesses,
10 administer oaths and require the production of records subject to the New
11 Mexico Rules of Civil Procedure. In the case of a refusal to obey a subpoena
12 issued to any person, the Director may make [an] application to any District
13 Court in the state that shall have the jurisdiction to order the witness to appear
14 before the Inspector General and to produce evidence if so ordered, or to give
15 testimony touching on the matter in question.

16 (E) The Inspector General shall maintain a complete file of each
17 investigation made under legislative or special Committee authority for at
18 least six years. The file should include work papers and other supportive
19 material directly pertaining to the investigation. Records may be retained in
20 electronic format at the Inspector General's election.

21 (F) The Inspector General shall investigate any alleged violation of the Code
22 of Ethics or the Elections Code that the Board of Ethics and Campaign
23 Practices directs ~~[him them]~~ to investigate.

24 (G) The Inspector General shall not investigate complaints that are under
25 the jurisdiction of the ~~[Police Oversight Commission]~~ Civilian Police Oversight
26 Agency] or the Internal Affairs Division of the Albuquerque Police Department
27 nor shall ~~[he they]~~ access any Internal Affairs' files.

28 (H) In cases where the Inspector General deems it appropriate because of
29 [an] investigation [activities], ~~[he they]~~ may refer opportunities for increased
30 efficiency to the ~~[Office of Management and Budget]~~ Department of Finance
31 and Administrative Services] to work with respective departments on
32 management and process improvement.

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1 (I) Reports of fraud, waste, and abuse made by employees, public officials,
2 contractors, or members of the public may be made telephonically or in
3 writing through the hotline or website established by the Inspector General for
4 the confidential reporting of financial fraud, waste, and abuse in government.
5 Reports received or created by the Inspector General are investigatory
6 information and investigatory documentation in connection with the Inspector
7 General’s duty to inspect or investigate the financial affairs and transactions
8 of the City, its departments, contractors, or vendors in whole or in part.

9 (J) The identity of a person making a report and associated allegations
10 made directly to the Inspector General orally or in writing, or telephonically or
11 in writing through the Inspector General’s hotline or website, or through any
12 other means, alleging financial fraud, waste, or abuse in government is
13 confidential information and may not be disclosed except as required by ROA
14 1994 Section 2-17-6(A).

15 (K) The Inspector General will provide information that is either confidential
16 and/or related to an Office of Inspector General case that is not otherwise
17 public where required by law. The Office of Inspector General is encouraged to
18 work as collaboratively as possible in all other matters. Nothing in this
19 Ordinance would prevent the Inspector General from complying with all
20 requirements for information from external audits or reviews regarding the
21 management of the office from a fiscal, management, or non-case-related
22 request.]

23 **§ 2-17-7 PROFESSIONAL STANDARDS.**

24 (A) The Inspector General's investigations and inspections shall conform to
25 the Association of Inspector General's professional standards.

26 (B) The Office of the Inspector General's [published] investigations shall be
27 subject to quality assurance [peer] reviews by an appropriate professional
28 non-partisan objective group every three to five years. A copy of the written
29 report resulting from this review shall be furnished to the [Board Committee].

30 **§ 2-17-8 PUBLIC RECORDS; CONFIDENTIALITY.**

31 (A) The Inspector General shall maintain the confidentiality of any public
32 records that are made confidential by law and shall be subject to the same

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1 penalties as the custodian of those public records for violating confidentiality
2 statutes.

3 (B) ~~[During the course of investigations, all records shall be considered~~
4 ~~deliberative in process and not available for outside review.]~~ [Confidentiality of
5 the Investigation Files and Investigation Reports. Pursuant to this Ordinance,
6 Investigation Files and Investigation Reports are confidential and shall not be
7 divulged to any person or agency, except to the United States Attorney, the
8 New Mexico Attorney General, or the Second Judicial District Attorney's
9 Office, or any other bona fide law enforcement or investigatory agency, or as
10 otherwise required by law, until the report is published, unless it is necessary
11 for the Inspector General to make such records public in the performance of
12 their duties.]

13 (C) [Sharing of Information with City Departments] ~~[Prior to publishing a~~
14 ~~report, the~~ The Inspector General may share selected information [not
15 otherwise made confidential by law or this Ordinance] with other city
16 departments if the information is ~~[needed for decision-making purposes~~
17 necessary to prevent harm or loss to the City or its employees]; otherwise,
18 reports remain confidential until published, at which time they become public
19 record.

20 (D) The names and identities [or other information that could reasonably
21 disclose the identity] of persons making complaints and providing information
22 shall not be disclosed without the written consent of the person unless
23 otherwise required by law or judicial processes.

24 (E) Published reports shall be public records except that the Inspector
25 General shall delay the publication of reports when criminal conduct is found
26 and the Inspector General or appropriate law enforcement authority is
27 pursuing an investigation and release of the report might jeopardize further
28 investigation. An investigation release [that] has been delayed shall be
29 published promptly at the end of the condition giving rise to the delay.

30 § 2-17-9 REPORTS TO THE COMMITTEE.

31 (A) Each investigation~~[, other than those resulting from assignment by the~~
32 Board of Ethics and Campaign Practices,] shall result in a written final report

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1 to the Committee. The Inspector General shall submit copies of each report to
2 the Committee and shall retain a copy as a permanent record.

3 (B) [For the purpose of review during the report presentation, the
4 Committee, at its sole discretion, may request and allow the attendance of City
5 personnel or investigated parties at an Accountability in Government
6 Oversight meeting.

7 (C) The Inspector General's report shall include:

8 (1) [A description of any complaint or other information received by the
9 Inspector General pertinent to the investigation ~~Specific citations to the law or~~
10 ~~policy that was allegedly violated];~~

11 (2) [A description of any illegal conduct, waste, or abuse or violation of
12 laws or regulations with specific citations to the law or policy that was
13 allegedly violated ~~An assessment of the validity of the allegations under~~
14 ~~investigation, including whether the allegations are criminal or civil in nature];~~

15 (3) [Recommendations for corrective actions ~~A list of the employee or~~
16 ~~official's supervisors];~~

17 (4) A description of any corrective action or discipline to date;

18 (5) ~~[If the case of a criminal violation, an evaluation of the likelihood of~~
19 ~~successful prosecution;~~

20 (6) A summary of all of the direct and circumstantial evidence supporting
21 the allegations; and

22 [(6) Other information as the Inspector General may deem relevant to the
23 investigation or resulting recommendations.]

24 ~~[(7) A description of which prosecutorial agencies may be contacted, have~~
25 ~~been involved or may be contacted.]~~

26 [(D) The Inspector General may informally brief the Committee as to the
27 commitment of resources to any investigation assigned by the Board of
28 Ethics and Campaign Practices and the progress being made towards the
29 completion of the investigation.]

30 § 2-17-10 REPORTING.

31 (A) The Inspector General shall annually report to the Council and the
32 Mayor regarding ~~his~~ their activities and investigations.

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1 (B) Within 60 days of the end of each fiscal year, the Inspector General shall
2 issue a published report to the Committee that separately lists investigations
3 and other assistance efforts completed during the fiscal year.

4 (C) The Inspector General shall notify members of the media and the public
5 of the issuance of the published report. The Office of the Inspector General
6 shall publish the reports publicly on the website of the Office of the Inspector
7 General and provide copies of the published report upon request.

8 § 2-17-11 CONTRACT INVESTIGATORS, CONSULTANTS, AND EXPERTS.

9 Upon ~~approval of~~ notification to the Committee, the Inspector General may
10 obtain the services of certified public accountants, qualified management
11 consultants, certified fraud examiners, forensic auditors or other ~~[Office of the~~
12 ~~Inspector General~~ professionals. Contractors performing ~~[investigations~~
13 services for the Office of Inspector General] shall not have any financial
14 interest in the affairs of the investigated party, officials or employees. The
15 Inspector General shall coordinate and monitor ~~[investigations~~ the work]
16 performed by persons under contract to the Inspector General.

17 § 2-17-12 PENALTY; COOPERATION; RETALIATION PROHIBITED.

18 (A) All city officials, employees and contractors shall promptly notify the
19 Inspector General of every instance of theft or other disappearance of cash,
20 check, or property, of misfeasance or nonfeasance, defalcation, improper
21 governmental actions ~~[as defined in the Whistleblower Ordinance]~~ and non-
22 compliance with federal and state law, city ordinances and city rules and
23 regulations of which they are aware.

24 (B) All city officials, employees and contractors~~[,~~ including those who are
25 actively engaged in seeking to do business,] shall provide the Inspector
26 General full and unrestricted access to all city offices, employees, records,
27 information, data, reports, plans, projections, matters, contracts, memoranda,
28 correspondence, electronic data, property, equipment and facilities and any
29 other materials within their custody. At the Inspector General's request, an
30 official, employee or contractor shall prepare reports and provide interviews. If
31 an official, employee, vendor or contractor fails to produce the requested
32 information, the Inspector General shall notify the ~~[Board~~ Committee] and
33 make [a] written request to the Chief Administrative Officer for ~~[his~~ their]

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1 assistance in causing a search to be made and germane exhibits to be taken
2 from any book, paper or record excepting personal property. The Chief
3 Administrative Officer shall require the officials, employees, vendors or
4 contractors to produce the requested information.

5 (C) Every city contract, bid, proposal, application or solicitation for a city
6 contract and every application for certification of eligibility for a city contract
7 or program shall contain a statement that the ~~[individual understands and will~~
8 ~~abide by all~~ contracting parties will be subject to the provisions of the
9 Inspector General Ordinance.

10 (D) No person shall retaliate against, punish or penalize any other person
11 for complaining to, cooperating with or assisting the Inspector General in the
12 performance of ~~[his~~ their office.

13 (E) [False claims penalty. Any person who makes a false statement or
14 who files a false complaint, for which there is evidence to support, shall be
15 guilty of knowingly furnishing misleading information and shall be subject to
16 the provisions of ROA 1994 § 1-1-99 and the matter may be referred to
17 prosecuting authorities.]

18 ~~[(F)]~~ Each and every violation of this article is a criminal violation subject
19 to the provisions of § 1-1-99 ROA 1994.

20 ~~[(G) (F)]~~ Any official or employee who violates the Inspector General
21 Ordinance may be subject to discipline as may be specified in ~~[the Merit~~
22 ~~System Ordinance~~ City personnel rules and regulations or any applicable
23 collective bargaining agreement.”

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

31 SECTION 3. COMPILATION. The amendments set forth in SECTION 1
32 above shall amend, be incorporated in, and made part of the Revised
33 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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