

# CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL

COUNCIL BILL NO. F/S O-22-55 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Brook Bassan, by request

1 ORDINANCE  
2 AMENDING THE CITY INSPECTOR GENERAL ORDINANCE, CHAPTER TWO,  
3 ARTICLE SEVENTEEN OF THE REVISED ORDINANCES OF ALBUQUERQUE

4 WHEREAS, instituting dedicated funding for the Office of Inspector General  
5 sends a strong signal that the City of Albuquerque is committed to  
6 independent, objective, and unbiased evaluations of government programs  
7 and practices that promote accountability and integrity in government; and

8 WHEREAS, dedicated funding insulates the Office of Inspector General  
9 from political interference, and provides stability by ensuring more equitable  
10 and reliable funding for the investigation function; and

11 WHEREAS, recurring budgets are funded each period to support the  
12 current level of service, while non-recurring budgets are typically created for  
13 special purposes and through the City's normal budget process for city  
14 departments, the Office of Inspector General's annual budget has averaged  
15 nearly one-thirteenth of one percent (0.076%) of the City's overall recurring  
16 General Fund budget since fiscal year 2012, when the Office of Internal Audit  
17 and the Office of the Inspector General were operationally separated; and

18 WHEREAS, the demands on Inspectors General are increasing and the  
19 salaries offered are not keeping pace; and

20 WHEREAS, the Accountability in Government Oversight Committee should  
21 have the ability to ensure the salary for the Inspector General is maintained at  
22 a level commensurate with the responsibilities and at a level consistent with  
23 other city departments with comparably skilled professionals; and

24 WHEREAS, the ability of the Office of Inspector General to obtain  
25 independent legal counsel prevents potential, perceived, or actual conflicts of  
26 interest that may arise due to the City Attorney's client relationship with the

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

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

11 SECTION 1. Chapter 2, Article 10 of the Revised Ordinances of  
12 Albuquerque, New Mexico, 1994, the "Inspector General Ordinance" is hereby  
13 amended as follows:

14 "§ 2-17-1 SHORT TITLE.

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

16 § 2-17-2 FINDINGS; PURPOSE; GOALS.

17 (A) [The Council finds that good governance, transparency, and  
18 accountability are critical in the public sector for the effective and credible  
19 functioning of a healthy democracy, and in fulfilling the government's  
20 responsibility to citizens and taxpayers. To accomplish this end, the City finds  
21 the need for the services of an independent Inspector General. Effective  
22 independent investigations, inspections, evaluations, and reviews along with  
23 transparent and reliable reporting in government serves to promote  
24 accountability, enhance the effectiveness of government services to its  
25 citizens, and increase the public's confidence in their government.

26 (B) The Council finds that in order for the Inspector General to be effective,  
27 the Inspector General must be authorized to maintain the confidentiality of  
28 investigations resulting from an assignment by the Board of Ethics and  
29 Campaign Practices until they are published.

30 (C)]The organization and administration of the Office shall be sufficiently  
31 independent to assure that no interference or influence external to the Office  
32 adversely affects the independence and objectivity of the Inspector General.

33 [(D) (B)] The Inspector General's goals are to:

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- 1 (1) Conduct investigations~~[, inspections, evaluations, and reviews]~~ in an
- 2 efficient, impartial, equitable~~[,]~~ and objective manner;
- 3 (2) Prevent and detect fraud, waste~~[,]~~ and abuse in city activities including
- 4 all city contracts and partnerships;
- 5 (3) ~~[Deter criminal activity]~~ [Carry out the activities of the Office of
- 6 Inspector General] through independence in [both] fact and appearance,
- 7 investigation~~[,]~~ and interdiction; and
- 8 (4) Propose ~~[ways~~ recommendations] to increase the city's legal, fiscal
- 9 and ethical accountability to ~~[insure~~ ensure] that ~~[tax payers'~~ taxpayers']
- 10 dollars are spent in a manner consistent with the highest standards of local
- 11 governments.

12 § 2-17-3 DEFINITIONS.

13 For the purpose of this article, the following definitions shall apply unless

14 the context clearly indicates or requires a different meaning.

15 [ABUSE. The use of resources or exercise of authority that is contrary to

16 rule or policy, or knowingly inconsistent with any established mission or

17 objectives for the resource, or of the position held by the person exercising

18 the authority. Abuse does not necessarily involve fraud or illegal acts.]

19 COMMITTEE. The Accountability in Government Oversight Committee.

20 CONTRACTORS. All city contractors~~[, including community-based~~

21 organizations].

22 EMPLOYEE. All city employees~~[, including appointed employees]~~.

23 [FRAUD. A knowing misrepresentation of the truth, or concealment of a

24 material fact to induce another to act to his or her detriment.

25 FRAUDULENT FINANCIAL REPORTING. Intentional misstatements or

26 omissions of amounts or disclosures in the financial statements to deceive

27 financial statement users which may include intentional alteration of

28 accounting records, misrepresentation of transactions, or intentional

29 misapplication of accounting principles.

30 INVESTIGATION. A formal inquiry or systematic study conducted by the

31 Office of the Inspector General pursuant to this article. A formal systematic

32 study may include inspections, evaluations, and reviews which are analyses

33 of operations and programs for the purposes of providing information for

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1 decision-making, and making recommendations to improve programs,  
2 policies, or procedures.]

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

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

8 OFFICE. The Office of the Inspector General.

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

11 PUBLISHED. ~~[An investigation report is published when it is approved by the~~  
12 ~~Board and distributed in final form to the investigated party, to the Mayor and~~  
13 ~~Chief Administrative Officer, and to the City Council. A published report is~~  
14 ~~available on request to the public. A report that, unless otherwise prohibited,~~  
15 has been presented to the Committee, distributed in final form to the Mayor  
16 and Chief Administrative Officer, and to the City Council, and is available to  
17 the public.]

18 [WASTE. The thoughtless or careless expenditure, mismanagement, or  
19 abuse of resources to the detriment of the City.]T

20 § 2-17-4 CREATION OF THE OFFICE OF THE INSPECTOR GENERAL;  
21 RESOURCES; STAFF.

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

26 (B) The Inspector General shall [~~be able to~~] manage a staff of professional  
27 investigators, [and others operating at the direction of the Inspector General  
28 that may include evaluators, reviewers, inspectors, contract specialists.]

29 [(C) The Inspector General shall] coordinate [~~his investigations~~ referrals  
30 deriving from external sources and work planned based on internal  
31 assessments, wherever appropriate and necessary] with the [~~Internal City~~  
32 Auditor and [other potentially relevant regulatory, law enforcement, or  
33 prosecutorial authorities.] [~~prepare a file for use by a prosecutorial agency.]~~

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1        ~~[(D) (C)]~~ The Office of the Inspector General shall be funded from the  
2 General Fund. [Adequate funding shall be provided to uphold the ability of the  
3 Office of the Inspector General to carry out its duties and support its staff and  
4 operating expenses.]

5        [(E) The Office of the City Attorney shall advise and represent the Office  
6 of the Inspector General, except that the Office of the Inspector General may  
7 select independent legal counsel from the conflict counsel list maintained by  
8 the Office of the City Attorney, or other attorney selected with the assistance  
9 of and through the City Attorney’s office.]

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

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

20        ~~[(H) (F)]~~ The Office of the Inspector General shall provide staff support to  
21 the Committee.

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

25        [(J) The Inspector General shall strive to adhere to the “Association of  
26 Inspectors General Principles and Standards for Offices of Inspector General”  
27 and participate in the Peer Review Process by seriously pursuing any  
28 recommendations resulting from such a process.]

29 § 2-17-5 SELECTION AND RETENTION OF INSPECTOR GENERAL.

30        (A) (1) The Committee, through its staff, shall accept applications from  
31 candidates, interview candidates and shall submit to the City Council the  
32 names of the three candidates that it finds to be the best qualified to be  
33 Inspector General indicating its ranking, and the [City] Council shall appoint

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1 the Inspector General from the three. The Committee's recommendation to  
2 Council shall be based on the candidates' integrity, capability for strong  
3 management and demonstrated ability in accounting, auditing, financial  
4 analysis, law, management analysis, public administration, investigation,  
5 criminal justice administration or other closely related fields.

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

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

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

28 (D) Prior to the final selection of the Inspector General, the candidate shall  
29 be fingerprinted and shall provide two fingerprint cards or the equivalent  
30 electronic fingerprints to the Committee to obtain the candidate's Federal  
31 Bureau of Investigation record. Records and related information shall be  
32 privileged and shall not be disclosed to anyone other than Committee

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1 members. The city shall pay for the cost of obtaining the Federal Bureau of  
2 Investigation records.

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

7 (F) [The Committee shall review the salary of the Inspector General  
8 annually and shall notify the Department of Finance and Administrative  
9 Services and the Human Resources Department of any salary adjustment,  
10 which will be subject to budget sufficiency and City personnel rules and  
11 regulations.

12 (G) The Inspector General may be removed from office [for cause] upon an  
13 affirmative vote of two-thirds (2/3) of the members of the Committee, ~~[or]~~ upon  
14 [an affirmative vote of two-thirds (2/3) of the members of the City Council; or  
15 upon] the City Council's decision to not reconfirm the Inspector General  
16 pursuant to Subsection E of this Section. [For purposes of this Section, cause  
17 may include, but is not limited to, conduct that is inconsistent with obligations  
18 under this ordinance, or otherwise inconsistent with responsibilities to the  
19 committee.]

20 § 2-17-6 DIRECTOR'S DUTIES; RESPONSIBILITIES; AUTHORITY;  
21 ADMINISTRATIVE SUBPOENA POWER.

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

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1 discrimination or labor law matters, or other matters that are the subject of  
2 pending litigation.

3 (B) The Inspector General shall receive and investigate complaints referred  
4 ~~[to him]~~ by the Board of Ethics and Campaign Practices. In addition, the  
5 Inspector General shall receive and evaluate complaints referred ~~[to him]~~ by  
6 any official, employee, contractor~~[,]~~ or the public and initiate an investigation  
7 when ~~[he deems it deemed]~~ appropriate. The Inspector General may also  
8 initiate an investigation [when there is predication].

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

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

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

23 (F) The Inspector General shall investigate any alleged violation of the Code  
24 of Ethics or the Elections Code that the Board of Ethics and Campaign  
25 Practices directs ~~[him the Inspector General]~~ to investigate. [When the  
26 Inspector General is assigned an investigation by the Board of Ethics and  
27 Campaign Practices, the usual requirements concerning approval of Inspector  
28 General reports by the Accountability in Government Oversight Committee  
29 and the publication of the reports is not followed so as to maintain the rights  
30 and duties of the Board of Ethics and Campaign Practices to direct and limit  
31 the investigation.]

32 (G) The Inspector General shall not investigate complaints that are under  
33 the jurisdiction of the ~~[Police Oversight Commission]~~ Civilian Police Oversight



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1 Agency] or the Internal Affairs Division of the Albuquerque Police  
2 Department[,] nor [~~shall he~~] access any Internal Affairs' files.

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

8 [(I) Reports of fraud, waste, and abuse made by employees, public officials,  
9 contractors, or members of the public may be made telephonically or in  
10 writing through the hotline or website established by the Inspector General for  
11 the confidential reporting of financial fraud, waste, and abuse in government.  
12 Reports received or created by the Inspector General are investigatory  
13 information and investigatory documentation in connection with the Inspector  
14 General's duty to inspect or investigate the financial affairs and transactions  
15 of the City, its departments, contractors, or vendors in whole or in part.

16 (J) The identity of a person making a report and associated allegations  
17 made directly to the Inspector General orally or in writing, or telephonically or  
18 in writing through the Inspector General's hotline or website, or through any  
19 other means, alleging financial fraud, waste, or abuse in government is  
20 confidential information and may not be disclosed except as required by ROA  
21 1994 Section 2-17-6(A) or other law.

22 (K) The Inspector General shall provide information that is either  
23 confidential and/or related to an Office of Inspector General case that is not  
24 otherwise public where required by law. The Office of Inspector General shall  
25 work as collaboratively as possible in fulfilling the duties and functions  
26 prescribed by this Ordinance. Notwithstanding any of the foregoing, the  
27 Inspector General shall comply with all requirements for information from  
28 external audits or reviews regarding the management of the office from a  
29 fiscal, management, or non-case-related request.]

30 § 2-17-7 PROFESSIONAL STANDARDS.

31 (A) The Inspector General's investigations and inspections shall conform to  
32 the Association of Inspector[u] General['s] professional standards.

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1 (B) The Office of the Inspector General's published investigations shall be  
2 subject to quality assurance peer reviews by an appropriate professional  
3 non-partisan objective group every three to five years. A copy of the written  
4 report resulting from this review shall be furnished to the Board Committee  
5 and posted on the website of the Inspector General.

6 § 2-17-8 PUBLIC RECORDS; CONFIDENTIALITY.

7 (A) The Inspector General shall maintain the confidentiality of any public  
8 records that are made confidential by law and shall be subject to the same  
9 penalties as the custodian of those public records for violating confidentiality  
10 statutes.

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

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

28 (D) The names and identities or other information that could reasonably  
29 disclose the identity of persons making complaints and providing information  
30 shall not be disclosed without the written consent of the person unless  
31 otherwise required by law or judicial processes.

32 (E) Published reports shall be public records except that the Inspector  
33 General shall delay the publication of reports when criminal conduct is found

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1 and the Inspector General or appropriate law enforcement authority is  
2 pursuing an investigation and release of the report might jeopardize further  
3 investigation. An investigation release [that] has been delayed shall be  
4 published promptly at the end of the condition giving rise to the delay.

5 § 2-17-9 REPORTS TO THE COMMITTEE.

6 (A) Each investigation~~], other than those resulting from assignment by the~~  
7 Board of Ethics and Campaign Practices,] shall result in a written final report  
8 to the Committee. The Inspector General shall submit copies of each report to  
9 the Committee and shall retain a copy as a permanent record.

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

14 (C) The Inspector General's [investigation and inspection] report[s] shall  
15 ~~[include:]~~ [conform to the Association of Inspectors General professional  
16 standards.]

- 17 ~~[(1) Specific citations to the law or policy that was allegedly~~  
18 ~~violated;~~
- 19 ~~(2) An assessment of the validity of the allegations under~~  
20 ~~investigation, including whether the allegations are criminal or civil in nature;~~
- 21 ~~(3) A list of the employee or official's supervisors;~~
- 22 ~~(4) A description of any corrective action or discipline to date;~~
- 23 ~~(5) If the case of a criminal violation, an evaluation of the likelihood~~  
24 ~~of successful prosecution;~~
- 25 ~~(6) A summary of all of the direct and circumstantial evidence~~  
26 ~~supporting the allegations; and~~
- 27 ~~(7) A description of which prosecutorial agencies may be contacted,~~  
28 ~~have been involved or may be contacted.]~~

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

33 § 2-17-10 REPORTING.

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1 (A) The Inspector General shall annually report to the Council and the  
2 Mayor regarding ~~[his~~ their] activities and investigations.

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

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

10 § 2-17-11 CONTRACT INVESTIGATORS, CONSULTANTS, AND EXPERTS.

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

19 § 2-17-12 PENALTY; COOPERATION; RETALIATION PROHIBITED.

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

26 (B) All city officials, employees~~[, and]~~ contractors, [and offerors in a City  
27 procurement process] shall provide the Inspector General full and unrestricted  
28 access to all city offices, employees, records, information, data, reports,  
29 plans, projections, matters, contracts, memoranda, correspondence,  
30 electronic data, property, equipment and facilities and any other materials  
31 within their custody. At the Inspector General's request, an official, employee  
32 or contractor shall prepare reports and provide interviews. If an official,  
33 employee, vendor or contractor fails to produce the requested information, the

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1 Inspector General shall notify the ~~[Board~~ Committee] and make [a] written  
2 request to the Chief Administrative Officer for [his ] assistance in causing a  
3 search to be made and germane exhibits to be taken from any book, paper or  
4 record excepting personal property. The Chief Administrative Officer shall  
5 require the officials, employees, vendors or contractors to produce the  
6 requested information.

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

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

15 (E) Each and every violation of this article is a criminal violation subject  
16 to the provisions of § 1-1-99 ROA 1994.

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

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

28 SECTION 3. COMPILATION. The amendments set forth in SECTION 1  
29 above shall amend, be incorporated in, and made part of the Revised  
30 Ordinances of Albuquerque, New Mexico, 1994.

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