



City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

Interoffice Memorandum

March 28, 2022

To: CITY COUNCIL

From: Camille Cordova, Assistant City Clerk *cc*

Subject: BILL NO. R-22-1; ENACTMENT NO. R-2022-016

I hereby certify that on March 25, 2022, the Office of the City Clerk received Bill R-22-1 as signed by the president of the City Council, Isaac Benton. Enactment No. R-2022-016 was passed at the March 7, 2022 City Council meeting. Mayor Keller did not sign the approved Resolution 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 Resolution is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. R-22-1.

Sincerely,

Ethan Watson
City Clerk

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. R-22-1 ENACTMENT NO. R-2022-0116

SPONSORED BY: Dan Lewis

1 RESOLUTION

2 DIRECTING THE CITY ADMINISTRATION TO EVALUATE RECENT ATTORNEY
3 GENERAL GUIDANCE AND ASSESS REOPENING AND RENEGOTIATING THE
4 COURT APPROVED SETTLEMENT AGREEMENT BETWEEN THE CITY OF
5 ALBUQUERQUE AND THE U.S. DEPARTMENT OF JUSTICE.

6 WHEREAS, In November 2014, the City of Albuquerque entered into a Court
7 Approved Settlement Agreement (CASA) with the United States Department of
8 Justice regarding agreed upon changes in the management and operations of
9 the Albuquerque Police Department (APD) in response to identified use-of-
10 force and related issues; and

11 WHEREAS, In 2015, Dr. James Ginger, CEO of Public Management
12 Resources, Inc., was jointly selected as the Independent Monitor to oversee
13 and evaluate APD's response to the requirements of the CASA; and

14 WHEREAS, On November 12, 2021, Dr. Ginger submitted his Fourteenth
15 Independent Monitor's Report (IMR), evaluating compliance levels of the
16 Albuquerque Police Department and the City of Albuquerque with
17 requirements of the CASA; and

18 WHEREAS, On September 13, 2021, the Office of the Attorney General
19 published a memorandum entitled *Review of the Use of Monitors in Civil*
20 *Settlement Agreements and Consent Decrees Involving State and Local*
21 *Governmental Entities* (AG Memorandum); and

22 WHEREAS, The AG Memorandum outlines principles and recommended
23 implementation actions for the use of monitors in civil settlement agreements
24 and consent decrees involving local governmental entities; and

25 WHEREAS, Among other things, the AG Memorandum recommends
26 placing a cap on independent monitor fees and assessing termination of
27 monitorships after no more than five years; and

1 **WHEREAS, The AG Memorandum notes that because “existing consent**
2 **decrees and monitorships are the product of extensive negotiation between**
3 **the parties, with approval by a federal court, the specific recommendations**
4 **outlined . . . should apply only to consent decrees and monitorships used in**
5 **future cases.”; and**

6 **WHEREAS, The principles and recommended implementation actions**
7 **outlined in the AG Memorandum may be beneficial to the City of Albuquerque**
8 **as it works toward compliance with the CASA; and**

9 **WHEREAS, The guidance contained in the AG Memorandum may**
10 **constitute cause to reopen and renegotiate the terms of the CASA, to include**
11 **not only the recommendations contained in the AG Memorandum, but a**
12 **reevaluation of the CASA as a whole.**

13 **BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
14 **ALBUQUERQUE:**

15 **SECTION 1. The City shall evaluate each of the principles and**
16 **recommended implementation actions outlined in the AG Memorandum to**
17 **determine whether they are beneficial to the City’s compliance efforts, and**
18 **analyze and reevaluate the terms of the CASA as a whole. The City Legal**
19 **Department, or appropriate designee, shall report its findings to the Council**
20 **no later than three months following the enactment of this Resolution.**

21 **SECTION 2. To the extent advisable, the City shall petition to reopen the**
22 **CASA and renegotiate its terms, including but not limited to, incorporating the**
23 **recommendations contained in the AG Memorandum and any additional**
24 **changes as may be necessary. Such petition shall specifically address the AG**
25 **Memorandum recommendations regarding capping independent monitor fees**
26 **and assessing termination of monitorships after no more than five years.**

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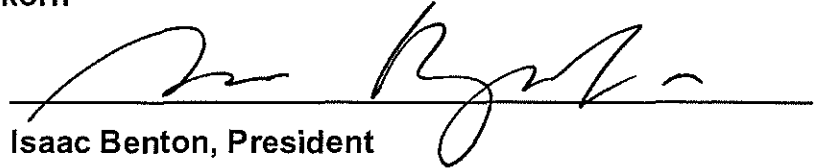
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1 PASSED AND ADOPTED THIS 7th DAY OF March, 2022
2 BY A VOTE OF: 8 FOR 1 AGAINST.

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5 Against: Fiebelkorn

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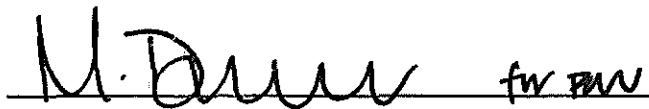
8 Isaac Benton, President
9 City Council

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13 APPROVED THIS _____ DAY OF _____, 2022

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17 Bill No. R-22-1

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21 Timothy M. Keller, Mayor
22 City of Albuquerque

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27 ATTEST:

28  fw EW

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30 Ethan Watson, City Clerk

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