



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 *cc*

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

0-2022-034

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Chris Melendrez, Director of Council Services



SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. O-22-35 Amending The City Of Albuquerque Code Of Ordinances, Section 2-7-2-2, "Authority And Duties Of The City Attorney" To Prohibit Policy Advocacy By The City Legal Department (Davis), which was passed at the Council meeting of October 3, 2022, by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

cpm:mm
Attachment

CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-35 ENACTMENT NO. 0-2022-034

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
4 POLICY ADVOCACY BY THE CITY LEGAL DEPARTMENT.

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.”

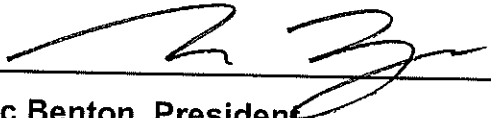
SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause, word, or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance the Council hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any 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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1 PASSED AND ADOPTED THIS 3rd DAY OF October, 2022
2 BY A VOTE OF: 9 FOR 0 AGAINST.
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12 Isaac Benton, President
13 City Council
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16 APPROVED THIS _____ DAY OF _____, 2022
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20 Bill No. O-22-35
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25 Timothy M. Keller, Mayor
26 City of Albuquerque
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28 ATTEST:
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31 Ethan Watson, City Clerk
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