

# CITY of ALBUQUERQUE TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-64 ENACTMENT NO. \_\_\_\_\_

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**

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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 validity  
27 of the remaining provisions of this ordinance. The Council hereby declares that  
28 it would have passed this ordinance and each section, paragraph, sentence,  
29 clause, word or phrase thereof irrespective of any provision being declared  
30 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, New  
33 Mexico, 1994.

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

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# 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.

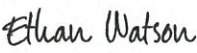
Approved:

Approved as to Legal Form:

  
Samantha Sengel Date  
Chief Administrative Officer

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

Recommended:

DocuSigned by:  
 11/27/2024 | 11:31 AM MST  
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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				-
<b>Total Expenses</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<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				
<b>Total Revenue</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

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:

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FISCAL ANALYST

APPROVED:

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

REVIEWED BY:

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EXECUTIVE BUDGET ANALYST

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