CITY of ALBUQUERQUE
TWENTY-FIRST COUNCIL

COUNCIL BILL NO. O-15-54 ENACTMENT NO. _____

SPONSORED BY: Don Harris

ORDINANCE

Amending The Accountability In Government Ordinance; Providing Further Guidance For The Issuance And Publication Of Audit And Investigatory Reports (Harris)

AMENDING THE ACCOUNTABILITY IN GOVERNMENT ORDINANCE; PROVIDING FURTHER GUIDANCE FOR THE ISSUANCE AND PUBLICATION OF AUDIT AND INVESTIGATORY REPORTS.

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

SECTION 1. The Accountability in Government Ordinance is hereby amended as follows:

“§ 2-10-5 CREATION OF COMMITTEE; DUTIES; POWERS; MEMBERSHIP.

(A) The "Accountability in Government Oversight Committee" is created. The Committee shall consist of five members from the community at large. The Mayor and one Councilor appointed annually by the Council President shall be nonvoting ex officio members. The Mayor and the appointed Councilor may send designees to the Committee meetings. At least one Committee member shall be a CPA, at least one Committee member shall have a law enforcement or law background and at least one Committee member shall be a professional management consultant.

(B) As vacancies on the Committee occur, the Council and Mayor shall alternatively appoint new members with the Council making the first appointment. All appointments shall be subject to Council approval. The existing Committee members may make recommendations to the Mayor

and Council for candidates to fill vacancies on the Committee. If either the Mayor or Council fails to name a replacement Committee member within 45 days of the vacancy, then the other body shall make the appointment. The Committee members shall be appointed for staggered terms of three years unless an appointment is to fill a vacancy. An appointment to fill a vacancy shall be for the unexpired term. Terms shall begin on the first day of September. The Committee members shall elect the Committee Chair annually.

(C) The Committee shall meet monthly or upon the call of the Chair or a majority of its members.

(D) Committee members shall not receive compensation for their service. Voting members of the Committee shall not serve on any other city board, commission or task force.

(E) The Chief Administrative Officer and the Director of Council Services or their designees may attend all Committee meetings.

(F) If an Official is the subject of an investigation, then the ex officio members, their designees, the Chief Administrative Officer and the Director of Council Services shall be recused from all meetings where that particular investigation is being discussed and they shall not have access to the investigative file during the pending investigation.

(G) The Committee is a management committee and not a public board, commission or committee as specified by §§ 2-6-1-1 et seq. and not subject to the Open Meetings Act. The Committee is not formed to formulate public policy nor is authority to formulate public policy delegated to the Committee.

(H) The Director or the Inspector General may only be removed from office upon an affirmative vote of two-thirds (2/3) of the members of the Committee. Within five days of removal of the Director or Inspector General, the Committee shall report the reasons for that removal to the Mayor and the Council.

(I) The Committee shall annually recommend a budget to the Mayor and Council that may include a salary adjustment for the Director or the Inspector General.

(J) The Committee shall provide the Director and the Inspector General with guidance, priorities and potential areas for investigations and audits. The Committee may also lend advice to the Director and the Inspector General regarding technical issues that may arise.

(K) The Committee shall coordinate the work of the Office of Internal Audit and the Office of the Inspector General with the Mayor's and Council's needs.

(L) The Committee shall not prohibit the Director or the Inspector General from initiating,

carrying out or completing any audit, investigation or review. If a majority of the Committee members finds that an audit, investigation or review is questionable, then the Committee shall issue a cautionary statement to the Director or the Inspector General, as appropriate.

(M) The Committee shall review and approve all audit and investigatory reports in a timely fashion. The Committee must take action on an audit or investigatory report within 30 days of the first presentation of the final report to the Committee. The Director of Internal Audit and the Inspector General may release and publish a final audit or investigatory report upon approval from the Committee, or after the 30-day period has lapsed. If the Committee fails to approve an audit or investigatory report within the 30-day period and the audit or investigatory report is released without its approval, the Committee may issue a cautionary statement after the release and publication of the final audit or investigatory report.

(N) The Committee shall prepare a job description, specify qualifications for applicants, work with the Director of the Human Resources Department to advertise for the position and develop the applicant search procedure and make recommendations to the Council on the selection of the Director and the Inspector General.

(O) Any discipline of the Director or the Inspector General, as provided by § 3-1-6 ROA 1994, shall be by the Committee. The Director and the Inspector General shall report to the Committee for approval of vacation, sick, emergency and city business leave."

SECTION 2. SEVERABILITY CLAUSE. 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 provisions being declared unconstitutional or otherwise invalid.

SECTION 3. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

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

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