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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2023-\_\_**

**INTRODUCED BY:**

Councilor Chris Rivera                      Councilor Renee Villarreal  
Councilor Lee Garcia                      Councilor Michael Garcia

**A RESOLUTION**

**PROPOSING A BALLOT QUESTION TO BE SUBMITTED TO THE CITY OF SANTA FE'S VOTERS DURING THE NOVEMBER 7, 2023, REGULAR LOCAL ELECTION REGARDING AMENDING THE CITY'S CHARTER TO INCLUDE A PROVISION ESTABLISHING AN INDEPENDENT OFFICE OF INSPECTOR GENERAL FOR THE CITY OF SANTA FE.**

**WHEREAS**, the Governing Body finds that good governance, transparency, and accountability are critical in the public sector for the effective and credible functioning of a healthy democracy, and in fulfilling the government's responsibility to community members and taxpayers; and

**WHEREAS**, the Governing Body recognizes that avoiding fraud, waste, and abuse in the future financial management of the City is of utmost importance; and

**WHEREAS**, transparent and reliable reporting and effective auditing in government serve to promote accountability, enhance the effectiveness of government services to community members, and increase the public's confidence in their government; and

**WHEREAS**, in 2013 the Governing Body enacted the Fraud, Waste and Abuse Hotline Ordinance (being Section 19-2 SFCC 1987) for the purpose of establishing a mechanism

1 specifically for City employees to anonymously report alleged fraud, waste or abuse by City  
2 employees or public officers; and

3           **WHEREAS**, in 2013, with Ordinance 2013-35, the Governing Body enacted SFCC 1987,  
4 Section 6-5, creating the City’s Audit Committee as an advisory committee to the Governing Body,  
5 with a mission to advise the City Manager, the Finance Committee, and the Governing Body  
6 regarding financial audits and investigations and related policies and procedures in order to promote  
7 transparency, accountability, efficiency, and effectiveness of City government for the community  
8 members of Santa Fe; and

9           **WHEREAS**, in 2014, the voters of Santa Fe approved a Charter amendment (Section  
10 9.04), to require the Governing Body to, by ordinance, adopt an “independent audit committee” for  
11 the City; and

12           **WHEREAS**, the Governing Body passed Ordinance 2018-9, which specifies that the  
13 City’s “Audit Committee” is an “independent advisory committee”, which provides that the Audit  
14 Committee assists in selecting an internal auditor and any contractor performing audit functions,  
15 which modifies the appointment of the Audit Committee members to be based on the  
16 recommendation of the municipal judge and that the appointment of the Audit Committee  
17 Chairperson be made by the Mayor, with approval of the Governing Body, and which clarifies that  
18 the Audit Committee independently reviews audits and investigations and makes recommendations  
19 to the City Manager, Finance Committee, and Governing Body based on its findings; and

20           **WHEREAS**, the Governing Body recognizes a need for a mechanism independent of the  
21 City Manager and Governing Body that is dedicated to regular public reporting of completed  
22 investigations of possible fraud, waste and abuse to the Governing Body, and, if necessary, to the  
23 appropriate legal authorities; and

24           **WHEREAS**, with respect to audits, the Inspector General should be required to meet with  
25 auditors to allow communications between them regarding possible fraud, waste, and abuse; and

1           **WHEREAS**, in furtherance of the Governing Body’s above actions and interests, the  
2 Governing Body believes that the City requires the services of an Inspector General to provide  
3 independent, objective compliance and review services designed to promote transparency,  
4 accountability, efficiency, and effectiveness in City government and to investigate fraud, waste and  
5 abuse, whether reported to the Inspector General or identified by the Inspector General’s  
6 independent investigation; and

7           **WHEREAS**, to maintain independence, an Office of Inspector General should not report  
8 to the City’s executive branch or the Governing Body, thereby allowing the Inspector General to  
9 conduct investigations without the influence of politics; and

10           **WHEREAS**, an Inspector General should be a general auditor of a government agency’s  
11 operations, ensuring that City actors comply with established policies of government; and

12           **WHEREAS**, an Inspector General should also investigate the possibility of misconduct,  
13 fraud, waste, abuse, theft or other types of criminal activity by City employees, elected officials, or  
14 contractors working for the government; and

15           **WHEREAS**, the City of Santa Fe Code of Ethics, SFCC 1987, Section 1-7.9, regarding  
16 “Enforcement”, states that “the governing body may by separate ordinance establish an office of  
17 inspector general”; and

18           **WHEREAS**, the Governing Body believes that the City needs an independent office to  
19 conduct additional investigations and audits of City operations to ensure that taxpayer funds are  
20 used in an appropriate manner; and

21           **WHEREAS**, the City’s Charter states “10.02. - Charter amendment or repeal. This Charter  
22 may be amended or repealed as provided by law.”; and

23           **WHEREAS**, State statute, NMSA 1978, Section 3-15-16, states that a home rule  
24 municipality may amend its Charter “by a proposal submitted by the governing body of the  
25 municipality to the qualified electors”; and



1 city's operations, who does not report to the mayor, city councilors, or city manager, and is charged  
2 with investigating the possibility of misconduct by city employees, elected officials, or contractors  
3 working for the city, including waste, fraud, abuse, theft, or other criminal activity, and report  
4 findings to the appropriate authorities, including the city's external auditor, and to present an annual  
5 report on completed investigations to the governing body. The governing body shall, by ordinance,  
6 establish the manner of appointment, removal, and other terms needed to govern an office of  
7 inspector general.

8 PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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12 ALAN WEBBER, MAYOR  
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16 ATTEST:

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18 \_\_\_\_\_  
19 KRISTINE MIHELICIC, CITY CLERK

20 APPROVED AS TO FORM:

21 *Erin McSherry*  
22 Erin McSherry (Jul 24, 2023 18:03 MDT)

23 ERIN K. McSHERRY, CITY ATTORNEY  
24

25 *Legislation/2023/Resolution placement of ballot question, establishing Office of Inspector General*