CITY OF ALBUQUERQUE

Office of the City Clerk
Amy B. Bailey, City Clerk
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May 21, 2012

I, Amy B. Bailey, City Clerk for the City of Albuquerque, New Mexico, a Municipal Corporation, hereby certify that the attached: Chapter 3: CITY EMPLOYEES Article 3: CONFLICT OF INTEREST; is a true and correct copy of the original document which has been maintained by the office of the City Clerk and of which I am the custodian.

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ARTICLE 3: CONFLICT OF INTEREST

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§ 3-3-1 SHORT TITLE.

This article may be cited as the "Conflict of Interest Ordinance."
('74 Code, § 2-3-1) (Ord. 31-1985)

§ 3-3-2 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. A corporation, partnership, sole proprietorship, firm, organization or other legal entity carrying on business.

CONFIDENTIAL INFORMATION. Information which by law or practice is not available to the public.

CONTROLLING INTEREST. A financial interest in a business which is greater than twenty percent.

EMPLOYEE. Every appointed classified or unclassified officer or employee of the city who receives compensation in the form of a salary or who is eligible to receive per diem and mileage. The term employee shall not include elected officials of the city.

FINANCIAL INTEREST. Any interest which shall yield, directly or indirectly, any monetary or other material benefit to a city employee or to the city employee's spouse or minor children. The term "financial interest" shall not include the employee's salary or other compensation authorized by law.

OFFICER. All members of boards, commissions and committees, the Chief Administrative Officer, and all department directors, division directors and section chiefs.

OFFICIAL ACT. An official decision, vote, approval, disapproval or other action which involves the use of discretionary authority.
('74 Code, § 2-3-2) (Ord. 31-1985)

§ 3-3-3 EMPLOYEE CONDUCT; STANDARDS.

Employees must in all instances maintain their conduct at the highest standards. No employee shall continue in his or her city employment with pay when he or she engages in activities which are found to more than likely lead to the diminishing of the integrity, efficiency, or discipline of the city service.
('74 Code, § 2-3-3) (Ord. 31-1985)

§ 3-3-4 GIFTS AND DONATIONS PROHIBITED.

(A) No reward, favor, gift, emolument, or other form of remuneration in addition to regular compensation and employee benefits shall be received by any employee for the performance or non-performance of his or her duties from any vendor, contractor, individual or firm doing business with the city or who can be reasonably anticipated to do business with the city in the future, or from any other source having or proposing to have any relationship with the city.

(B) Nothing in this section shall be construed to prohibit an occasional, non-pecuniary gift, insignificant in value; an award publicly presented in recognition of public service, acts of heroism or for solving of crimes;

a commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of the State to engage in the business of making loans.
('74 Code, § 2-3-4) (Ord. 31-1985)

§ 3-3-5 CONFLICT OF INTEREST; EMPLOYEES.

(A) An employee shall disqualify himself or herself from participating in any official act directly affecting a business in which he or she has a financial interest. No employee shall acquire a financial interest at a time when he or she believes or has reason to believe that it will be directly affected by his or her official act.

(B) Every employee who has a financial interest which he or she believes or has reason to believe may be affected by an official act taken within the scope of his or her employment shall disclose the precise nature and value of such interest. The disclosures shall be made in writing to the City Clerk at the time the conflict occurs and during the month of January every year thereafter. Additionally, it shall be the duty of an employee to inform his or her department head of such a financial interest at the time he or she acquires it. The information on the disclosures, except for the valuations attributed to the reported interests, shall be made available by the City Clerk for inspection to any citizen of this State; provided, however, the valuation shall be confidential. The filing of disclosures pursuant to this section is a condition of entering upon and continuing in city employment.

(C) The city shall not enter into any contract with a business in which an employee has a controlling interest, involving services or property of a value in excess of $1,000 unless the contract is made after public notice and competitive bidding or the Chief Administrative Officer has made a written waiver of this prohibition; provided that this subsection does not apply to a contract of employment with the city.

(D) Any purchase order or contract entered into by the city with a business in which an employee of the city has a controlling interest is void if the employee failed to comply with the provisions of this Section prior to the city entering into such contract or purchase order.
('74 Code, § 2-3-5) (Ord. 31-1985)

§ 3-3-6 CONFIDENTIAL INFORMATION.

No employee or former employee shall disclose or use confidential information acquired by virtue of his or her municipal employment or office without prior written approval of the Chief Administrative Officer. Nothing in this subsection shall prohibit a former employee from entering into a contract to represent the city in a confidential capacity.
('74 Code, § 2-3-6) (Ord. 31-1985)

§ 3-3-7 CONFLICTS OF INTEREST; FORMER EMPLOYEES.

(A) A former employee shall not within one year after the date of termination from employment represent any person or business in connection with a matter in which the former employee has performed an official act, unless the Chief Administrative Officer consents to such representation. No person or business with which a former employee is associated may knowingly undertake or continue a private representation in such a matter unless:

(1) The disqualified former employee is screened from participation in the matter and is apportioned no part of the compensation therefrom; and

(2) Written notice is promptly given to the Chief Administrative Officer.

(B) Nothing in this section shall prohibit a former employee from entering into a contract to represent the city in any matter.
('74 Code, § 2-3-7) (Ord. 31-1985)

§ 3-3-8 FALSE STATEMENTS PROHIBITED.

(A) No person shall willfully or corruptly make any false statement, certificate, mark, rating, or report in regard to any test, certification, appointment, or investigation, or in any manner commit any fraud, conceal any wrong-doing or knowingly withhold information about wrongdoing in connection with employment with the city or in connection with the work-related conduct of any city employee.

(B) No person seeking appointment to, or promotion in the service of the city, shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for, or on

account of, or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion; provided, however, that this provision shall not apply to payments made to duly licensed employment agencies.
('74 Code, § 2-3-8) (Ord. 31-1985)

§ 3-3-9 NEPOTISM PROHIBITED.

No relative of a city employee, by blood or marriage, may be employed in any position with the city in which the employee may be able directly to supervise, control or influence the work or employment status of the relative or the affairs of the organizational unit in which the relative is employed.
('74 Code, § 2-3-9) (Ord. 31-1985)

§ 3-3-10 OUTSIDE EMPLOYMENT.

No employee shall engage in outside employment without prior approval of the Chief Administrative Officer, or a designee of the Chief Administrative Officer. No employee shall continue outside employment if such employment has a negative impact on his or her job performance. A determination that such employment has a negative impact on an employee's job performance is not the subject of a grievance as defined in § 3-1-24 of this chapter. No employee who is receiving Worker's Compensation benefits shall engage in outside employment.
('74 Code, § 2-3-10) (Ord. 31-1985)

§ 3-3-11 CODE OF CONDUCT.

(A) The Director of the Personnel Services Department shall, subject to the prior approval of the Chief Administrative Officer, promulgate a Code of Conduct for all employees.

(B) In addition to the Code of Conduct promulgated by the Director of Personnel Services, a city department director may promulgate a Code of Conduct for all employees of his or her department which prescribes standards in addition to those set forth in this article and the Code of Conduct promulgated by the Director of Personnel Services which are peculiar and appropriate to the function and purpose for which the department was created or exists. Such codes, upon approval of the Chief Administrative Officer, shall further govern the conduct of employees and if violated, shall constitute cause for dismissal, demotion or suspension.
('74 Code, § 2-3-11) (Ord. 31-1985)

§ 3-3-12 VIOLATION BY EMPLOYEES.

Violation of any of the provisions of this article by any employee is grounds for disciplinary action, including dismissal, in accordance with the provisions of §§ 3-1-1 et seq., the Merit System Ordinance.
('74 Code, § 2-3-12) (Ord. 31-1985)

§ 3-3-13 VIOLATION BY FORMER EMPLOYEE.

Violation of any of the provisions of this article by a former employee is a misdemeanor, and, upon conviction the former employee shall be subject to the penalty set forth in § 1-1-99.
('74 Code, § 2-3-13 (part)) (Ord. 31-1985)