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# CITY OF ALBUQUERQUE

## CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO: Rey Garduño, President**  
**FROM: Dan Lewis, Councilor, District 5**  
**SUBJECT: Censure of Council President Rey Garduño**  
**DATE: October 19, 2015**  
**CC: City Councilors**

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Mr. President, this OC serves as my notice that I am making a motion to censure you for your recent actions and comments regarding your Council colleagues following your Indigenous Peoples' Day proclamation. I've written several censure drafts regarding your actions over the last year, Mr. President, but I have spoken with you each time about my concerns and decided not to introduce those censures for a vote hoping that you would change your behavior. Unfortunately, you have not. Mr. President, my patience is exhausted, and I can no longer condone or excuse your behavior. We have two long months and three meetings of the full Council before your successor is inaugurated, and there is too much important business before this body to waste time on petty attacks and feeble grandstanding.

As such, I move to censure the President of the Albuquerque City Council. The reasons for my motion are as follows:

- On October 7, 2015, you placed a Proclamation before the City Council declaring October 12, 2015, to be Indigenous Peoples' Day in Albuquerque. Despite the fact that the Proclamation was overtly political and Councilors were given no advanced notice of the language of the Proclamation, and despite the fact that several Councilors strongly disagreed with its wording, the full Council listened politely as this informal, non-binding Proclamation was read. Those Councilors

who disagreed with the wording of the Proclamation exercised their only option for expressing that disagreement and opted not to sign it.

- Subsequently, you made a number of public statements to the media in which you condemned those Councilors for not signing the Proclamation, even going so far as to say that they were “cowards.” In so doing, you intentionally exposed your fellow Councilors to scorn and derision, when even the most basic communication with those Councilors would have revealed a common interest in truly honoring our indigenous neighbors and friends.
- Your demeaning comments about fellow Councilors, especially when representing the full Council as its President, is not only untoward and beneath the dignity of the office, but violates the integrity and destroys the unity of the Council.

Unfortunately, this type of behavior has become a tired pattern with you, Mr. President. I mentioned that I have drafted two separate censure motions as a result of your previous unprofessional and unbecoming actions, both of which I will describe here.

On January 21, 2015, one of your first meetings as President, I made a motion to suspend the rules to allow any City Councilor to propose appointments to Committees. You did not recognize that motion. The decision not to recognize my motion was within your rights as Council President; however, I then appealed your decision and my appeal was seconded by Councilor Sanchez. At that point, under the City Council Rules of Procedure and Robert’s Rules of Order, the appeal was on the floor and *required* either a vote of the full Council or a motion for adjournment. You did not allow a vote to occur on that appeal nor did you move to adjourn the meeting. Instead, you attempted to ignore the appeal and move to the next item on the agenda.

I requested clarification of the rules from Council staff, and after that clarification it was clear that the rules required that the appeal be voted on by the entire Council with or without the recognition of the President; your response was “too bad!” Instead of

calling for a vote on the appeal as required, you declared that the Council was moving to its next item of business and ignored the appeal.

It was only after the rest of the City Council ignored your attempts to move to the next item of business that discussion of the appeal resumed. Once again, Council staff explained the rule to you and stated that the only options for the Council after an appeal had been made and seconded was to vote on the appeal or to adjourn the meeting. Rather than vote on the appeal, you attempted to unilaterally adjourn the meeting, and when you were informed that the rules did not allow adjournment at that point without a motion, you ignored the rule, stated that no motion was required, and declared the meeting to be adjourned. Since you walked out of the meeting at that point, the Vice-President was forced to preside over the meeting.

Again, on June 1, 2015, during a regularly scheduled City Council meeting, Councilor Jones made a motion to strike an item from the Letter of Introduction. During the course of the debate on that motion, you made a number of inappropriate comments and demeaning remarks that were unbecoming of the President of the City Council and that reflected poorly on the City Council as a whole.

Some examples include:

- During the debate, you did not discuss the motion at hand, but instead launched into a long complaint about how Council appointments to the Water Authority Board (which were made months prior) were made because of “personal political favoritism.”
- You implied that there was something improper in the Council appointing Councilor Jones to the Board – implying that her appointment had been some sort of bait and switch;
- You referred to Councilors who had exercised their rights under the City Council Rules of Procedure and voted to amend your Committee appointments in January as “perpetrators,” again leaving the impression that Councilors casting their votes were somehow doing something improper or unethical.

- You made comments to members of the public during the meeting in such a way as to elicit a sympathetic and disruptive reaction from them, which you then allowed. This kind of playing to the audience and addressing audience members directly is something that is specifically prohibited of public commenters precisely because doing so tends to incite disturbances and distract the Council from the business at hand;
- When I asked for a clarification about your comments and whether they were germane to the issue being discussed you said, “you can excuse yourself if you’d like and I’ll explain it to you later!” and later, “you’re out of order!”

Mr. President, the Council can tolerate healthy debate and disagreement. In fact it is encouraged. However, in the course of that debate, and now, unfortunately to the press outside of debate, you have made a habit of attacking the ethics and integrity of Councilors who disagree with you. From the inception of your Presidency, you have not acted as a representative of the full Council, but have instead fractured the Council and distracted from the issues at hand by heavy handedly attempting to quell Council discussion that you disagree with.

Mr. President, your recent comments declaring fellow Councilors to be cowards, your actions in presiding over the Council meeting of Wednesday, January 21, 2015, and your actions in presiding over the City Council meeting of Monday, June 1, 2015, demonstrate that you continue to act in such a way as to discredit the Council and impugn the dignity and integrity of the City Council.

As such, I move that the President be censured.