City of Albuquerque
Board of Ethics and Campaign Practices

Rio Grande Foundation,
Complainant

vs.

BOE-06-2019

Mayor Tim Keller,
Respondent

SETTLEMENT AGREEMENT

RECITALS

1. Tim Keller (hereinafter referred to as “the Respondent”) is the mayor of the City of Albuquerque. A complaint was filed with the City Clerk on November 22, 2019, by Patrick Brenner on behalf of the Rio Grande Foundation (“the Complainant”), against the Respondent, alleging violations of the City Charter, City Ordinances, Board of Ethics and City Clerk’s Rules and Regulations regarding actions taken by Respondent during the 2019 Local Election. The Complainant and Respondent wish to resolve the complaint through the settlement process.

2. Pursuant to Part I of the City Clerk’s Complaint Diversion Process, the complaint was reviewed by the City Clerk and referred to the Board of Ethics on December 9, 2019. On January 3, 2020, the Board found good cause to extend the time for resolution of this complaint. The complaint alleges violations of various provisions of the City Charter, the Code of Ethics, the Election Code, and the Open and Ethical Election Code.

3. The Respondent timely requested a settlement conference and the parties engaged in settlement discussions facilitated by the Office of the City Clerk. The Respondent and the Complainant propose the following terms for settlement of the complaint:

Stipulated Facts

1. The complaint was filed on November 22, 2019 with the Office of the City Clerk.

2. An editorial was posted on the City Website. See Exhibit A which is attached.

3. The Respondent and the Complainant negotiated, stipulated, and agreed to this Settlement Agreement (hereinafter “Agreement”) relating to the violation of the Rules and Regulations, with the mutual understanding that the Agreement is subject to approval by the Board of Ethics and Campaign Practices.

4. The Respondent and the Complainant both acknowledge that they have the right to retain the services of a private attorney to assist them with negotiating this Agreement.

IT IS THEREFORE UNDERSTOOD, STIPULATED AND AGREED AS FOLLOWS:
1. The posting encouraging people to vote yes on the G.O. bonds and on all of the ballot items should not have been made on the City's website, [www.cabq.gov](http://www.cabq.gov).

2. The Respondent agrees that no future postings on the City's website will attempt to influence support of employees of the city for or against any candidate, issue or Measure Finance Committee or other similar organization in any election or pre-election activity.


4. With the approval of the Board of Ethics and Campaign Practices, the complaint will be dismissed with prejudice.

Agreed:

Maureen Sanders, for
Respondent, Tim Keller

Recommended:

Ethan Watson,
Acting City Clerk

Agreed:

Paul Gessing or representative from President Rio Grande Foundation Complainant

Reviewed by:

John DuBois, Assistant City Attorney

**Decision of the Board**

The Board of Ethics hereby **Approves** (Approves/Rejects) this proposed Settlement Agreement by a vote of **4** for and **0** against. If the Board approves, a Consent Order dismissing the complaint with prejudice will be entered.

Andrew Schultz, Chairperson of the Board of Ethics and Campaign Practices