

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2013-36
Internal Audit Department

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2013-36:

On page 4, lines 2 through 8 of the bill, *delete* the following language:

“D. In accordance with law and in consultation with the city attorney’s office, the city manager’s publicly disclosable personnel matters relating to the internal auditor, such as hiring and termination of employment, shall be [~~presented~~] reported as information items to the audit committee, the finance committee and then the governing body. At the request of the governing body or the city manager and in consultation with the city attorney’s office, any protected privileged personnel matters relating to the internal auditor may be presented to the governing body in executive session in accordance with the New Mexico Open Meetings Act.”

And *insert* the following language in lieu thereof:

“D. In accordance with law and in consultation with the city attorney’s office, the city manager shall report proposed personnel actions, such as hiring, discipline or termination, relating to the internal auditor to the audit committee in executive session, in accordance with the New Mexico Open Meetings Act. [~~the city manager’s publicly disclosable personnel matters relating to the internal auditor, such as hiring and termination of employment, shall be presented as information items to the audit committee and then the governing body. At the request of the governing body or the city manager and in consultation with the city attorney’s office, any protected privileged personnel matters relating to the internal auditor may be presented to the governing body in executive session in accordance with the New Mexico Open Meetings Act.~~]

Respectfully submitted,

Patti Bushee, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2013-36
Internal Audit Department

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2013-36:

1. On page 5, line 2, *delete* "state" and *insert* "internal" in lieu thereof
2. On page 5, line 2, between "the" and "auditor" *insert* "internal"
3. On page 5, line 8, *delete* "approved by the state auditor"
4. On page 6, line 9, *delete* "and the state auditor's office"
5. On page 7, line 17, after "days" *delete* "of" and *insert* "after" in lieu thereof
6. On page 7, line 19, *delete* "final"
7. On page 11, line10, *delete* "to respond"

Respectfully submitted,

Chris Calvert, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2013-36
Internal Audit Department

Mayor and Members of the City Council:

We propose the following amendment(s) to Bill No. 2013-36:

1. **On page 4, lines 9-20, delete the following:**

“E. The internal auditor’s work shall result in a complete written final report being made of each annual audit, special audit, investigation and/or examination made (“report”). Each report, in its final form, shall set out in detail, in a separate section, any violation of law or good accounting practices found. Such reports are confidential under this Ordinance until in its final form. Reports shall not exist in a draft form for more than four (4) weeks without presentation to the finance committee and/or audit committee and/or the governing body. If the report is not in its final form to be presented after four (4) weeks, then staff shall inform the finance committee and/or the audit committee and/or the governing body, in writing, the specific date the final report will be presented and basis for the additional time needed. The final report should be presented to the city manager no sooner than ten (10) days before its presentation to the audit committee and the finance committee and the governing body should immediately be notified that the final report has been delivered to the city manager.”

And insert the following in lieu thereof:

“E. The internal auditor’s work shall result in a complete written final report being made of each annual audit, special audit, investigation and/or examination made (“report”) and shall be delivered to the city manager, except if city manager is the subject of the audit, then the report shall be delivered to the mayor. The internal auditor shall also notify the governing body in writing that the final report has been delivered. Each report, in its final form, shall set out in detail, in a separate section, any violation of law or good accounting practices found. Such reports are confidential under this Ordinance until placed on the finance committee’s agenda or put in its final form, whichever occurs first. Reports shall not exist in a draft form for more than thirty (30) days without presentation to the finance committee. Final reports shall also be timely presented to the audit committee. If the draft report is not ready to be delivered to the city manager in its final form or is not ready to be presented to the finance committee after thirty (30) days, then staff shall inform the finance committee, in writing, the specific date, absent court order not exceeding twenty (20) days, when the final report will be delivered to the city manager or presented to the finance committee and the stated basis for the additional time needed.”

2. **Delete** amendment #s 5 and 6 on Councilor Calvert’s proposed amendment sheet and insert the following amendment in lieu thereof:

On page 7, on lines 17-23, delete the following:

“(1) Within sixty (60) days of the beginning of each fiscal year, the internal auditor shall submit a one-to-five-year audit plan to the audit committee and the city manager for review and comments. The internal auditor shall have final authority to select the audits planned which shall be approved by the governing body. The proposed plan shall include the rationale for the selections, for auditing departments, offices, boards, activities, subcontractors and agencies for the period. The approved audit plan may be amended after review;”

And *insert* the following in lieu thereof:

“(1) Within sixty (60) days after the beginning of each fiscal year, the internal auditor shall submit a one-to-five-year audit plan to the audit committee, the city manager and the governing body for review and comments, but the internal auditor shall have final authority to select the audits planned. The proposed plan shall include the rationale for the selections, for auditing departments, offices, boards, activities, subcontractors and agencies for the period. This plan may be amended after review.”

3. On page 13, line 2, *insert* the following Section:

Section 9. A new Subsection 2-22.11 SFCC 1987 is ordained to read:

2-22.11 [NEW MATERIAL] Audits and the Inspection of Public Records Act.

A. This subsection is adopted pursuant to the general welfare and police powers conferred upon the city of Santa Fe by §3-17-1 et seq. and §3-18-1 et seq. NMSA 1978, pursuant to the powers conferred upon the city of Santa Fe by the New Mexico Constitution, Article X §§6(D) and 6(E) and the Municipal Charter Act §3-15-1 et seq. NMSA 1978, which have been exercised by the city's adoption of the Santa Fe Municipal Charter. The purpose of this subsection is within both the city's home rule powers and the delegated powers that all municipalities have to provide for the general welfare of their residents by the general welfare clause in Section 3-17-1(B) NMSA 1978 and police power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order within the municipality” by Section 3-18-1(F) and (G) NMSA 1978.

B. At all times during the audit process and after the report becomes a public record; the internal auditor shall follow applicable standards and 2.2.2 NMAC regarding the release of any information relating to the audit. Applicable standards include but are not limited to *the AICPA Code of Ethics Rule 301* and related interpretations and guidance, Institute for Internal Auditors interpretations and guidance and GAGAS 4.30 to 4.32 and GAGAS 4.40 to 4.44.

Respectfully submitted,

Staff

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-36

INTRODUCED BY:

Councilor Dominguez

Councilor Bushee

AN ORDINANCE

**RELATING TO THE CITY OF SANTA FE INTERNAL AUDIT DEPARTMENT;
AMENDING SECTION 2-22 SFCC 1987 TO STRENGTHEN INTERNAL AUDIT
INDEPENDENCE.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

**Section 1. Subsection 2-22.2 SFCC 1987 (being Ord. #2012-32, §3) is amended to
read:**

2-22.2 Findings; Purpose; Goals.

A. 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 citizens and taxpayers.

B. Transparent and reliable reporting and effective auditing in government serve to promote accountability, enhance the effectiveness of government services to its citizens, and increase the public's confidence in their government.

C. The members of the governing body share a duty to insure that the actions of public

1 officials, employees and contractors of the city are carried out in the most responsible manner
2 possible and that city policies, budgets, goals and objectives are fully implemented.

3 D. To accomplish this, the city requires the services of an independent office to provide
4 independent, objective assurance and review services designed to promote transparency,
5 accountability, efficiency and effectiveness of city government.

6 E. The governing body does hereby establish the internal audit department, an
7 independent city department of city government reporting to the city manager, which shall oversee
8 the internal auditor and the functions hereby established. To ensure independence and compliance
9 with generally accepted governmental auditing standards, the internal auditor:

10 (1) Shall report results to the city manager, the audit committee, the finance committee
11 and the governing body;

12 (2) Is a city department located organizationally outside of other city departments;

13 (3) Has access to the governing body in accordance with the Open Meeting Act; and

14 (4) Is sufficiently removed from political pressures to conduct audits and report findings,
15 opinions and conclusions objectively without fear of political reprisal.

16 F. The governing body also directs the [~~finance~~] internal audit department, in
17 cooperation with the audit committee, to establish [~~a job description, a code of ethics, internal audit~~
18 ~~plan of work guidelines, operating procedures and a departmental risk analysis~~] job descriptions and
19 department policies and procedures based on generally accepted governmental auditing standards;
20 and to adopt the Code of Ethics as defined by the Institute of Internal Auditors.

21 **Section 2. Subsection 2-22.3 SFCC 1987 (being Ord. #2012-32, §4) is amended to**
22 **read:**

23 **2-22.3 Definitions.** For the purpose of this article, the following definitions shall apply
24 unless the context clearly indicates or requires a different meaning.

25 *Auditees* mean the city related departments, programs, activities, agencies, vendors,

1 contractors, employees, public officials or other city related entities affected by an audit or
2 investigation.

3 *Committee* means the city of Santa Fe audit committee.

4 *Contractors* mean all city contractors.

5 *Internal auditor* means the internal auditor who is the head of the internal audit department.

6 *Employee* means a city employee.

7 *Official* means the mayor or a city councilor.

8 Report means an audit, a special audit, an investigation and/or an examination

9 Special investigation or special audit[s] means additional [audits] procedures or audits
10 undertaken because the need [for the audit] was not previously foreseen.

11 **Section 3. Subsection 2-22.4 SFCC 1987 (being Ord. #2012-32, §4) is amended to**
12 **read:**

13 **2-22.4 Creation of the Internal Audit Department; Resources; Staff.**

14 A. The internal audit department is created as an independent office of city government.

15 The internal auditor is the head of the internal audit department and shall report to the city manager.

16 B. The audit committee shall review applications for and make a recommendation to the
17 city manager for hiring of the internal auditor, a city employee.

18 ~~[B]C. [If necessary, the internal auditor shall recommend to the city manager for hire,~~
19 ~~employees for the efficient and effective administration of the internal audit department or may hire]~~
20 The internal auditor shall review applications and make recommendations to the city manager for
21 hiring other internal audit department employees; or independent contractors to be procured for
22 assistance to the internal audit department.

23 ~~[C. The city manager shall receive applications from candidates, interview candidates~~
24 ~~and select an internal auditor based on the candidates' integrity, capability for strong management and~~
25 ~~demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public~~

1 ~~administration, investigation, criminal justice administration or other closely related fields.]~~

2 D. In accordance with law and in consultation with the city attorney's office, the city
3 manager's publicly disclosable personnel matters relating to the internal auditor, such as hiring and
4 termination of employment, shall be ~~[presented]~~ reported as information items to the audit committee,
5 the finance committee and then the governing body. At the request of the governing body or the city
6 manager and in consultation with the city attorney's office, any protected privileged personnel
7 matters relating to the internal auditor may be presented to the governing body in executive session in
8 accordance with the New Mexico Open Meetings Act.

9 E. The internal auditor's work shall result in a complete written final report being made
10 of each annual audit, special audit, investigation and/or examination made ("report"). Each report, in
11 its final form, shall set out in detail, in a separate section, any violation of law or good accounting
12 practices found. Such reports are confidential under this Ordinance until in its final form. Reports
13 shall not exist in a draft form for more than four (4) weeks without presentation to the finance
14 committee and/or audit committee and/or the governing body. If the report is not in its final form to
15 be presented after four (4) weeks, then staff shall inform the finance committee and/or the audit
16 committee and/or the governing body, in writing, the specific date the final report will be presented
17 and basis for the additional time needed. The final report should be presented to the city manager no
18 sooner than ten (10) days before its presentation to the audit committee and the finance committee
19 and the governing body should immediately be notified that the final report has been delivered to the
20 city manager.

21 F. Any final report for presentation to city committees or the governing body shall be
22 included in the meeting packet and such meeting packets shall be posted on the city's website.

23 G. Prior to the committee meeting a final report placed on a committee agenda shall be
24 accessible by all members of the governing body and the public, and at such time shall become a
25 public record consistent with the Inspection of Public Records Act and its exemptions.

1 H. Within thirty (30) days after receipt of the report, the employee and/or division
2 and/or department audited may notify the state auditor of any errors in the report. If the auditor is
3 satisfied from data or documents at hand, or by an additional investigation, that the report is
4 erroneous, the internal auditor shall correct the report and furnish copies of the corrected report to all
5 parties receiving the original report.

6 I. The internal auditor may disclose audit information or audit documentation that is
7 confidential, without losing the confidentiality under this Ordinance to an independent external
8 auditor approved by the state auditor in connection with a special audit, performance audit, attestation
9 engagement or other existing or potential engagement regarding the financial affairs transactions of
10 the city.

11 J. The auditor's budget shall be reflected in the city manager's proposed budget as a
12 separate department. The budget shall be sufficient to allow the organization to carry out its
13 responsibilities including sufficient funding for annual continuing professional education
14 requirements and professional certification as required by the generally accepted governmental
15 auditing standards . The auditor's proposed budget shall be prepared and presented to the finance
16 director and the city manager.

17 **Section 4. Subsection 2-22.5 SFCC 1987 (being Ord. #2012-32, §6) is amended to**
18 **read:**

19 **2-22.5 Internal Auditor's Duties; Responsibilities; Authority; Administrative**
20 **Subpoena Power.**

21 A. If the internal auditor detects instances of possible fraud, waste, or abuse or potential
22 violations of law [~~apparent or potential violations of law or apparent instances of misfeasance or~~
23 ~~nonfeasance~~] by an auditee, he shall report the irregularities [~~in writing~~] to the [~~governing body via~~
24 ~~the finance committee, the auditee, the~~] city manager[;] and the audit committee.

25 (1) In accordance with Section 12-6-6 NMSA 1978 and state auditor's Rule

1 2.2.2.10K(3), a notification letter regarding the possible fraud, waste or abuse shall also be
2 sent to the state auditor's office whether or not an investigation by the internal auditor is
3 conducted.

4 (2) If the irregularity is criminal in nature, the internal auditor shall immediately
5 refer the irregularity to the appropriate prosecuting authority.

6 (3) If the irregularity warrants ~~[an]~~ a special investigation, audit, and/or special
7 audit, then the internal auditor shall conduct ~~[an]~~ a special investigation, audit and/or special
8 audit. The report shall be submitted to the city manager, the audit committee, the auditee, the
9 governing body through the finance committee and the state auditor's office.

10 (4) The internal auditor shall not accept complaints related to discrimination or
11 labor law matters. ~~[, or other matters that are the subject of pending civil litigation]~~ In some
12 cases, it may be appropriate for internal audit to work with investigators or legal authorities,
13 or withdraw from or defer further audit work on the audit or portion of the audit to avoid
14 interfering with an ongoing investigation or legal proceeding.

15 B. The internal auditor shall adhere to generally accepted governmental auditing
16 standards in conducting its work and will be considered independent as defined by those standards.

17 C. The ~~[office of]~~ internal audit department is subject to a peer review by an appropriate
18 professional non-partisan objective group every three to five years. A copy of the written report shall
19 be furnished to the city manager, audit committee, and governing body, via the finance committee.

20 [B]D. The internal auditor shall have the power to subpoena witnesses, administer oaths and
21 require the production of records subject to the New Mexico Rules of Civil Procedure. In the case of
22 a refusal to obey a subpoena issued to any person, the internal auditor may make application to any
23 district court in the state that shall have the jurisdiction to order the witness to appear before the
24 internal auditor and to produce evidence if so ordered, or to give testimony touching on the matter in
25 question.

1 ~~[C.— The internal auditor shall adhere to generally accepted government auditing standards~~
2 ~~and the Institute of Internal Auditors' (IIA) international standards in conducting its work and will be~~
3 ~~considered independent as defined by those standards.]~~

4 **Section 5. Section 2-22.6 SFCC 1987 (being Ord. #2012-32, §7) is amended to read:**

5 **2-22.6 Scope of Audits.**

6 ~~[A.— The internal auditor is authorized to conduct the following audits:~~

7 ~~(1) Based on a yearly internal audit plan developed in accordance with the internal~~
8 ~~audit plan of work guidelines;~~

9 ~~(2) Forensic audits;~~

10 ~~(3) Management audits; and~~

11 ~~(4) Special audits of any auditees recommended by the city manager, the governing~~
12 ~~body and the audit committee.]~~

13 A. Audits, except for special audits or special investigations/examinations, will be
14 conducted based on an annual audit plan developed in accordance with applicable professional
15 auditing standards. This plan and any modifications thereof, are to be reviewed by the audit
16 committee and recommended for approval.

17 (1) Within sixty (60) days of the beginning of each fiscal year, the internal
18 auditor shall submit a one-to-five-year audit plan to the audit committee and the city manager
19 for review and comments. The internal auditor shall have final authority to select the audits
20 planned which shall be approved by the governing body. The proposed plan shall include the
21 rationale for the selections, for auditing departments, offices, boards, activities,
22 subcontractors and agencies for the period. The approved audit plan may be amended after
23 review; however with regards to any special audit asked for by the City Manager that is
24 outside the scope of or not included in the audit plan, the governing body shall be notified, in
25 accordance with the Open Meetings Act, previous to giving direction to the internal auditor to

1 conduct the special audit.

2 (2) The final plan and any amendments will be presented to the audit committee,
3 the city manager, and subject to approval of the governing body;

4 (3) In the selection of audit areas and audit objectives, the determination of audit
5 scope and the timing of audit work, the internal auditor should consult with federal, state and
6 other external auditors so that the desirable audit coverage is provided and audit effort is
7 properly coordinated.

8 B. The internal auditor is authorized to conduct the following audits as defined in
9 generally accepted governmental auditing standards:

10 (1) Performance/Management Audits. Performance audits are defined as
11 engagements that provide assurance or conclusions based on an evaluation of sufficient and
12 appropriate evidence against stated criteria, such as specific requirements, measures, or
13 defined business practices.

14 (2) Financial Audits.

15 (3) Attestation Engagements. Attestation engagements result in an examination,
16 a review, or agreed upon procedures about a subject matter that is the responsibility of
17 another party. This includes special audits.

18 (4) Advisory (Non-Audit) Services. This includes special investigations. The
19 issued report shall not include an opinion statement or a statement indicating the investigation
20 was done in accordance with generally accepted government auditing standards. These
21 services are subject to applicable professional standards.

22 [B]C. [The goals of the audits conducted by the internal auditor are] The auditor shall have
23 the authority to conduct performance and financial audits, attestation engagements or to provide
24 advisory (non-audit) services to independently and objectively determine whether:

25 (1) The city, state or federal law authorizes the implemented activities and

1 programs that are the subject of the audit;

2 (2) The objectives intended by city, state or federal law are efficiently and
3 effectively accomplished in the implementation of activities and programs;

4 (3) The expenditure of funds was or is in compliance with applicable laws;

5 (4) The revenues were or are properly collected, deposited and accounted for;

6 (5) The entity, programs, activities, functions, or policies are effective, including
7 the identification of any causes of inefficiencies or uneconomical practices;

8 (6) The desired result or benefits are being achieved;

9 (7) Resources, including funds, property and personnel, were or are adequately
10 safeguarded, controlled and used in a faithful, effective and efficient manner;

11 ~~[(6)](8)~~ Financial and other reports fairly and fully disclosed all information as
12 required by law necessary to evaluate and ascertain the nature and scope of programs and
13 activities;

14 ~~[(7)](9)~~ Management established operating and administrative procedures and
15 practices, accounting internal control systems and internal management controls were and are
16 adequate and functioning as intended; ~~[and]~~

17 ~~[(8)](10)~~ City policies, budgets, goals and objectives were and are fully implemented;
18 and

19 (11) Indications of fraud, waste, abuse or illegal acts are valid and need further
20 investigation.

21 **Section 6. Section 2-22.7 SFCC 1987 (being Ord. #2012-32, §8) is amended to read:**

22 **2-22.7 Reports.**

23 A. The internal auditor~~[, following the yearly internal audit plan,]~~ shall report ~~[all]~~
24 results of all [the] types of audits, investigations and/or engagements in their final report
25 form~~[forensic audits, management audits and/or special audits]~~ to the audit committee, the city

1 manager, the auditees, and the governing body via the finance committee [~~the auditees, the city~~
2 ~~manager, and the audit committee.~~ All audits shall contain the professional opinion of the internal
3 auditor or the contract auditor concerning the financial statements issued by the auditees, or if the
4 audit is a management audit, the report shall contain the professional conclusions of the auditor
5 regarding the management activities audited].

6 B. All types of audit reports, investigations and/or engagements, in their final report
7 form, are public records, available for public inspection.

8 C. The internal auditor's [audit] reports, including attestation engagements, shall follow
9 the guidelines as specified in generally accepted governmental auditing standards, or in the case of a
10 non-audit service applicable professional auditing standards.

11 D. At a minimum audit and attestation engagement reports should include:

12 (1) [~~A precise statement of~~] Statements describing the objectives, scope and
13 methodology [encompassed by] of the audit;

14 (2) A statement that the audit was performed in accordance with generally
15 accepted government auditing standards [~~and IIA international standards~~];

16 (3) [~~(3) A statement that an examination for compliance with~~
17 ~~applicable laws, policies and regulations was conducted, and a presentation of the~~
18 ~~findings associated with that examination;~~] Background information, audit results, and
19 findings as appropriate;

20 (4) A conclusion based on the audit objectives and the audit findings.

21 (5) The findings in the audit report should present sufficient, appropriate
22 evidence to support the conclusion in relation to the audit objectives.

23 [~~(4) A statement of significant audit findings, including a statement of the~~
24 ~~underlying causes, evaluative criteria used and the current and prospective significance of the~~
25 ~~findings;~~

1 (5) ~~A statement that internal control systems were examined and a report of any~~
2 ~~material weaknesses found in the internal control systems;~~

3 (6) ~~Statements of response submitted by the auditees relevant to the audit findings;~~

4 (7) ~~A concise statement by the auditees of the corrective actions previously taken~~
5 ~~or contemplated as a result of the audit findings and a timetable for their accomplishment;~~
6 ~~and~~

7 (8) ~~Recommendations for additional necessary or desirable action.]~~

8 E. Responses submitted by the city manager relevant to the audit findings must include
9 a remediation plan specifying dates and corrective action to be taken to resolve the issue.

10 (1) A response is required to respond within fourteen (14) days of receipt of a
11 final report;

12 (2) If no response is received, the internal auditor will note that fact in the
13 transmittal letter and will release the report without a remediation plan.

14E. F. The internal auditor shall submit an annual report to the audit committee, city
15 manager, and governing body via the finance committee within sixty (60) days after fiscal year end
16 indicating all audits, investigations and/or engagements completed, major findings, corrective actions
17 taken by administrative managers, and significant issues which have not been fully addressed by
18 management.

19 **Section 7. Section 2-22.9 SFCC 1987 (being Ord. #2012-32, §10) is amended to**
20 **read:**

21 **2-22.9 Contract Auditors, Consultants, And Experts.** ~~[Upon approval by the city~~
22 ~~manager]~~ Within budgetary constraints, the internal auditor may obtain the services of certified
23 public accountants, qualified management consultants, certified fraud examiners, forensic auditors or
24 other professional experts necessary to perform the functions of the internal audit department.
25 Contractors performing an audit shall not have any financial interest in the affairs of the auditees,

1 officials or employees. The internal auditor shall coordinate and monitor auditing performed by
2 persons under contract to the internal auditor.

3 **Section 8. Section 2-22.10 SFCC 1987 (being Ord. #2012-32, §11) is amended to**
4 **read:**

5 **2-22.10 Penalty; Cooperation; Retaliation Prohibited.**

6 A. All city officials, employees and contractors shall provide the internal auditor full and
7 unrestricted access to all city offices, employees, records, information, data, reports, plans,
8 projections, matters, contracts, memoranda, correspondence, electronic data, property, equipment and
9 facilities and any other materials within their custody. At the internal auditor's request, an official,
10 employee or contractor shall prepare reports and provide interviews. If an auditee, official, employee,
11 vendor or contractor fails to produce the requested information, the internal auditor shall notify the
12 city manager requesting his assistance in causing a search to be made and germane exhibits to be
13 taken from any book, paper or record, written or electronic, excepting personal property. The city
14 manager shall require the officials, employees, vendors or contractors to produce the requested
15 information. Further, all contracts with outside contractors and subcontractors shall contain a "right-
16 to-audit" clause providing the internal auditor access to the contractor's employees and to all financial
17 and performance related records, property, and equipment purchased in whole or in part with
18 governmental funds.

19 B. No person shall retaliate against, punish or penalize any other person for complaining
20 to, cooperating with or assisting the internal auditor in the performance of his office. The internal
21 auditor, all city employees and public officials and any person cooperating with the internal auditor in
22 performance of duties has the same protections as provided for in the Federal Whistle Blower
23 Protection Act and the New Mexico Whistleblower Protection Act, Sections 10-16C-1 etseq. NMSA
24 1978.

25 C. Any official or employee who violates this Ordinance may be subject to discipline as

1 may be specified in applicable city ordinances or any applicable collective bargaining agreement.

2 APPROVED AS TO FORM:

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5 GENO ZAMORA, CITY ATTORNEY

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