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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-39

INTRODUCED BY:

Councilor Rivera
Councilor Dimas
Councilor Bushee

AN ORDINANCE

CREATING A NEW SECTION 19-2 SFCC 1987 TO ESTABLISH A FRAUD, WASTE AND ABUSE HOTLINE FOR CITY EMPLOYEES TO REPORT ALLEGED FRAUD, WASTE AND ABUSE BEING COMMITTED BY EMPLOYEES AND OFFICERS OF THE CITY.

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

Section 1. A new Section 19-2 SFCC 1987 is ordained to read:

19-2 [NEW MATERIAL] FRAUD, WASTE AND ABUSE HOTLINE.

19-2.1 Short Title. This Section shall be known as the Fraud, Waste and Abuse Hotline Ordinance.

19-2.2 Authority. The city has the authority to enact this Ordinance under all powers possible for a city to have under the constitution and laws of New Mexico by virtue of its enactment of its charter pursuant to the provisions of Article X, Section 6 of the New Mexico Constitution, and pursuant to the New Mexico Municipal Charter Act including all implied powers and all powers necessary to implement all express powers of the city, as if each and every one of the city's implied powers were fully, completely and expressly enumerated in its charter.

1 **19-2.3 Purpose; Intent.**

2 A. The purpose of this Ordinance is to establish a mechanism specifically for city
3 employees, in good faith, to report alleged fraud, waste or abuse by city employees or city public
4 officers of the city.

5 B. The intent of the governing body in enacting this Ordinance is to protect public
6 employees by keeping confidential the name of the public employee who lodges a good faith
7 complaint through the fraud, waste and abuse hotline from retaliation.

8 **19-2.4 Establishment of Fraud, Waste and Abuse Hotline.**

9 There is established a fraud, waste and abuse hotline in the city for city employees to,
10 in good faith, report confidentially alleged acts of fraud, waste and abuse committed by other city
11 employees or city public officials.

12 **19-2.5 Confidentiality of Complaints.** Pursuant to this Ordinance and the city's home rule
13 powers, it is necessary for the welfare of the city's employees and its residents that all complaints
14 filed by city employees using the fraud, waste and abuse hotline shall remain confidential and be
15 exempt from any request to inspect public records submitted in accordance with the Inspection of
16 Public Records Act, Chapter 14, Article 2 NMSA 1978.

17 **19-2.6 Adoption of Whistleblower Protection Act.** The New Mexico Whistleblower
18 Protection Act provides protection to public employees and prohibits a public employer from taking
19 any retaliatory action against a public employee based upon a communication about an action or a
20 failure to act that the public employee believes in good faith constitutes an unlawful or improper act.
21 The provisions of the Whistleblower Protection Act, Sections 10-16C-1 through 10-16C-6 NMSA
22 1978, are adopted by reference as if fully set out herein.

23 **19-2.7 Annual Review.** This Ordinance shall be reviewed one year from the date of
24 adoption and thereafter, on an annual basis.

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1 APPROVED AS TO FORM:
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4 *for* KELLY A. BRENNAN, INTERIM CITY ATTORNEY

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25 *M/Melissa/Bills 2013/2013-39 Fraud Waste Abuse Hotline Bill Substitute*