

**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 extended 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:

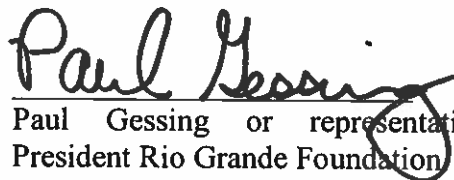
1. The posting encouraging people to vote yes on the G.O. bonds and on all of the ballot items should not have been made on the City's website, www.cabq.gov.
2. The Respondent agrees that no future postings on the City's website will attempt to influence support of employees of the city for or against any candidate, issue or Measure Finance Committee or other similar organization in any election or pre-election activity.
3. The Rio Grande Foundation agrees to withdraw all other complaints contained in BOE-06-19 dated November 22, 2019.
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

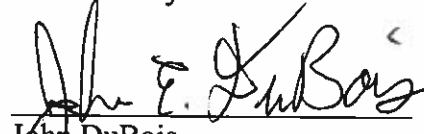
Agreed:


Paul Gessing or representative from
President Rio Grande Foundation
Complainant

Recommended:



Ethan Watson,
Acting City Clerk

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



Tuesday, November 5, 2019 is Election Day and there will be issues on the ballot that make a big impact in our community. For the first time, our City election is combined with the elections for ARA, COA and AARFCO. We want to make sure you know about some of the important issues that will come after the candidates.

There will be items such as the proposed General Obligation (G.O.) bond that, if passed, will help us continue to make our City a better place to live for our neighbors and our children. And all without raising taxes.

If passed, the bonds will fund projects such as:

- New library in the International District
- Shade structures and playground equipment for parks
- Ballfields redevelopment
- Improvements to senior centers
- Centralized emergency shelter and affordable housing
- Police vehicles and equipment for APD and AFR

Other items on the ballot will include public finance changes that focus on accountability to voters and increased transparency and access to local government. These reforms are necessary to bring our City in line with decisions made by the Supreme Court of the United States. A Transit Tax Increase will also be on the ballot to continue funding maintenance and repair of roads in our City, as well as new transit ways and walking trails. That tax is a renewal, so you will not see an increase in taxes if it is passed.

Your voters matter. Let's come together on November 5 as One Aborigine to make our community safer, more inclusive, and more inclusive by voting YES on the G.O. bonds and on all of the ballot items that will help our City reach its full potential. Find more information on the election at cityofdenver.com.

We'll see you at the polls!
 Your Mayor,
 Timothy A. Keller