CITY of ALBUQUERQUE
TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. O-26-31 ENACTMENT NO. ________________________

SPONSORED BY: Nichole Rogers

ORDINANCE

AMENDING THE PUBLIC SAFETY TAX ADVISORY BOARD ORDINANCE TO DEFINE THE ROLE OF THE BOARD; IMPROVE TRANSPARENCY; AND CLARIFY PROGRAM ADMINISTRATION, OVERSIGHT, AND REPORTING REQUIREMENTS.

WHEREAS, the Public Safety Tax was approved by voters to fund clearly defined public safety purposes and requires ongoing review to ensure funds are used effectively and consistent with voter intent; and

WHEREAS, the Public Safety Tax is dedicated by ordinance to specific public safety categories, reflecting the voters' intent that revenues be used for clearly defined purposes; and

WHEREAS, a 2019 Performance Audit completed by the City of Albuquerque Office of Internal Audit found that since 2008 the Public Safety Tax Advisory Board had not been fully established; and

WHEREAS, an advisory board composed of key City and community public safety stakeholders is an appropriate mechanism to review the use of Public Safety Tax revenues and to recommend changes, if necessary, in the distribution of such revenues; and

WHEREAS, the Board has since been established and is now active, and requires sufficient access to program data and information to effectively carry out its duties related to transparency, expenditure tracking, and policy recommendations; and

WHEREAS, regular program-level review of expenditures and outcomes by the Public Safety Tax Advisory Board promotes transparency, accountability, and data-driven improvements in the delivery of public safety services; and

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WHEREAS, the Board has received a substantial volume of information from funded departments and has found that the complexity of this information requires additional time and access to fully evaluate program performance and outcomes; and

WHEREAS, the Board has recommended that it be provided with ongoing opportunities to review departmental work and receive periodic performance reports in order to strengthen its oversight and advisory role.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. Chapter 2, Article 6, Part 11 of the Revised Ordinances of Albuquerque, 1994 is amended as follows:

PART 11: PUBLIC SAFETY TAX ADVISORY BOARD

§ 2-6-11-1 SHORT TITLE.

Sections 2-6-11-1 et seq. may be cited as the Public Safety Tax Advisory Board Ordinance."

§ 2-6-11-2 FINDINGS.

The City Council finds that an ongoing review is needed to ensure that the use of the public safety tax most effectively meets the needs of the city and its residents. The City Council also finds that an advisory board consisting of key city and citizen public safety stakeholders is the most appropriate vehicle to review the use of the tax, and suggest changes, if necessary, in the distribution [and administration] of public safety tax revenue.

§ 2-6-11-3 MEMBERSHIP, TERMS AND APPOINTMENTS.

There is hereby created a Public Safety Tax Advisory Board to review and recommend to the Council the use and distribution of the public safety tax imposed at [ROA 1994, §]§ 4-3-8-1 et seq. [~~ROA 1994~~].

(A) The Board shall consist of five members as follows: one member with experience or financial expertise in crime prevention and intervention appointed by the Mayor with the advice and consent of the Council, one member with experience or financial expertise in law enforcement appointed by the Mayor with the advice and consent of the Council, one member with experience or financial expertise in emergency medical services appointed by the Mayor with the advice and consent of the Council, and two at-large

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members appointed by the City Council. The Board shall elect a chair from its members.

(B) The term of office for members of the Board shall be for three years unless the appointment is to fill a vacancy. Each member may serve a maximum of two terms.

§ 2-6-11-4 DUTIES.

The duties of the Board shall be as follows:

[(A) Adopt and maintain written scopes for each use category listed in ROA 1994, § 4-3-8-5(A), the Dedication of the Public Safety Tax. Such scopes shall define eligible program types, intended outcomes, and general expenditure parameters for each category. Scopes shall be reviewed, at a minimum, on a biannual basis.

(B) Review information presented by the City Administration regarding expenditures and outcomes of Public Safety Tax-funded programs in order to assess effectiveness and efficiency and to recommend programmatic or funding changes consistent with the dedication of funds.]

[~~(A)~~] [(C)] Review the use of the public safety tax revenue for the previous fiscal year [at the programmatic level, including expenditures and outcomes].

[~~(B)~~] [(D)] Review the distribution of revenue among the [~~three funded city departments~~] [public safety dedicated use categories as outlined in the Dedication of the Public Safety Tax in ROA 1994, § 4-3-8-5, and the City departments or agencies administering programs within those categories,] and recommend changes, if necessary, to the [~~percentage of~~] revenue distributed, based on community conditions [and program performance].

[~~(C)~~] [(E)] Provide recommendations to the Mayor and City Council by January 1 [of each year] for the proposed use of public safety tax revenues for the upcoming fiscal year [by category and, where appropriate, by department and program].

[§ 2-6-11-5 TRANSPARENCY, REPORTING, AND OVERSIGHT.

(A) The Administration shall create and maintain a publicly accessible, interactive data dashboard that tracks implementation and outcomes of this ordinance. The dashboard shall allow users to filter data by time period and shall include metrics related to compliance, enforcement, and outcomes.

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(B) The Administration shall utilize the dashboard and any other applicable reporting methods to present information to the Public Safety Tax Advisory Board regarding the expenditure of Public Safety Tax revenues at the programmatic level within each dedication category. Such information shall include, at a minimum, the amount expended by program, the department or agency responsible for implementation, stated program objectives, and available outcome or performance measures.]

SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 3. COMPILATION. SECTION 1 of this Ordinance amends, is incorporated in, and is to be compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This Ordinance takes effect five days after publication by title and general summary.

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