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1 and adopted before the grant’s application filing date due to the time required  
2 for a Department to prepare a grant application, draft an application Resolution,  
3 submit it to the Administration for review, and then have it introduced and heard  
4 by the City Council; and

5 WHEREAS, a more efficient legislative process for acquiring City Council  
6 approval would be for the Administration to submit Executive Communications  
7 to City Council for approval in those cases where the application criteria  
8 required by the granting agency does not require that the application be  
9 adopted as policy; and

10 WHEREAS, the process of submitting a grant application for approval can  
11 be further expedited by amending the City Council Rules of Procedure to not  
12 require Fiscal Impact Analyses for Executive Communications and Resolutions  
13 for grant applications, as there would be no fiscal impact until grants are  
14 awarded. This, in turn, enables Departments to concurrently begin preparing  
15 grant applications and start the routing process for an Executive  
16 Communication or Resolution; and

17 WHEREAS, to further expedite Executive Communications moving through  
18 the legislative process, a Rules Amendment to the City Council Rules of  
19 Procedure should be made to allow Executive Communications for grants to be  
20 held over, as is done with Executive Communications for Reports and Contract  
21 Extensions/Supplements; and

22 WHEREAS, given these changes to §2-11-17 and the City Council Rules of  
23 Procedure, City Council would have sufficient time to approve Executive  
24 Communications before grants are awarded, and if City Council were to not  
25 approve submittal of the grant application they can do so before one is awarded;  
26 and

27 WHEREAS, an additional process that the Administration has employed to  
28 expedite grant application approvals by the City Council is to submit Omnibus  
29 Resolutions that list grant applications for which the City anticipates it will  
30 submit for funding in the following six months. This process has been effective  
31 and should be codified into the City Code of Ordinances and should be  
32 expanded to also include Executive Communications; and

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1 WHEREAS, to ensure that the City Council is regularly updated on City  
2 Departments' progress in applying for grants, the Administration, on a  
3 semiannual basis, shall file an Executive Communication with a list of all grants  
4 applied for by all City Departments.

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

7 Section 1. Section 2-11-17 ROA 1994, is amended as follows:

8 “(A) Any application or proposal for a ~~[federal or state]~~ grant ~~[with a matching~~  
9 ~~requirement]~~ shall be submitted to the City Council [in the form of an Executive  
10 Communication] for review and approval [at the same time as] the submittal of  
11 such application or proposal to any ~~[federal or state agency]~~[grantor]~~[;]~~  
12 [Executive Communications shall include an interoffice memorandum and a  
13 copy of the executive summary of the grant application or a copy of the grant  
14 application. The total City obligation shall be included in the interoffice  
15 memorandum. A fiscal impact analysis is not required to be submitted with the  
16 Executive Communication for a grant application.] ~~[provided, however, that~~  
17 ~~these requirements shall not apply to those grants fulfilling any of the~~  
18 ~~exceptions listed below:]~~

19 ~~[(1) If any application or proposal is required by the federal or state agency~~  
20 ~~prior to the next regular meeting of the Council, it may be submitted prior to~~  
21 ~~approval by the Council subject to subsequent approval. The application shall~~  
22 ~~be submitted to the Council for approval at its next regular meeting. If the~~  
23 ~~application or proposal should be disapproved by the Council, it shall be~~  
24 ~~withdrawn.~~

25 ~~— (2) If the application or proposal is for a federal or state grant amounting~~  
26 ~~to less than \$1,500 and the required matching funds have previously been~~  
27 ~~budgeted, Council approval is not required.~~

28 ~~— (3) Applications or proposals for any federal or state grant amounting~~  
29 ~~to less than \$1,500 and requiring only an in-kind match and having no future~~  
30 ~~financial implications for the city as determined by the Chief Administrative~~  
31 ~~Officer shall not require Council approval.~~

32 ~~— (4) Applications or proposals for federal or state grants amounting to~~  
33 ~~less than \$1,500 and requiring no matching city funds and having no future~~

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1 financial implications for the city as determined by the Chief Administrative  
2 Officer shall not require Council approval.

3 (B) If, after Council approval of the application, conditions are added to the  
4 grant award which have not been approved by the Council and which have  
5 major financial or policy implications for the city, the final grant agreement shall  
6 be submitted to the Council for approval in accordance with the following  
7 procedures:]

8 (1) The Council may approve, take no action, ~~[disapprove]~~[reject] the  
9 proposed agreement, or recommend revisions thereof with or without  
10 conditioning approval on the adoption of such revisions.

11 (2) [If the Council rejects the application, the application shall be withdrawn by  
12 the Department that submitted the application]. ~~[If no action is taken by the~~  
13 ~~Council within 21 days from the date of the Council meeting which immediately~~  
14 ~~follows receipt of the proposed agreement in the Council offices, the Mayor may~~  
15 ~~proceed to execute and deliver the agreement and to effectuate its~~  
16 ~~provisions.](3) [If the Council rejects the application, the Department shall not~~  
17 ~~enter into a grant agreement with the grantor].~~ ~~[If the Council disapproves by~~  
18 ~~majority vote of the members present and voting, the agreement may not be~~  
19 ~~entered into.]~~

20 (4) The Mayor may withdraw the proposed agreement at any time from the  
21 Council and may present revisions thereof. In the event of withdrawal, the  
22 proposed agreement shall be a nullity. In the event of revision, the provisions  
23 set forth in divisions (A) and (B) of this section shall apply to the same extent  
24 as if a new proposal were being made.

25 (B) If, after Council approval of the application, conditions are added to the  
26 grant award, which have not been approved by the Council and which have  
27 major financial or policy implications for the city, the final grant agreement shall  
28 be submitted to the Council for approval in accordance with the procedures set  
29 forth in Section A.

30 ~~[(C) The Mayor is authorized to expend, without further authorization from~~  
31 ~~the City Council, any federal or state funds awarded as a result of a federal or~~  
32 ~~state grant application if such grant does not require the city's commitment of~~  
33 ~~funds or resources which were approved by the City Council to be increased by~~

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1 ~~more than 10%, and if the goals, objectives and proposed programs included in~~  
2 ~~the application approved by the Council have not changed. If such changes~~  
3 ~~occur, and the Mayor desires to accept the grant, the grant application shall be~~  
4 ~~resubmitted to the City Council.]~~

5 ~~[(D)]~~[(C)] The Mayor, upon receiving notification that the City has been  
6 awarded a ~~[federal or state]~~ grant, shall [submit a Resolution to Council to  
7 appropriate the funds.] ~~[report the details of the grant award to the City Council~~  
8 ~~quarterly.]~~

9 [(D) Twice yearly, in July and January, the Administration shall submit an  
10 Executive Communication detailing all grant applications for the previous six  
11 months. This report shall include total project cost, grant funding requests,  
12 local match funding/in-kind contributions, and any grant awards received.]

13 SECTION 2. COMPILATION. SECTION 1 of this Ordinance shall amend, be  
14 incorporated in, and made part of the Revised Ordinances of Albuquerque, New  
15 Mexico, 1994.

16 SECTION 3. SEVERABILITY. If any section, paragraph, sentence, clause,  
17 word or phrase of this Ordinance is for any reason held to be invalid or  
18 unenforceable by any court of competent jurisdiction, such decision shall not  
19 affect the validity of the remaining provisions of this Ordinance. The Council  
20 hereby declares that it would have passed this Ordinance and each section,  
21 paragraph, sentence, clause, word or phrase thereof irrespective of any  
22 provision being declared unconstitutional or otherwise invalid.

23 SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect five days  
24 after publication by title and general summary.

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