

# CITY of ALBUQUERQUE

## EIGHTEENTH COUNCIL

COUNCIL BILL NO. F/S R-08-176 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Trudy Jones

1 RESOLUTION

2 REPEALING ENACTMENT R-10-1991 REGARDING THE REQUIREMENT FOR A  
3 FISCAL IMPACT ANALYSIS OF CERTAIN LEGISLATION; ESTABLISHING A  
4 POLICY TO REQUIRE A FISCAL IMPACT ANALYSIS ON ALL ORDINANCES,  
5 RESOLUTIONS, AND EXECUTIVE COMMUNICATIONS, AND TO REQUIRE AN  
6 ECONOMIC IMPACT ANALYSIS ON ALL LEGISLATION CREATING A  
7 FINANCIAL IMPACT ON THE COMMUNITY.

8 WHEREAS, the Council finds that government should be transparent and  
9 accountable to the taxpayers and the local economy; and

10 WHEREAS, city government has become increasingly complex and  
11 important to the local economy; and

12 WHEREAS, regulations, fees and taxes affect local businesses and  
13 individuals and influence local investment and job creation; and

14 WHEREAS, city government must assure that the impact of government  
15 regulation is understood by policy makers and citizens before such  
16 regulations are enacted and that unintended consequences are minimized;  
17 and

18 WHEREAS, taxes, fees and regulations should be increased, decreased or  
19 imposed only after an assessment of the impact of those actions on the City's  
20 budget, the public and others financially impacted by the proposed action.

21 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
22 ALBUQUERQUE:

23 Section 1. Enactment R-10-1991 (Council Bill R-230) is repealed.

24 Section 2. The following shall govern the financial impact information to be  
25 provided to the City Council with respect to Council actions:

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 **A. DEFINITIONS:** The following Definitions shall apply to this Resolution  
2 unless a different meaning is clearly intended:

3 **Council Action:** The following shall constitute a Council action for  
4 purposes of this Resolution: the adoption of an Ordinance or Resolution; the  
5 approval of an Executive Communication or Other Communication with any  
6 financial implications including approval of a contract or memorandum of  
7 understanding or joint powers agreement or acceptance of a grant; any similar  
8 actions that involve any obligation of City funds or impose any obligation to  
9 take any action by an impacted community. **Council Action** does not include  
10 the receipt of information, the approval of the appointment of any person to a  
11 board, committee or commission or the adoption of Council rules.

12 **Economic Impact Analysis or EIA:** A written statement providing the  
13 information required for an FIA. In addition an EIA shall contain: the estimated  
14 costs imposed on the impacted community if the City Council takes action on  
15 a matter. The EIA shall be in a manner that provides an understanding of the  
16 effect on the impacted community. This cost may be estimated in any of a  
17 number of ways including but not limited to: 1.) determining the size of the  
18 impacted community and estimating the impact on a representative sample;  
19 2.) where specific numbers are not readily available, by a thorough  
20 explanation of the steps necessary for the impacted community to comply  
21 with the Council action; 3.) presenting the position of a representative(s) of the  
22 impacted community on the issue of cost. No EIA shall be prepared without an  
23 attempt by the Responsible Party to contact and receive input from some  
24 segment of the Impacted Community.

25 **Fiscal Impact Analysis or FIA:** A written statement providing an estimation  
26 of the expenditures by, and revenues to, the City of Albuquerque in the  
27 present and at least two subsequent fiscal years if the City Council takes  
28 action on a matter, together with the projected source of those funds. The FIA  
29 shall include a statement of the individual primarily responsible for its  
30 preparation and, at a minimum, a short statement of the basis for the  
31 estimation including any assumptions.

32 **Impacted Community:** Either: 1.) a person or category of business directly  
33 regulated by a proposed City Council action; or 2.) a person who will be

1 economically impacted, more than incidentally, by a proposed City Council  
2 action.

3 Person: Any individual, cooperative association, club, corporation, city  
4 department, company, firm, partnership, joint venture, syndicate, profit or  
5 nonprofit organization, or other entity.

6 Reasonably Available Information: The amount of information that is  
7 necessary for a Councilor and any person to make an informed decision on  
8 the degree to which a Council action will adversely affect the impacted  
9 community. The determination of what is Reasonably Available Information  
10 involves a balancing between the potential impact and the cost in time and  
11 effort to obtain additional information.

12 Responsible Party: The person responsible for the preparation of an EIA or  
13 FIA. In the case of a proposed Council action that originates in the  
14 Administration and is communicated either by an Executive Communication  
15 or by request for a councilor to sponsor, the Mayor shall determine the  
16 Responsible Party from within the Administration. In the case of a proposed  
17 Council action that originates with a Councilor or from within the Council  
18 offices, the Director of Council Services shall determine the Responsible Party  
19 who shall be on Council staff unless the Mayor agrees to appoint a  
20 Responsible Party from within the Administration.

21 B. REQUIREMENT FOR ANALYSIS:

22 1. Every proposed Council action shall, at the time of introduction, be  
23 accompanied by either an EIA or FIA. The EIA or FIA shall be on forms created  
24 by the Director of Council Services. The EIA or FIA shall be signed by the  
25 Responsible party and at least one person at the level of Department Director  
26 who shall certify that the EIA or FIA has been reviewed and to the best of their  
27 knowledge is accurate and complete.

28 2. Council staff will work with the Council President at the time of creation  
29 of the Letter of Introduction to determine if an FIA should be replaced by an  
30 EIA and whether a submitted FIA or EIA is adequate. The Council President  
31 may request that an EIA be prepared or may request that an FIA or EIA be  
32 rewritten. To the extent possible the Council President should explain the  
33 deficiencies if any in the EIA or FIA.

1        3. Following receipt of the letter of introduction any Councilor may request  
2 a copy of any item together with the accompanying EIA or FIA. For any  
3 proposed Council action that is accompanied by an FIA any Councilor may  
4 request that an EIA be prepared or that an EIA or FIA be rewritten to provide  
5 greater information. To the extent possible the Councilor shall explain the  
6 deficiencies if any in the EIA or FIA. The request shall be honored for any such  
7 request made after introduction up until the end of the first Council Committee  
8 meeting where the proposed Council action is considered. Following the end  
9 of the first Council Committee where the Council action is considered, until  
10 final Council action on the matter by the full City Council, it shall take a  
11 request from three Councilors to impose a requirement for the preparation of  
12 an EIA or to request a rewrite of an EIA or FIA.

13 **C. ADEQUACY OF COMPLIANCE WITH COUNCILOR'S REQUEST:**

14        1. Any Councilor who has made a request for EIA or for the rewrite of an  
15 FIA or EIA, and any other Councilor who has notified the Responsible Party  
16 that they agree with the need for the EIA or the rewrite shall be immediately  
17 provided with the document created in response to that request.

18        2. Any Councilor receiving a revised document pursuant to C.1. shall have  
19 three days to raise concerns with the revised document. That concern shall be  
20 raised with the Responsible Party. The Responsible Party shall either attempt  
21 to resolve the concerns raised or take the position that all reasonably  
22 available information has been provided. If the Responsible Party takes the  
23 position that all reasonably available information has been provided any  
24 Council Committee or the entire City Council shall have the authority to  
25 determine if the FIA or EIA is adequate.

26 **D. EMERGENCY RESOLUTIONS, MORATORIA AND IMMEDIATE ACTION**

27 **ITEMS:** Any matter that is presented to the City Council for immediate action  
28 does not require an EIA or FIA. At the request of any Councilor at the time of  
29 adoption of the matter, the matter will be placed on the agenda of the next  
30 regularly scheduled City Council meeting for repeal. The City Councilor  
31 requesting that the matter be considered for repeal shall direct that either an  
32 EIA or FIA shall be prepared and distributed prior to that Council meeting.