

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 Enactment R-10-1991 (Council Bill R-230) is repealed.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, a land use appeal or protest or the adoption
12 of Council rules.

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

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

1 **Impacted Community:** Either: 1.) a person or category of business directly
2 regulated by a proposed City Council action; or 2.) a person who will be
3 economically impacted, more than incidentally, by a proposed City Council
4 action.

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

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

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

23 **B. REQUIREMENT FOR ANALYSIS:**

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

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

1 rewritten. To the extent possible the Council President should explain the
2 deficiencies if any in the EIA or FIA.

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

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

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

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

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

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

1 requesting that the matter be considered for repeal shall direct that either an
2 EIA or FIA shall be prepared and distributed prior to that Council meeting.

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