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Title: Enacting An Ordinance To Provide Special Procedures For The City Of Albuquerque Fiscal Year 2021 Budget; Superseding Certain Provisions Of The Present City Budget Ordinance (Benton)

Sponsors: Isaac Benton

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Date	Ver.	Action By	Action	Result
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4/10/2020	2	Mayor	Signed by the Mayor	
4/9/2020	2	City Council	Sent to Mayor for Signature	
4/6/2020	1	City Council	Passed	Pass
3/16/2020	1	City Council	Introduced	
3/16/2020	1	President	To be heard at the Council Meeting	

CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-20-7 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

ORDINANCE

Enacting An Ordinance To Provide Special Procedures For The City Of Albuquerque Fiscal Year 2021 Budget; Superseding Certain Provisions Of The Present City Budget Ordinance (Benton)

ENACTING AN ORDINANCE TO PROVIDE SPECIAL PROCEDURES FOR THE CITY OF ALBUQUERQUE FISCAL YEAR 2021 BUDGET; SUPERSEDING CERTAIN PROVISIONS OF THE PRESENT CITY BUDGET ORDINANCE.

WHEREAS, Section 2-11-6 of the City of Albuquerque Budget Ordinance requires the Mayor to propose an operating budget to the City Council by no later than April 1 of each year; and

WHEREAS, Section 2-11-10 of the City Budget Ordinance provides that the Council may amend the operating budget as proposed by the Mayor only through May 31 of each year in anticipation of the fiscal year commencing on July 1; and

WHEREAS, the State of New Mexico, and the United States of America declared public health emergencies on March 11, 2020, and March 13, 2020, respectively relating to the COVID-19 global pandemic; and

WHEREAS, these unprecedented events will likely result in unpredictable budget needs and revenues over at least the near term, which will impact the City's ability to reasonably meet the budget deadlines identified above; and

WHEREAS, Section 2-11-12 of the City's budget Ordinance further provides that no public funds may be expended unless the expenditure is authorized in the budget and is made or encumbered in the fiscal year covered by the budget.

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

SECTION 1. SPECIAL BUDGET PROCEDURES FOR THE FISCAL YEAR 2021 BUDGET.

A. Notwithstanding the deadlines and limitations set forth by ROA 1994 §§ 2-11-6, 2-11-10, and 2-11-12, the City of Albuquerque may, by Resolution of the Council, carry forward the appropriations and provisions of its Fiscal Year 2020 budget (F/S R-19-138, as amended) to serve as the Fiscal Year 2021 budget on a month-to-month basis, beginning July 1, 2021.

B. Under the circumstances described in subparagraph 'A', above, the Mayor shall, as soon as practicable, propose a budget to the Council for approval for the remainder of Fiscal Year 2021. The Council must finally approve the budget as so proposed or as amended by the Council within 45 days of its receipt. If the Council fails to approve a budget within this time limit, the budget proposal as submitted by the Mayor is deemed approved.

C. If for any reason the Mayor does not submit a proposed budget within a practicable time as contemplated by subparagraph 'B', above, the City Council may, by Resolution, direct the Mayor to propose a budget within 30 days. If the Mayor fails to propose a budget within this time limit, the Council may enact its own budget to serve as the City Operating Budget for the remainder of Fiscal Year 2021.

D. To the extent inconsistent herewith, Sections 2-11-6, 2-11-10, and 2-11-12 of the Revised Ordinances of Albuquerque are superseded by this Ordinance. In the case of any other inconsistency, the provisions of this Ordinance shall prevail.

E. The provisions of this Ordinance apply only for purposes the City of Albuquerque Fiscal Year 2021 budget process.

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. EMERGENCY MEASURE; EFFECTIVE DATE. This ordinance is passed and approved as an emergency measure and takes effect immediately upon publication by title and general summary.