



Legislation Text

File #: R-08-176, Version: 3

CITY of ALBUQUERQUE
EIGHTEENTH COUNCIL

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

SPONSORED BY: Trudy Jones

RESOLUTION

F/S Repealing Enactment R-10-1991 Regarding The Requirement For A Fiscal Impact Analysis Of Certain Legislation; Establishing A Policy To Require A Fiscal Impact Analysis On All Ordinances, Resolutions, And Executive Communications, And To Require An Economic Impact Analysis On All Legislation Creating a Financial Impact on the Community (Jones)
REPEALING ENACTMENT R-10-1991 REGARDING THE REQUIREMENT FOR A FISCAL IMPACT ANALYSIS OF CERTAIN LEGISLATION; ESTABLISHING A POLICY TO REQUIRE A FISCAL IMPACT ANALYSIS ON ALL ORDINANCES, RESOLUTIONS, AND EXECUTIVE COMMUNICATIONS, AND TO REQUIRE AN ECONOMIC IMPACT ANALYSIS ON ALL LEGISLATION CREATING A FINANCIAL IMPACT ON THE COMMUNITY.

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

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

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

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

WHEREAS, taxes, fees and regulations should be increased, decreased or imposed only after

an assessment of the impact of those actions on the City's budget, the public and others financially impacted by the proposed action.

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

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 Enactment R-10-1991 (Council Bill R-230) is repealed.

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

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

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

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

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

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

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

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

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

B. REQUIREMENT FOR ANALYSIS:

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

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

3. Following receipt of the letter of introduction any Councilor may request a copy of any item together with the accompanying EIA or FIA. For any proposed Council action that is accompanied by an FIA any Councilor may request that an EIA be prepared or that an EIA or FIA be rewritten to provide greater information. To the extent possible the Councilor shall explain the deficiencies if

any in the EIA or FIA. The request shall be honored for any such request made after introduction up until the end of the first Council Committee meeting where the proposed Council action is considered. Following the end of the first Council Committee where the Council action is considered, until final Council action on the matter by the full City Council, it shall take a request from three Councilors to impose a requirement for the preparation of an EIA or to request a rewrite of an EIA or FIA.

C. ADEQUACY OF COMPLIANCE WITH COUNCILOR'S REQUEST:

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

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

D. EMERGENCY RESOLUTIONS, MORATORIA AND IMMEDIATE ACTION ITEMS: Any matter that is presented to the City Council for immediate action does not require an EIA or FIA. At the request of any Councilor at the time of adoption of the matter, the matter will be placed on the agenda of the next regularly scheduled City Council meeting for repeal. The City Councilor requesting that the matter be considered for repeal shall direct that either an EIA or FIA shall be prepared and distributed prior to that Council meeting.

X:\SHARE\Legislation\Eighteen\R-176fsfinal.doc