

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. 0-24-18 ENACTMENT NO. 0.2024.009

SPONSORED BY: Tammy Fiebelkorn, Brook Bassan, Klarissa Peña

1 **ORDINANCE**

2 **AMENDING § 2-11-17 OF THE CITY OF ALBUQUERQUE CODE OF**
3 **ORDINANCES TO IMPROVE THE CITY'S GRANTS ADMINISTRATIVE**
4 **PROCESSES.**

5 **WHEREAS, the City of Albuquerque pursues federal, state, and non-profit**
6 **grant funding opportunities. To maintain an effective grants program, the City**
7 **regularly reviews and updates the grants administrative process to improve**
8 **efficiency in applying for grants and incorporating grant awards into its**
9 **budgets; and**

10 **WHEREAS, the Charter of the City of Albuquerque, assigns the City**
11 **Council the responsibility to review and approve the budgets, appropriations,**
12 **and financial commitments of the City, including grant applications and grant**
13 **awards; and**

14 **WHEREAS, § 2-11-17 of the City's Code of Ordinances requires that an**
15 **application or proposal for a federal or state grant shall be submitted to the**
16 **City Council for review and approval prior to the submittal of such application**
17 **or proposal to any federal or state agency; and**

18 **WHEREAS, by approving grant applications and awards, the City Council**
19 **provides a public review of a financial commitment on the part of the City and**
20 **protects against encumbering the City with expenditures, capital costs, and**
21 **future operations costs that do not benefit the community; and**

22 **WHEREAS, there is often a short timeline between when the Notice of**
23 **Funding Opportunity is issued for a grant and the deadline for applying for the**
24 **grant; and**

25 **WHEREAS, the Administration historically issues a Resolution for approval**
26 **of a grant application. It is often not possible for a Resolution to be prepared**

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

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

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
3 Resolution, submit it to the Administration for review, and then have it
4 introduced and heard 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
7 Communications to City Council for approval in those cases where the
8 application criteria required by the granting agency does not require that the
9 application be 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
13 Resolutions for grant applications, as there would be no fiscal impact until
14 grants are awarded. This, in turn, enables departments to concurrently begin
15 preparing 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
20 be held over, as is done with Executive Communications for Reports and
21 Contract 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
26 awarded; 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
31 effective and should be codified into the City Code of Ordinances and should
32 be expanded to also include Executive Communications; and

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

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
4 grants 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 grant with a matching requirement
9 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 grantor. Executive Communications shall
12 include an interoffice memorandum and a copy of the executive summary of
13 the grant application or a copy of the grant application. The total City
14 obligation shall be included in the interoffice memorandum. A fiscal impact
15 analysis is not required to be submitted with the Executive Communication for
16 a grant application.

17 (1) The Council may approve, take no action, reject the proposed
18 agreement, or recommend revisions thereof with or without conditioning
19 approval on the adoption of such revisions.

20 (2) If the Council rejects the application, the application shall be withdrawn
21 by the Department that submitted the application.

22 (3) If the Council rejects the application, the Department shall not enter into
23 a grant agreement with the grantor.

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

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

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

1 (C) The Mayor, upon receiving notification that the City has been awarded a
2 grant, shall submit a Resolution to Council to appropriate the funds.

3 (D) Twice yearly, in July and January, the Administration shall submit an
4 Executive Communication detailing all grant applications for the previous six
5 months. This report shall include total project cost, grant funding requests,
6 local match funding/in-kind contributions, and any grant awards received.”

7 SECTION 2. COMPILATION. SECTION 1 of this ordinance shall amend, be
8 incorporated in, and made part of the Revised Ordinances of Albuquerque,
9 New Mexico, 1994.

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

17 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days
18 after publication by title and general summary.

19
20
21
22
23
24
25
26
27
28
29
30
31
32

1 PASSED AND ADOPTED THIS 15th DAY OF April, 2024
2 BY A VOTE OF: 9 FOR 0 AGAINST.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34



Dan Lewis, President
City Council

APPROVED THIS 26 DAY OF April, 2024

Bill No. O-24-18



Timothy M. Keller, Mayor
City of Albuquerque

ATTEST:



Ethan Watson, City Clerk

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