
**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Stephanie M. Yara, Director of Council Services *mtf for SY. 4/15/20*

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. R-20-32 Establishing A CARES Act Funding Oversight Committee (Benton, Davis, Jones), which was passed at the Special Council meeting of April 13, 2020 by a vote of 5 FOR AND 4 AGAINST.

**For: Bassan, Benton, Davis, Gibson, Jones
Against: Borrego, Harris, Peña, Sena**

In accordance with the provisions of the City Charter, your action is respectfully requested.

SMY:mh
Attachment

**CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL**

COUNCIL BILL NO. R-20-32 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton, Pat Davis, Trudy E. Jones

RESOLUTION

ESTABLISHING A CARES ACT FUNDING OVERSIGHT COMMITTEE.

WHEREAS, on March 11, 2020 Governor Michelle Lujan Grisham issued Executive Order 2020-004, Order Declaring a State of Public Health Emergency relating to the spread of COVID-19; and

WHEREAS, Congress recently passed, and the President enacted, the CARES Act that provides for federal reimbursement of up to approximately \$150 million in local expenditures related to COVID-19 not appropriated in the most recent municipal budget; and

WHEREAS, the CARES Act also provides additional block grants to Albuquerque and regional agencies, including \$79.8 million for transit, \$2.5 million in CDBG, and additional funds for senior services, child services and disease control; and

WHEREAS, the City Charter requires that the City Council approve all policies and budgets and that the Mayor direct the operation of departments, and it is in the best interest of public health, safety and welfare that CARES Act funding be thoughtfully and expeditiously appropriated and implemented to meet critical needs, and that those requirements are best served through a single review and recommending process representing both the City Council and the Administration.

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

SECTION 1. The CARES Act funding oversight committee is established and shall have the following members: the President of the City Council, two additional city councilors appointed by the President, the Chief Financial Officer, and two other persons designated by the Mayor.

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1 **SECTION 2. The committee shall have the limited scope of reviewing and**
2 **recommending to the Mayor and City Council expenditures of funds from the**
3 **federal grants allocated to the City from the CARES Act and any subsequent**
4 **Federal funds related to the COVID-19 pandemic, including any federal**
5 **economic recovery funds, other than funding received to reimburse the City**
6 **for already expended but previously unbudgeted COVID-19 related expenses.**

7 **SECTION 3. Except for funds received to reimburse the City for already**
8 **expended but previously unbudgeted COVID-19 related expenses, no CARES**
9 **Act funding or other Federal COVID-19 related funds, including economic**
10 **recovery funds, shall be expended without a specific appropriation of the same**
11 **by the City Council. The mayor shall consider the recommendation, if any, of**
12 **the committee established by this resolution and propose the specific**
13 **expenditures of these funds to the City Council. The City Council shall**
14 **appropriate the funds as proposed, or as amended by the Council.**

15 **SECTION 4. EMERGENCY MEASURE; EFFECTIVE DATE. This resolution**
16 **is passed and approved as an emergency measure and takes effect**
17 **immediately upon adoption.**

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1 PASSED AND ADOPTED THIS 13th DAY OF April, 2020
2 BY A VOTE OF: 5 FOR 4 AGAINST.

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4 For: Bassan, Benton, Davis, Gibson, Jones
5 Against: Borrego, Harris, Peña, Sena

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Patrick Davis, President
City Council

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14 APPROVED THIS 17 DAY OF April, 2020

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17 Bill No. R-20-32

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Timothy M. Keller, Mayor
City of Albuquerque

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28 ATTEST:

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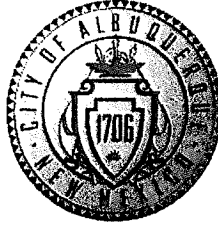
31 Ethan Watson, City Clerk

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TIMOTHY M. KELLER, MAYOR

CITY OF ALBUQUERQUE
OFFICE OF THE MAYOR/ CHIEF ADMINISTRATIVE OFFICE

INTEROFFICE MEMORANDUM

TO: PATRICK DAVIS, PRESIDENT, CITY COUNCIL

FROM: TIMOTHY M. KELLER, MAYOR 

SUBJECT: VETO OF R-20-32, ESTABLISHING A CARES ACT OVERSEIGHT COMMITTEE

DATE: APRIL 17, 2020

During these challenging times I respect Council's desire to help in so many ways with respect to our city's efforts to cope with the financial hardships associated with the Corona virus pandemic. After careful review of Ordinance R-20-32, I am exercising my authority to veto the legislation. I find it important in this matter to share my objections with this resolution, and to outline a reasonable path forward.

The original legislation was deemed legally deficient by the City's Legal Department due to its clear violation of the City Charter's provisions mandating a separation of powers between the legislative branch (City Council) and the executive branch (Mayor). I do appreciate the serious efforts made by the sponsors to address those fatal defects, and I also appreciate the floor amendments that were intended to address some of those concerns. Unfortunately, the amendment that puts the committee in the position to review all future federal funds reintroduced the same concerns regarding the direct violation of the separation of powers embraced by the City Charter.

The City Council consists of nine people elected to represent nine distinct Council Districts. Each Councilor represents a unique geographic area, and a unique constituency with needs that sometimes match those of the other Districts but that sometimes pertain only to that District. That is why we elect Council members by district, rather than at large.

COVID-19 has affected us all, but not all in the exact same ways. Health inequities, seen in well-documented preexisting conditions such as hypertension, obesity, diabetes, asthma, lack of access to quality health care, and underemployment, are all factors that increase COVID-19 complications. Those factors differ across socioeconomic groups, and across our nine Council Districts. During the floor debate, Councilors raised issues around equity with respect to each Councilor's individual ability to be part of the oversight process, and those issues are of also of major concern to my office. The existing committee structure and budget process accommodates all nine Councilors and strikes a time-tested balance between executive recommendations and legislative appropriation. This Resolution would conflate those issues by mixing legislative and executive authority, and disenfranchising non-appointed Councilors.

Of critical importance given the urgency of our public health emergency, the proposed ordinance would add extensive bureaucracy to a legislative process already pushing against reasonable burdens on timely execution of City actions. It was very apparent from the lengthy debate in Council that the advisory input of three Councilors at the beginning of the process will not expedite consideration of the executive's recommendation on using COVID funding. In fact, that debate suggests that the process will make that proposed process longer and more divisive.

The nine-member City Council body routinely considers the annual budget, and smaller appropriations and budget changes throughout the year, in a manner that enfranchises and treats each District equally and with utmost transparency because the Council looks for solutions to problems faced by the entire City. That is why when there is a need for committee work in the annual budgeting process, the Council sits as a Committee of the Whole.

I have no doubt that all nine Councilors want to do what is best during this health crisis and are willing to work together to find solutions. I agree with the comments of Council President Davis, Committee of the Whole Chair Benton and Councilor Jones about the need to bring transparency to the process, but the creation of an exclusive committee does exactly the opposite. A transparent process must include all Councilors. Rather than the new suggested process, the Administration finds that the Committee of the Whole structure, with Council Study Sessions, will provide transparency and equal representation for the constituents from every Council District, and will ensure the intent of the full Council is honored and achieved.

We look forward to working together through the existing robust budget process and Study Committees going forward.