

FISCAL IMPACT REPORT

General Information:

(Check) Bill: X Resolution: _____

Short Title(s): UTO Changes 2020

Sponsor(s): Councilor Rivera

Reviewing Department(s): City Attorney's Office

Staff Completing FIR: Kyle Hibner Date: 11/25/20 Phone: 955-5195

Reviewed by City Attorney:  Date: Jan 4, 2021

Reviewed by Finance Director:  Date: Jan 5, 2021

Summary:

This Bill amends various sections of the Uniform Traffic Ordinance ("UTO"). Among the changes are adding clauses into various sections that state that a person who violates the provisions of that particular section is guilty of a penalty assessment misdemeanor. Additionally, a charge for driving while intoxicated with a minor in the vehicle is added, establishing a charge for driving with a license that has been administratively suspended, separating out a charge for driving with a license that has been revoked, allowing for the use of a mobile device to show proof of insurance, and amending the Schedule A of the UTO – the penalty assessment schedule. Finally, the Bill adds the UTO as an exhibit at the end of Chapter 24 to make it more accessible to the public.

Departments Affected:

Police, City Attorney's Office, Municipal Court

Consequences of Not Enacting Legislation:

The City of Santa Fe will not have the most up-to-date language included in the Uniform Traffic Ordinance.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:

Due to incorrect assignment of sections by the New Mexico Municipal League ("NMML"), some sections have been assigned alphabetical listings. This creates confusion in the UTO. The City Clerk has requested that the NMML recompile the UTO to correct the numbering of various sections.

Performance and Administrative Implications:

The addition of penalty assessments for specific violations removes the potential imprisonment component of punishment in most cases. The full penalty amount is more likely to be assessed in these cases as there is no possibility of jail time. The removal of possible jail time also means violations that result in criminal charges will not jeopardize violators' future efforts to seek employment. Police officers, the City Prosecutor, and Municipal Court will all need to be made aware of the changes to the UTO in order to properly issue, prosecute, and handle related violations.

Fiscal Implications:

There is an estimated negative fiscal impact as a result of specified fines for violations of various sections of the UTO. Currently, any violation not specifically listed on Schedule A of the UTO is subject to a mandatory court appearance with a fine of up to \$300 and up to 90 days in jail. In most cases, by specifying the penalty assessment in the table, the criminal component is removed and a civil citation is assessed instead. Based on prior years' citations, the following can be expected in terms of changes to revenue:

12-5-7	\$0 → \$0
12-5-10	\$0 → \$0
12-6-12.5	\$45,535 → \$18,975
12-6-12.6, 12-6-12.6(A), 12-6-12.6(B)	\$25,461 → Undetermined due to separating out different sections
12-6-12.11	\$0 → \$0
12-6-12.12	\$0 → \$0
12-10-1.12	\$502 → \$475
12-10-1.12(A)	\$393 → \$350
12-10-4	\$17,862 → \$22,288

Fiscal Impact

_____ Check here if no fiscal impact

Expenditures

Expenditure Type	FYE __	FYE __	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
Personnel and Benefits*	\$ _____	\$ _____	\$ _____	_____	_____	_____	
Capital Outlay	\$ _____	\$ _____	\$ _____	_____	_____	_____	
Contractual/ Professional Services	\$ _____	\$ _____	\$ _____				
Operating	\$ _____	\$ _____	\$ _____		_____	_____	\$ _____
Total:	\$ _____	\$ _____	\$ _____				\$ _____

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

Revenue

Revenue Type	FYE 21	FYE 22	FYE 23	Recurring (R) or Non-recurring (NR)	Fund
General Fund	\$ _____	\$ _____	\$ _____	_____	_____
Special Revenue	<u>\$(11,102)</u>	<u>\$(22,204)</u>	<u>\$(22,204)</u>	R	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$ _____	\$ _____	\$ _____	_____	_____
Total	<u>\$(11,102)</u>	<u>\$(22,204)</u>	<u>\$(22,204)</u>		

Revenue Narrative:

These numbers are estimates and actual penalty assessments will vary somewhat from the projections shown above. Please see the Fiscal Implications above for details.

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