

April 1, 2020

MEMO TO: Members of the Economic Development and Budget Committee

F R O M: Keani Rawlins-Fernandez, Chair *Keani Rawlins-Fernandez*  
Economic Development and Budget Committee

SUBJECT: **FISCAL YEAR 2021 BUDGET: PROVISOS** (EDB-1)

As you prepare your priority proposals before the announced deadline of noon on Friday, some of you may wish to include one or more provisos. The Committee will seek to make provisos easier to understand this year. Our goal is to consider advice from the County Auditor to ensure the Budget Ordinance provides clear guidance to the Administration and accountability to the public.

Before submitting a proviso, please consider the following.

- 1) Please use complete, direct sentences. Please do not start a sentence with "Provided, that . . ." because it inherently creates confusion.
- 2) Is the proviso a policy directive? If so, please consider whether it would be more appropriately expressed in a separate bill or resolution, which may be drafted under a PAF.
- 3) Is the proviso intended to be a limitation on the Administration's authority. If so, please state that legislative intent, using wording such as, "The Department must not . . ."
- 4) Is the proviso intended to authorize a discretionary action by the Administration. If so, please state that legislative intent, using wording such as, "The Department may . . ."
- 5) If the proviso specifies partial use of an appropriation, please state whether the indicated amount is a maximum, a minimum, or a prerequisite or condition on the overall appropriation. Examples:
  - a. "At least \$25,000 is to be used for Project A." (Minimum.)
  - b. "No more than \$25,000 is to be used for Project A." (Maximum.)
  - c. "The appropriation is void if \$25,000 is not used for Project A." (Prerequisite or condition.)

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Thank you for your consideration. If you have any questions, please contact Legislative Attorney Richard Mitchell at ext. 7662.

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cc: David Galazin, Deputy Corporation Counsel