

RESOLUTION NO. 20180201-063

WHEREAS, a well-functioning regulatory program makes Austin better by promoting innovation, encouraging economic development; protecting the environment; and improving safety; and

WHEREAS, ensuring a well-functioning regulatory program requires the systemic review of existing regulations to determine whether such regulations should be retained, modified, streamlined, expanded, or repealed; and

WHEREAS, traditionally City Council policy making has been forward-looking. The City Council adopts regulations reflecting its policies and the City Department Director or City Manager adopts rules to implement the policy direction by Council; and

WHEREAS, over time regulations and associated rules may become outdated; and

WHEREAS, the cumulative burden of decades of requirements can both complicate a department's enforcement efforts and impose a substantial burden on the regulated entities; and

WHEREAS, City Council seeks to improve both the development and management processes of regulations and policies; and

WHEREAS, a well-functioning regulatory program includes a plan to ensure that its regulations and rules are up-to-date and effective, eases burdens on people who live, work and plan in Austin, promotes public engagement, fosters the creative culture, and supports economic development and local businesses; and

WHEREAS, input from stakeholders is a valuable resource that can facilitate, help effectively target regulations in need of reform, and improve retrospective review; and

WHEREAS, the federal government since the administration of President Jimmy Carter has periodically undertaken a program of “retrospective review,” urging federal agencies to reassess regulations on the books and eliminate, modify, or strengthen those regulations that have become outdated in light of changed circumstances; and

WHEREAS, President Barack Obama issued Executive Order 13,563 directing federal agencies regularly to assess existing rules to identify opportunities for eliminating or altering regulations that had become “outmoded, ineffective, insufficient, or excessively burdensome”; and

WHEREAS, implementation of EO 13,653 resulted in tangible successes, such as eliminating unnecessary permitting, reducing paperwork burden, and promoting flexibility for small businesses; and

WHEREAS, it is the intent of Council to create a framework cultivating a “culture of retrospective review” within regulatory departments and to urge City Departments to remain mindful of their existing body of regulations and the ever-present possibility that those regulations may need to be modified, strengthened, or eliminated in order to achieve the City’s goals while minimizing regulatory burdens; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to create a pilot retrospective review program that will prepare a plan, focused on one strategic outcome, “Economic Opportunity

and Affordability”, for the regular, systemic review to assess existing regulations and rules related to that strategic outcome. The plan should require that Council policies, Council-initiated recurring reports, and other rules and regulations City staff believe to be ineffective be reviewed by City staff at least once every five years and take into consideration the following:

- Is there a continuing need for the regulation or rule?
- Are there possible conflicts between the regulation or rule and state, local, or federal laws or regulations?
- Has the regulation or rule been affected by any technological, economic, or other industry changes?
- What is the purpose of the regulation or rule and does it continue to serve that purpose in a way that is fair and equitable for Austin residents?

The City Manager shall provide an initial report regarding efforts to establish the pilot to Council within 60 days of start of the new City Manager, provide monthly updates to Council on how the pilot is progressing, and provide a final plan to Council within 180 days of the initial report.

BE IT FURTHER RESOLVED:

The City Manager is directed to provide a list of all reports required by Council resolution and/or city ordinance, the subject of the report, the frequency of the report, if available a link to where the report is publicly available, and staff's recommendation regarding whether to continue or discontinue the report and the rationale for the recommendation.

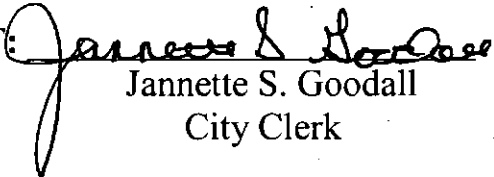
BE IT FURTHER RESOLVED:

The City Manager is directed to:

- design new regulations in a way that will make later retrospective review easier and more effective and include a timeline for doing so;
- engage stakeholders, such as home owners, renters, and students, consumers, businesses, advocates, and industry experts in the periodic review of regulations required under this Resolution; and
- maintain a list of all regulations and rules rescinded or modified as a result this retrospective review program.

ADOPTED: February 1, 2017

ATTEST:


Jannette S. Goodall
City Clerk