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SPONSORED BY: Renée Grout, by request

2 AMENDING CHAPTER 14, ARTICLE 8 OF THE REVISED ORDINANCES OF
3 ALBUQUERQUE 1994 TO CREATE A TAX INCREMENT FINANCE (TIF) BOARD
4 AND UPDATE THE POWERS OF THE METROPOLITAN REDEVELOPMENT
5 AGENCY & CITY COUNCIL ACCORDINGLY.

12 WHEREAS, the City has adopted a Metropolitan Redevelopment Agency
13 Ordinance, Chapter 14, Article 8, ROA 1994, as amended, which creates the
14 Metropolitan Redevelopment Agency (herein the “MRA”) and delegates from
15 the Albuquerque City Council (herein the “Council”) to the MRA the exercise
16 of certain metropolitan redevelopment project powers set forth in the Code
17 and reserving certain redevelopment and TIF-related powers to the Council;
18 and

23 WHEREAS, the Council adopted Resolution R-24-102, requiring the
24 Metropolitan Redevelopment Agency to propose a TIF governance structure to
25 the Council; and

1 WHEREAS, the Council desires to establish such a board in a manner
2 consistent with the Metropolitan Redevelopment Code, the MRA Ordinance,
3 and the Boards and Commissions Ordinance; and

4 WHEREAS, the Council finds that creation of one city-wide Tax Increment
5 Finance Board will promote transparency, fiscal responsibility, technical
6 review, and public accountability in the evaluation and administration of TIF
7 projects and funds within Metropolitan Redevelopment Areas with a TIF
8 District(s); and

9 WHEREAS, the proposed city-wide TIF Board will also incorporate
10 participation by a community representative with relevant knowledge and
11 experience who is appointed by the City Council and who will have voting
12 rights on matters within the TIF District they represent; and

13 WHEREAS, the Tax Increment Finance Board shall act as an advisory
14 board to both the MRA and the City Council on the allocation or use of Tax
15 Increment Financing funds within a Tax Increment Financing District(s).

16 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
17 ALBUQUERQUE:

18 SECTION 1. A new Part 8 is hereby created under Article 8 of Chapter 14 of
19 the Revised Ordinances of Albuquerque 1994, as follows:

20 § 14-8-8-1 SHORT TITLE.

21 Sections 14-8-8-1 et seq. may be cited as the “TIF Board Ordinance.”

22 § 14-8-8-2 CREATION OF THE TIF BOARD.

23 (A) A New Tax Increment Finance Board (“TIF Board”) is hereby created.

24 (B) The provisions of this Ordinance shall be administered in conjunction
25 with Chapter 2, Article 6 (Boards and Commissions) and Chapter 14, Article 8,
26 Part 4 (Metropolitan Redevelopment Agency) ROA 1994.

27 § 14-8-8-3 DEFINITIONS.

28 GRANT. A formal agreement between a funding entity (the City) and a
29 recipient that specifies how allocated funds (an appropriation) will be provided
30 and used.

31 TIF. Tax Increment Financing, as described in the Metropolitan
32 Redevelopment Code, NMSA 1978, Sections 30-60A-1 to -49.

1 TIF DISTRICT. The geographical boundary identified in a TIF Initiation
2 Resolution, created for the purpose of establishing Tax Increment Financing
3 within a Metropolitan Redevelopment Area.

4 TIF PROJECT. A ‘metropolitan redevelopment project’ as defined in the
5 Metropolitan Redevelopment Code, NMSA 1978, Section 30-60A-4, except that
6 for purposes of this TIF Board Ordinance, such projects are limited to those
7 occurring within a legislatively established TIF District.

8 § 14-8-8-4 PURPOSE AND INTENT.

9 The purpose of the Tax Increment Finance Board (“TIF Board”) is to:

10 (A) Enhance public transparency and accountability in the consideration
11 and administration of tax increment financing;

12 (B) Advise City Council and the Metropolitan Redevelopment Agency on
13 the fiscal, economic, and community impacts of TIF proposals;

14 (C) Review and provide recommendations on the use of TIF funds for TIF
15 Projects;

16 (D) Provide independent technical and policy review of proposed TIF
17 Districts, TIF action plans, and TIF-related amendments; and

18 (E) Ensure that TIF is used in a manner consistent with adopted
19 redevelopment plans, City financial policies, and the public purposes of the
20 Metropolitan Redevelopment Code.

21 § 14-8-8-5 BOARD COMPOSITION, APPOINTMENT, AND TERMS.

22 (A) The TIF Board shall consist of at least (5) voting members. These
23 members shall have experience or knowledge in municipal or public finance,
24 real estate development or redevelopment, urban planning, economic
25 development, finance and banking, accounting, law, or public administration.

26 (1) Three (3) members-at-large shall be appointed by the Mayor with the
27 advice and consent of the City Council.

28 (2) One (1) member-at-large shall be appointed by the City
29 Council.

30 (3) One (1) member shall be a community representative appointed by
31 the City Council. The Council shall appoint one (1) community representative
32 per designated TIF District.

1 (a) If a TIF District is exclusively within the boundary of one City
2 Council district, the Councilor for that district shall nominate their preferred
3 candidate for confirmation by the City Council.

4 (b) If the boundary of a TIF District includes more than one City
5 Council district, the Councilors representing that TIF District shall jointly
6 nominate the community representative for confirmation by the City Council.
7 In the event that the Councilors representing that TIF District cannot reach a
8 consensus, those Councilors may each nominate one preferred candidate for
9 confirmation by the City Council using preferential balloting.

10 (c) The designated community representative for a designated TIF
11 District shall have voting rights on administrative and general actions taken by
12 the board and TIF Projects within the TIF District they represent.

13 (d) In no case shall a designated community representative represent
14 more than one TIF District concurrently.

15 (4) The members-at-large and community representative shall be
16 residents of the City of Albuquerque and shall meet all eligibility requirements
17 of Chapter 2, Article 6, ROA 1994.

18 (5) Members shall serve terms of three (3) years.

19 (6) Members may serve no more than two consecutive full terms.

20 (7) Initial appointments shall be made so that at least one (1) shall expire
21 after one (1) year, two (2) shall expire after two (2) years, and two (2) shall
22 expire after three (3) years.

23 (B) Inclusion as a voting member of the TIF Board of the following
24 additional members will be contingent on financial participation of the
25 appointing entity in the TIF District and will only be able to vote on projects,
26 proposals, plans, amendments, or actions that pertain to the TIF Districts in
27 which they financially participate. As used herein, "financial participation"
28 means that the participating body has authorized, through resolution, a
29 dedication of property tax and/or gross receipts tax increment to a TIF District
30 fund managed by the City.

31 (1) One (1) member may be appointed by the Bernalillo County Board of
32 Commissioners, such as:

33 (a) The Chair of the Board of Finance (BOF) Committee;

- 1 (b) An elected Bernalillo County Commissioner; or
2 (c) A County Board of Commissioners designee as approved by the
3 County Board of Commissioners.

4 (2) One (1) member may be appointed by State Department of Finance
5 and Administration or Board of Finance or their designee, as determined by
6 State Rules for participation in TIF.

7 (3) The appointed representative from Bernalillo County or the State
8 Department of Finance and Administration for a designated TIF District shall
9 have voting rights on administrative and general actions taken by the board
10 and projects within the TIF District they represent.

11 (4) Notice of these appointments shall be provided to the Albuquerque
12 Metropolitan Redevelopment Agency at least 72 hours prior to the Public
13 Notice of any scheduled meeting of the Board, where such appointee shall
14 have a voting right.

15 (5) Appointments made pursuant to this section shall not be subject to
16 the term limits or appointment provisions of Chapter 2, Article 6, ROA 1994
17 and do not expire unless otherwise decided by the County of Bernalillo or the
18 State of New Mexico, respectively. However, these appointments shall not
19 exceed the term of any elected or appointed official or employment in office.

20 (6) The TIF Board shall accept appointments made pursuant to this
21 section for projects, proposals, amendments or actions by the Board that
22 involve the appointing entity's financial participation.

23 (7) These appointments shall automatically expire if participation in the
24 TIF District is terminated or expires.

25 (C) In addition to the voting members identified in sections (B) and (C)
26 above, any City Councilor whose City Council district contains a TIF District
27 shall serve as an ex officio member of the TIF Board.

28 (1) Ex officio members may participate in discussion and receive
29 materials but shall not vote, count toward a quorum, or serve as the Chair,
30 Vice-Chair, or other officer of the Board.

31 (2) Service as an ex officio member pursuant to this section shall not be
32 subject to the term limits or appointment provisions of Chapter 2, Article 6,

1 ROA 1994. However, these appointments shall not exceed the term of any
2 elected official.

3 (3) These appointments shall automatically expire if the TIF District
4 within that City Councilor's district is terminated or expires.

5 § 14-8-8-6 VACANCIES; REMOVAL.

6 (A) Vacancies shall be filled for the remainder of the unexpired term in
7 the same manner as the original appointment.

8 (B) Vacant positions shall not count toward quorum.

9 (C) Removal of members shall be governed by Chapter 2, Article 6, ROA
10 1994.

11 § 14-8-8-7 OFFICERS AND ORGANIZATION.

12 (A) The TIF Board shall annually elect a Chair and Vice-Chair from
13 among its members.

14 (B) The Board may adopt bylaws and procedural rules consistent with
15 this TIF Board Ordinance, the Metropolitan Redevelopment Agency Ordinance,
16 the Boards and Commissions Ordinance, the Open Meetings Act, and other
17 applicable laws.

18 (C) A simple majority of the appointed members shall constitute a
19 quorum.

20 § 14-8-8-8 POWERS AND DUTIES.

21 (A) The powers and duties of the TIF Board shall be subject to the
22 Metropolitan Redevelopment Agency Ordinance, the Metropolitan
23 Redevelopment Code, and other applicable laws.

24 (B) The Board shall review and make recommendations to the
25 Metropolitan Redevelopment Agency on the following:

26 (1) Grants less than \$100,000;

27 (2) TIF property tax and gross receipts tax reimbursements;

28 (3) Redevelopment loans;

29 (4) TIF District and TIF Project projections, including increment
30 estimates, debt capacity, and duration;

31 (5) Annual or periodic reports on TIF performance and compliance, as
32 required by Bernalillo County and the State of New Mexico; and

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1 (6) Other studies and reports conducted within TIF Districts, as
2 requested.

3 (C) The Board shall review and make recommendations to City Council
4 on the following:

5 (1) Grants of \$100,000 or more;

6 (2) TIF funds for public infrastructure;

7 (3) TIF annual reports; and

8 (4) Additional reports on TIF performance and compliance, as may be
9 periodically required by City Council.

10 (D) The Board shall evaluate whether proposed TIF Projects:

11 (1) Are consistent with the applicable Metropolitan Redevelopment Area
12 Plan and TIF Plan;

13 (2) Advance the purposes identified in the Metropolitan Redevelopment
14 Code, Metropolitan Redevelopment Agency Ordinance, other City ordinances,
15 and Metropolitan Redevelopment Agency policies and programs;

16 (3) Meet program criteria established by TIF Plans and Metropolitan
17 Redevelopment Agency practices and policies;

18 (4) Are financially feasible and fiscally prudent; and

19 (5) Include appropriate safeguards, benchmarks, and reporting
20 requirements.

21 (E) The Board may provide recommendations to the Metropolitan
22 Redevelopment Agency and the City Council prior to Council action of any
23 proposed resolution or ordinance establishing or materially amending a TIF
24 district boundary or plan, or TIF program requirements or authority.

25 (F) The Board may perform such additional functions related to Tax
26 Increment Financing as may be required by resolution adopted by the City
27 Council, provided that such functions do not conflict with powers reserved to
28 the City Council, the Albuquerque Development Commission, or the
29 Metropolitan Redevelopment Agency Ordinance, pursuant to the Metropolitan
30 Redevelopment Agency Ordinance, Metropolitan Redevelopment Code, or
31 other applicable laws.

32 § 14-8-8-9 LIMITATION OF AUTHORITY.

1 (A) The TIF Board shall not undertake any authority to review or make
2 recommendations on any projects, plans, or bonds within the purview of the
3 Albuquerque Development Commission (ADC) as outlined in ROA 1994,
4 Section 14-8-6.

5 (B) Final decision-making authority regarding TIF shall remain with the
6 City Council or Metropolitan Redevelopment Agency as provided in the
7 Metropolitan Redevelopment Code and the Metropolitan Redevelopment
8 Agency Ordinance.

9 (C) The Metropolitan Redevelopment Agency shall have the authority to
10 execute recommendations made to it by the TIF Board as provided in Section
11 14-8-8-7(B) herein. However, if the MRA finds that a TIF Board
12 recommendation is not in accordance with the review and evaluation criteria
13 of the TIF Board Ordinance, the Agency may reject the Board's
14 recommendation and proceed accordingly. The Agency shall justify its
15 decision in writing and transmit its findings and analysis to the Board no later
16 than 30 days following the TIF Board's recommendation.

17 § 14-8-8-10 STAFF SUPPORT AND COORDINATION.

18 (A) The Metropolitan Redevelopment Agency shall provide primary staff
19 support to the TIF Board.

20 (B) Other City departments may provide technical assistance as
21 requested by the Metropolitan Redevelopment Agency or the Board.

22 (C) The TIF Board shall coordinate its activities with the Metropolitan
23 Redevelopment Agency and Albuquerque Development Commission to avoid
24 duplication and to ensure consistency with adopted redevelopment policies.

25 § 14-8-8-11 MEETINGS; OPEN GOVERNMENT; REPORTING.

26 (A) All meetings of the TIF Board shall comply with the New Mexico
27 Open Meetings Act and Chapter 2, Article 6, ROA 1994.

28 (B) The TIF Board shall hold regular meetings as established by an
29 annual schedule approved by the Board. Special meetings may be conducted
30 as necessary, if permitted in the Board's bylaws.

31 (C) Meeting notices, agendas, and minutes shall be publicly posted in a
32 manner consistent with the Open Meetings Act, the Boards and Commissions
33 Ordinance, and other applicable laws.

1 (D) The TIF Board, with Metropolitan Redevelopment Agency support,
2 shall prepare an annual report summarizing its activities, recommendations,
3 and observations regarding the City's use of tax increment financing.

4 § 14-8-8-12 CONFLICTS OF INTEREST.

5 (A) Members shall comply with all applicable state and local ethics,
6 conflicts of interest, and disclosure requirements. Members with a direct or
7 indirect financial interest in a matter before the Board shall recuse themselves
8 from discussion and voting on that matter.

9 § 14-8-8-13 INTERPRETATION.

10 In the event of a conflict between the provisions of this TIF Board Ordinance
11 and the Metropolitan Redevelopment Agency Ordinance, the Metropolitan
12 Redevelopment Ordinance shall prevail.

13 SECTION 2. The Metropolitan Redevelopment Agency Ordinance, ROA
14 1994, section § 14-8-4-3 REDEVELOPMENT PROJECT POWERS is hereby
15 amended as follows:

16 § 14-8-4-3 REDEVELOPMENT PROJECT POWERS.

17 As used in §§ 14-8-4-1 et seq., the term REDEVELOPMENT PROJECT POWERS
18 includes any rights, powers, functions and duties of a municipality authorized
19 by Sections 3-60A-5 through 3-60A-18 NMSA 1978, except the following
20 powers which are reserved to the City Council:

21 . . .

22 (J) Adopting a TIF Initiation Resolution;

23 (K) Establishing and amending the geographic boundaries for a Tax
24 Increment Financing District;

25 (L) Approving a TIF Action and Funding Plan; and

26 (M) Issuance of Gross Receipt Tax Increment Bonds.

27 SECTION 3. The Metropolitan Redevelopment Agency Ordinance, ROA
28 1994, section § 14-8-4-4 POWERS OF METROPOLITAN REDEVELOPMENT
29 AGENCY is hereby amended as follows:

30 § 14-8-4-4 POWERS OF METROPOLITAN REDEVELOPMENT AGENCY.

31 (A) The Metropolitan Redevelopment Agency is hereby vested with all of
32 the aforementioned metropolitan redevelopment project powers in the same

1 manner as though all of said powers were conferred on the Agency by the
2 Metropolitan Redevelopment Code.

3 (B) Without limiting the foregoing, and except for those powers
4 expressly retained by the City Council pursuant to Section 14-8-4-3, the
5 Agency may exercise the following powers:

6 (1) Approval and administration of grants in an amount less than
7 \$100,000;

8 (2) Approval and administration of TIF property tax and/or gross
9 receipts tax reimbursements;

10 (3) Approval and administration of redevelopment loans; and

11 (4) Executing the recommendations of the TIF Board pursuant to the TIF
12 Board Ordinance. If the Agency issues written findings that a TIF Board
13 recommendation is not in accordance with the review and evaluation criteria
14 of the TIF Board Ordinance, the Agency may reject the Board's
15 recommendation and proceed accordingly.

16 SECTION 4. SEVERABILITY. If any section, paragraph, sentence, clause,
17 word, or phrase of this Ordinance is for any reason held to be invalid or
18 unenforceable by any court of competent jurisdiction, such decision shall not
19 affect the validity of the remaining provisions of this Ordinance. The Council
20 hereby declares that it would have passed this Ordinance and each section,
21 paragraph, sentence, clause, word, or phrase thereof, irrespective of any
22 provision being declared unconstitutional or otherwise invalid.

23 SECTION 5. COMPILATION. SECTION 1 of this Ordinance is to be compiled
24 as a new Part 8 in Article 8 of Chapter 14 of the Revised Ordinances of
25 Albuquerque 1994, titled "Tax Increment Finance Board." SECTION 2 and
26 SECTION 3 of this Ordinance amends, is incorporated in, and is to be
27 compiled as part of the Revised Ordinances of Albuquerque, New Mexico,
28 1994.

29 SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect five (5)
30 days after publication by title and general summary.