

CITY of ALBUQUERQUE

NINETEENTH COUNCIL

COUNCIL BILL NO. O-10-19

ENACTMENT NO. D. 2010. 021

SPONSORED BY: Brad Winter, Debbie O'Malley, Trudy Jones

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ORDINANCE

2 AMENDING CHAPTER 14, ARTICLE 13, ROA 1994 TO CLARIFY THE TERMS
3 AND REVISE THE COMPOSITION OF THE IMPACT FEE COMMITTEE.
4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
5 ALBUQUERQUE:

6 Section 1. Section 14-13-1-2 ROA 1994 is amended as follows:

7 "§ 14-13-1-2 DEFINITIONS.

8 For the purpose of this part (§§ 14-13-1-1 - 14-13-1-4), the following
9 definitions shall apply unless the context clearly indicates or requires a
10 different meaning.

11 IMPACT FEE COMMITTEE. The advisory committee pursuant to Section 5-
12 8-37 of the New Mexico Development Fees Act, which shall be created
13 according to the provisions of the New Mexico Development Fees Act.

14 INFRASTRUCTURE AND GROWTH PLAN. The forecasts of population,
15 housing, and employment, for ten and twenty-five year periods, in total and by
16 subareas, contained in the Planned Growth Strategy report and as adopted by
17 the Council after these forecasts have incorporated the MRCOG 2025 county-
18 wide forecasts for total population, housing and employment. The
19 Infrastructure and Growth Plan should be reviewed, and updated if necessary,
20 every three to five years.

21 PLANNED GROWTH STRATEGY. The provisions of this Ordinance as
22 specifically identified herein and as amended or complemented by subsequent
23 legislation that shall be specifically identified as a part of the Planned Growth
24 Strategy when such legislation is adopted.

25 PLANNED GROWTH STRATEGY IMPLEMENTATION ADVISORY TASK
26 FORCE. The principal citizen advisory group that shall review, comment

1 upon, and make recommendations regarding all of the City's efforts to
2 implement the Planned Growth Strategy."

3 **Section 2. Section 14-13-1-4(l) ROA 1994 is amended as follows:**

4 **"(l) The Impact Fee Committee shall be composed of eleven members,**
5 **two of whom shall be appointed by the Mayor and nine of whom shall be**
6 **appointed by the Council as set forth herein. The membership shall be as**
7 **follows:**

8 **(1) The members of the Impact Fee Committee shall meet the**
9 **qualifications set forth in §§ 2-6-1-1 et seq., the Public Boards, Commissions**
10 **and Committees Ordinance, and except as otherwise set forth herein, terms,**
11 **vacancies and removal of members shall be in accordance with §§ 2-6-1-1 et**
12 **seq. The Committee shall be made up of representatives of the real estate,**
13 **development or building industries, as described herein, and representatives**
14 **from neighborhood associations and other organizations: i.e., civic,**
15 **environmental, planning, educational, economic development, and/or**
16 **religious. No member shall be an employee or official of a municipality,**
17 **county or other governmental entity. Any person who was a member of the**
18 **Impact Fee Committee as of August 1, 2010 is eligible to be appointed in**
19 **accordance with the provisions of this ordinance, for up to two additional**
20 **terms.**

21 **(2) Members Appointed by Council. There shall be one member**
22 **of the Impact Fee Committee residing in each City Council District. When a**
23 **vacancy on the Committee occurs, the Councilor representing the District in**
24 **which the vacating member resides shall nominate two members who reside**
25 **in his or her respective Council District. The Mayor shall then appoint one of**
26 **these recommended members to the Impact Fee Committee with the advice**
27 **and consent of the Council provided, however, if a member is eligible for**
28 **reappointment to the Committee and the Councilor in whose District that**
29 **member resides desires to reappoint the member, the Councilor shall so notify**
30 **the Council and the member shall be reappointed subject to the advice and**
31 **consent of the Council. If a member is not being reappointed, the Mayor shall**
32 **deliver to the Council the Mayor's recommendation from the two names**
33 **submitted within 30 days of delivery of the two names to the Mayor. If the**

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1 **1 Mayor fails to timely make a recommendation from the two names submitted,**
2 **the Councilor who submitted the names may appoint one of the two**
3 **recommended members subject to the advice and consent of the Council.**

4 **(3) Members Appointed by the Mayor.** The two members
5 appointed by the Mayor may reside in any Council District, however, when
6 feasible, the Mayor should appoint one member who resides in the area of the
7 City east of the Rio Grande and one member who resides in the area of the
8 City west of the Rio Grande.

9 **(4) Five of the members of the Impact Fee Committee shall be**
10 **engaged in the real estate, development or building industries, which may**
11 **include architects, consulting engineers, real estate attorneys, and planning**
12 **and development consultants.”**

13 **Section 3. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,
14 clause, word or phrase of this ordinance is for any reason held to be invalid or
15 unenforceable by any court of competent jurisdiction, such decision shall not
16 affect the validity of the remaining provisions of this ordinance. The Council
17 hereby declares that it would have passed this ordinance and each section,
18 paragraph, sentence, clause, word or phrase thereof irrespective of any
19 provision being declared unconstitutional or otherwise invalid.

20 **Section 4. COMPILATION.** This ordinance shall be incorporated in and
21 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

22 **Section 5. EFFECTIVE DATE.** This ordinance shall take effect five days
23 after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 4th DAY OF October, 2010
2 BY A VOTE OF: 8 FOR 0 AGAINST.

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4 Excused: O'Malley

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8 Ken Sanchez, President

9 City Council

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11 APPROVED THIS 14th DAY OF October, 2010

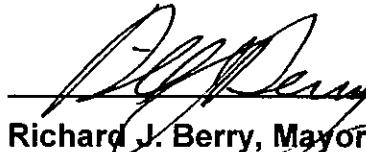
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16 Bill No. O-10-19

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19 Richard J. Berry, Mayor

20 City of Albuquerque

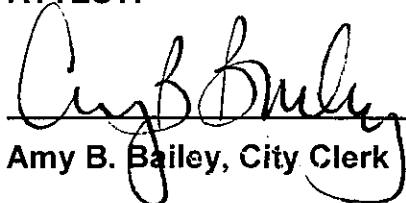
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25 ATTEST:

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28 Amy B. Bailey, City Clerk

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