

**COUNCIL BILL NO.** \_\_\_\_\_ **ENACTMENT NO.** \_\_\_\_\_

ORDINANCE

AMENDING CHAPTER 14, ARTICLE 13, ROA 1994 TO CLARIFY THE TERMS AND REVISE THE COMPOSITION OF THE IMPACT FEE COMMITTEE.

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

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

“§ 14-13-1-2 DEFINITIONS.

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

IMPACT FEE COMMITTEE. The advisory committee pursuant to Section 5-8-37 of the New Mexico Development Fees Act, which shall be created according to the provisions of the New Mexico Development Fees Act. ~~[The Impact Fee Committee shall also consist of at least 60% of the members of the Planned Growth Strategy Implementation Advisory Task Force.]~~

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

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

1 PLANNED GROWTH STRATEGY IMPLEMENTATION ADVISORY TASK  
2 FORCE. The principal citizen advisory group that shall review, comment  
3 upon, and make recommendations regarding all of the City's efforts to  
4 implement the Planned Growth Strategy. ~~[A number of members equal to at~~  
5 ~~least 60% of the total membership of this Task Force shall also sit on the~~  
6 ~~Impact Fee Committee.]~~

7 Section 2. Section 14-13-1-4(I) ROA 1994 is amended as follows:

8 “(I) The Impact Fee Committee shall be composed of ~~[not less than five~~  
9 ~~members who shall be]~~ [eleven members, two of whom shall be appointed by  
10 the Mayor and nine of whom shall be] appointed by the Council [as set forth  
11 herein]. The membership shall be as follows:

12 ~~[(1) 40% of the members shall be engaged in the real estate and~~  
13 ~~development industry, including architects, consulting engineers, real estate~~  
14 ~~attorneys, and planning and development consultants, or have a substantial~~  
15 ~~financial interest in such activity. One of these members shall be a residential~~  
16 ~~infill developer with substantial development experience and another of these~~  
17 ~~members shall be an Albuquerque area industrial and/or office developer with~~  
18 ~~substantial development experience developing at or near the fringe of the~~  
19 ~~City.~~

20 ~~(2) 40% of the members shall be recognized neighborhood~~  
21 ~~association officers or board members, or representatives appointed by a~~  
22 ~~recognized neighborhood association, with more than half of the association's~~  
23 ~~geographic area within the City. A minimum of one member should be from a~~  
24 ~~neighborhood association from each of the following areas:~~

- 25 a. ~~The area west of the Rio Grande;~~  
26 b. ~~The area east of the Rio Grande;~~  
27 c. ~~The area south of Interstate 40.~~

28 ~~(3) 10% of the members shall represent the following types of~~  
29 ~~organizations: civic, environmental, planning, religious, and educational.~~

30 ~~(4) 10% of the members shall represent business and economic~~  
31 ~~development organizations. One of these members shall be a specialist in~~  
32 ~~neighborhood economic development. ]~~

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

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

30           (3) Members Appointed by the Mayor. The two members  
31 appointed by the Mayor may reside in any Council District, however, when  
32 feasible, the Mayor should appoint one member who resides in the area of the

1 City east of the Rio Grande and one member who resides in the area of the  
2 City west of the Rio Grande.

3 (4) Five of the members of the Impact Fee Committee shall be  
4 engaged in the real estate, development or building industries, which may  
5 include architects, consulting engineers, real estate attorneys, and planning  
6 and development consultants. ]”

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

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

16 Section 5. EFFECTIVE DATE. This ordinance shall take effect five days  
17 after publication by title and general summary.

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