

CITY of ALBUQUERQUE

TWENTY-FIRST COUNCIL

COUNCIL BILL NO. F/S R-14-34 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis

1 RESOLUTION

2 ESTABLISHING THAT THE CITY COUNCIL INTENDS TO REVIEW THE
3 DOWNTOWN ALBUQUERQUE BUSINESS IMPROVEMENT DISTRICT AT ITS
4 NEXT OPPORTUNITY TO CONSIDER CHANGES TO ITS STRUCTURE AND
5 MANAGEMENT COMMITTEE.

6 WHEREAS, the Downtown Albuquerque Business Improvement District
7 (the "Downtown BID") was initiated on January 1, 2001; and

8 WHEREAS, since its inception, the Downtown Action Team (the "DAT") has
9 continuously served as the management committee for the Downtown BID and
10 has been charged with administering the obligations of the Downtown BID for
11 the benefited properties; and

12 WHEREAS, over the past several years certain property owners within the
13 Downtown BID have expressed dissatisfaction with the effectiveness of DAT
14 management in fulfilling the Downtown BID's purpose; and

15 WHEREAS, this dissatisfaction has resulted in lawsuits and in the City's
16 defense of those suits including its ongoing efforts to compel back payments
17 for large portions of the Downtown BID assessments currently being withheld
18 each year by the Plaintiffs in these suits; and

19 WHEREAS, the Downtown BID has the potential to provide great value to
20 benefited properties and, in turn, to the persons living downtown, visiting
21 downtown, or seeking to do business downtown; and

22 WHEREAS, in light of the current challenges facing the Downtown BID,
23 including disagreements within the Downtown BID membership, upon the next
24 five year review it will be critical for the City Council to consider whether after
25 thirteen years in existence the original purpose for which the district was

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 created has been served and whether it is in the best interest for the district
2 that the BID be terminated; and

3 WHEREAS, prior to that five year review, the City Council urges the
4 members of the BID to work together to resolve any differences amongst its
5 members and to prepare and submit a new BID petition to the City Council that
6 resolves any issues relating to the Downtown BID's current structure, its
7 management team, improvements plan, and any other issues; and

8 WHEREAS, upon the City Council's five year review, which will occur in or
9 about December of 2015, if the members of the Downtown BID have not
10 suggested such changes, the City Council will consider termination of the
11 Downtown BID.

12 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
13 ALBUQUERQUE:

14 Section 1. POTENTIAL DOWNTOWN BID CHANGES. Upon the City
15 Council's next five year review of the Downtown BID, or upon valid petition by
16 the district's property owners, to the extent authorized by law the City Council
17 will consider termination of the Downtown BID in its current form, and will
18 consider any valid petition for the establishment of a new downtown business
19 improvement district ordinance with one or more of the following changes
20 from current:

21 A) Establishment of a new management committee through an open
22 and competitive selection process;

23 B) Establishment of a BID benefits and management structure that
24 provides for recognition and implementation of the estimated district benefits
25 and BID management rights in proportion to the value of property
26 assessments;

27 C) Establishment of a Business Plan including a revised list of
28 improvements to be provided by the district that is more responsive to current
29 needs and issues;

30 D) Any other reasonable suggestions proposed by petitioners or a
31 planning committee.

32 Section 3. SEVERABILITY. If any section, paragraph, sentence, clause,
33 word, or phrase of this resolution is for any reason held to be invalid or

1 unenforceable by any court of competent jurisdiction, such decision shall not
2 affect the validity of the remaining provisions of this resolution. The Council
3 hereby declares that it would have passed this resolution and each section,
4 paragraph, sentence, clause, word or phrase irrespective of any provisions
5 being declared unconstitutional or otherwise invalid.

6 Section 4. EFFECTIVE DATE. This resolution shall take effect five days
7 after publication by title and general summary.

8

9 x:\city council\share\cl-staff\legislative staff\legislation\resolutions\2014-3-18 fs r-14-34 downtown bid draft.docx

10

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion