

# 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

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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 Business Plan including a revised list of  
24 improvements to be provided by the district that is more responsive to current  
25 needs and issues;

26 C) Any other reasonable suggestions proposed by petitioners or a  
27 planning committee.

28 Section 2. SEVERABILITY. If any section, paragraph, sentence, clause,  
29 word, or phrase of this resolution is for any reason held to be invalid or  
30 unenforceable by any court of competent jurisdiction, such decision shall not  
31 affect the validity of the remaining provisions of this resolution. The Council  
32 hereby declares that it would have passed this resolution and each section,

1 paragraph, sentence, clause, word or phrase irrespective of any provisions  
2 being declared unconstitutional or otherwise invalid.

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