

CITY of ALBUQUERQUE TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-21-72 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton, by request

1 **ORDINANCE**

2 **AMENDING THE METROPOLITAN REDEVELOPMENT AGENCY ORDINANCE**

3 **TO CREATE A METROPOLITAN REDEVELOPMENT COMMISSION AND ADD**

4 **CLARIFYING DEFINITIONS**

5 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**

6 **ALBUQUERQUE:**

7 **SECTION 1. Amending Chapter 14, Article 8, Part 4 of the Metropolitan**

8 **Development Ordinance, as follows:**

9 **“§ 14-8-4-1 SHORT TITLE.**

10 **Sections 14-8-4-1 et seq. may be cited as the "Metropolitan Redevelopment**

11 **Agency Ordinance."**

12 **§ 14-8-4-2 LEGISLATIVE FINDINGS AND PURPOSE.**

13 **(A) The Council finds and declares that the New Mexico State Legislature has**

14 **enacted the Metropolitan Redevelopment Code, Sections 3-60A-1 et seq.**

15 **NMSA 1978, (hereinafter referred to as the “Metropolitan Redevelopment**

16 **Code”) conferring certain powers upon the City Council.**

17 **(B) The Council further finds and declares that the Metropolitan**

18 **Redevelopment Code authorizes the creation by the Council of a Metropolitan**

19 **Redevelopment Agency and the delegation to the Agency of the exercise of**

20 **the metropolitan redevelopment project powers set forth in the Code.**

21 **(C) The Council further finds and declares that it is in the public interest to**

22 **delegate said powers to a Metropolitan Redevelopment Agency.**

23 **(D) The Council further finds and declares that it is in the public interest to**

24 **provide the staff for the Metropolitan Redevelopment Agency.**

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- 1 [(E) The Council further finds and declares that the Metropolitan
2 Redevelopment Code authorizes creation by the Council of a Metropolitan
3 Redevelopment Commission consisting of five commissioners.]
- 4 [§ 14-8-4-3 DEFINITIONS.
- 5 (A) Bonds. Any bond, debenture, note, refunding or renewal bond or note,
6 warrant or other security evidencing an obligation the proceeds of which, or a
7 major portion thereof, are to be used in the trade or business carried on by
8 someone other than the city and which are authorized to be issued by the city
9 pursuant to the Metropolitan Redevelopment Code (Sections 3-60A-1 to 3-60A-
10 48 NMSA 1978, as amended from time to time); or pursuant to the home rule
11 powers of the city given by Article X, Section 6 of the New Mexico Constitution
12 and the city's Charter.
- 13 (B) Commission. The Metropolitan Redevelopment Commission as created
14 herein.]
- 15 § 14-8-4-~~3~~4 REDEVELOPMENT~~[PROJECT]~~ POWERS.
- 16 As used in §§ [14-8-4-1](#) et seq., the term *REDEVELOPMENT~~[PROJECT]~~*
17 *POWERS* includes any rights, powers, functions and duties of a municipality
18 authorized by Sections 3-60A-5 through 3-60A-18 NMSA 1978, except the
19 following powers which are reserved to the City Council:
- 20 (A) Declaration of an area to be a slum or a blighted area or combination
21 thereof and designation of the area as appropriate for a redevelopment
22 project;
- 23 (B) Approval or amendment of redevelopment plans;
- 24 (C) Approval of city plans for urban development and conservation, unless
25 approval is specifically delegated by Council ordinance or resolution;
- 26 (D) Making findings of necessity prior to preparation of a plan as provided in
27 Sections 3-60A-5 through 3-60A-18 NMSA 1978 and the findings and
28 determinations required prior to approval of a redevelopment plan or project
29 as provided in Sections 3-60A-5 through 3-60A-18 NMSA 1978;
- 30 (E) Issuance of general obligation bonds and revenue bonds authorized in
31 the Code;
- 32 (F) Approval of loans or grants;
- 33 (G) Approval of leases of more than one year's duration;

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- 1 (H) Issuance of municipal redevelopment bonds;
- 2 (I) Appropriation of funds, levying of taxes and assessments; and
- 3 (J) Deciding appeals of the Metropolitan Redevelopment Agency's action as
- 4 to acceptance of a proposal for the sale and/or redevelopment of land.

5 § 14-8-4-[4][5] POWERS OF METROPOLITAN REDEVELOPMENT AGENCY.

6 The Metropolitan Redevelopment Agency is hereby vested with all of the
7 aforementioned metropolitan redevelopment project powers in the same
8 manner as though all of said powers were conferred on the Agency by the
9 Metropolitan Redevelopment Code.

10 § 14-8-4-[5][6] STAFF OF AGENCIES PROVIDED BY CITY.

11 The city shall provide the Metropolitan Redevelopment Agency with the
12 appropriate staff support to carry out the powers granted to it under the
13 Metropolitan Redevelopment Code.

14 § 14-8-4-[6][7] ANNUAL REPORT.

15 The Metropolitan Redevelopment Agency shall file annually with the City
16 Council a report of its activities for the preceding fiscal year, which report
17 shall include a complete financial statement setting forth its assets, liabilities,
18 income and operating expenses as of the end of such fiscal year. The annual
19 report shall be available for public review.

20 § 14-8-4-[7][8] ACTIVITIES TO BE UNDERTAKEN PURSUANT TO STATUTORY
21 AUTHORITY.

22 (A) With respect to public purchases other than purchases involving or
23 affecting real property ~~[processed by the Metropolitan Redevelopment~~
24 ~~Agency]~~, the provisions of Chapter 5, Article 5 of this code of ordinances,
25 Public Purchases, shall apply.

26 (B) With respect to the disposition or lease of real property carried out by the
27 Metropolitan Redevelopment Agency, the provisions of Section 3-60A-12
28 NMSA 1978 shall apply.

29 (C) With respect to acceptance of a proposal for the sale and/or
30 redevelopment of land by the Metropolitan Redevelopment Agency, the
31 decision shall be made consistent with Section 3-60A-12 NMSA 1978 and other
32 provisions of the Metropolitan Redevelopment Code as applicable, and

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1 Section 13-1-116 NMSA 1978 and other provisions of the New Mexico
2 Procurement Code as applicable.
3 § 14-8-4-~~[8]~~[9] APPEAL.
4 (A) *Application*. Decisions of the Metropolitan Redevelopment Agency as
5 [limited] to acceptance of a proposal for sale and/or redevelopment of land
6 may be appealed to the City Council on forms prescribed by the Metropolitan
7 Redevelopment Agency. A filing fee of ~~[\$500-]~~[\$2,000] shall accompany each
8 appeal application. When an application is withdrawn the application fee shall
9 not be refunded.
10 (B) *Limitations Period*. Decisions of the Metropolitan Redevelopment Agency
11 are final unless appeal is initiated by application to the city on prescribed
12 forms within 15 days of the Metropolitan Redevelopment Agency's notice of
13 decision. The date of the notice of decision is not included in the 15-day
14 period for filing an appeal, and if the 15th day falls on a Saturday, Sunday, or
15 holiday as listed in [Ch. 3, Article 1](#), Merit System; Personnel Policy, the next
16 working day is considered as the deadline for filing the appeal. Selection of a
17 proposal for the sale and/or redevelopment of land shall not become a legally
18 binding acceptance by the city until an appeal of the selection is decided or
19 the time for filing the appeal has expired without an appeal being filed.
20 (C) *Standing for Appeals*. Any person who submitted a redevelopment
21 proposal but who was not selected for award of the redevelopment project at
22 issue may appeal.
23 (D) *Notice of Hearing*. The ~~[Mayor]~~[Manager of the Metropolitan
24 Redevelopment Agency] shall give written notice of an appeal, together with a
25 notice of the date, time, and place of hearing to all those who made submittals
26 for the project, and to all those who testified at the ~~[Albuquerque~~
27 ~~Development]~~ [Metropolitan Redevelopment] Commission's hearing
28 concerning the project.
29 (E) *Hearing and Decision*.
30 (1) An appeal shall be heard within 60 days of its filing. The City Council's
31 decision on the appeal shall be made following a public hearing. At the
32 hearing the City Council shall review carefully the previous decision on the
33 matter, and based only on the record before it, determine only whether:

- 1 (a) The Metropolitan Redevelopment Agency's decision was arbitrary or
2 capricious;
- 3 (b) Whether the Agency's decision is supported by substantial evidence in
4 the record; or
- 5 (c) Whether the Agency erred as a matter of law.
- 6 (2) The concurring vote of two-thirds of the members of the City Council is
7 required to reverse a determination by the Metropolitan Redevelopment
8 Agency.
- 9 (3) If the City Council reverses the decision of the Metropolitan
10 Redevelopment Agency, the City Council shall conduct a separate hearing,
11 and after reviewing all qualifying proposals considered by the Metropolitan
12 Redevelopment Agency and hearing any presentations and considering any
13 new evidence it finds appropriate:
- 14 (a) Select whichever of the original proposals it finds to be best based on the
15 criteria and standards of the Metropolitan Redevelopment Plan and the
16 request for proposals;
- 17 (b) Remand all or part of the proposals to the Metropolitan Redevelopment
18 Agency; or
- 19 (c) If the City Council determines that none of the proposals received are in
20 accordance with the call for proposals or do not meet the objectives of the
21 Metropolitan Redevelopment Code, the City Council may reject all proposals
22 and direct the Metropolitan Redevelopment Agency to award the project
23 through reasonable negotiating procedures as provided under Section 3-60A-
24 12(C).
- 25 (4) In addition to appearing before the City Council at any hearing called for
26 under §§ [14-8-4-1](#) et seq., any party to an appeal may provide written argument
27 to the City Council by submitting it through the City Council staff. The written
28 argument shall not include new evidence and shall be submitted at least five
29 days before the next hearing on the appeal with copies provided to all parties.
- 30 (F) *Notice of Decision*. The City Council shall state its key findings of fact in a
31 notice of decision issued after its hearing(s).
- 32 § 14-8-4-[9][10] LEASE FEE.

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1 (A) *Annual Metropolitan Redevelopment Lease Fee.* All lease agreements for
2 real property leased for the purpose of facilitating a metropolitan
3 redevelopment project financed by metropolitan redevelopment revenue
4 bonds~~[, or that are receiving a tax abatement pursuant to the Metropolitan~~
5 ~~Redevelopment Code,]~~ shall include a provision requiring the lessee to pay
6 the city, in addition to any other monetary obligations under the lease, an
7 annual fee equivalent to 10% of the annual incremental abated taxes. The
8 incremental abated value shall be equivalent to the difference in the property
9 valuation for property taxation purposes that existed in the year immediately
10 preceding the year of acquisition by the city and the property valuation
11 for property taxation purposes each year the city owns the property. The
12 annual fee will be equivalent to 10% of the current total property tax mill rate
13 for the incremental abated value had the property not been exempt and had it
14 been valued for property taxation purposes. The fee shall be paid to the city by
15 the lessee each year that the city owns the property.

16 (B) *Deposit of fees.* All fees received by the city pursuant to § 14-8-4-9 ROA
17 1994 shall be deposited into the Metropolitan Redevelopment Fund (275) to
18 support the ongoing operations of the Metropolitan Redevelopment Agency.
19 Ord. 2020-003)

20 [§ 14-8-4-11 METROPOLITAN REDEVELOPMENT COMMISSION.

21 (A) *Creation.* There is created the Metropolitan Redevelopment Commission
22 consisting of five commissioners appointed by the Mayor, with the advice and
23 consent of the Council for staggered terms of five years or less so that the
24 term of one expires on October 31, of each year. Vacancies shall be filled for
25 the unexpired term by the original appointing authority.

26 (B) *Commissioner Qualifications.* The Mayor shall seek to ensure at least
27 three commissioners have expertise in an area related to urban redevelopment
28 such as: architecture, urban land use and planning, commercial real estate,
29 public finance, historic preservation, construction and environmental
30 remediation.

31 (C) *Duties.* The Commission will serve in an advisory capacity to the Council
32 on those Redevelopment Powers reserved for City Council as stated in § 14-8-
33 4-4. Commission review of projects and project legislation pursuant to this

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1 Metropolitan Redevelopment Agency Ordinance and the Metropolitan
2 Redevelopment Code shall occur prior to the Council's adoption of the subject
3 legislation. The Council will not enact an ordinance authorizing the issuance
4 of bonds until notified by the Commission that the user has complied with all
5 applicable municipal ordinances and resolutions relating to the issuance of
6 bonds. The Council will have final approval authority on the issuance of
7 bonds and the approval or disapproval of project plans. In other matters and
8 affairs, the Commission will serve in an advisory capacity to the Manager of
9 the Metropolitan Redevelopment Agency.
10 (D) Chair and Vice-Chair. The Mayor shall designate a Chairperson and Vice-
11 Chairperson of the Commission.
12 (E) Conflict of Interest. Any member of the Commission having a private
13 financial interest in matters before their body shall disqualify themselves from
14 discussions and voting on those matters.]”

15 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
16 clause, word or phrase of this ordinance is for any reason held to be invalid
17 or unenforceable by any court of competent jurisdiction, such decision shall
18 not affect the validity of the remaining provisions of this ordinance. The
19 Council hereby declares that it would have passed this ordinance and each
20 section, paragraph, sentence, clause, word or phrase thereof irrespective of
21 any provision being declared unconstitutional or otherwise invalid.

22 SECTION 3. COMPILATION. Section 1 of this ordinance shall amend, be
23 incorporated in and compiled as part of the Revised Ordinances of
24 Albuquerque, New Mexico, 1994.

25 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect ninety (90)
26 days after publication by title and general summary.

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CITY OF ALBUQUERQUE


Albuquerque, New Mexico

Office of the Mayor

Mayor Timothy M. Keller

July 1, 2021

INTER-OFFICE MEMORANDUM


TO: Cynthia D. Borrego, City Council President
FROM: Timothy M. Keller, Mayor 
SUBJECT: Amending the Metropolitan Redevelopment Agency Ordinance

The volume of projects has grown significantly for the Metropolitan Redevelopment Agency and the Economic Development Department. Over the past two years, there has been a significantly increase in the number of Industrial Revenue Bonds (IRB) projects and Local Economic Development Act (LEDA) projects. Given the critical nature and subject matter expertise required to skillfully advise the Administration and City Council on these matters, it is timely to create two seperate commissions with the relevant areas of expertise. The Development Commission, with business and economic development background, will continue to provide recommendations on Economic Development projects, notably LEDA and IRB project. A newly formed Metropolitan Redevelopment Commission will provide recommendations on Metropolitan Redevelopment Agency projects. The public will be best served by a Metropolitan Redevelopment Commission with a focused urban planning, architecture, and real estate finance background.

This Ordinance amends the City Code, §14-8-4, and creates the Metropolitan Redevelopment Commission of five commissioners with skills and background in urban redevelopment such as: architecture, urban land use and planning, commercial real estate, public finance, historic preservation, construction and environmental remediation. The Development Commission will continue to advise City Council on LEDA and IRB projects.

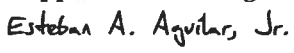
Title/Subject of Legislation: Amending the Metropolitan Redevelopment Agency Ordinance

Approved:




Sarita Nair Date
Chief Administrative Officer

Approved as to Legal Form:



Esteban A. Aguilar, Jr. Date
City Attorney

Recommended:



Lawrence Rael Date
Chief Operations Officer

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CPM

Cover Analysis

1. What is it?

This legislation amends The Metropolitan Redevelopment Agency Ordinance with specialized expertise in metropolitan redevelopment projects to oversee and advise the Metropolitan Redevelopment Agency.

2. What will this piece of legislation do?

This Ordinance amends the City Code, §14-8-4, and creates the Metropolitan Redevelopment Commission, five-member commission with skills and background in urban redevelopment such as: architecture, urban land use and planning, commercial real estate, public finance, historic preservation, construction and environmental remediation. The new commission will review metropolitan redevelopment projects and advise the City Council and Administration.

3. Why is this project needed?

The volume of projects has grown significantly for the Metropolitan Redevelopment Agency and the Economic Development Department. Over the past two years, there has been a significantly increase in the number of Industrial Revenue Bonds (IRB) projects and Local Economic Development Act (LEDA) projects. Given the critical nature and subject matter expertise required to skillfully advise the Administration and City Council on these matters, it is timely to create two sperate commissions with the relevant area of expertise. The public will be best served by a Metropolitan Redevelopment Commission with a focused urban planning, architecture, and real estate finance background.

4. How much will it cost and what is the funding source?

There is no cost involved with this piece of legislation.

5. Is there a revenue source associated with this contract? If so, what level of income is projected?

There is no revenue source associated with this Ordinance.

6. What will happen if the project is not approved?

The new Metropolitan Redevelopment Commission will not be formed. The volume of work will continue to increase for the Development Commission and the Metropolitan Redevelopment Agency will not have a commission with the experience and background in urban redevelopment to advise City Council on metropolitan redevelopment projects.

7. Is this service already provided by another entity?

No, this service is not provided by another entity.