

# CITY of ALBUQUERQUE

## TWENTY FOURTH COUNCIL

COUNCIL BILL NO.     O-21-73     ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Isaac Benton, by request

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### ORDINANCE

AMENDING THE DEVELOPMENT COMMISSION ORDINANCE TO REMOVE REFERENCE TO THE STATE METROPOLITAN DEVELOPMENT CODE AND END THE DEVELOPMENT COMMISSION'S ROLE REGARDING THE METROPOLITAN REDEVELOPMENT AGENCY AND URBAN DEVELOPMENT AGENCY.

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

SECTION 1. Amending Chapter 14, Article 8, Part 6 of the Development Commission Ordinance, as follows:

“§ 14-8-6-1 DEFINITIONS.

For the purpose of this §§ 14-8-6-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BONDS.** Any bond, debenture, note, refunding or renewal bond or note, warrant or other security evidencing an obligation the proceeds of which, or a major portion thereof, are to be used in the trade or business carried on by someone other than the city and which are authorized to be issued by the city pursuant to the Industrial Revenue Bond Act (Sections 3-32-1 to 3-32-16 NMSA 1978, as amended from time to time); ~~the Metropolitan Development Code (Sections 3-60A-1 to 3-60A-48 NMSA 1978, as amended from time to time)~~ or pursuant to the home rule powers of the city given by Article X, Section 6 of the New Mexico Constitution and the city's Charter.

**INDUCEMENT RESOLUTION.** A resolution of the Council setting forth its good-faith intent to issue bonds upon the prior satisfaction of all applicable land use and development requirements of the city, other than the issuance of a building permit.

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1 **PROJECT PLAN.** The plan describing a project, which shall include a general  
2 description and location of the project, the number and type of new jobs to  
3 be created, the estimated percentage of jobs to be filled by persons who are  
4 residents of the city on the date of the project plan submission, identification  
5 and the processing of any product associated with the project, any  
6 relocation of individuals or businesses, the present use or conditions of the  
7 project site, the present assessed value of the project site, if available, the  
8 estimated value of the project site after completion of the project, the  
9 maximum amount of the bonds to be issued, the present and  
10 proposed zoning, a proposed construction schedule and other matters  
11 which may be reasonably requested by the Commission.

12 **§ 14-8-6-2 COMMISSION CREATED; DUTIES.**

13 (A) There is created the Development Commission consisting of five  
14 members appointed by the Mayor, with the advice and consent of the  
15 Council for staggered terms of five years or less so that the term of one  
16 expires on October 31, of each year. Vacancies shall be filled for the  
17 unexpired term by the original appointing authority.

18 (B) The Commission will serve in an advisory capacity to the Council  
19 regarding approval of project plans and inducement resolutions and  
20 issuance of bonds. Commission review of a project plan and inducement  
21 resolution shall occur prior to the Council's adoption of an inducement  
22 resolution. The Council will not enact an ordinance authorizing the issuance  
23 of bonds until notified by the Commission that the user has complied with all  
24 applicable municipal ordinances and resolutions relating to the issuance of  
25 tax exempt bonds. The Council will have final approval authority on the  
26 issuance of bonds and the approval or disapproval of project plans.

27 ~~[(C) The Development Commission is the Board of Commissioners of the~~  
28 ~~Metropolitan Redevelopment Agency and the Urban Development Agency~~  
29 ~~(see §§ 14-8-4-et seq.).]~~

30 ~~[(C)] [D ]~~ The Mayor shall designate a Chairperson and Vice-Chairperson of  
31 the Commission.

32 ~~§ 14-8-6-3 TEMPORARY PROVISION; TERMS OF OFFICE.~~ Members of the  
33 ~~Metropolitan Redevelopment Commission shall continue in office as~~

1 ~~members of the Development Commission until expiration of their terms of~~  
2 ~~office. ('74 Code, § 7-23-3) (Ord. 12-1985)]~~  
3 ~~[\§ 14-8-6-4 TEMPORARY PROVISION; REFERENCES. ]~~~~[All references in law~~  
4 ~~to the Metropolitan Redevelopment Commission shall be construed as~~  
5 ~~references to the Development Commission. ('74 Code, § 7-23-4) (Ord. 12-~~  
6 ~~1985) -]~~  
7 ~~§ 14-8-6-[5][3] ]ALBUQUERQUE FOREIGN-TRADE ZONE; TASK FORCES.~~  
8 ( A) The Development Commission shall advise the Mayor, the City Council  
9 and the Greater Albuquerque Economic Action Council on the city's  
10 responsibilities and duties as the grantee for the Albuquerque Foreign-Trade  
11 Zone, and on policy matters related to the Zone and trade issues. The  
12 Commission shall provide general guidance to the city on the conduct of the  
13 Foreign-Trade Zone program so as to promote economic development and to  
14 facilitate trade with other countries, particularly Western Hemisphere  
15 countries. The Commission shall also seek cooperation and information  
16 from private and public organizations on matters related to the conduct of  
17 the zone and related trade issues.  
18 (B)(1) The Commission may establish task forces to advise and assist it in  
19 performing its duties and responsibilities listed in division (A) of this section.  
20 Such task forces may include members of the Commission and the general  
21 public and shall contain at least one representative of each of the following:  
22 (a) Bernalillo County;  
23 (b) Greater Albuquerque Chamber of Commerce;  
24 (c) Albuquerque Hispano Chamber of Commerce;  
25 (d) International Trade Council of New Mexico;  
26 (e) New Mexico State Economic Development Department; and  
27 (f) Albuquerque Economic Development, Inc.  
28 (2) The task force members shall be knowledgeable on foreign-trade zones  
29 and or trade issues. The task force members and chairman may be  
30 appointed by the Commission for terms to be specified by the Commission.  
31 Task force members shall serve without pay.  
32 (3) For the purposes of this section, *TASK FORCE* means an advisory group  
33 established to carry out a specific assignment for a predetermined time, not

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1 to exceed 18 months. The Commission may reestablish a task force and  
2 reappoint its members if the Commission has determined the specific  
3 assignment has not been completed. The Commission may establish the  
4 specific assignment and set guidelines for the task force on how to perform  
5 their work.

6 (C) The Commission shall prepare and submit an annual report of its  
7 activities to the Mayor and City Council.

8 § 14-8-6-~~6~~4 CONFLICT OF INTEREST.

9 Any member of the Development Commission or its task forces established  
10 in accordance with §~~14-8-6-5~~3(B) having a private financial interest in  
11 matters before their body shall disqualify himself from discussion and voting  
12 on those matters.”

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

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

24 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect ninety  
25 (90) 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 *TK*

**SUBJECT:** Amending the Development Commission 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 sperate 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 legislation removes the function of advising on Metropolitan Redevelopment Agency projects from the Development Commission under City Code §14-8-6. Separate legislation for the Council's consideration creates a new commission with specialized expertise in metropolitan redevelopment projects.

#### Title/Subject of Legislation: Amending the Development Commission Ordinance

Approved:

*SM* 7/22/21  
Sarita Mair Date  
Chief Administrative Officer

Approved as to Legal Form:

*Esteban A. Aguilar, Jr.* 7/9/2021 | 2:00 PM MDT  
7961D99D046F48B...  
Esteban A. Aguilar, Jr. Date  
City Attorney

<sup>DS</sup>  
*CPM*

Recommended:

*Lawrence Rael* 7/12/2021 | 3:57 PM PDT  
7C396BFCB7B1459  
Lawrence Rael Date  
Chief Operations Officer

## **Cover Analysis**

### **1. What is it?**

This legislation amends the Development Commission Ordinance, City Code §14-8-6, and removes the authority of the Development Commission to review and advise on Metropolitan Redevelopment Agency projects. Separate legislation for the Council's consideration creates a new commission with specialized expertise in metropolitan redevelopment projects to oversee and advise the Metropolitan Redevelopment Agency.

### **2. What will this piece of legislation do?**

This piece of legislation removes authority over the Metropolitan Redevelopment Agency from the Development Commission. Separate legislation for the Council's consideration creates a new commission with specialized expertise in metropolitan redevelopment projects to oversee and advise the Metropolitan Redevelopment Agency.

### **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 significant increase in the number of Industrial Revenue Bonds (IRB) projects and Local Economic Development Act (LEDA) projects. The public will be best served by a 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 to the City.

### **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 legislation.

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

The amendment to the Development Commission will not occur and the Albuquerque Development Commission will continue to review and advise on metropolitan redevelopment projects.

### **7. Is this service already provided by another entity?**

No, this service is not provided by another entity.