



Legislation Details (With Text)

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**Title:** 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 (Benton, by request)

**Sponsors:** Isaac Benton (By Request)

**Indexes:**

**Code sections:**

**Attachments:** 1. O-73

Date	Ver.	Action By	Action	Result
9/8/2021	1	City Council	Withdrawn	Pass
8/11/2021	1	Land Use, Planning, and Zoning Committee	Postponed	Pass
8/2/2021	1	City Council	Introduced and Referred	
8/2/2021	1	President	Referred	

**CITY of ALBUQUERQUE**  
**TWENTY FOURTH COUNCIL**

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

SPONSORED BY: Isaac Benton, by request

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 (Benton, by request)

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.

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

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

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

(B) The Commission will serve in an advisory capacity to the Council regarding approval of project plans and inducement resolutions and issuance of bonds. Commission review of a project plan and inducement resolution shall occur prior to the Council's adoption of an

inducement resolution. The Council will not enact an ordinance authorizing the issuance of bonds until notified by the Commission that the user has complied with all applicable municipal ordinances and resolutions relating to the issuance of tax exempt bonds. The Council will have final approval authority on the issuance of bonds and the approval or disapproval of project plans.

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

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

~~§ 14-8-6-3 TEMPORARY PROVISION; TERMS OF OFFICE. Members of the Metropolitan Redevelopment Commission shall continue in office as members of the Development Commission until expiration of their terms of office. ('74 Code, § 7-23-3) (Ord. 12-1985)]~~

~~[§ 14-8-6-4 TEMPORARY PROVISION; REFERENCES. ][All references in law to the Metropolitan Redevelopment Commission shall be construed as references to the Development Commission. ('74 Code, § 7-23-4) (Ord. 12-1985) -]~~

~~§ 14-8-6-[5][3] ]ALBUQUERQUE FOREIGN-TRADE ZONE; TASK FORCES.~~

- ( A) The Development Commission shall advise the Mayor, the City Council and the Greater Albuquerque Economic Action Council on the city's responsibilities and duties as the grantee for the Albuquerque Foreign-Trade Zone, and on policy matters related to the Zone and trade issues. The Commission shall provide general guidance to the city on the conduct of the Foreign-Trade Zone program so as to promote economic development and to facilitate trade with other countries, particularly Western Hemisphere countries. The Commission shall also seek cooperation and information from private and public organizations on matters related to the conduct of the zone and related trade issues.

(B)(1) The Commission may establish task forces to advise and assist it in performing its duties and responsibilities listed in division (A) of this section. Such task forces may include members of the Commission and the general public and shall contain at least one representative of each of the following:

- (a) Bernalillo County;
- (b) Greater Albuquerque Chamber of Commerce;
- (c) Albuquerque Hispano Chamber of Commerce;
- (d) International Trade Council of New Mexico;
- (e) New Mexico State Economic Development Department; and

(f) Albuquerque Economic Development, Inc.

(2) The task force members shall be knowledgeable on foreign-trade zones and or trade issues. The task force members and chairman may be appointed by the Commission for terms to be specified by the Commission. Task force members shall serve without pay.

(3) For the purposes of this section, *TASK FORCE* means an advisory group established to carry out a specific assignment for a predetermined time, not to exceed 18 months. The Commission may reestablish a task force and reappoint its members if the Commission has determined the specific assignment has not been completed. The Commission may establish the specific assignment and set guidelines for the task force on how to perform their work.

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

§ 14-8-6-[6][4] CONFLICT OF INTEREST.

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

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

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

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