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Title: Amending Chapter 14, Article 13, ROA 1994 To Clarify The Terms And Revise The Composition Of The Impact Fee Committee (Winter, O'Malley, Jones)
Sponsors: Brad Winter, Debbie O'Malley, Trudy E. Jones
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10/19/2010	2	City Clerk	Published	
10/14/2010	2	Mayor	Signed by the Mayor	
10/4/2010	1	City Council	Do Pass	Pass
9/20/2010	1	City Council	Accepted with a Recommendation Do Pass	
9/15/2010	1	Land Use, Planning, and Zoning Committee	Sent to Council with a recommendation of Do Pass	Pass
8/16/2010	1	President	Referred	
8/16/2010	1	City Council	Introduced and Referred	

CITY of ALBUQUERQUE
NINETEENTH COUNCIL

COUNCIL BILL NO. O-10-19 ENACTMENT NO. _____

SPONSORED BY: Brad Winter, Debbie O'Malley, Trudy Jones

ORDINANCE

Amending Chapter 14, Article 13, ROA 1994 To Clarify The Terms And Revise The Composition Of The Impact Fee Committee (Winter, O'Malley, Jones)

AMENDING CHAPTER 14, ARTICLE 13, ROA 1994 TO CLARIFY THE TERMS AND REVISE THE COMPOSITION OF THE IMPACT FEE COMMITTEE.

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

Section 1. Section 14-13-1-2 ROA 1994 is amended as follows:

“§ 14-13-1-2 DEFINITIONS.

For the purpose of this part (§§ 14-13-1-1 - 14-13-1-4), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

IMPACT FEE COMMITTEE. The advisory committee pursuant to Section 5-8-37 of the New Mexico Development Fees Act, which shall be created according to the provisions of the New Mexico Development Fees Act.

INFRASTRUCTURE AND GROWTH PLAN. The forecasts of population, housing, and employment, for ten and twenty-five year periods, in total and by subareas, contained in the Planned Growth Strategy report and as adopted by the Council after these forecasts have incorporated the MRCOG 2025 county-wide forecasts for total population, housing and employment. The Infrastructure and Growth Plan should be reviewed, and updated if necessary, every three to five years.

PLANNED GROWTH STRATEGY. The provisions of this Ordinance as specifically identified herein and as amended or complemented by subsequent legislation that shall be specifically identified as a part of the Planned Growth Strategy when such legislation is adopted.

PLANNED GROWTH STRATEGY IMPLEMENTATION ADVISORY TASK FORCE. The principal citizen advisory group that shall review, comment upon, and make recommendations regarding all of the City's efforts to implement the Planned Growth Strategy.”

Section 2. Section 14-13-1-4(I) ROA 1994 is amended as follows:

“(I) The Impact Fee Committee shall be composed of eleven members, two of whom shall be appointed by the Mayor and nine of whom shall be appointed by the Council as set forth herein. The membership shall be as follows:

(1) The members of the Impact Fee Committee shall meet the qualifications set forth in §§ 2-6-1-1 et seq., the Public Boards, Commissions and Committees Ordinance, and except as otherwise set forth herein, terms, vacancies and removal of members shall be in accordance with §§ 2-6-1-1 et seq. The Committee shall be made up of representatives of the real estate, development or building industries, as described herein, and representatives from neighborhood associations and other organizations: i.e., civic, environmental, planning, educational, economic development, and/or religious. No member shall be an employee or official of a municipality,

county or other governmental entity. Any person who was a member of the Impact Fee Committee as of August 1, 2010 is eligible to be appointed in accordance with the provisions of this ordinance, for up to two additional terms.

(2) **Members Appointed by Council.** There shall be one member of the Impact Fee Committee residing in each City Council District. When a vacancy on the Committee occurs, the Councilor representing the District in which the vacating member resides shall nominate two members who reside in his or her respective Council District. The Mayor shall then appoint one of these recommended members to the Impact Fee Committee with the advice and consent of the Council provided, however, if a member is eligible for reappointment to the Committee and the Councilor in whose District that member resides desires to reappoint the member, the Councilor shall so notify the Council and the member shall be reappointed subject to the advice and consent of the Council. If a member is not being reappointed, the Mayor shall deliver to the Council the Mayor's recommendation from the two names submitted within 30 days of delivery of the two names to the Mayor. If the Mayor fails to timely make a recommendation from the two names submitted, the Councilor who submitted the names may appoint one of the two recommended members subject to the advice and consent of the Council.

(3) **Members Appointed by the Mayor.** The two members appointed by the Mayor may reside in any Council District, however, when feasible, the Mayor should appoint one member who resides in the area of the City east of the Rio Grande and one member who resides in the area of the City west of the Rio Grande.

(4) **Five of the members of the Impact Fee Committee shall be engaged in the real estate, development or building industries, which may include architects, consulting engineers, real estate attorneys, and planning and development consultants."**

Section 3. 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 4. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 5. EFFECTIVE DATE. This ordinance shall take effect five days after publication

by title and general summary.

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