

CITY of ALBUQUERQUE
TWENTY SECOND COUNCIL

COUNCIL BILL NO. O-17-54 ENACTMENT NO. 0:2017.023

SPONSORED BY: Trudy E. Jones

1 ORDINANCE
2 AMENDING THE ALBUQUERQUE IMPACT FEE ORDINANCE RELATING TO
3 ENCUMBRANCE OF FUNDS.
4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
5 ALBUQUERQUE:

6 Section 1. Section 14-19-3, the "DEFINITIONS" Section of the Impact Fee
7 Ordinance, is amended to change the definition of "Encumbered" as follows:
8 "ENCUMBERED. Impact fee funds committed for a specified capital
9 improvement on a specified time schedule which does not exceed seven years
10 from the date of payment of the impact fees, and as further defined in and for
11 the purposes of Section 14-19-19(J)(7)(c)."

12 Section 2. Section 14-19-19(J)(7)(c) of the Impact Fee Ordinance is
13 amended as follows:

14 "(c) The city shall, upon request from the credit-holder of excess credits,
15 after acceptance by the city of the project creating credits, provide
16 reimbursements for excess credits on a first in, first out basis and shall not be
17 obligated to provide reimbursements in the event there is no unencumbered
18 account balance in the city's impact fee account for the appropriate service
19 category and service area. For purposes of this section, the balance in any
20 impact fee account shall be deemed to be encumbered if reserved for a capital
21 improvement project(s) listed and identified on the CCIP for the service
22 category and service area for that particular account, without regard to
23 whether impact fees collected for that particular account are sufficient to
24 complete any approved project. This recognizes that funding from the
25 collection of impact fees is a cumulative process and generally no single
26 funding event provides adequate funding for a project. Construction of those
27 projects are not begun until full funding for a project is secured. In the

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 meantime, impact fees collected are committed to the completion of projects
2 on the CCIP.”

3 Section 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
4 clause, word or phrase of this ordinance is for any reason held to be invalid or
5 unenforceable by any court of competent jurisdiction, such decision shall not
6 affect the validity of the remaining provisions of this ordinance. The Council
7 hereby declares that it would have passed this ordinance and each section,
8 paragraph, sentence, clause, word or phrase thereof irrespective of any
9 provisions being declared unconstitutional or otherwise invalid.

10 Section 4. COMPILATION. The amendments set forth in Sections 1 and 2
11 above shall amend, be incorporated in and made part of the Revised
12 Ordinances of Albuquerque, New Mexico, 1994.

13 Section 5. EFFECTIVE DATE. This ordinance shall take effect five days
14 after publication by title and general summary.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

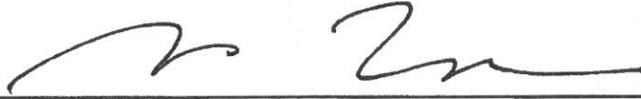
31

32

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 PASSED AND ADOPTED THIS 18th DAY OF September, 2017
2 BY A VOTE OF: 8 FOR 0 AGAINST.

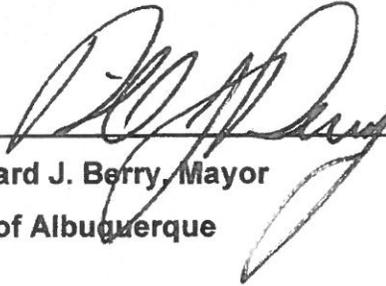
3
4 Excused: Benton

5
6 

7
8 Isaac Benton, President
9 City Council

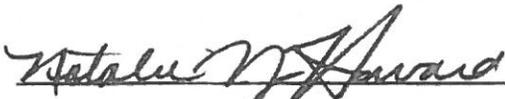
10
11 APPROVED THIS 3rd DAY OF October, 2017

12
13
14
15
16 Bill No. O-17-54

17
18 

19
20 Richard J. Berry, Mayor
21 City of Albuquerque

22
23
24 ATTEST:

25
26 

27 Natalie Y. Howard, City Clerk

28
29
30
31
32
33
[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough-Material-] - Deletion