CITY of ALBUQUERQUE
TWENTY SECOND COUNCIL

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

SPONSORED BY: Trudy E. Jones

ORDINANCE

AMENDING THE ALBUQUERQUE IMPACT FEE ORDINANCE RELATING TO
ENCUMBRANCE OF FUNDS.

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

Section 1. Section 14-19-3, the “DEFINITIONS” Section of the Impact Fee
Ordinance, is amended to change the definition of “Encumbered” as follows:

“ENCUMBERED. Impact fee funds committed for a specified capital
improvement on a specified time schedule which does not exceed seven years
from the date of payment of the impact fees, and as further defined in and for
the purposes of Section 14-19-19(J)(7)(c).”

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

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

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
provisions being declared unconstitutional or otherwise invalid.

Section 4. COMPILATION. The amendments set forth in Sections 1 and 2
above shall amend, 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.
PASSED AND ADOPTED THIS 18th DAY OF September, 2017
BY A VOTE OF: 8 FOR 0 AGAINST.

Excused: Benton

Isaac Benton, President
City Council

APPROVED THIS 3rd DAY OF October, 2017

Bill No. O-17-54

Richard J. Berry, Mayor
City of Albuquerque

ATTEST:

Natalie Y. Howard, City Clerk