INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. O-17-54 Amending The Albuquerque Impact Fee Ordinance Relating To Encumbrance Of Funds (Jones), which was passed at the Council meeting of September 18, 2017, by a vote of 8 FOR AND 0 AGAINST.

Excused: Benton

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:dm
Attachment
9/19/2017
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

Richard J. Berry, Mayor
City of Albuquerque

Bill No. O-17-54

ATTEST:

Natalie Y. Howard, City Clerk