

O-2015-008

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**CITY OF ALBUQUERQUE  
CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO: Richard J. Berry, Mayor**

**FROM: Jon K. Zaman, Director of Council Services**

*Jon 4/8/15*

**SUBJECT: Transmittal of Legislation**

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Transmitted herewith is **Bill No. O-15-42** Amending Chapter 14, Article 8, Part 4 ROA 1994, The "Metropolitan Redevelopment Agency Ordinance." (Jones), which was passed at the Council meeting of April 6, 2015, by a vote of **8 FOR AND 0 AGAINST.**

**Excused: Harris**

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

JKZ:dm  
Attachment  
4/7/15

**CITY of ALBUQUERQUE  
TWENTY FIRST COUNCIL**

COUNCIL BILL NO. O-15-42 ENACTMENT NO. 0-2015-008

SPONSORED BY: Trudy E. Jones

1 **ORDINANCE**  
2 **AMENDING CHAPTER 14, ARTICLE 8, PART 4 ROA 1994, THE**  
3 **“METROPOLITAN REDEVELOPMENT AGENCY ORDINANCE.”**  
4 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
5 **ALBUQUERQUE:**

6 **SECTION 1. Section 14-8-4-1 is amended as follows:**

7 **“§ 14-8-4-1 SHORT TITLE.**

8 **Sections 14-8-4-1 et seq. may be cited as the "Metropolitan**  
9 **Redevelopment Agency Ordinance."**

10 **Cross-reference:**

11 **Development Commission, see §§ 14-8-6-1 et seq.**

12 **§ 14-8-4-2 LEGISLATIVE FINDINGS AND PURPOSE.**

13 **(A) The Council finds and declares that the New Mexico State**  
14 **Legislature has enacted the Metropolitan Redevelopment Code, Sections 3-**  
15 **60A-1 et seq. NMSA 1978, (hereinafter referred to as the "Metropolitan**  
16 **Redevelopment Code") conferring certain powers upon the City Council.**

17 **(B) The Council further finds and declares that the Metropolitan**  
18 **Redevelopment Code authorizes the creation by the Council of a Metropolitan**  
19 **Redevelopment Agency and the delegation to the Agency of the exercise of**  
20 **the metropolitan redevelopment project powers set forth in the Code.**

21 **(C) The Council further finds and declares that it is in the public**  
22 **interest to delegate said powers to a Metropolitan Redevelopment Agency.**

23 **(D) The Council further finds and declares that it is in the public**  
24 **interest to provide the staff for the Metropolitan Redevelopment Agency.**

25 **§ 14-8-4-3 REDEVELOPMENT PROJECT POWERS.**

26 **As used in §§ 14-8-4-1 et seq., the term REDEVELOPMENT PROJECT**

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1 POWERS includes any rights, powers, functions and duties of a municipality  
2 authorized by Sections 3-60A-5 through 3-60A-18 NMSA 1978, except the  
3 following powers which are reserved to the City Council:

- 4 (A) Declaration of an area to be a slum or a blighted area or  
5 combination thereof and designation of the area as appropriate for a  
6 redevelopment project;
- 7 (B) Approval or amendment of redevelopment plans;
- 8 (C) Approval of city plans for urban development and  
9 conservation, unless approval is specifically delegated by Council ordinance  
10 or resolution;
- 11 (D) Making findings of necessity prior to preparation of a plan as  
12 provided in Sections 3-60A-5 through 3-60A-18 NMSA 1978 and the findings  
13 and determinations required prior to approval of a redevelopment plan or  
14 project as provided in Sections 3-60A-5 through 3-60A-18 NMSA 1978;
- 15 (E) Issuance of general obligation bonds and revenue bonds  
16 authorized in the Code;
- 17 (F) Approval of loans or grants;
- 18 (G) Approval of leases of more than one year's duration;
- 19 (H) Issuance of municipal redevelopment bonds;
- 20 (I) Appropriation of funds, levying of taxes and assessments; and
- 21 (J) Deciding appeals of the Metropolitan Redevelopment Agency's  
22 action as to acceptance of a proposal for the sale and/or redevelopment of  
23 land.

24 § 14-8-4-4 POWERS OF METROPOLITAN REDEVELOPMENT AGENCY.

25 The Metropolitan Redevelopment Agency is hereby vested with all of  
26 the aforementioned metropolitan redevelopment project powers in the same  
27 manner as though all of said powers were conferred on the Agency by the  
28 Metropolitan Redevelopment Code.

29 § 14-8-4-5 STAFF OF AGENCIES PROVIDED BY CITY.

30 (A) The city shall provide the Metropolitan Redevelopment Agency  
31 with the appropriate staff support to carry out the powers granted to it under  
32 the Metropolitan Redevelopment Code.

33 § 14-8-4-6 ANNUAL REPORT.

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1           The Metropolitan Redevelopment Agency shall file annually with the  
2 City Council a report of its activities for the preceding fiscal year, which report  
3 shall include a complete financial statement setting forth its assets, liabilities,  
4 income and operating expenses as of the end of such fiscal year.

5           **§ 14-8-4-7 ACTIVITIES TO BE UNDERTAKEN PURSUANT TO STATUTORY**  
6 **AUTHORITY.**

7           **(A) With respect to public purchases other than real property**  
8 **processed by the Metropolitan Redevelopment Agency, the provisions of**  
9 **Chapter 5, Article 5 of this code of ordinances, Public Purchases, shall apply.**

10           **(B) With respect to the disposition or lease of real property carried**  
11 **out by the Metropolitan Redevelopment Agency, the provisions of Section 3-**  
12 **60A-12 NMSA 1978 shall apply.**

13           **(C) With respect to acceptance of a proposal for the sale and/or**  
14 **redevelopment of land by the Metropolitan Redevelopment Agency, the**  
15 **decision shall be made consistent with Section 3-60A-12 NMSA 1978 and other**  
16 **provisions of the Metropolitan Redevelopment Code as applicable, and**  
17 **Section 13-1-116 NMSA 1978 and other provisions of the New Mexico**  
18 **Procurement Code as applicable.**

19           **§ 14-8-4-8 APPEAL.**

20           **(A) Application.**

21           **(1) Decisions of the Metropolitan Redevelopment Agency**  
22 **as to acceptance of a proposal for sale and/or redevelopment of land may be**  
23 **appealed to the City Council on forms prescribed by the Metropolitan**  
24 **Redevelopment Agency. A filing fee of \$500 shall accompany each appeal**  
25 **application. When an application is withdrawn the application fee shall not be**  
26 **refunded.**

27           **(B) Limitations Period. Decisions of the Metropolitan**  
28 **Redevelopment Agency are final unless appeal is initiated by application to**  
29 **the city on prescribed forms within 15 days of the Metropolitan**  
30 **Redevelopment Agency's notice of decision. The date of the notice of**  
31 **decision is not included in the 15-day period for filing an appeal, and if the**  
32 **15th day falls on a Saturday, Sunday, or holiday as listed in Ch. 3, Article 1,**  
33 **Merit System; Personnel Policy, the next working day is considered as the**

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1 deadline for filing the appeal. Selection of a proposal for the sale and/or  
2 redevelopment of land shall not become a legally binding acceptance by the  
3 city until an appeal of the selection is decided or the time for filing the appeal  
4 has expired without an appeal being filed.

5 (C) Standing for Appeals. Any person who submitted a  
6 redevelopment proposal but who was not selected for award of the  
7 redevelopment project at issue may appeal.

8 (D) Notice of Hearing. The Mayor shall give written notice of an  
9 appeal, together with a notice of the date, time, and place of hearing to all  
10 those who made submittals for the project, and to all those who testified at the  
11 Albuquerque Development Commission's hearing concerning the project.

12 (E) Hearing and Decision.

13 (1) An appeal shall be heard within 60 days of its filing. The  
14 City Council's decision on the appeal shall be made following a public  
15 hearing. At the hearing the City Council shall review carefully the previous  
16 decision on the matter, and based only on the record before it, determine only  
17 whether:

18 (a) The Metropolitan Redevelopment Agency's  
19 decision was arbitrary or capricious;

20 (b) Whether the Agency's decision is supported by  
21 substantial evidence in the record; or

22 (c) Whether the Agency erred as a matter of law.

23 (2) The concurring vote of two-thirds of the members of the  
24 City Council is required to reverse a determination by the Metropolitan  
25 Redevelopment Agency.

26 (3) If the City Council reverses the decision of the  
27 Metropolitan Redevelopment Agency, the City Council shall conduct a  
28 separate hearing, and after reviewing all qualifying proposals considered by  
29 the Metropolitan Redevelopment Agency and hearing any presentations and  
30 considering any new evidence it finds appropriate:

31 (a) Select whichever of the original proposals it finds  
32 to be best based on the criteria and standards of the Metropolitan  
33 Redevelopment Plan and the request for proposals;

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1 (b) Remand all or part of the proposals to the  
2 Metropolitan Redevelopment Agency; or

3 (c) If the City Council determines that none of the  
4 proposals received are in accordance with the call for proposals or do not  
5 meet the objectives of the Metropolitan Redevelopment Code, the City Council  
6 may reject all proposals and direct the Metropolitan Redevelopment Agency to  
7 award the project through reasonable negotiating procedures as provided  
8 under Section 3-60A-12(C).

9 (4) In addition to appearing before the City Council at any  
10 hearing called for under this Ordinance, any party to an appeal may provide  
11 written argument to the City Council by submitting it through the City Council  
12 Staff. The written argument shall not include new evidence and shall be  
13 submitted at least five days before the next hearing on the appeal with copies  
14 provided to all parties.

15 (F) Notice of Decision. The City Council shall state its key  
16 findings of fact in a notice of decision issued after its hearing(s).

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

24 SECTION 3. COMPILATION. The ordinance amendment prescribed by  
25 SECTION 1 shall amend, be incorporated in and made part of the Revised  
26 Ordinances of Albuquerque, New Mexico, 1994.

27 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days  
28 after publication by title and general summary.

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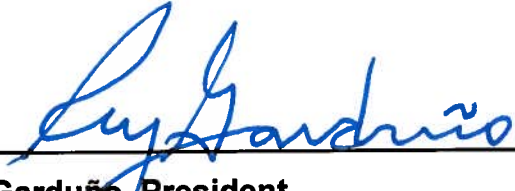
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1 PASSED AND ADOPTED THIS 6th DAY OF April, 2015  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

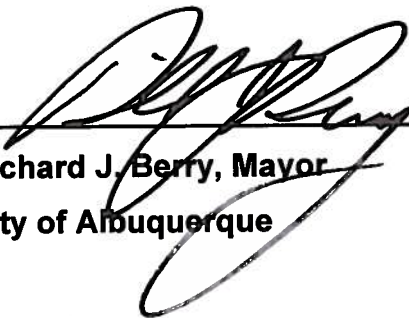
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Excused: Harris

  
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Rey Garduño, President  
City Council

APPROVED THIS 10<sup>th</sup> DAY OF April, 2015

Bill No. O-15-42

  
\_\_\_\_\_  
Richard J. Berry, Mayor  
City of Albuquerque

ATTEST:

  
\_\_\_\_\_  
Trina M. Gurule, Acting City Clerk

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# Health City Sun

## AFFIDAVIT OF PUBLICATION

State of New Mexico )  
  ) ss  
County of Bernalillo )

**CITY of ALBUQUERQUE**  
**TWENTY FIRST COUNCIL**  
**COUNCIL BILL NO. O-15-42**  
**ENACTMENT NO. O-2015-008**  
**SPONSORED BY: Trudy E.**  
**Jones**

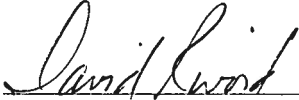
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R E D E V E L O P M E N T  
AGENCY ORDINANCE."  
BE IT ORDAINED BY  
THE COUNCIL, THE  
GOVERNING BODY OF THE  
CITY OF ALBUQUERQUE.  
HCS Pub. April 17, 2015

**David Rivord**, being duly sworn declares and says he is the **Publisher** of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.

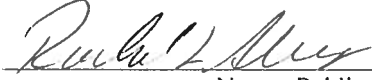
Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 14-11-4 of the New Mexico Statutes annotated (1978).

Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 17th day of April, 2015, and the last publication being in the issue of the 17th day of April, 2015.

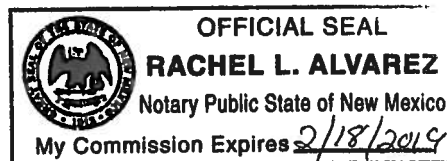
Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.

  
\_\_\_\_\_  
**David Rivord, Publisher**

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 17th day of April, 2015.

  
\_\_\_\_\_  
Notary Public

My Commission Expires 2/18/2019



Office Address: 6300 Montano, NW, 2<sup>nd</sup> floor  
Mailing Address: P.O. Box 67560, Albuquerque, NM 87193  
Phone: 505-242-3010/Fax: 505-842-5464