

0-2017-026

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

Jon 11/16/17

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. C/S O-17-58 Relating To The Local Economic Development Act Plan Of The City; Amending Sections 2-14-1-2, 2-14-1-3, 2-14-1-4 And 2-14-1-8 Of The Albuquerque Code Of Ordinances (Jones, by request), which was passed at the Council meeting of November 6, 2017, by a vote of 8 FOR AND 0 AGAINST.

Excused: Peña

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

JKZ:dm
Attachment
11/9/2017

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1 municipality or a qualifying entity that serves the public through preserving,
2 educating and promoting the arts and culture of a particular locale, including
3 theaters, museums, libraries, galleries, cultural compounds, educational
4 organizations, performing arts venues and organizations, fine arts
5 organizations, studios and media laboratories and live-work housing
6 facilities.”

7 “ECONOMIC DEVELOPMENT PROJECT. The provision of direct or indirect
8 assistance pursuant to the Local Economic Development Act to a qualifying
9 business and includes the purchase, lease, grant, construction,
10 reconstruction, improvement or other acquisition or conveyance of land,
11 buildings or other infrastructure; public works improvements essential to the
12 location or expansion of a qualifying business; payments for professional
13 services contracts necessary for local or regional governments to implement
14 a plan or project; and payments to a qualifying business pursuant to Section
15 2-14-1-4(C).”

16 “QUALIFYING ENTITY. A corporation, limited liability company,
17 partnership, joint venture, syndicate, association or other person that is one
18 or a combination of two or more of the following:

19 (1) An industry for the manufacturing, processing, or assembling of any
20 agricultural or manufactured products;

21 (2) A commercial enterprise for storing, warehousing, distributing or
22 selling products of agriculture, mining or industry, but not including any
23 enterprise for sale of goods or commodities at retail or for the distribution to
24 the public of electricity, gas, water or telephone or other services commonly
25 classified as public utilities, except as provided by subsection (5) of this
26 definition;

27 (3) A business in which all or part of the activities of the business
28 involves the supplying of services to the general public or to governmental
29 agencies or to a specific industry or customer, but, other than as provided in
30 subsection (5) of this definition, not including businesses primarily engaged
31 in the sale of goods or commodities at retail;

32 (4) An Indian tribe or pueblo or a federally chartered tribal corporation;

- 1 (5) A telecommunications sales enterprise that makes the majority of its
2 sales to persons outside New Mexico;
- 3 (6) A facility for the direct sales by growers of agricultural products,
4 commonly known as farmer's markets;
- 5 (7) A business that is the developer of a metropolitan redevelopment
6 project; or
- 7 (8) A Cultural Facility.”

8 SECTION 3. Section 2-14-1-4, the “Economic Development Plan” section of
9 the Local Economic Development Act Plan Ordinance is hereby amended as
10 follows:

11 “(A) The Council may assist economic development projects in any
12 legally permissible manner including but not limited to provision of land,
13 buildings and infrastructure provided that all the requirements of §§ 2-14-1-1
14 et seq. are met. The city may provide land, buildings or infrastructure it
15 already owns, or it may build, purchase or lease the facilities needed for an
16 economic development project. The city at its discretion may bear the full
17 cost or contribute a portion of the costs including the waiver of applicable
18 fees. The city, at its discretion, may also contribute to the payment of costs
19 for professional services contracts such as industry feasibility studies and
20 planning and design services needed to implement a project.

21 (B) The Council may consider offering all forms of assistance allowed
22 under this section and any other legally permissible forms of assistance;
23 however, this does not establish any obligation on the city's part to offer any
24 specific type or level of assistance.

25 (C) The Council may provide for a local contribution of payments
26 reimbursing expenditures for land, building or infrastructure that is measured
27 based on an increment of gross receipts taxes received by the City as a result
28 of the construction of the Economic Development Project.”

29 SECTION 4. Section 2-14-1-8(E) and (F) of the “Application Review Criteria”
30 section of the Local Economic Development Act Plan Ordinance is hereby
31 amended as follows:

32 “(E) All applications for economic development projects requesting

1 economic assistance from the city shall clearly demonstrate the benefits
2 which will accrue to the community as a result of the donation of public
3 resources. The city has considerable flexibility in determining what is
4 considered as adequate benefits. Benefits such as providing components or
5 production capabilities which enhance a targeted industry cluster or
6 addressing critical deficiencies in the regional economy may be recognized.
7 The benefits claimed of any proposal will receive careful scrutiny. However, it
8 is the intent of this section to be flexible in the evaluation of these benefits,
9 and to recognize the qualitative as well as quantitative impacts of a proposal.
10 Applications for economic development projects located within a
11 metropolitan redevelopment district may be granted additional flexibility in
12 demonstrating the adequacy of benefits.

13 (F) All applications for economic development projects requesting
14 economic assistance from the city shall clearly demonstrate how the
15 qualifying entity is making a substantive contribution to the community. The
16 city retains flexibility in defining the "substantive contribution to the
17 community." Determination of what constitutes an acceptable contribution
18 for a given project shall be at the discretion of the governing body.
19 Applications for economic development projects located within a
20 metropolitan redevelopment district may be granted additional flexibility in
21 the demonstrating a substantive contribution to the community."

22 SECTION 5. Severability Clause. If any section, paragraph, sentence,
23 clause, word or phrase of this Ordinance is for any reason held to be invalid
24 or unenforceable by any court of competent jurisdiction, such decision shall
25 not affect the validity of the remaining provisions of this Ordinance. The
26 Council hereby declares that it would have passed this Ordinance and each
27 section, paragraph, sentence, clause, word or phrase thereof irrespective of
28 any provision being declared unconstitutional or otherwise invalid.

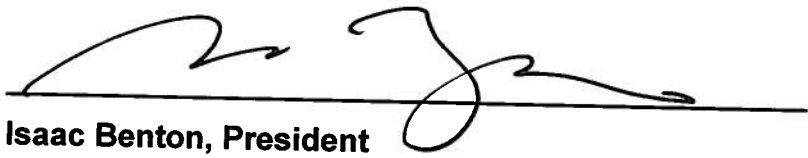
29 SECTION 6. Compilation. Sections 1, 2, 3 and 4 shall amend, be
30 incorporated in and compiled as part of the Revised Ordinances of
31 Albuquerque, New Mexico, 1994.

32 SECTION 7. Effective Date. This ordinance shall take effect five days after

1 **publication by title and general summary.**
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1 PASSED AND ADOPTED THIS 6th DAY OF November, 2017
2 BY A VOTE OF: 8 FOR 0 AGAINST.

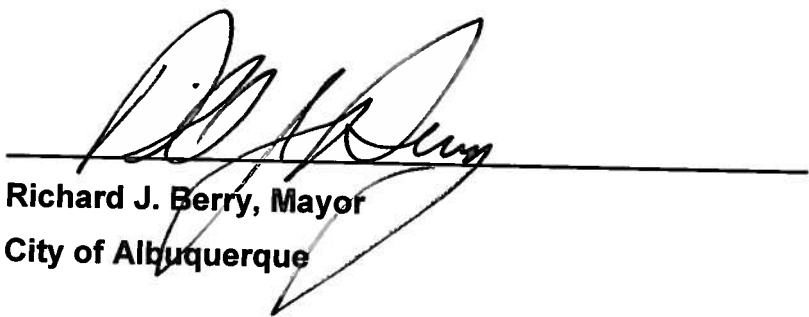
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4 Excused: Peña

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9 Isaac Benton, President
10 City Council

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13 APPROVED THIS 22nd DAY OF November, 2017

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17 Bill No. C/S O-17-58

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22 Richard J. Berry, Mayor
23 City of Albuquerque

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26 ATTEST:

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30 Natalie Y. Howard, City Clerk

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