

1 **CITY OF SANTA FE, NEW MEXICO**

2 **ORDINANCE NO. 2008-16**

3
4
5 **AN ORDINANCE**

6 **AMENDING ARTICLES 6-17 AND 11-11 SFCC 1987 COMBINING THE DUTIES OF**
7 **THE BUSINESS AND QUALITY OF LIFE ADVISORY COMMITTEE AND THE**
8 **ECONOMIC DEVELOPMENT REVIEW COMMITTEE.**

9
10 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

11 **Section 1. Section 6-17.1 SFCC 1987 (being Ord. #2005-5, §2) is amended to**
12 **read:**

13 **6-17.1 Creation; Purpose.**

14 There is created the city business and quality of life advisory committee for the following
15 purposes:

16 A. Implementing the city's economic development plan (Resolution No. 2004-42 as
17 may be amended), including adopting a more business friendly attitude within city government
18 and making recommendations to the governing body on applications for assistance for economic
19 development projects and for industrial revenue bonds;

20 B. Assisting the governing body in understanding the potential impacts, including
21 benefits, of proposed actions, ordinances and regulations;

22 C. Preventing unanticipated impacts from city actions, ordinances and regulations;

23 and

24 D. Providing businesses and the community with the opportunity to review and
25 comment on proposed actions, ordinances and regulations at an early stage.

1 **Section 2. Section 6-17.2 SFCC 1987 (being Ord. #2005-5, §3) is amended to**
2 **read:**

3 **6-17.2 Powers and Duties.**

4 The powers and duties of the committee shall include (without limitation):

5 A. At the discretion of the business and quality of life advisory committee,
6 reviewing and making a recommendation to the governing body on proposed ordinances
7 amending the city code, resolutions or other city regulations which may have a potential impact
8 on businesses in the community. The committee shall conduct a public meeting regarding such
9 proposed ordinances, resolutions or regulations as early as possible in their development. Items
10 under consideration by the committee may be moved to another committee or to the governing
11 body for appropriate consideration upon a majority vote of the governing body at any time.

12 B. Providing timely information to businesses regarding those proposed ordinances,
13 resolutions and regulations;

14 C. Informing the governing body, in a timely manner, as to the potential impacts of
15 proposed ordinances, resolutions or regulations on the business community;

16 D. Initiating proposals, through an annual work plan, which would improve the
17 business climate and the quality of life in the community as a whole including, but not limited to,
18 modifications to city regulations and operations and staff responsibilities for the governing body's
19 consideration;

20 E. Advising the governing body on matters of importance to the business
21 community and the community as a whole including, but not limited to, impacts on the business
22 community and the community as a whole due to city regulations and operations and suggesting
23 improvements for city services;

24 F. Reviewing and making recommendations to the governing body on
25 implementing the economic development plan and the annual budget for implementing the

1 economic development plan. The committee, in coordination with public groups, shall appoint
2 working groups or advisory subcommittees of the business and quality of life committee, as
3 needed, to implement the economic development plan.

4 G. Reviewing the recommendations of the economic development review
5 subcommittee and making recommendations to the governing body regarding:

- 6 (1) Applications for assistance for economic development projects; and
- 7 (2) Reviewing and making recommendations to the governing body on
8 applications for industrial revenue bonds (IRB's) as set forth in Resolution No. 1995-83
9 as may be amended.

10 H. Adopting procedures, schedules and administrative policies for matters within the
11 committee's powers and duties in order to provide information and assistance to city staff, the
12 public and the governing body.

13 **Section 3. A new Section 6-17.6 SFCC 1987 is ordained to read:**

14 **6-17.6 [NEW MATERIAL.] Economic Development Review Subcommittee.**

15 A. The economic development review sub committee shall review and make
16 recommendations to the business and quality of life advisory committee on applications for the
17 following:

- 18 (1) Assistance for economic development projects; and
- 19 (2) Industrial revenue bonds (IRB's) as set forth in Resolution No. 1995-83
20 as may be amended.

21 B. The economic development review subcommittee shall be composed of five (5)
22 members residing in the county and qualified by training, experience, and ability to exercise
23 sound and practical judgment. Two members shall be members of the business and quality of life
24 advisory committee and three members shall be from the business community. The members
25 shall be appointed by the mayor with the advice and consent of a majority vote of all the members

1 of the city council. The mayor shall designate a chairperson and vice-chairperson from among the
2 subcommittee members. All subcommittee members may be removed by the mayor with or
3 without cause.

4 C. Of the members appointed initially to the subcommittee, two (2) shall have one
5 (1) year terms and all others shall have two (2) year terms. Each subsequent term of a member
6 shall be for two (2) years to maintain the original staggering of terms of membership. There shall
7 be no limitation of the number of consecutive terms a member may serve on the economic
8 development review subcommittee.

9 D. The subcommittee shall meet as needed and shall conduct all meetings in
10 accordance with adopted city policy and procedures. At least five (5) days prior to the meeting,
11 staff shall post the tentative meeting agenda in city hall as well as on the city's website. The
12 subcommittee shall keep minutes of its proceedings, showing the vote of each member on each
13 question, or indicating absence or failure to vote and shall keep records of its review and official
14 actions, all of which shall be filed in the city clerk's office.

15 **Section 4. [REPEAL.] Section 11-11.6 SFCC 1987 (being Ord. #1996-21, §6**
16 **as amended) is repealed.**

17 **Section 5. A new Section 11-11.6 SFCC 1987 is ordained to read:**

18 **11-11.6 [NEW MATERIAL.] Economic Development Review Subcommittee.**

19 The economic development review subcommittee of the business and quality of life
20 advisory committee is established as set forth in Section 6-17.6 SFCC 1987.

21 **Section 6. Section 11-11.7 SFCC 1987 (being Ord. #1996-21, §7 as amended) is**
22 **amended to read:**

23 **11-11.7 Application Requirements.**

24 A. Any qualifying entity meeting the definition set forth in subsection 11-11.4
25 SFCC 1987 may propose an economic development project to the city. Meeting the definition of

1 a qualifying entity does not create any obligation on the part of the city.

2 B. Applications from qualifying entities shall be submitted to the economic
3 development division on forms provided by the city.

4 C. Application shall contain the following information:

5 (1) Identification information:

6 (a) Complete name and address of entity;

7 (b) Incorporation papers with bylaws;

8 (c) List of board of directors and executive director, with addresses;

9 and

10 (d) Resumes of all directors and officers.

11 (2) Evidence of financial solvency:

12 (a) Financial statements (income statements and balance sheets) for
13 the past three (3) years;

14 (b) Independent audit of the latest year;

15 (c) Federal tax number, New Mexico State Taxation and Revenue
16 number and city business license;

17 (d) Projected income statements for at least three (3) years.

18 (3) Evidence of organization's capacity:

19 (a) Brief history of the entity;

20 (b) Organizational chart of entity;

21 (c) Business plans for the entity and proposed project (shall include
22 pro-forma cash flow analysis);

23 (d) Evidence of ability to manage the project, such as, but not
24 limited to:

25 (i) List and description of previously completed projects;

1 (ii) Resumes of key staff involved with project;

2 (e) Entity shall disclose the following information (if the answer is
3 yes, entity shall attach a written explanation):

4 (i) Has the business or any of its officers ever been involved
5 in a bankruptcy;

6 (ii) Has the business or any of its officers ever defaulted on
7 any loans or financial obligation; and,

8 (iii) Does the entity have any loans or other financial
9 obligations on which payments are not current?

10 (4) Funding sources for project:

11 (a) Entity investment of qualifying entity;

12 (b) Assistance being requested of the city (e.g. specific parcel of
13 land, applicable fees, etc.), with estimate of value; and,

14 (c) Funding sources other than the city with letters of commitment
15 or intent to fund;

16 (5) Identification of the terms, conditions, location, scope and requirements
17 of the economic development project.

18 (6) Information sufficient for the economic development review
19 subcommittee and the business and quality of life advisory committee to make its
20 determination whether the applicant is a qualifying entity.

21 (7) Any other information required of the applicant.

22 **Section 7. Section 11-11.8 SFCC 1987 (being Ord. #1996-21, §8 as amended) is**
23 **amended to read:**

24 **11-11.8 Application Review Process.**

25 A. The economic development division, finance department, and such other city

1 staff as are necessary and appropriate shall review the application and advise the economic
2 development review subcommittee if the entity and the proposed project meet the definitions of
3 this section and the policies and objectives of the city's economic development plan. The city
4 may at its discretion engage independent consultants to assist in the review of applications.


5 B. The economic development review subcommittee shall determine at a public
6 meeting whether the entity and the proposed project qualify under this section.

7 C. City staff shall then coordinate with the qualifying entity to develop a project
8 participation agreement as set forth in subsection 11-11.11 SFCC 1987.

9 D. The economic development review subcommittee shall consider the economic
10 development project and the project participation agreement at a public meeting in accordance
11 with the criteria set forth in subsection 11-11.9 SFCC 1987. The committee shall recommend to
12 the business and quality of life advisory committee that the proposal be adopted, conditionally
13 adopted or not adopted.

14 E. The recommendation will be forwarded with the project participation agreement,
15 minutes of the economic development review subcommittee and the business and quality of life
16 advisory committee meetings and any other pertinent information to the governing body for final
17 consideration at a public hearing. Review of the application by the finance committee or other
18 subcommittees of the governing body shall not be required unless otherwise directed by the
19 governing body.

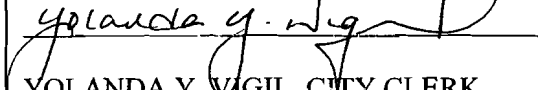
20 PASSED, APPROVED and ADOPTED this 26th day of March, 2008.

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22  _____

23 DAVID COSS, MAYOR
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25

1 ATTEST:

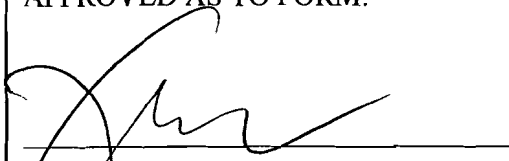
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4 YOLANDA Y. VIGIL, CITY CLERK

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6 APPROVED AS TO FORM:

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9 FRANK D. KATZ, CITY ATTORNEY

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25 Jp/N drive/2008 ord/BQLC and EDRC revisions