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5 **MINUTES OF A REGULAR MEETING**
6 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**
7 **HELD AT THE TOWN HALL**
8 **March 23, 2007**
9

10 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules
11 of the Town on March 23, 2007, at 3:30 P.M.
12

13 Upon Roll call the following members were found to be present:
14

15 **PRESENT:**

16 Mayor Chávez
17 Councilor Montoya
18 Councilor Sisneros
19 Councilor Torres

ALSO PRESENT:

Stephen Jerge Maria Rinaldi
Rob Burpo Peter Franklin
Fred Radosevich Jon Tibbetts
Jason Soto
Ida Fierro
Santiago Chavez
Robert Garcia
Chris Muirhead

24 **ABSENT:**

25 Councilor Jaramillo

Others Present Not Identified

26
27 **APPROVAL OF AGENDA: 4a)**

28 Stephen Jerge asked to remove item 8a and 9c. Councilor Torres moved to approve the agenda as
29 amended. The motion was seconded by Councilor Montoya and motion carried unanimously.
30

31 **APPROVAL OF MINUTES: 6a) Regular Meeting of March 23, 2007.**

32 Councilor Torres moved to approve the minutes of March 23, 2007 as presented. The motion
33 was seconded by Councilor Montoya and carried unanimously.
34

35 **NEW BUSINESS: 9a) Discussion, Consideration and Action on Approval of**
36 **Resolution 3/23/07 Resolution Authorizing Participation in the Municipal Arterial**
37 **Program for Fiscal Year 2007/2008. Presenter: Maria Rinaldi**
38

39 **Resolution Number 3-23-07**

40 **A Resolution Authorizing Participation in the Municipal Arterial Program for Fiscal Year**
41 **2007/2008**
42

43 **Whereas**, the Town of Bernalillo is eligible to participate in the Municipal Arterial Program of
44 the State of New Mexico Department of Transportation, and
45

46 **Whereas**, improvements to South Hill Road are necessary for reasons of improved capacity and

47 safety, and

48

49 **Whereas**, such improvements shall include widening the drive lanes and improving drainage
50 along the roadway as determined necessary through drainage analysis, demolition site plans, site
51 and layout plans, and

52

53 **Whereas**, the total cost of the project is estimated to be \$666,000.00 to be funded in proportional
54 share by the parties hereto as follows:

55

56 a. New Mexico Department of Transportation's share shall be 75% or \$499,500

57

And

58

b. Town of Bernalillo's share shall be 25% or 166,500.00

59

60 **Now Therefore be it Resolved** by the Governing Body of the Town of Bernalillo that the attached
61 application for funding submitted on behalf of the Town of Bernalillo on March 15, 2007 is ratified.

62

63 Councilor Torres moved to approve the Resolution 3/23/07 resolution Authorizing Participation
64 in the Municipal Arterial Program for Fiscal Year 2007/2008 as presented. The motion was
65 seconded by Councilor Sisneros.

66

67 Roll Call Vote All Yea

68

69

70 **NEW BUSINESS: 9b) Discussion, Consideration and Action on Approval of Resolution**
71 **3/23/07A NMFA Loan Documentation Water Wastewater Property Acquisition. Presenter:**
72 **Stephen Jerge**

73

74

TOWN OF BERNALILLO, NEW MEXICO
RESOLUTION NO 3/23/07A

75

76

77 AUTORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND
78 INTERCEPT AGREEMENT BY AND BETWEEN THE TOWN OF BERNALILLO (THE
79 "TOWN") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL,
80 LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT OF \$377,428
81 TOGETHER WITH INTERST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE
82 OF DEFRAYING THE COST OF PURCHASING LAND FOR THE TOWN; PROVIDING FOR
83 THE ADMINISTRATIVE FEES DUE UNDER THE LOAN AGREEMENT SOLEY FROM THE
84 DISTRIBUTIONS OF THE REVENUES FROM THE TOWN'S ONE EIGHTH OF ONE
85 PERCENT INCREMENT OF THE MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX
86 REVENUES ENACTED BY THE TOWN ORDINANCE NO. 216, PURSUANT TO SECTION 7-
87 19d-11, NMSA 1978, AND DEDEDICATED TO LAND AND WATER RIGHTS ACQUISITION;
88 PROVIDING FOR THE DISTRIBUTIONS OF THE REVENUES OF THE ONE EIGHTH OF

89 ONE PERCENT INCREMENT OF MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX
90 FROM THE STATE TAXATION AND REVENUE DEPARTMENT TO BE REDIRECTED TO
91 THE NEW MEXICO FINANCE AUTHORITY OR ITS ASSIGNS PURSUANT TO THE
92 INTERCEPT AGREEMENT FOR THE PAYMENT OF THE PRINCIPAL, INTEREST AND
93 ADMINISTRATIVE FEES DUE ON THE LOAN AGREEMENT; APPROVING THE FORM
94 AND EXACT TERMS OF, AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT
95 AND INTERCEPT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING
96 ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE
97 TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY
98 OF THE LOAN AGREEMENT AND INTERCEPT AGREEMENT.
99

100 Capitalized terms used in the following preambles have the same meaning as defined in
101 Section 1 of this Resolution unless the context requires otherwise.
102

103 WHEREAS, the Governmental Unit is a legally and regularly created, established, organized
104 and existing municipality under the general laws of the State of New Mexico; and
105

106 WHEREAS, the Governing Body has determined and hereby determines that the Project may
107 be financed with amounts borrowed under the Loan Agreement and that it is in the best interest of
108 the Governmental Unit and its residents that the Loan Agreement and Intercept Agreement be
109 executed and delivered and that the financing of the acquisition of the Project take place by
110 executing and delivering the Loan Agreement and Intercept Agreement; and
111

112 WHEREAS, the Governing Body has determined that it may lawfully, pledge the Pledge
113 Revenues for the payment of amounts due under the Loan Agreement; and
114

115 WHEREAS, other than as described in Exhibit "A" to the Loan Agreement, the Pledges
116 Revenues have not heretofore been pledged to secure the payment to any obligation; and
117

118 WHEREAS, the Loan Agreement shall be a special, limited obligation of the Governmental
119 Unit, payable solely from the Pledge Revenues and shall not constitute a general obligation of the
120 Governmental Unit, or a debt or pledge of the faith and credit of the Governmental Unit or the State;
121 and
122

123 WHEREAS, there have been presented to the Governing Body and there presently are on file
124 with the Clerk this Resolution and the forms of the Loan Agreement and Intercept Agreement, with
125 are incorporated by reference and consideration to be a part hereof; and
126

127 WHEREAS, the Governing Body hereby determines that the Project to be financed by the
128 Loan is to be used for governmental purposes of the Governmental Unit and will Not be used for
129 purposes which would cause the Loan Agreement to be deemed a "private activity bond" as defined
130 the Internal Revenue Code of 1996, as amended; and

131
132 WHEREAS, all required authorizations, consents and approvals in connection with (i) the
133 use and pledge of the Pledge Revenues to the NMFA (or its assigns) for the payment of the Loan
134 Agreement, (ii) the use of the proceeds of the Loan Agreement to finance the Project, and (iii) the
135 authorization, execution and delivery of the Loan Agreement and Intercept Agreement which are
136 required to have been obtained by the date of this Resolution, have been obtained or are reasonably
137 expected to be obtained.

138
139 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN
140 OF BERNALILLO;

141
142 Councilor Sisneros moved to approve the Resolution 3/23/07A NMFA Loan Documentation Water
143 Wastewater Property Acquisition as presented. The motion was seconded by Councilor Torres.

144
145 Roll Call Vote All Yea

146
147 **NEW BUSINESS: 9d) Discussion, Consideration and Action on Approval of**
148 **Engineering Contract Additional Funds of \$20,000.00 for Miscellaneous Services.**
149 **Presenter: Stephen Jerge**

150
151 In Accordance with the Engineering and Planning On-Call Contract, the following scope of services for
152 additional funds for the Services for Miscellaneous Projects.

153
154 Time and Materials Work Items, Not to Exceed; and additional amount of \$20,000 payable to HDR
155 Engineering Inc.

156
157 Councilor Montoya moved to approve HDR Engineering Contract Additional Funds of \$20,000
158 Fund as presented. The motion was seconded by Councilor Sisneros.

159
160 Roll Call Vote All Yea

161
162 **NEW BUSINESS: 9c) Discussion, Consideration and Action on Approval of**
163 **Resolution 3/23/07C TIF Policy. Presenter: Stephen Jerge**

164
165 **TOWN OF BERNALILLO**
166 **RESOLUTION NO. 03-23-07C**

167
168 ADOPTING THE TOWN OF BERNALILLO TAX INCREMENT POLICY FOR THE
169 EVALUATION AND APPROVAL OF APPLICATIONS FOR THE FORMATION OF TAX
170 INCREMENT DEVELOPMENT DISTRICTS WITHIN THE TOWN OF BERNALILLO.

171
172 WHEREAS, the Tax Increment for Development Act, Sections 5-15-1, *et seq.*, NMSA 1978,

173 as amended. (the "Act"), provides that owners of at least 50 percent of the real property proposed to
174 be included in a tax increment development district may submit a petition for the formation of the
175 proposed district to the municipality or unincorporated area of a county in which the district is
176 proposed to be located; and

177
178 WHEREAS, pursuant to the Act, a tax increment development district may be authorized to
179 exercise broad powers in connection with the financing of public infrastructure for the purpose of
180 supporting economic development and job creation, including the authority to impose district
181 property taxes, to issue ad valorem property tax increment bonds and gross receipts tax increment
182 bonds, to finance public infrastructure, to purchase, sell, dedicate and otherwise convey public
183 infrastructure, and to enter into agreements necessary or convenient to the exercise of those powers;
184 and

185
186 WHEREAS, pursuant to the Act, a tax increment development district may be provided with
187 such powers and may be subject to such limitations as a local governing body, such as the Town
188 Council of the Town of Bernalillo, determines to be appropriate and necessary to carry out the
189 specific purposes of the tax increment district, as formed by the local governing body; and

190
191 WHEREAS, the Town Council intends to assure that the Town will receive sufficient
192 information in connection with a petition for formation of a tax increment development district to
193 enable the Town to determine whether the interests of the owners of real property and residents
194 within the proposed district and the citizens of the Town will be served by the formation of a
195 proposed tax increment development district; and

196
197 WHEREAS, the Town Council has promulgated the Town of Bernalillo Tax Increment
198 Policy set forth below for the purposes of:

199
200 (i) providing for the protection of present and future property owners and residents by
201 requiring a demonstration of tangible benefits to such persons through the formation and operation
202 of the proposed tax increment development district;

203
204 (ii) providing for the protection of prospective applicants and the Town by:

205
206 (a) establishing the required information and contents of applications for the
207 formation of tax increment development districts, to enable applicants and the Town to determine
208 objectively when such applications are complete and ready to be evaluated by the Town;

209
210 (b) establishing standards for the orderly, efficient and consistent evaluation of
211 completed applications;

212
213 (c) conserving the resources, time and effort required of applicants and the Town
214 in the application process and the assembly of related information; and

215
216 (d) establishing a schedule of application fees intended to avoid net cost to the
217 Town in the evaluation of tax increment development district applications and in the formation and
218 operation of tax increment development districts.

219
220 NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL, THE GOVERNING
221 BODY OF THE TOWN OF BERNALILLO, NEW MEXICO:

222
223 Section 1. Adoption of Tax Increment Policy. The Town of Bernalillo Tax Increment
224 Policy attached to this Resolution as Exhibit "A" is hereby approved and adopted.

225
226 Section 2. Severability Clause. If any section, paragraph, clause or provision of this
227 Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or
228 unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining
229 provisions of this Resolution.

230
231 Section 3. Repealer Clause. All bylaws, orders, resolutions and ordinances, or parts
232 thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This
233 repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof,
234 heretofore repealed.

235
236 Section 4. Effective Date. Upon due adoption of this Resolution, it shall be recorded in
237 the book of the Town kept for that purpose, authenticated by the signatures of the Mayor and the
238 Town Clerk, and this Resolution shall be in full force and effect thereafter, in accordance with law.

239
240 Councilor Torres moved to approve Resolution 03/23/07C TIF Policy as presented. The motion
241 was seconded by Councilor Sisneros.

242
243 Roll Call Vote All Yea

244
245 **MISCELLANEOUS: 10) NONE**

246
247
248 **FINANCIAL SECTION: 11a) Approval of General Fund Vouchers #31086 -**
249 **#31156.**

250 Councilor Torres moved to approve the General Fund Vouchers #31086 - #31156 as presented.
251 The motion was seconded by Councilor Montoya and carried unanimously.

252
253 **FINANCIAL SECTION: 11b) Approval of Utility Fund Vouchers #62284 - #62334.**

254 Councilor Torres moved to approve the Utility Fund Vouchers #62284- #62334 as presented.
255 The motion was seconded by Councilor Montoya and carried unanimously.

256

257 **FINANCIAL SECTION: 11c) Approval of MVD Fund Vouchers #66311 - #66326.**
258 Councilor Sisneros moved to approve MVD Fund Vouchers #66311 - # 66326 as presented. The
259 motion was seconded by Councilor Montoya and carried unanimously.
260

261 **FINANCIAL SECTION: 11d) Approval of Housing Low Rent Vouchers #5069LR-**
262 **#5095LR.**
263 Councilor Torres moved to approve the Housing Low Rent Vouchers #5069LR - #5095LR as
264 presented. The motion was seconded by Councilor Sisneros and carried unanimously.
265

266 There being no further business the meeting was adjourned at 3:58 P.M.

267
268 Done this 23th day of March 2007.

269
270 ATTEST:

271
272 _____
273 Town Clerk
274 (seal)

271
272 _____
273 Patricia A. Chávez, Mayor