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**MINUTES OF A REGULAR MEETING
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
December 20, 2012**

25 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules
26 of the Town on December 20, 2012, at 6:30 P.M.

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

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PRESENT:

Mayor Torres
Councilor Prairie
Councilor Montoya
Councilor Sisneros
Councilor Jaramillo

ALSO PRESENT:

Julian Gonzales Margie Amiot
Maria Rinaldi Steve Amiot
Jim Pike Karen Lermuseaux
Ty Jameson

ABSENT:

Others Present Not Identified

APPROVAL OF AGENDA: 4a)

Councilor Montoya moved to approve the agenda as presented. The motion was seconded by Councilor Prairie and the motion carried unanimously.

Mayor Torres requested a moment of silence for the lives lost in the Newton, Connecticut in honor of those lost and respect to their families.

PUBLIC HEARING: 5a) Discussion, Consideration and Action on Adoption of Ordinance #267 Implementing a Change in the Town Zoning From R-R to C-1 for Jacob Olivas. Presenter-Ty Jameson

Ty Jameson Planning and Zoning Administrator stated that Pro-Cast Stone LLC, has been given Preliminary approval for a Zone Change from (R-R) Rural Residential to (C-1) Retail Commercial Zone from the Planning and Zoning Commission on the meeting of September 18, 2012. According to the Zoning Code Ordinance, all Zone Changes and Map Amendments require final approval from the Board of Trustees.

STATE OF NEW MEXICO
BERNALILLO

TOWN OF

ORDINANCE NO. 267

AN ORDINANCE IMPLEMENTING A CHANGE ON THE ZONING ATLAS TO C-1.
WHEREAS, Jacob Olivas, owner on her behalf of (Pro-Cast Stone, LLC) has

47 filed an application for amendment to the zoning ordinance; and,
48 WHEREAS, a public hearing was held by the Planning and Zoning Commission of the Town of
49 Bernalillo on said application; and,

50
51 WHEREAS, the Planning and Zoning Commission of the Town of Bernalillo has recommended
52 the requested zone change; and

53
54 WHEREAS, the Governing Body of the Town of Bernalillo has had a public hearing on the said
55 recommendation.

56
57 NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF
58 BERNALILLO, SANDOVAL COUNTY, NEW MEXICO AS FOLLOWS:

59 1. That Ordinance No. 175, entitled "Comprehensive Zoning Ordinance";
60 duly adopted by the Town of Bernalillo, be hereby amended to provide for a
61 change in the zoning atlas to Retail Commercial Zone (C-1) from the prior
62 zoning designation of Rural Residential (R-R) for the property addressed
63 1059 HWY 528, and legally described as Lands of Pat Chavez, LT(s) 3-A, Re-
64 Plat of Tract E-3 Lands of George Thatcher, Section 36, Township 13, North
65 Range 3, located in the Town of Bernalillo, County of Sandoval, State of New
66 Mexico.

67 PASSED, APPROVED AND ADOPTED THIS 20TH DAY OF DECEMBER, 2012

68
69
70 Mayor Torres opened the floor for questions from the Governing Body.

71
72 Mayor Torres asked were all the requirements met.

73
74 Ty Jameson stated yes.

75
76 Ronnie Sisneros stated there was a replat of the property did this change the property.

77
78 Ty Jameson stated that access to the property and utility access was included in the replat.

79
80 Mayor Torres asked the public if anyone wished to speak for or against Ordinance #267.

81
82 There were none.

83
84 Mayor Torres entertained a motion

85
86 Councilor Sisneros made a motion to adopt Ordinance #267 Implementing a Change in the Town

87 Zoning from R-R to C-1 for Jacob Olivas. The motion was seconded by Councilor Montoya.

88

89 Roll Call Vote

90 Councilor Jaramillo Yea

91 Councilor Sisneros Yea

92 Councilor Montoya Yea

93 Councilor Prairie Yea

94

95 **PUBLIC HEARING: 5b) Discussion, Consideration and Action on Adoption of**
96 **Ordinance #268 Establishing an Affordable Housing Program Pursuant to the Affordable**
97 **Housing Act. Presenter: Maria Rinaldi**

98

99 Maria Rinaldi Capital Improvements Director stated what is before you is the final draft of the
100 Affordable Housing Plan it is in review with New Mexico Mortgage Finance Authority once the
101 approved plan has been received the final Affordable Housing Plan will be brought to you for
102 your approval.

103

104 Sites Southwest has done a market analysis of our housing stock in the Town of Bernalillo. The
105 study indicated that 71% of Bernalillo residents cannot afford a home that is on the market in
106 Bernalillo. This plan you have before you has the affordable housing needs and barriers to
107 housing development and goals to further the affordable single family and multifamily
108 development on comprehensive needs analysis.

109

110 Phyllis Taylor from Sites Southwest gave a brief overview of the Affordable Housing Plan which
111 included the Housing Plan Purpose, Identified Needs, Barriers to Housing Development, Policy
112 Recommendations and Opportunities. The power point presentation will be an attachment to the
113 minutes along with the Draft Affordable Housing Plan.

114

115 ORDINANCE NO. 268

116 AN ORDINANCE ESTABLISHING AN AFFORDABLE HOUSING PROGRAM
117 PURSUANT TO THE AFFORDABLE HOUSING ACT; DEFINING TERMS;
118 ESTABLISHING APPLICATION REQUIREMENTS AND REVIEW CRITERIA;
119 AND ESTABLISHING PROCEDURES TO ADMINISTER AN AFFORDABLE
120 HOUSING PROGRAM.

121 WHEREAS, the Town of Bernalillo, New Mexico ("Bernalillo") is a municipal corporation duly
122 organized and existing under the laws of the State of New Mexico (the "State"); and

123 WHEREAS, under an exception to the "anti-donation" clause) as set forth in Article IX, §14 of the
124 New Mexico Constitution, Bernalillo is not prohibited from:

125 A. Donating land it owns for the construction on it of affordable housing;

126 B. Donating an existing building owned by Bernalillo for conversion or renovation into affordable

127 housing;
128 C. Providing or paying the costs of infrastructure necessary to support affordable housing projects.

129 WHEREAS, the Affordable Housing Act, NMSA 1978 § 6-27-1 et seq. (the "Act") implements
130 the provisions of Subsections E and F of Section 14 of Article 9 of the New Mexico Constitution;

131 WHEREAS, the Bernalillo Town Council ("Council"), the governing body of Bernalillo, desires to
132 implement an affordable housing program for Bernalillo; and

133 WHEREAS, the New Mexico Mortgage Finance Authority ("MFA") has reviewed and approved
134 the form and terms of this Ordinance prior to final adoption hereof.

135 NOW THEREFORE, be it ordained by the governing body of the Town of Bernalillo, County of
136 Sandoval, State of New Mexico:

137
138 **Section 1. SHORT TITLE.**

139 This article may be cited as the "Affordable Housing Ordinance."

140
141 **Section 2. PURPOSE.**

142 This ordinance is adopted to implement Bernalillo's Affordable Housing Program. In accordance with
143 N.M. Const. art. IX, §14, the Affordable Housing Act, NMSA 1978, §6-27-1 et seq. (the "Act"), Rules, the
144 purpose of the Affordable Housing Ordinance is to:

145 A. Establish procedures to ensure that both State and local housing assistance grantees are
146 Qualifying Grantees who meet the requirements of the Act and the Rules promulgated pursuant to
147 the Act both at the time of the award and throughout the term of any grant or loan under the
148 Program;

149 B. Establish an application and award timetable for State housing assistance grants or loans
150 to permit the selection of the Qualifying Grantee(s) by Bernalillo;

151 C. Create an evaluation process to determine:

152 (i) The financial and management stability of the Applicant;

153 (ii) The demonstrated commitment of the Applicant to the community;

154 (iii) A cost-benefit analysis of the project proposed by the Applicant;

155 (iv) The benefits to the community of a proposed project;

156 (v) The type or amount of assistance to be provided;

157 (vi) The scope of the Affordable Housing Project;

158 (vii) Any substantive or matching contribution by the Applicant to the proposed
159 project;

- 160 (viii) A performance schedule for the Qualifying Grantee with performance criteria;
161 and
- 162 (ix) Any other rules or procedures Bernalillo believes are necessary for a full review
163 and evaluation of the Applicant and the Application or which the MFA believes is
164 necessary for a full review of Bernalillo's evaluation of the Applicant;
- 165 D. Require long-term affordability of Bernalillo's Affordable Housing Projects so that a
166 project cannot be sold shortly after completion and taken out of the affordable housing market to
167 ensure a quick profit for the Qualifying Grantee;
- 168 E. Require that a grant or loan for a project must impose a contractual obligation on the
169 Qualifying Grantee that the affordable housing units in any project be occupied by persons of low
170 or moderate Income;
- 171 F. Provide for adequate security against the loss of public funds or property in the event that
172 the Qualifying Grantee abandons or otherwise fails to complete the project;
- 173 G. Require review and approval of a housing grant project budget by Bernalillo and/or the
174 MFA before any expenditure of grant funds or transfer of granted property;
- 175 H. Require that a condition of grant or loan approval be proof of compliance with all
176 applicable State and local laws, rules and ordinances;
- 177 1. Provide definitions for "low-income" and "moderate-income" and set out requirements for
178 verification of income levels; and
- 179 J. Provide Bernalillo with a valid affordable housing program.
- 180 K. Require that Bernalillo enter into a contract with the Qualifying Grantee consistent with
181 the Act, which contract shall include remedies and default provisions in the event of the
182 unsatisfactory performance by the Qualifying Grantee and which contract shall be subject to the
183 review of the MFA in its discretion;

184

185 **Section 3. DEFINITIONS.**

186 The following words and terms shall have the following meanings.

- 187 A. "Act" shall mean the Affordable Housing Act, NMSA 1978, §6-27-1 et seq.
- 188 B. "Affordability Period" shall mean:
- 189 (i) If the fair market value of any Housing Assistance Grant or the total amount of Affordable
190 Housing Funds that have been awarded, loaned, donated, or otherwise conveyed to the Qualifying
191 Grantee is from one dollar (\$1.00) to fourteen thousand nine hundred ninety nine dollars and
192 ninety nine cents (\$14,999.99), then the Affordability Period shall be not less than five (5) years.
- 193 (ii) If the fair market value of any Housing Assistance Grant or the total amount of Affordable
194 Housing Funds is from fifteen thousand dollars (\$15,000.00) up to and including forty thousand
195 dollars (\$40,000.00), then the Affordability Period shall be not less than ten (10) years.

- 196 (iii) If the fair market value of any Housing Assistance Grant or the total amount of Affordable
197 Housing Funds is from forty thousand dollars (\$40,000.00) up to and including one hundred
198 thousand dollars (\$100,000.00), then the Affordability Period shall be not less than fifteen (15)
199 years.
- 200 (iv) If the fair market value of any Housing Assistance Grant or the total amount of Affordable
201 Housing Funds is greater than one hundred thousand dollars (\$100,000.00), then the Affordability
202 Period shall be not less than twenty (20) years.
- 203 C. "Affordable" shall mean consistent with minimum rent and/or income limitations set forth in the
204 MFA Act and in guidelines established by MFA.
- 205 D. "Affordable Housing" means residential housing primarily for persons or households of low or
206 moderate income.
- 207 E. "Affordable Housing Funds" shall mean any or all funds awarded or to be awarded, loaned or
208 otherwise distributed under the Act for payment of the costs of infrastructure for affordable housing under
209 an Affordable Housing Plan.
- 210 F. "Affordable Housing Plan" or "Plan" shall mean a plan pursuant to an Affordable Housing
211 Program that contemplates one or more affordable housing projects, which may be developed in one or
212 more phases.
- 213 G. "Affordable Housing Program" or "Program" shall mean any programs Bernalillo and/or the MFA
214 establish pursuant to the Act.
- 215 H. "Affordable Housing Project" or "Project" shall mean any work or undertaking, whether new
216 construction, acquisition of existing Residential Housing, remodeling, improvement, rehabilitation or
217 conversion, which may be undertaken in one or more phases, as part of an Affordable Housing Plan, as
218 approved by Bernalillo and/or the MFA for the primary purposes as allowed by the Act.
- 219 I. "Applicant" shall mean, subject to further qualifications in Section 4.B. of this Ordinance, an
220 individual, a governmental housing agency, regional housing authority, a for-profit organization, including
221 a corporation, Limited Liability Company; partnership, joint venture, syndicate, or association or a
222 nonprofit organization meeting the appropriate criteria of Bernalillo and/or the MFA.
- 223 J. "Application" shall mean an application to participate in one or more Affordable Housing
224 Programs or Affordable Housing Plans under the Act submitted by an Applicant to Bernalillo and/or the
225 MFA.
- 226 K. "Builder" shall mean an individual or entity licensed as a general contractor to construct
227 Residential Housing in the State that satisfies the requirements of a Qualifying Grantee and has been
228 approved by Bernalillo and/or the MFA to participate in an Affordable Housing Program. The term
229 "Builder" shall also include an individual or entity that satisfies the requirements of a Qualifying Grantee
230 and has been approved by Bernalillo and/or the MFA to participate in an Affordable Housing Program,
231 who is not licensed as a general contractor in the State, provided such individual or entity contracts with a
232 general contractor licensed in the State to construct Residential Housing.
- 233 L. "Building" shall mean a structure capable of being renovated or converted into Affordable

234 Housing or a structure that is to be demolished and is located on land donated for use in connection with
235 an Affordable Housing Project.

236 M. "Congregate Housing Facility" shall mean Residential Housing designed for occupancy by more
237 than four Persons of Low or Moderate Income living independently of each other. The facility may
238 contain group dining, recreational, health care or other communal living facilities and each unit in a
239 Congregate Housing Facility shall contain at least its own living, sleeping, and bathing facilities.

240 N. "Federal Government" shall mean the United States of America and any agency or instrumentality,
241 corporate or otherwise, of the United States of America.

242 O. "Household" shall mean one or more persons occupying a housing unit.

243 P. "Housing Assistance Grant" means the donation by Bernalillo of:

244 (i) Land for construction of a Project;

245 (ii) An existing Building for conversion or renovation as Affordable Housing; or

246 (iii) The costs of Infrastructure necessary to support Affordable Housing.

247 Q. "HUD" shall mean the United States Department of Housing and Urban Development.

248 R. "Infrastructure" shall mean Infrastructure Improvements and Infrastructure Purposes.

249 S. "Infrastructure Improvement" includes, but is not limited to:

250 (i) Sanitary sewage systems, including collection, transport, storage, treatment, dispersal,
251 effluent use and discharge;

252 (ii) Drainage and flood control systems, including collection, transport, diversion, storage,
253 detention, retention, dispersal, use and discharge; (iii) Water systems for domestic purposes,
254 including production, collection, storage, treatment, transport, delivery, connection and dispersal;

255 (iv) Areas for motor vehicle use for road access, ingress, egress and parking;

256 (v) Trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for
257 access, ingress, egress and parking;

258 (vi) Parks, recreational facilities and open space areas for the use of residents for
259 entertainment, assembly and recreation;

260 (vii) Landscaping, including earthworks, structures, plants, trees and related water delivery
261 systems;

262 (viii) Electrical transmission and distribution facilities;

263 (ix) Natural gas distribution facilities;

264 (x) Lighting systems;

265 (xi) Cable or other telecommunications lines and related equipment;

266 (xii) Traffic control systems and devices, including signals, controls, markings and signs;

267 (xiii) Inspection, construction management and related costs in connection with the furnishing

- 268 of the items listed in this subsection; and
- 269 (xiv) Heating, air conditioning and weatherization facilities, systems or services, and energy
270 efficiency improvements that are affixed to real property.
- 271 T. "Infrastructure Purpose" shall mean:
- 272 (i) Planning, design, engineering, construction, acquisition or .installation of Infrastructure,
273 including the costs of applications, impact fees and other fees, permits and approvals related to
274 the construction, acquisition or installation of the Infrastructure, provided Bernalillo may
275 determine it appropriate to reduce or waive building permit fees, sewer and water hook-up fees
276 and other fees with respect to an Affordable Housing Project for which Affordable Housing
277 Funds and/or Housing Assistance Grants are awarded, loaned, donated or otherwise distributed
278 under the Act;
- 279 (ii) Acquiring, converting, renovating or improving existing facilities for Infrastructure,
280 including facilities owned, leased or installed by the owner;
- 281 (iii) Acquiring interests in real property or water rights for Infrastructure, including interests of
282 the owner; and
- 283 (iv) Incurring expenses incident to and reasonably necessary to carry out the purposes
284 specified in this subsection.
- 285 U. "MFA" shall mean the New Mexico Mortgage Finance Authority.
- 286 V. "MFA Act" shall mean the Mortgage Finance Authority Act, enacted as Chapter 303 of the Laws
287 of 1975 of the State of New Mexico, as amended (being Sections 58-18-1 through 58-1&~27, inclusive,
288 N.M.S.A (1978), as amended).
- 289 W. "Mortgage" shall mean a mortgage, mortgage deed, deed of trust or other instrument creating a
290 lien, subject only to title exceptions as may be acceptable to Bernalillo and/or the MFA, on a fee interest in
291 real property located within the State or on a leasehold interest that has a remaining term at the time of
292 computation that exceeds or is renewable at the option of the lessee until after the maturity day of the
293 Mortgage Loan.
- 294 X. "Mortgage Lender" shall mean any bank or trust company, mortgage company, mortgage banker,
295 national banking association, savings bank, savings and loan association, credit union, building and loan
296 association and any other lending institution; provided that the mortgage lender maintains an office in the
297 State, is authorized to make mortgage loans in the State and is approved by Bernalillo and/or the MFA and
298 either the Federal Housing Authority, Veterans' Affairs, Federal National Mortgage Association (now
299 known as Fannie Mae), or Federal Home Loan Mortgage Corporation.
- 300 Y. "Mortgage Loan" shall mean a financial obligation secured by a Mortgage, including a Mortgage
301 Loan for a Project.
- 302 Z. "Multiple Family Housing Project" shall mean Residential Housing that is designed for occupancy
303 by more than four persons or families living independently of each other or living in a Congregate Housing
304 Facility, at least sixty percent (60%) of whom are Persons of Low or Moderate Income, including without

305 limitation Persons of Low or Moderate Income who are elderly and handicapped as determined by
306 Bernalillo and/or the MFA, provided that the percentage of low-income persons and families shall be at
307 least the minimum, if any, required by federal tax law.

308 AA. "Multi-Family Housing Program" shall mean a program involving a Congregate Housing Facility,
309 a Multiple Family Housing Project or a Transitional Housing Facility.

310 BB. "Persons of Low or Moderate Income" shall mean persons and families within the State
311 who are determined by the MFA to lack sufficient income to pay enough to cause private
312 enterprise to build an adequate supply of decent, safe and sanitary residential housing in their
313 locality or in an area reasonably accessible to their locality and whose incomes are below the
314 income levels established by the MFA to be in need of the assistance made available by the Act,
315 taking into consideration, without limitation, such factors as defined under the Act. For purposes
316 of this definition, the word "families" shall mean a group of persons consisting of, but not limited
317 to, the head of a household; his or her spouse, if any; and children, if any, who are allowable as
318 personal exemptions for Federal income tax purposes.

319 CC. "Ordinance" shall mean this Ordinance (No. 2012-).

320 DD. "Policies and Procedures" shall mean Policies and Procedures of the MFA, including but
321 not limited to, Mortgage Loan purchasing, selling, servicing and reservation procedures, which the
322 MFA may update and revise from time to time as the MFA deems appropriate.

323 EE. "Public Service Agencies" shall include, but are not limited to, any entities that support
324 Affordable Housing and which believe that the program or project proposed by the Applicant is
325 worthy and advisable, but which are not involved, either directly or indirectly, in the Affordable
326 Housing Program or Project for which the Applicant is applying.

327 FF. "Qualifying Grantee" means:

328 (i) An individual who is qualified to receive assistance pursuant to the Act and is approved
329 by Bernalillo; and

330 (ii) A governmental housing agency, regional housing authority, corporation, a limited
331 liability company, partnership, joint venture, syndicate, association or a nonprofit organization
332 that:

333 (a) Is organized under State or local laws and can provide proof of such organization;

334 (b) If a non-profit organization, has no part of its net earnings inuring to the benefit of
335 any member, founder, contributor, or individual; and

336 (c) Is approved by Bernalillo.

337 GG. "Recertification" shall mean the recertification of Applicants and/or Qualifying Grantees
338 participating in any Affordable Housing Programs or in any programs under the Act as determined
339 necessary from time to time by Bernalillo and/or the MFA.

340 HH. "Rehabilitation" shall mean the substantial renovation or reconstruction of an existing single-
341 family residence or a Multi-Family Housing Project, which complies with requirements established by the

342 MFA. Rehabilitation shall not include routine or ordinary repairs, improvements or maintenance, such as
343 interior decorating, remodeling or exterior painting, except in conjunction with other substantial renovation
344 or reconstruction.

345 II. "Residential Housing" shall mean any Building, structure or portion thereof that is primarily
346 occupied, or designed or intended primarily for occupancy, as a residence by one or more Households and
347 any real property that is offered for sale or lease for the construction or location thereon of such a building,
348 structure or portion thereof. "Residential Housing" includes congregate housing, manufactured homes and
349 housing intended to provide or providing transitional or temporary housing for homeless persons.

350 JJ. "Residential Use" shall mean that the structure or the portion of the structure to benefit from the
351 Affordable Housing Funds or Housing Assistance Grant is designed primarily for use as the principal
352 residence of the occupant or occupants and shall exclude vacation or recreational homes.

353 KK. "RFP" shall mean any request for proposal made by Bernalillo.

354 LL. "Rules" shall mean the New Mexico Finance Authority Affordable Housing Rules adopted
355 pursuant to Section 6-27-8(B) NMSA 1978.

356 MM. "State" shall mean the State of New Mexico.

357 NN. "Town" shall mean the Town of Bernalillo, New Mexico, a New Mexico municipal corporation.

358 OO. "Transitional Housing Facility" shall mean residential housing that is designed for
359 temporary or transitional occupancy by Persons of Low or Moderate Income or special needs.

360

361 **Section 4. GENERAL REQUIREMENTS.**

362 With the exception of Housing Assistance Grants involving funding from the State which shall be
363 governed by Section 4.L. below, the following requirements shall apply to all Housing Assistance Grants
364 and/or Affordable Housing Funds awarded, loaned or otherwise distributed by Bernalillo under the Act to
365 a Qualifying Grantee.

366 A. Request for Proposals. Bernalillo, in its discretion, may issue one or more RFPs to solicit
367 applications from Applicants or shall otherwise identify a Qualifying Grantee for the use of any Affordable
368 Housing Funds or Housing Assistance Grants to be awarded, loaned, donated or otherwise distributed
369 under the Act.

370 B. Applicant Eligibility. The following Applicants are eligible under the Act to apply for Affordable
371 Housing Funds or a Housing Assistance Grant to provide housing or related services to Persons of Low or
372 Moderate Income in the community:

373 (i) All individuals who are qualified to receive assistance pursuant to the Act, the Rules, and
374 this Ordinance that are approved by Bernalillo;

375 (ii) All regional housing authorities and any governmental housing agencies;

376 (iii) All for-profit organizations, including any corporation, limited liability company,
377 partnership, joint venture, syndicate or association;

378 (iv) All non-profit organizations meeting the following requirements:

- 379 (a) A primary mission of the nonprofit organization must be to provide housing or
380 housing-related services to Persons of Low or Moderate Income; and
- 381 (b) The non-profit organization must have received its 501(c)(3) designation prior to
382 submitting an Application;
- 383 (c) Have no part of its net earnings inuring to the benefit of any member, founder,
384 contributor, or individual;
- 385 (v) All non-individual Applicants must:
- 386 (a) Be organized under State or local laws and can provide proof of such organization
387 and be approved by Bernalillo;
- 388 (b) Have a functioning accounting system that is operated in accordance with
389 generally accepted accounting principles or has designated an entity that will maintain
390 such an accounting system consistent with generally accepted accounting principles; "
- 391 (c) Have among its purposes significant activities related to providing housing or
392 services to Persons or Households of Low or Moderate Income; and
- 393 (d) Have no significant outstanding or unresolved monitoring findings from
394 Bernalillo, the MFA, or its most recent independent financial audit, or if it has any such
395 findings, it has a certified letter from Bernalillo, the MFA, or auditor stating that the
396 findings are in the process of being resolved.

397 C. Applications.

- 398 (i) Process for Applying. Applicants wishing to apply for a Housing Assistance Grant,
399 including the use of any Affordable Housing Funds, or to participate in any Affordable Housing
400 Program are required to submit to Bernalillo the following (as applicable):
- 401 (a) One original Application together with all required schedules, documents, or such
402 other information which may be required by Bernalillo or in any RFP which may have
403 been issued by Bernalillo, must be included in the completed Application;
- 404 (b) A proposal describing the nature and scope of the Affordable Housing Project
405 proposed by the Applicant and for which the Applicant is applying for funds or a grant
406 under the Act, and which describes the type and/or amount of assistance which the
407 Applicant proposes to provide to Persons of Low or Moderate Income;
- 408 (c) Executive summary and project narrative(s) that address the evaluation criteria set
409 forth in any RFP issued by Bernalillo for the Affordable Housing Funds or the Housing
410 Assistance Grant for which the Applicant is applying;
- 411 (d) A proposed budget for the Affordable Housing Project for which the Applicant is
412 applying for Affordable Housing Funds or for a Housing Assistance Grant;
- 413 (e) Current independent financial audit;
- 414 (f) If the Applicant is a non-profit organization:
- 415 (i) Proof of 501(c)(3) tax status;
- 416 (ii) Documentation that confirms that no part of its net earnings inures to the

- 417 benefit of any member, founder, contributor or individual;
- 418 (g) If an Applicant is a legal entity, including a non-profit organization:
- 419 (i) A current annual budget for the Applicant, including all sources and uses
420 of funds not just those related to relevant programs and/or a current annual budget
421 only for the program for which the Applicant is applying for a Housing
422 Assistance Grant. or as otherwise may be required by Bernalillo and/or the MFA
423 in its discretion;
- 424 (ii) An approved mission statement that the Applicant has among its purposes
425 significant activities related to providing housing or housing-related services to
426 Persons or Households of Low or Moderate Income;
- 427 (iii) A list of members of the Applicant's current board of directors or other
428 governing body, including designated homeless participation, where required by
429 Bernalillo;
- 430 (iv) Evidence (or a certification as may be allowed by Bernalillo) that the
431 Applicant has a functioning accounting system that is operated in accordance with
432 generally accepted accounting principles or has a designated entity that will
433 maintain such an accounting system consistent with generally accepted
434 accounting principles;
- 435 (v) Evidence that the Applicant has no significant outstanding or unresolved
436 monitoring findings from Bernalillo, the MF A, or its most recent independent
437 financial audit; or if it has any significant outstanding or unresolved monitoring
438 findings from Bernalillo, the MFA or its most recent independent financial audit,
439 it has a certified letter from Bernalillo, the MFA or the auditor stating that the
440 findings are in the process of being resolved;
- 441 (vi) An organizational chart, including job titles and qualifications for the
442 Applicant's employees or as otherwise may be required by Bernalillo and/or the
443 MFA in its discretion. Job descriptions may be submitted as appropriate;
- 444 (vii) Documentation that the Applicant is duly organized under State or local
445 law and certification that the Applicant is in good standing with any State
446 authorities. including the Public Regulation Commission and the Secretary of
447 State;
- 448 (h) Information as may be required by Bernalillo in order for it to determine the
449 financial and management stability of the Applicant;
- 450 (i) Information as may be required by Bernalillo in order for it to determine the
451 demonstrated commitment of the Applicant to the community;
- 452 (j) A completed cost-benefit analysis of the Affordable Housing Project proposed by
453 the Applicant. Any cost-benefit analysis must include documentation that clearly
454 evidences that there is or will be a direct benefit from the project proposed by the
455 Applicant to the community and/or to the purported beneficiaries of the project, consistent
456 with the provisions of the Act;

- 457 (k) Information supporting the benefits to the community of the Affordable Housing
458 Project proposed by the Applicant;
- 459 (l) Proof of substantive or matching funds or contributions and/or in-kind donations
460 to the proposed Affordable Housing Project in connection with the Application for funds
461 under the Act. Nothing contained herein shall prevent or preclude an Applicant from
462 matching or using local, private, or federal funds in connection with a specific Housing
463 Assistance Grant or a grant of Affordable Housing Funds under the Act;
- 464 (m) Any certifications or other proof which Bernalillo may require in order for
465 Bernalillo to confirm that the Applicant is in compliance with all applicable federal, State
466 and local laws, rules and ordinances;
- 467 (n) A verification signed by the Applicant before a notary public that the information
468 provided, upon penalty of perjury, is true and correct to the best of the Applicant's
469 information, knowledge and belief;
- 470 (o) Certifications as may be required by Bernalillo and signed by chief executive
471 officer, board president, or other authorized official of the Applicant, provided that
472 Bernalillo at its discretion may waive any of the foregoing requirements if not deemed
473 applicable;
- 474 (ii) Additional Requirements for Multi-Family Housing Projects Applicants who are
475 submitting Applications in connection with a Multi-Family Housing Program. the Applicant must
476 also submit to Bernalillo following additional information:
- 477 (a) A verified certificate that, among other things:
- 478 (i) Identifies every Multi-Family Housing Program, including every assisted
479 or insured project of HUD, RHS, FHA and any other state or local government
480 housing finance agency in which such Applicant has been or is a principal;
- 481 (ii) States that, except as shown on such certificate:
- 482 (A) No mortgage on a project listed on such certificate has ever been
483 in default, assigned to the Federal Government or foreclosed, nor has any
484 mortgage relief by the mortgagee been given;
- 485 (B) There has not been a suspension or termination of payments
486 under any HUD assistance contract in which the Applicant has had a
487 legal or beneficial interest;
- 488 (C) Such Applicant has not been suspended, debarred or otherwise
489 restricted by any department or agency of the Federal Government or any
490 state government from doing business with such department or agency
491 because of misconduct or alleged misconduct; and
- 492 (D) The Applicant has not defaulted on an obligation covered by a
493 surety or performance bond.
- 494 If such Applicant cannot certify to each of the above, such Applicant shall submit a signed
495 statement to explain the facts and circumstances that such Applicant believes will explain

- 496 the lack of certification. Bernalillo may then determine if such Applicant is or is not
497 qualified.
- 498 (b) The experience of the Applicant in developing, financing and managing
499 Multiple-Family Housing Projects; and
- 500 (c) Whether the Applicant has been found by the United States Equal Employment
501 Opportunity Commission or the New Mexico Human Rights Commission to be in
502 noncompliance with any applicable civil rights laws.
- 503 (iii) Additional Requirements for Mortgage Lenders. If the Applicant is a Mortgage Lender,
504 Bernalillo shall consider, among other things:
- 505 (a) The financial condition of the Applicant;
- 506 (b) The terms and conditions of any loans to be made;
- 507 (c) The aggregate principal balances of any loans to be made to each Applicant
508 compared with the aggregate principal balances of the loans to be made to all other
509 Applicants;
- 510 (d) Bernalillo's assessment of the ability of the Applicant or its designated servicer to act
511 as originator and servicer of Mortgage Loans for any Multi-Family Housing Programs or
512 other programs to be financed; and
- 513 (e) Previous participation by the Applicant in the MFA's programs and HUD, Federal
514 Housing Authority or Rural Housing Service programs.
- 515 (iv) Submission Procedure.
- 516 (a) Time, Place and Method of Submission Delivery.
- 517 (i) If Bernalillo has issued an RFP, all Applications must be received by
518 Bernalillo no later than the deadline set forth in the RFP; otherwise, all
519 Applications must be received by Bernalillo by the deadline Bernalillo has
520 established in connection with the respective award or grant. So that any
521 Qualifying Grantees may be selected prior to January of the year in which any
522 Housing Assistance Grant would be made, Bernalillo shall issue any RFP's, solicit
523 any Applications, or otherwise identify any Qualifying Grantees no later than
524 October 15 of any year in order to allow sufficient time for prospective applicants
525 to respond to any such RFP, solicitation, or otherwise, and further to allow the
526 MFA not less than forty-five (45) days in which to review any such Applications
527 or otherwise determine or confirm that an Applicant is a Qualifying Grantee
528 under the Act and consistent with the Rules.
- 529 (ii) Applications shall be submitted by Applicants to Bernalillo in the form
530 required by Bernalillo and shall contain all information which is required by this
531 Ordinance and any RFP which may have been issued.
- 532 (b) Additional Factors. The Application procedures shall take into consideration:
- 533 (i) Timely completion and submission to Bernalillo of an Application or
534 other appropriate response to any solicitation by Bernalillo;

- 535 (ii) Timely submission of all other information and documentation related to the
536 program required by Bernalillo as set forth in this Ordinance or as set forth in the
537 Rules;
- 538 (iii) Timely payment of any fees required to be paid to Bernalillo at the time of
539 submission of the Application; and
- 540 (iv) Compliance with program eligibility requirements as set forth in the Act,
541 the Rules and this Ordinance.
- 542 (c) Submission Format.
- 543 (i) City forms or MFA forms (if available) must be used when provided and
544 no substitutions will be accepted; however attachments may be provided as
545 necessary.
- 546 (ii) An Applicant's failure to provide or complete any element of an
547 Application, including all requirements of Bernalillo or as may be listed on any
548 RFP, may result in the rejection of the Application prior to review.
- 549 (iii) Illegible information, information inconsistent with other information
550 provided in the application, and/or incomplete forms will be treated as missing
551 information and evaluated accordingly.
- 552 (iv) Bernalillo and the MFA reserve the right to request further information
553 from any Applicant so long as the request is done fairly and does not provide any
554 Applicant an undue advantage over another Applicant.
- 555 (v) Bernalillo in its discretion may cancel any RFP or reject any or all
556 proposals in whole or part submitted by any Applicant.
- 557 (vi) Neither Bernalillo nor the MFA shall be responsible for any expenses
558 incurred by an Applicant in preparing and submitting an Application. However,
559 Bernalillo or the MFA, as applicable, may establish and collect fees from
560 Applicants who file Applications. Notice that fees will be charged and the amount
561 of any such fees shall be included by Bernalillo or the MFA, as applicable, in any
562 RFP or otherwise shall be advertised as part of the Application solicitation
563 process.
- 564 (v) Review by Bernalillo. On receipt of an Application, Bernalillo shall:
- 565 (a) Determine whether the Application submitted by the Applicant is complete and
566 responsive;
- 567 (b) Determine whether the Applicant is a Qualifying Grantee as defined herein and in
568 the Act;
- 569 (c) Review and analyze whether the Applicant has shown a demonstrated need for
570 activities to promote and provide affordable housing and related services to Persons of
571 Low or Moderate Income;
- 572 (d) Determine whether the Applicant has demonstrated experience related to
573 providing housing or services to Persons of Low or Moderate Income; as well as
574 experience and/or the capacity to administer the Affordable Housing Program or Project

- 575 for which the Applicant has applied;
- 576 (e) Determine whether the Applicant's proposal provides a plan for coordinating with
577 other service providers in the community; whether the Applicant's plan addresses how
578 Persons of Low Income or Moderate Income in need of housing and/or housing related
579 supportive services can receive supportive services and referrals to federal, State and local
580 resources; and, whether the Applicant's plan addresses outreach efforts to reach the
581 population to be served as identified by Bernalillo in any RFP or otherwise;
- 582 (f) Determine whether the Applicant has support from Public Service Agencies, or
583 such other support as may be required by Bernalillo and/or the MFA in its discretion, for
584 its proposed services in the community;
- 585 (g) Ascertain the amount of any matching funds or in-kind services specific to the
586 program that may be utilized by the Applicant in connection with the program;
- 587 (h) Ascertain whether any local, private, or federal funds will be used by the
588 Applicant in connection with the specific grant for which the Applicant is applying;
- 589 (i) Ascertain whether the Applicant has and can demonstrate the capability to manage
590 the implementation of the Program for which the Applicant is applying;
- 591 (j) If Applicant is a prior recipient of either a Housing Assistance Grant, Affordable
592 Housing Funds and/or other Program funds, confirm that the Applicant had no
593 outstanding findings or matters of non-compliance with program requirements from
594 Bernalillo or the MFA, as applicable or if it has any such findings, it has a certified letter
595 from Bernalillo, the MFA, or auditor stating that the findings are in the process of being
596 resolved;
- 597 (k) If Applicant is a prior recipient of either a Housing Assistance Grant, Affordable
598 Housing Funds and/or other Program funds, confirm that the Applicant reasonably
599 committed and expended the funds under the prior Program and/or met anticipated
600 production levels as set forth in any contract with Bernalillo or the MFA, as applicable,
601 for those prior Program funds;
- 602 (l) Evaluate the Applicant's proposal in part based upon the Applicant's current
603 financial audit;
- 604 (m) Evaluate the Applicant's proposed budget for the Project for which the Applicant
605 is applying for Affordable Housing Funds or a Housing Assistance Grant which proposed
606 budget must be approved by Bernalillo before Applicant can be approved as a Qualifying
607 Grantee and any expenditure of grant funds under the Act or granted property is
608 transferred to the Applicant;
- 609 (n) On receipt of an Application from a Builder, Bernalillo will analyze the Builder's
610 ability to construct and sell sufficient Residential Housing units to Persons of Low or
611 Moderate Income within the time or times as may be required by Bernalillo.
- 612 (o) Consider other factors it deems appropriate to ensure a reasonable geographic
613 allocation for all Affordable Housing Programs.
- 614 vi) Certification by Bernalillo to the MFA. Bernalillo shall certify an Application to the MFA in
615 writing upon:

- 616 (a) Completion obits review of the Application;
- 617 (b) Determination that the Application is complete;
- 618 (c) Determination that the requirements of the Act, the Rules and this Ordinance have
619 been satisfied; and
- 620 (d) Determination that the Applicant is a Qualifying Grantee.
- 621 (vii) Review by the MFA. The MFA upon its receipt of the certification from Bernalillo may, in
622 its discretion, review the Application and any of the materials submitted by the Applicant to
623 Bernalillo. The MFA may also request any additional information from the Applicant, which it
624 may require in order to determine whether the Applicant is a Qualifying Grantee under the Act
625 and the Application is complete. The MFA will then notify Bernalillo of its determination of
626 whether or not the Application is complete and that the requirements of the Act and the Rules
627 have been satisfied and the Applicant is a Qualifying Grantee. Unless the period is extended for
628 good cause shown, the MFA shall act on an Application within forty-five (45) days of its receipt
629 of any Application, which the MFA deems to be complete, and, if not acted upon, the
630 Application shall be deemed to be approved.
- 631 (viii) Notification of Acceptance. Bernalillo, upon completion of its review of the Application
632 and an evaluation of the criteria for approval of the Application as set forth in the this Ordinance
633 and in any RFP issued by Bernalillo and upon its determination that the Applicant is a Qualifying
634 Grantee, and upon its receipt of notification from the MFA that it agrees that the Application is
635 complete and that the Act and Rules have been satisfied and the Applicant is a Qualifying Grantee
636 by written notice shall notify each Applicant which has submitted an Application of the approval
637 or disapproval of its Application. Upon approval of its Application, the Applicant shall be
638 considered approved to participate in the Affordable Housing Program. Bernalillo's and the
639 MFA's determination of any Application shall be conclusive.
- 640 D. Additional Requirements. Upon acceptance, the following additional requirements shall apply to
641 any Applicant who is a Qualifying Grantee:
- 642 (i) Contractual Requirements. The Qualifying Grantee shall enter into one or more contracts
643 with Bernalillo, which contract(s) shall be consistent with the Act and subject to the review of the
644 MFA, in its discretion. and which contract(s) shall include remedies and default provisions in the
645 event of the unsatisfactory performance by the Qualifying Grantee.
- 646 (ii) Security Provisions; Collateral Requirements. In accordance with the Act, the Rules and
647 this Ordinance, Bernalillo shall require the Qualifying Grantee to execute documents, which will
648 provide adequate security against the loss of public funds or property in the event the Qualifying
649 Grantee abandons or fails to complete the Affordable Housing Project, and which shall further
650 provide, as may be permitted by law, for the recovery of any attorneys' fees and costs which
651 Bernalillo and/or the MF A may incur in enforcing the provisions of this Ordinance, the Rules, the
652 Act and/or any agreement entered into by Bernalillo and the Qualifying Grantee, and which
653 documents may include, but are not limited to the following: note, Mortgage, loan agreement, land
654 use restriction agreement, restrictive covenant agreements and/or any other agreement which
655 Bernalillo may require in order to allow for any funds which the Qualifying Grantee may receive
656 under a Housing Assistance Grant or Affordable Housing Funds to be adequately secured and to

657 allow Bernalillo and the MFA to ensure that such funds shall be utilized by the Qualifying Grantee
658 in accordance with the Act, the Rules and this Ordinance.

659 (iii) Performance Schedule and Criteria. The Qualifying Grantee shall be required to abide by
660 a reasonable performance schedule and performance criteria that Bernalillo, in its discretion, may
661 establish.

662 (iv) Examination of Books and Records. The Qualifying Grantee shall submit to and Bernalillo
663 shall cause to be made such examinations of the books and records of each Qualifying Grantee as
664 Bernalillo and/or the MFA deems necessary or appropriate to determine the Qualifying Grantee's
665 compliance with the terms of the Act, the Rules, this Ordinance and any contracts between the
666 Qualifying Grantee and Bernalillo. Bernalillo and/or the MFA may require each Qualifying
667 Grantee to pay the costs of any such examination.

668 (v) Infrastructure Cost Reimbursement Contracts.

669 (a) Cost Reimbursements. Payment to a Qualifying Grantee under cost reimbursable
670 contract provisions shall be made upon Bernalillo's receipt from the Qualifying Grantee of
671 certified and documented invoices for actual expenditures allowable under the terms of
672 any agreement between the Qualifying Grantee and Bernalillo.

673 (b) Cost Reimbursements For Units of Service. Payment under any unit cost contract
674 provisions shall be made upon Bernalillo IS receipt from the Qualifying Grantee of a
675 certified and documented invoice showing the number of units of service provided during
676 the billing period.

677 (c) Rate at which Costs Incurred. Under unit cost or cost reimbursable contracts, it is
678 anticipated that costs will be incurred by the Qualifying Grantee at an approximate level
679 rate during the term of any agreement between the Qualifying Grantee and Bernalillo. If
680 Bernalillo determines that the Qualifying Grantee is underspending or overspending, then
681 Bernalillo may reduce the budget and/or exercise such other budgetary fiscal controls it
682 deems appropriate.

683 (d) Invoices. Qualifying Grantees shall not submit invoices more than once a month,
684 unless written approval is obtained in advance from Bernalillo. Failure to submit invoices
685 within twenty (20) days of the close of the month for which payment is sought may result
686 in the non-availability of funds for reimbursement.

687 (e) No Dual Application of Costs. The Qualifying Grantee shall certify that any direct
688 or indirect costs claimed by the Qualifying Grantee will not be allocable to or included as
689 a cost of any other program, project) contract, or activity operated by the Qualifying
690 Grantee and which has not been approved by Bernalillo in advance, in writing.

691 (f) Prohibition of Substitution of Funds. Any Affordable Housing Funds or other
692 amounts received by Qualifying Grantee may not be used by Qualifying Grantee to
693 replace other amounts made available or designated by the State or local governments
694 through appropriations for use for the purposes of the Act.

695 (g) Cost Allocation. The Qualifying Grantee shall clearly identify and distribute all
696 costs incurred pertaining to the Affordable Housing Project by a methodology and cost
697 allocation plan at times and in a manner prescribed by, or acceptable to Bernalillo.

698 (vi) Additional Information. Qualifying Grantees shall provide Bernalillo with any and all
699 information which Bernalillo reasonably may require in order for it to confirm that the Qualifying
700 Grantees continue to satisfy the requirements of the Act, the Rules and this Ordinance throughout
701 the term of any contract and/or any Affordability Period or otherwise as may be required by
702 Bernalillo or the MFA in its discretion. At a minimum, on an annual basis, Bernalillo shall certify
703 to the MFA in writing that to the best of its knowledge the Qualifying Grantee is in compliance
704 with applicable provisions of the Act, the Rules and this Ordinance.

705 E. Affordable Housing Requirements. All Affordable Housing Funds or Housing Assistance Grants
706 awarded under the Act are to be used by Qualifying Grantees for the benefit of Persons of Low or
707 Moderate Income subject to the provisions of the Act and with particular regard to their housing related
708 needs.

709 (i) Single Family Property. Qualifying Grantees shall agree that they shall maintain any
710 single-family property which has been acquired, rehabilitated, weatherized, converted, leased,
711 repaired, constructed, or which property has otherwise benefited from Affordable Housing Funds,
712 including but not limited to any loans which have been repaid with Affordable Housing Funds and
713 which loans previously were secured by such properties, as Affordable Housing for so long as any
714 or all of the Affordable Housing Funds which have been awarded, loaned, or otherwise conveyed
715 to the Qualifying Grantee are unpaid and outstanding or the Affordability Period, whichever is
716 longer.

717 (ii) Multi-Family Property.

718 (a) Single Apartment within a Multi-Family Property. Qualifying Grantees shall agree
719 that, if any single apartments are to be rehabilitated, weatherized, converted, leased,
720 repaired, constructed or otherwise are to benefit from Affordable Housing Funds, those
721 apartments shall be leased to Persons of Low or Moderate Income at the time of any such
722 award. Qualifying Grantees, who are the landlords and/or owners of such properties, shall
723 further agree to contribute at least sixty percent (60%) of the cost of the rehabilitation,
724 weatherization, conversion, lease, repair, and/or construction. Qualifying Grantees also
725 shall agree that the Persons of Low or Moderate Income, who are tenants of those
726 apartments, shall be allowed to remain tenants for so long as there are no uncured defaults
727 by those tenants under their respective leases and provided that there is no just cause for
728 the landlord to terminate any lease agreement with those tenants.

729 (b) Multiple Apartments. Qualifying Grantees shall agree that, if multiple apartments
730 or an entire multi-family property are to be acquired, rehabilitated, weatherized,
731 converted, leased, repaired, constructed or otherwise are to benefit from Affordable
732 Housing Funds, including but not limited to any loans which have been repaid with
733 Affordable Housing Funds and which loans previously were secured by such properties,
734 they shall maintain not less than sixty percent (60%) of the housing units as Affordable
735 Housing for so long as any or all of the Affordable Housing Funds which have been
736 awarded, loaned, or otherwise conveyed to the Qualifying Grantee are unpaid and
737 outstanding or the Affordability Period, whichever is longer.

738 (iii) Non-Residential Property. Qualifying Grantees shall agree that they shall maintain any
739 non-residential property which has been acquired, rehabilitated, weatherized, converted, leased,

740 repaired, constructed, or which property has otherwise benefitted from Affordable Housing
741 Funds, including but not limited to any loans which have been repaid with Affordable Housing
742 Funds and which loans previously were secured by such properties, as a facility which provides
743 housing related-services to Persons of Low or Moderate Income for so long as any or all of the
744 Affordable Housing Funds which have been awarded, loaned, or otherwise conveyed to the
745 Qualifying Grantee are unpaid and outstanding or the Affordability Period, which ever is longer.

746 (iv) Housing Assistance Grant Affordability Requirements. Qualifying Grantees shall agree
747 that they shall maintain any land or buildings received as a Housing Assistance Grant either as
748 either single-family or multi-family Affordable Housing in accordance with Sections 4.E.(i) and
749 (ii) of this Ordinance or as a facility which provides housing related-services to Persons of Low or
750 Moderate Income in accordance with Section 4.E.(iii) of this Ordinance (as applicable) for the
751 duration of the Affordability Period. Qualifying Grantees shall agree that they shall maintain any
752 land or buildings for which they have received the costs of Infrastructure as a Housing Assistance
753 Grant either as either single-family or multi-family Affordable Housing or as a facility which
754 provides housing related-services to Persons of Low or Moderate Income (as applicable) for the
755 duration of the Affordability Period. In calculating the Affordability Period for Housing
756 Assistance Grants of either land or buildings, the fair market value of the land or buildings or the
757 costs of Infrastructure at the time of the donation by the State or Bernalillo shall apply.

758 (v) Affordability Period. Bernalillo, in its discretion, may increase the Affordability Period in
759 any contract, note, Mortgage, loan agreement, land use restriction agreement, restrictive covenant
760 agreements and/or any other agreement which Bernalillo may enter into with any Qualifying
761 Grantee or beneficiary of the Affordable Housing Funds or of the Housing Assistance Grant. (See
762 definition of Affordability Period in Section 3.H. of this Ordinance.) Notwithstanding the
763 foregoing, in the discretion of the MFA, weatherization funds conveyed from the State to the MFA
764 and/or any other similar conveyances where an Affordability Period is not practical, shall not be
765 subject to the Affordability Period requirements of this Section 4.E.; but nevertheless, any such
766 conveyances may be subject to recapture on some pro-rated basis as determined by Bernalillo
767 and/or the MFA.

768 F. Consent to Jurisdiction. Each Qualifying Grantee shall consent to the jurisdiction of the courts of
769 the State over any proceeding to enforce compliance with the terms of the Act, the Rules and this
770 ordinance and any agreement between the Qualifying Grantee and Bernalillo and/or the MFA.

771 G. Recertification Procedures.

772 (i) The Qualifying Grantee must meet the requirements of the Act, the Rules and this
773 Ordinance both at the time of any award and throughout the term of any grant and contract
774 related thereto.

775 (ii) Bernalillo may establish procedures for recertifying Qualifying Grantees from time to
776 time.

777 (ii) Qualifying Grantees that fail to satisfy the requirements for Recertification shall cease to
778 be eligible and shall be denied further participation in Affordable Housing programs until the
779 requirements of Bernalillo and the MFA are satisfied.

780

- 781 H. Compliance with the Law. Qualifying Grantee shall provide Bernalillo with any certifications or
782 other proof that it may require in order for Bernalillo and the MFA to confirm that the Qualifying Grantee
783 and the Qualifying Grantee's proposed Project are in compliance with all applicable federal, State and local
784 laws, rules and ordinances.
- 785 I. Extension of Affordable Housing Programs. The MFA shall have the power to create variations or
786 extensions of Affordable Housing Programs, or additional Programs that comply with the Act and the
787 Rules.
- 788 J. Bernalillo Grant Requirements.
- 789 (i) Bernalillo is authorized to make Housing Assistance Grants under the Act. Upon
790 determination that Bernalillo will make a Housing Assistance Grant, including the use of any
791 Affordable Housing Funds. Bernalillo shall provide the MFA with the following:
- 792 (a) Documentation that confirms that Bernalillo has an existing valid Affordable
793 Housing Plan;
- 794 (b) A copy of the proposed ordinance which provides for the authorization of the
795 Housing Assistance Grant, including the use of any Affordable Housing Funds, together
796 with a written certification that the proposed grantee is in compliance with Act and the
797 Rules so that the MFA may confirm both that the ordinance is in compliance with the Act,
798 that the Application is complete, and that the proposed grantee is a Qualifying Grantee
799 under the Act and the Rules.
- 800 (ii) Prior to the submission of the Ordinance to the Council, the Council must approve the
801 budget submitted by the Applicant.
- 802 (iii) An ordinance authorizing Bernalillo to make a Housing Assistance Grant and/or distribute
803 Affordable Housing Funds:
- 804 (a) Must authorize the grant, including use of Affordable Housing Funds. if any;
- 805 (b) Must state the requirements and purpose of the grant; and
- 806 (c) Must authorize the transferor disbursement to the Qualifying Grantee only after a
807 budget is submitted to and approved by the Council;
- 808 (d) Must comply with the Rules. as amended;
- 809 (e) May provide for matching or using local, private or federal funds either through
810 direct participation with a federal agency pursuant to federal law or through indirect
811 participation through the MFA.
- 812 (iv) The MFA shall act to approve the proposed Housing Assistance Grant authorized by
813 Bernalillo within forty-five (45) days of its receipt of the documentation required above in Section
814 4.J.(i), (ii) and (iii) of this Ordinance.
- 815 (v) Bernalillo, in its discretion, may also hold any award of Affordable Housing Funds or any
816 Housing Assistance Grant made by Bernalillo in suspense pending the issuance by Bernalillo of
817 any RFP or pending the award of the Affordable Housing Funds or of the Housing Assistance
818 Grant by Bernalillo to the Qualifying Grantee without the issuance of an RFP by Bernalillo. Any
819 award of Affordable Housing Funds or a Housing Assistance Grant by Bernalillo shall subject the

820 Qualifying Grantee of the award or grant to the oversight of Bernalillo and the MFA under this
821 Ordinance and the Rules.

822 K. School District and Public Post-Secondary Educational Institution Grant Requirements. If a
823 school district or a public post-secondary education institution intends to make a Housing Assistance
824 Grant, then it shall provide the MFA with written certification that the proposed grantee is in compliance
825 with the Act, the Rules and this Ordinance so that the MFA may confirm that the Application is complete
826 and that the proposed grantee is a Qualifying Grantee under the Act, Rules and this Ordinance. Any
827 transfer of land by a school district to Bernalillo to be further granted as part or all of an Affordable
828 Housing grant shall be subject to the additional limitations contained in the Act that the school district and
829 the Council enter into a contract that provides the school district with a negotiated number or affordable
830 housing units that will be reserved for employees of the school district. Any transfer of land by a public
831 post-secondary educational institution shall be subject to the additional limitations contained in the Act
832 that:

833 (i) The property transferred shall be granted by Bernalillo as part or an of an Affordable
834 Housing grant; and

835 (ii) The governing board of the public post-secondary educational institution and the Council
836 enter into a contract that provides the public post-secondary educational institution with
837 Affordable Housing units.

838 As used in this section, "public post-secondary educational institution" means a state university or a public
839 community college. Bernalillo, in its discretion, may also hold any Housing Assistance Grant made by any
840 school district or public post-secondary educational institution in suspense pending the issuance by
841 Bernalillo of any RFP or pending the award of the Housing Assistance Grant by Bernalillo to the
842 Qualifying Grantee without the issuance of an RFP by Bernalillo. Any award of a Housing Assistance
843 Grant by a school district or a public post-secondary educational institution shall subject the Qualifying
844 Grantee of the grant to the oversight of Bernalillo and the MFA under these Rules.

845 L. All Housing Assistance Grants from the State pursuant to the Act shall be appropriated to the
846 Department of Finance and Administration for disbursement by the MFA to a Qualifying Grantee
847 consistent with the rules adopted by the MFA for whatever program to which the grant is applicable and
848 consistent with the Act. In the event that the MFA does not currently have a program in place which is
849 consistent with the terms of any grant being made by the State, then the MFA, in its discretion may create
850 a program to fulfill the terms of the grant and shall adopt rules consistent with the Act. Such rules may
851 include provisions for matching or using local, private, or federal funds in connection with a specific grant,
852 but matching or using federal funds shall not be prohibited.

853

854 **Section 5. DISCRIMINATION PROHIBITED.**

855 The development, construction, occupancy and operation of an Affordable Housing Program or an
856 Affordable Housing Project financed or assisted under the Act shall be undertaken in a manner consistent
857 with principles of non-discrimination and equal opportunity, and Bernalillo shall require compliance by all
858 Qualifying Grantees with all applicable federal and State laws and regulations relating to affirmative

859 action, non-discrimination and equal opportunity.

860

861 **Section 6. ADMINISTRATION.**

862 Bernalillo and the MFA shall administer any Affordable Housing programs in accordance with provisions
863 of the Act, the Rules, this Ordinance, any applicable state and federal laws and regulations as each of
864 which may be amended or supplemented from time to time. Bernalillo and the MFA, in establishing,
865 funding and administering the Affordable Housing Programs and by making, executing, delivering and
866 performing any award, contract, grant or any other activity or transaction contemplated by the Act, shall
867 not violate any provision of law, rule or regulation or any decree, writ, order, injunction, judgment,
868 determination or award and will not contravene the provisions of or otherwise cause a default under any
869 obits agreements, indentures, or other instruments to which it may be bound.

870

871 **Section 7. TERMINATION.**

872 The Council may repeal this Ordinance and terminate Bernalillo's Affordable Housing Program and any or
873 all contracts undertaken in its authority. Termination shall be by ordinance at a public hearing or in
874 accordance with the terms of the contract. If an ordinance or a contract is repealed or terminated, all
875 contract provisions of the contract regarding termination shall be satisfied.

876

877 **Section 8. REPEALER.**

878 All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent with this Ordinance are
879 repealed by this Ordinance but only to the extent of that inconsistency. This repealer shall not be construed
880 to revive any bylaw, order, resolution or ordinance, or part thereof, previously repealed.

881

882 **Section 9. SEVERABILITY.**

883 If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or
884 unenforceable, the invalidity or unenforceability of that section, paragraph, clause or provision shall not
885 affect any of the remaining provisions of this Ordinance.

886

887 **Section 10. EFFECTIVE DATE.**

888 This Ordinance shall be in full force and effect five (5) days after publication in accordance with Section
889 3-17-5 NMSA, 1978.

890

891 INTRODUCED, PASSED, ADOPTED, AND APPROVED this 20th day of December, 2012.

892

893

894 Mayor Torres asked if there were any questions from the Governing Body.

895

896 Councilor Jaramillo asked about the zoning ordinances.

897

898 Phyllis Taylor stated that if a parcel comes before the planning and zoning to build a narrow
899 home on their property it does not meet the zoning code. The areas you have currently are only at
900 the Railrunner stations, west side and by Wal-Mart. What you do is place in your housing plan
901 and make changes in your zoning code to allow them to build a smaller living quarters. It would
902 establish the language to allow the lot owner to build.

903

904 Dale Prairie stated that some individuals have an old mobile home on their property but are
905 afraid to move it because they will not be allowed to put anything else there.

906

907 Phyllis stated yes that is correct having provision in the zoning code that would allow narrow
908 houses in those areas they would still need to meet the setback requirements. What is there now
909 is constricting and does not allow them to build.

910

911 Councilor Jaramillo stated you mentioned conditional use permits code could you explain that a
912 little more.

913

914 Phyllis Taylor stated that what you have in your zoning code is a conditional use that in the R-2
915 for apartments and Townhouses and in the code you write the conditions to assure all the
916 conditions are being met.

917

918 Mayor Torres stated Maria wanted clarification on this being a draft.

919

920 Maria Rinaldi stated that this is the draft to be allowed for the purpose of Santa Fe Civic to
921 submit this with their application to HUD New Mexico Finance Authority is reviewing it once
922 we receive their comments or recommendations it will then come before you to be approved.

923

924 Karen Lermuseaux asked where the additions to the housing would be.

925

926 Mayor Torres stated it will be done at the existing location and the new constructed units will be
927 behind the current housing units.

928

929 Mayor Torres entertained a motion.

930

931 Councilor Jaramillo made a motion to adopt Ordinance #268 Adopting the Final Draft of
932 Establishing an Affordable Housing Program Pursuant to the Affordable Housing Act. The
933 motion was seconded by Councilor Montoya.

934

935 Roll Call Vote

936 Councilor Montoya Yea
937 Councilor Sisneros Yea
938 Councilor Prairie Yea
939 Councilor Jaramillo Yea

940

941 **PUBLIC HEARING: 5c) Discussion, Consideration and Action on Adoption of**
942 **Ordinance #269 Implementing a Change to the Comprehensive Zoning Code in Reference**
943 **to Home Based Businesses. Presenter: Ty Jameson**

944

945 Ty Jameson Planning and Zoning Administrator stated that the amendment is a change to the
946 zoning code in reference for a Home Based Business. The restrictions for an accountant or a
947 consultant for that type of business the current requirement is for them to come before planning
948 and zoning commission for approval. That action may take a month or two and cause undo
949 hardship for the individual wanting to do business out of their home. The home based business
950 will still have to meet all the requirements stated in Ordinance #269 but this would allow the
951 Planning and Zoning Department to sign off on the business license so that the business license
952 could then be issued.

953

954 STATE OF NEW MEXICO

TOWN OF BERNALILLO

955

ORDINANCE NO. 269

956

957 AN ORDINANCE IMPLEMENTING A CHANGE TO THE COMPREHENSIVE ZONING
958 CODE.

959 WHEREAS, THE GOVERNING BODY, on behalf of the citizens of the Town of
960 Bernalillo has requested an amendment to the zoning ordinance; and,

961 WHEREAS, a public hearing was held by the GOVERNING BODY (Board of
962 Trustees) of the Town of Bernalillo on said application; and,

963 WHEREAS, the GOVERNING BODY (Board of Trustees) of the Town of
964 Bernalillo has recommended the requested zone change; and

965 WHEREAS, the Governing Body of the Town of Bernalillo has held a public
966 hearing on the said recommendation.

967 NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF
968 BERNALILLO, SANDOVAL COUNTY, NEW MEXICO AS FOLLOWS:

969 1. That Ordinance No. 175, entitled "Comprehensive Zoning Ordinance";
970 duly adopted by the Town of Bernalillo, be hereby amended to provide a
971 permissive use for home occupations (Home Based Business) in residential
972 zones. New home occupations are to be reviewed administratively by the
973 Zoning Officer.

974 2. (R-1 A) Home occupations and sign identifying the activity, provided:

975 1. The activity is clearly incidental and secondary to use of the
976 premises for a dwelling.

- 977 2. Only members of the residing family are employed.
978 3. No physical inventory in trade is manufactured, displayed, or sold
979 on the premises, except a small stock of art objects and custom
980 sewing created by a resident of the dwelling is allowed. (Upholstery
981 services are not considered custom sewing).
982 4. All business activities are conducted entirely indoors.
983 5. No more than 25% of the floor area of the dwelling is devoted to
984 the home occupation. No more than 5% of the floor area of the
985 dwelling is devoted to storing physical inventory.
986 6. There is no external evidence of the activity, including, but not
987 limited to, the parking of commercial vehicles, inordinate vehicular
988 traffic, outside storage, outside activity, noise, dust, odors, noxious
989 fumes, or other nuisances emitted from the premises.
990 7. Health Care (including physicians, nursing homes, massage
991 therapy, and the like) shall not be considered a permissive home
992 occupation.
993 8. One related on-premise sign is permitted, provided:
994 a. It does not exceed one square foot in area.
995 b. It is a non-illuminated wall sign.
996 c. The property owner obtains the appropriate sign permit.
997
998
999

1000 PASSED, APPROVED AND ADOPTED THIS 20TH DAY OF DECEMBER, 2012

1001 Mayor Torres opened the floor for any questions from the Governing Body.
1002

1003 Mayor Torres recommended several changes that should be made is “stock in trade” be changed
1004 to “physical inventory” on item 3 and item 5. On item 8 “One related on-premise sign” should
1005 read “One related on-premises sign”.
1006

1007 Councilor Jaramillo asked if an individual comes in for a Home Based Business Permit for a
1008 family day care the state allows them to have 12 in their home. Will they have to come in every
1009 year to be approved to do business.
1010

1011 Ty Jameson stated that they will have to have to come in to for a conditional use permit for the
1012 business the location must be inspected by the fire department and as long as there are no
1013 changes to the property they will not have to come annually to the Planning and Zoning
1014 Commission for an approval.

1015 Councilor Montoya asked if Ty Jameson would be the only one reviewing the permits in
1016 Planning and Zoning.

1017
1018 Ty Jameson stated that currently he is the only one in the office but when staff is added to the
1019 department they could be trained and sign off on the business licenses as well.

1020
1021 Mayor Torres asked the public if anyone wished to speak for or against Ordinance #269.

1022
1023 Steven Amiot asked if the home based businesses that currently have a business license will they
1024 be under review every year.

1025
1026 Ty Jameson stated that yes they are. If a business becomes a nuisance in their neighborhood they
1027 must have a review of their home occupation approval and come before the Planning and Zoning
1028 Commission. All businesses are reviewed annually.

1029
1030 Councilor Prairie asked on the application it stated the use of the dwelling is not more that 25%
1031 for the storing of merchandise. How do you know they are in compliance with that requirement
1032 do you do a home visit.

1033
1034 Ty Jameson stated you have to take the business owner at their word. If we see items outside
1035 then we have the right to do an investigation of the home based business conditional use permit.

1036
1037 Mayor Torres entertain a motion

1038
1039 Councilor Montoya made a motion to adopt Ordinance #269 Implementing a Change to the
1040 Comprehensive Zoning Code in Reference to Home Based Businesses. The motion was seconded
1041 by Councilor Prairie.

1042
1043 Roll Call Vote

1044 Councilor Montoya Yea
1045 Councilor Prairie Yea
1046 Councilor Jaramillo Yea
1047 Councilor Sisneros Yea

1048
1049 **PUBLIC HEARING: 5d) Discussion, Consideration and Action on Adoption of**
1050 **Ordinance #270 Implementing a Change to the Comprehensive Zoning in Reference to**
1051 **Mobile Home Skirting.Presenter:Ty Jameson**

1052
1053 Ty Jameson Planning and Zoning Administrator stated that the amendment is a change to the
1054 zoning code in reference to Mobile Home Skirting. Currently we do not require that the mobile
1055 home is set up and no skirting is placed surrounding the Mobile Home. The Ordinance is to hold
1056 the contractors accountable before their Certificate of Occupancy is given for the Mobile Home.

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STATE OF NEW MEXICO
BERNALILLO

TOWN OF

ORDINANCE NO. 270

AN ORDINANCE IMPLEMENTING A CHANGE TO THE COMPREHENSIVE ZONING
CODE.

WHEREAS, THE GOVERNING BODY, on behalf of the citizens of the Town of
Bernalillo has requested an amendment to the zoning ordinance; and,

WHEREAS, a public hearing was held by the GOVERNING BODY (Board of
Trustees) of the Town of Bernalillo on said application; and,

WHEREAS, the GOVERNING BODY (Board of Trustees) of the Town of
Bernalillo has recommended the requested zone change; and

WHEREAS, the Governing Body of the Town of Bernalillo has held a public
hearing on the said recommendation.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF
BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, AS FOLLOWS:

3. That Ordinance No. 175, entitled "Comprehensive Zoning Ordinance";
duly adopted by the Town of Bernalillo, be hereby amended to provide a
requirement for mobile homes to be skirted with approved building
materials listed under the requirements of the (ICC) International Code
Council , prior to the issuance of a Certificate of Occupancy by the Planning
Department.

4. (R-1 A) Section 9. R-1A Mixed Single-Family Residential Zone.
A. Permissive Uses:

9. One mobile home per lot. Prior to receiving Certificate of
Occupancy, each mobile home shall be skirted with approved
building material listed under the requirements of the (ICC)
International Code Council.

PASSED, APPROVED

AND ADOPTED THIS 20TH DAY OF DECEMBER, 2012

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1095

Mayor Torres opened the floor for any question from the Governing Body.

Councilor Sisneros stated this is what the State requires.

Ty Jameson stated it is not as long as the mobile home is placed on blocks and strapped down it
meets their requirements.

Councilor Sisneros stated that is not what he has dealt with in the past with State Inspectors are

1096 we talking about mobile homes not being placed on permanent foundations.

1097

1098 Ty Jameson stated that is correct.

1099

1100 Mayor Torres asked the public if anyone wished to speak for or against Ordinance #270.

1101

1102 There were none.

1103

1104 Mayor Torres entertain a motion

1105

1106 Councilor Sisneros made a motion to adopt Ordinance #270 Implementing a Change to the
1107 Comprehensive Zoning Code in Reference to Mobile Home Skirting. The motion was seconded
1108 by Councilor Prairie.

1109

1110 Roll Call Vote

1111 Councilor Sisneros Yea

1112 Councilor Montoya Yea

1113 Councilor Jaramillo Yea

1114 Councilor Prairie Yea

1115

1116

1117 **APPROVAL OF MINUTES: 6a) Regular Meeting of December 10, 2012**

1118 Mayor Torres stated that on line number 23 should read “and request approval” at the end of the
1119 sentence.

1120

1121 Councilor Jaramillo stated that on line 19 infrastrucue should be spelled infrastructure.

1122

1123 Councilor Jaramillo moved to approve the minutes as amended. The motion was seconded by
1124 Councilor Montoya and the motion carried unanimously.

1125

1126 **NEW BUSINESS: 9a) Discussion, Consideration and Action on**
1127 **Approval of Adoption of Resolution 12/20/12 Update and Review of the Anti-Displacement**
1128 **and Relocation Plan for the Town of Bernalillo. Presenter: Maria Rinaldi**

1129

1130 Maria Rinaldi stated the purpose of Resolution 12/20/12 Update and Review of the Anti-
1131 Displacement and Relocation Plan for the Town of Bernalillo. The plan was originally adopted in
1132 October 2005. It is just an update and goes hand in hand with the Affordable Housing Plan and
1133 the Community Block Grant. This is what would take if a home owner becomes displaced due to
1134 a project the Town is doing.

1135

1136

1137 **RESOLUTION NO 12-20-2012**
UPDATE and REVIEW OF THE ANTI-DISPLACEMENT AND RELOCATION PLAN

FOR THE TOWN OF BERNALILLO Adopted on October 11, 2005.

(Section 104(d) of the Housing and Community Development Act of 1974 as Amended)

Section 509 of the Housing and Community Development Act of 1987 (Public Law 100-242, approved February 5, 1988) amended Section 104 of the Housing and Community Development Act of 1974 (the Act) by adding a new subsection (d).

The new subsection 104(d) of the Act provides that a grant under Section 106 (CDBG Programs) may be made only if the grantee certifies that it is following a “residential anti-displacement and relocation plan.”

Local governments, recipients under that State CDBG Program, must make this certification to the State. The requirement applies only to those recipients of CDBG funds awarded to the State by HUD after October 1, 1988.

Accordingly, the foregoing plan represents the efforts of the municipality of Bernalillo to comply with the requirements of Section 104(d) of the Act and is certified herewith:

PLAN AND CERTIFICATION:

The Town of Bernalillo herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496 a (b).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the Town will make public and submit to the Local Government Division of the Department of Finance and Administration the following information in writing:

1. A description of the proposed activity;
2. The location on a map and the approximate number of units, described by size (number of bedrooms), that will be demolished or converted;
3. A time schedule for commencement and completion of demolition or conversion;
4. The location on a map and the approximate number of dwelling units described by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source(s) of funding and a time schedule for the provision of replacement units;
and

1179 6. The basis for concluding that each replacement unit will remain a low/moderate-
1180 income dwelling unit for ten (10) years from the date of initial occupancy.

1181
1182 The Town will provide relocation assistance, as described in 570.496-a to each
1183 low/moderate-income household displaced by the demolition of housing or by the conversion
1184 of a low/moderate-income dwelling to another use as a direct result of assisted activities.

1185
1186 To the extent which the Town participates in Federal Assistance Programs wherein the
1187 following anti-displacement strategies can be applied, and consistent with the goals and
1188 objectives of activities assisted under the Act, the Town will take the following steps to
1189 minimize the displacement of persons from their homes (this listing not all inclusive):

1190
1191 DISPLACEMENT STRATEGY

1192
1193 A. Steps to Minimize or Prevent Displacement:

- 1194
1195 1. Plan, organize and stage the rehabilitation of assisted housing to allow tenants
1196 to remain during and after rehabilitation so as to provide the greatest
1197 convenience, safe and economically sound rehabilitation efforts possible.
1198
1199 2. Assist in identifying and locating of temporary relocation facilities in order to
1200 house families whose displacement will be of short duration, so that they can
1201 move back to their neighborhood after rehabilitation or new construction.
1202
1203 3. Evaluate housing codes and rehabilitation standards in reinvestment areas to
1204 prevent the placing of undue financial burdens on long-established owners or
1205 on tenants of multi-family buildings.
1206
1207 4. Counsel and advise homeowners and renters to understand the range of
1208 assistance that may be available to meet and protect their housing rights and
1209 interests.
1210
1211 5. In cooperation with neighborhood organizations, continuously review
1212 development trends, identify displacement problems, and identify individuals
1213 facing displacement who need assistance.

1214
1215 B. Actions to Assist Displaced Persons to Remain in their Present Neighborhoods:

- 1216
1217 1. Provide lower-income housing in the neighborhood through HUD housing
1218 programs; purchase units as is; rehabilitate vacant units; or construct housing
1219 units.

- 1220 2. Give priority in assisted housing units in the neighborhood to area resident
1221 facing displacement.
1222
1223 3. Target Section 8 existing programs and certificates to households being
1224 displaced, and recruit area landlords to participate in the program.
1225
1226 4. Provide counseling and referral services to assist displacees in finding
1227 alternate housing in the neighborhood.
1228
1229 5. Work with area landlords and real estate brokers to locate vacancies of
1230 households facing displacement.
1231

1232 C. Actions to Otherwise Mitigate Adverse Effects of Displacement
1233

- 1234 1. Use of public funds, such as CDBG, to pay moving costs and provide
1235 relocation payments, or, to the extent permissible by local or state law require
1236 private developers to provide compensation to persons displaced by
1237 development activities.
1238
1239 2. Give displacees priority in obtaining subsidized housing.
1240
1241 3. Provide counseling and referral services to assist displacees to locate elsewhere
1242 in the community.
1243

1244 It shall be the policy of the Town that all persons displaced by CDBG activity shall be relocated
1245 into housing that is:

- 1246 a) Decent, safe and sanitary;
1247 b) Adequate in size to accommodate the occupants;
1248 c) Functionally equivalent;
1249 d) In an area not subject to adverse environmental conditions.
1250
1251

1252 Plan Adoption Date: Tuesday, October 11, 2005

1253 Reviewed and Updated: **Monday, December 20, 2012**
1254

1255 Adoption Instrument: Resolution
1256

1257 Mayor Torres entertained a motion.
1258

1259 Councilor Montoya moved to adopt Resolution 12/20/12 Resolution Update and Review of the
1260 Anti-Displacement and Relocation Plan for the Town of Bernalillo. The motion was seconded by
1261 Councilor Sisneros and the motion carried unanimously.

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NEW BUSINESS: 7b) Discussion, Consideration and Action on Adoption of Resolution 12/20/12A Adopting Citizen Participation Plan for the Town of Bernalillo.
Presenter: Maria Rinaldi

Maria Rinaldi stated the purpose of Resolution 12/20/12A Adopting a Citizen Participation Plan again it is an annual requirement to renew this document.

RESOLUTION NO 12/20/12A

ADOPTING A CITIZEN PARTICIPATION PLAN
FOR THE TOWN OF BERNALILLO

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INTRODUCTION

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the Town of Bernalillo has prepared and adopted this Citizen Participation Plan.

Objective A.

The Town of Bernalillo will provide for and encourage citizen participation within their areas of jurisdiction with particular emphasis on participation by persons of low and moderate income.

1. The Town has adopted and adheres to the Open Meetings Act, which provides citizens with reasonable notice of Town meetings, actions and functions.
2. The Town does and will continue to develop press releases on Town meetings, actions and hearings to circulate to newspapers, radio and television media.
3. The Town does and will continue to develop and maintain listings of groups and representatives of low and moderate-income persons and include on mailing lists for announcements, notices, press releases, etc.

Objective B.

The Town of Bernalillo does and will continue to provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of CDBG funds.

- 1302
1303 1. Public notices, press releases, etc., will allow for a maximum length of notice to
1304 citizens.
1305 2. Appropriate information and records relating to the proposed and actual use of CDBG
1306 funds are available upon request to all citizens. Personnel and income records may be
1307 exempted from this requirement.
1308 3. Meetings, hearings, etc., will be conducted at times and locations conducive to public
1309 attendance, e.g., evenings, Saturdays.

1310 Objective C.

1311
1312 The Town of Bernalillo does and will continue to provide for technical assistance to groups and
1313 representatives of low and moderate-income persons that request assistance in developing
1314 proposals. (Note: the level and type of assistance to be determined by the Town on a case-by-
1315 case basis)

- 1316
1317 1. Low/moderate income groups are and will continue to be advised that technical
1318 assistance, particularly in the area of community development, is available from the
1319 Town.
1320
1321 2. The Town does and will continue to document all technical assistance provided to
1322 such groups and have documentation available for review.

1323
1324 Objective D.

1325
1326 The Town of Bernalillo does and will continue to provide for public hearings to obtain citizen
1327 participation and respond to proposals and questions at all stages of the Community
1328 Development Block Grant Program.

- 1329
1330 1. The Town does and will continue to advise citizens of the CDBG Program objectives,
1331 range of activities that can be applied for and other pertinent information.
1332
1333 2. The Town does and will continue to conduct a minimum of two public hearings:
1334
1335 a. One public meeting will be held for the purpose of obtaining the views of citizens
1336 on community development and housing needs to include the needs of low and
1337 moderate-income people. This hearing will take place prior to the selection of the
1338 project to be submitted to the State for CDBG funding assistance.
1339
1340 b. A second public hearing will be held for the purposes of gaining citizen input on
1341 the particular application to be submitted to the State for CDBG funding
1342 consideration.
1343

- 1344 3. The Town will review program performance, past use of CDBG funds and make
1345 available to the public its community development and housing needs including the
1346 needs of low and moderate income families and the activities to be undertaken to
1347 meet such needs.
1348
- 1349 4. Public hearing notices will be published in the non-legal section of newspapers or in
1350 other local media. Evidence of compliance with these regulations will be provided
1351 with each CDBG application, i.e., hearing notice, minutes of public meetings, lists of
1352 needs and activities to be undertaken, etc. Amendments to goals, objectives and
1353 applications are also subject to public participation.
1354

1355 Objective E.
1356

1357 The Town of Bernalillo will provide for timely written answers to written complaints and
1358 grievances within 15 working days where practicable.
1359

- 1360 1. The Town will adopt complaint handling procedures or policies to insure that
1361 complaints or grievances are responded to within 15 working days when possible.
1362
- 1363 2. Procedures will allow for appeal of a decision to a neutral authority.
1364
- 1365 3. A detailed record of all complaints/grievances and responses will be filed in one
1366 central location with easy public access provided.
1367

1368 Objective F.
1369

1370 The Town of Bernalillo will identify how the needs of non-English speaking residents will be
1371 met in the case of public hearings where a significant number of residents can be reasonably
1372 expected to participate.
1373

- 1374 1. The Town recognizes that a large number of Spanish speaking persons reside in
1375 Bernalillo and make appropriate provisions when issues affecting this population are
1376 to be discussed at public meetings, hearings, etc. Appropriate provisions will include
1377 having interpreters available at the meeting and/or having briefing materials available
1378 in the appropriate language.
1379
- 1380 2. The Town will maintain records/rosters of public hearing attendees and proceedings
1381 to verify compliance with this objective.
1382
- 1383 3. The Town will address all other non-English speaking populations in the same
1384 manner as described in Objective F, 1 and 2.
1385

1386 Passed, Approved, and Adopted by the Town of Bernalillo, New Mexico this 20th day of
1387 December, 2012.

1388
1389

1390 Mayor Torres entertained a motion.

1391

1392 Councilor Prairie moved to adopt Resolution 12/20/12A Adopting a Citizen Participation Plan.
1393 The motion was seconded by Councilor Sisneros and the motion carried unanimously.

1394

1395 **NEW BUSINESS: 7c) Discussion, Consideration and Action on Approval of**
1396 **Adoption of Resolution 12/20/12B Resolution Supporting the New Century Economy Jobs**
1397 **Agenda Legislative Package. Presenter: Mayor Torres**

1398

1399 Mayor Torres stated this document was presented at the Middle Rio Grande Council of
1400 Government Board Meeting. I feel this is something the Town should support. There are several
1401 items that would hurt the Town of Bernalillo and would like us to consider the deletion of the
1402 items in the Resolution as presented. The items to be deleted are Single Sales Factor the biggest
1403 concern is the tax incentives have been off and the fiscal impact analysis has been extremely
1404 poor. If you look at last year the tax pyramiding that the Governor championed, they were off by
1405 50%. This item will impact the State 40M to 60M a year. My concern is that it could impact us.
1406 Similar situation on the Corporate Income Tax Reduction. Capital Outlay Reform basically they
1407 are saying that they should do projects regionally that would only be in the larger communities
1408 such as Rio Rancho, Albuquerque and Las Cruces. The impact would be negative.

1409

1410 **Resolution 12/20/2012B Supporting the *New Century Economy Jobs Agenda* Legislative Package**

1411

1412 *Whereas* New Mexico faces many economic challenges and looks to begin its next 100 years as a
1413 state transitioning from a government-reliant economy to an entrepreneurial economy by investing in
1414 jobs creators, workers, infrastructure and rural communities while supporting the mission of vital
1415 government programs.

1416 *Therefore* be it *resolved* that the Town of Bernalillo on this 20th day of December, 2012 supports the
1417 following legislative agenda that was developed through input from local business, community and
1418 economic development leaders with recommendation developed out of the *New Century Economy*
1419 *Summit* to improve New Mexico's competitiveness and opportunities for investment.

1420

1421 **Single Sales Factor** – A single sales factor allows companies to pay tax only on income from sales within
1422 the state. To date, 25 states have passed a single sales factor and passage of the single sales factor
1423 would encourage job creation and investments in New Mexico. The *New Century Jobs Agenda* supports
1424 reforming the tax code to include an elective single sales factor.

1425

1426 **Corporate Income Tax Reduction** – New Mexico currently has the 2nd highest Corporate Income Tax at
1427 7.6% in a 9 state region. The *New Century Jobs Agenda* supports reducing the rate to 4.9% over a
1428 four-year period to mirror the Personal Income Tax.

1429
1430 **Local Economic Development Act (LEDA)** – The LEDA program serves as a closing fund in recruiting
1431 companies to the state by providing funding to local governments for infrastructure tied to direct job
1432 creation. The *New Century Jobs Agenda* seeks \$10 million for funding of LEDA.
1433
1434 **Job Training Incentive Program (JTIP)** – JTIP is one of the state’s best economic development tools. It
1435 invests in local workers by offering financial support for hiring and training new employees. The *New*
1436 *Century Jobs Agenda* seeks \$4.75 million to assure adequate funding to support new job creation.
1437
1438 **Capital Outlay Reform** - The capital outlay process is the mechanism by which the state invests in
1439 infrastructure projects. Instead of taking a piecemeal approach, the *New Century Jobs Agenda* supports a
1440 focus toward evaluating and prioritizing projects based on their regional and statewide importance;
1441 bond for projects that will leverage the greatest federal match and see the project through completion
1442 to maximize the economic investment into our state.
1443
1444 **Spaceport Informed Consent** – The *New Century Jobs Agenda* supports the passage of an informed
1445 consent law that is extended to spacecraft manufacturers and suppliers. This will make Spaceport
1446 America more competitive with the other 12 states that have passed this type of informed consent such
1447 as Texas, Colorado, Virginia and Florida. This is required in attracting new tenants to the spaceport and
1448 for a successful commercial space industry in New Mexico.
1449
1450 **MainStreet Investment** – The *New Century Jobs Agenda* supports increased investment for the New
1451 Mexico MainStreet program. MainStreet works throughout the state’s downtown communities to create
1452 an economically feasible business environment through the preservation of historical and cultural
1453 locations.
1454
1455 Mayor Torres entertained a motion.
1456
1457 Councilor Prairie moved to adopt Resolution 12/20/12B Resolution Supporting the New Century
1458 Economy Jobs Agenda Legislative Package with the deletion of Single Sales Factor, Corporate
1459 Income Tax Reduction, and Capital Outlay Reform. The motion was seconded by Councilor
1460 Sisneros and the motion carried unanimously.

1461
1462 **NEW BUSINESS: 9dDiscussion, Consideration and Action on Approval of 2013**
1463 **Holiday Schedule. Presenter: Ida Fierro**

1464
1465 **Town of Bernalillo**
1466 **Holiday Schedule**
1467 **For 2013**

1468
1469 Martin Luther King
1470 Jr. Birthday

Monday, January 21, 2013

1471

1472	Presidents Day	Monday, February 18, 2013
1473		
1474	Memorial Day	Monday, May 27, 2013
1475		
1476	Independence Day	Thursday, July 4, 2013
1477		
1478	San Lorenzo Fiestas	Friday, August 09, 2013
1479		
1480	Labor Day	Monday, September 2, 2013
1481		
1482	Veterans Day	Monday, November 11, 2013
1483		
1484	Thanksgiving Day	Thursday, November 28, 2013
1485		
1486	Day after Thanksgiving	Friday, November 29, 2013
1487		
1488	Christmas Day	Wednesday, December 25, 2013
1489		
1490	New Year's Day	Wednesday, January 01, 2014

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A brief discussion ensued on issues with Friday, August 9, 2013. A meeting will take place with the Fiesta Council as to their wishes of where to hold the San Lorenzo Fiesta in front of Town Hall or back at Rotary Park. Once the meeting with the San Lorenzo Fiesta Council has taken place the information will be brought back to the Town Council for possibly an amendment on that date on the Holiday Schedule for 2013.

All Holidays except for August 9, 2012 follow the Federal Holiday Schedule.

Mayor Torres entertained a motion.

Councilor Montoya moved to approve the 2013 Holiday Schedule for the Town of Bernalillo. The motion was seconded by Councilor Sisneros and the motion carried unanimously.

FINANCIAL SECTION:8a) Approval of Accounts Payable Voucher List.

Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of \$164,264.97.

Councilor Montoya made a motion to approve the accounts payable voucher list in the amount of \$164,264.97. The motion was seconded by Councilor Sisneros and the motion carried unanimously.

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MISCELLANEOUS SECTION: 9a) Public Comment. Presenter: Mayor Torres

Mayor Torres welcomed the public to speak. There were none.

MISCELLANEOUS SECTION: 9b) End of Month Financials. Presenter: Mayor Torres

Mayor Torres presented a General Fund Summary Report to the Governing Body. The expense summary report has current budget, current period, YTD actual, YTD encumbrance, budget balance, and percent of budget. There is also a Revenue Summary with the same information. The report will assist the Governing Body with the information on each department's financial status. The report will be given to the Governing Body monthly for all funds. The Mayor requested that if the Governing Body had any questions on the report to please call Juan Torres.

MISCELLANEOUS SECTION: 9c) Announcements. Presenter: Mayor Torres

Mayor Torres announced the following:

Maria Rinaldi stated that the Audit on the Cocinitas Project went well there were no findings.

Thank you to all the staff that contributed to making all the activities in the Town successful.

The Christmas Tree lighting on November 30, 2012 @ 6:00 p.m. in front of Town Hall was well attended.

The Christmas Parade was on December 1, 2012 there were 32 entries and was well received by the Public everyone has commented on how festive it was.

The Holiday Social was held on December 19th at the Recreation Center. It was very nice, cold, but those attended enjoyed the music and Santa Claus.

Saturday December 22, 2012 the Toy Drive will deliver to all the families requesting toys for their children.

The Coat for Kids drive went well and the entire remaining coat will be distributed by Friday, December 21, 2012.

There being no further business, Councilor Sisneros moved to adjourn the meeting at 7:58 P.M. The motion was seconded by Councilor Montoya and carried unanimously.

Done this 20th day of December 2012.

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December 20, 2012
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1556 ATTEST:

1557 _____

1558 Ida Fierro, Town Clerk

1559 (seal)

Jack S. Torres, Mayor