



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 13Ordinance/Resolution# 13-172For Meeting of _____
(Ordinance First Reading Date)For Meeting of June 17, 2013
(Adoption Date)

Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION REPEALING RESOLUTION NO. 13-087 IN ITS ENTIRETY. RESOLUTION NO. 13-087 DEFERRED THE EFFECTIVE DATE FOR THE MAJOR ROAD AND DRAINAGE IMPACT FEES FROM JANUARY 1, 2013 TO JULY 1, 2013.

PURPOSE(S) OF ACTION:

To repeal Resolution 13-087.

COUNCIL DISTRICT: ALL		
<u>Drafter/Staff Contact:</u> Loretta M. Reyes, P.E.	<u>Department/Section:</u> PW/Administration	<u>Phone:</u> 528-3125
<u>City Manager Signature:</u> 		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On August 1, 2011, the City of Las Cruces (City) City Council adopted the major road and drainage impact fees for new residential and commercial development in compliance with the Las Cruces Development Impact Fee Ordinance (Las Cruces Municipal Code, Chapter 33). These impact fees were approved with an effective date of January 1, 2013.

On December 17, 2012, City Council approved Resolution 13-087 to postpone the effective date for the major road and drainage impact fees from January 1, 2013 to July 1, 2013.

On May 13, 2013, City Council directed staff to repeal the resolutions that enacted the major road and drainage impact fees. Accordingly, Resolution 13-087 is no longer valid and needs to be repealed in its entirety.

SUPPORT INFORMATION:

1. Resolution.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the Fund.
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$__ for FY ____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will repeal Resolution 13-087 in its entirety.
2. Vote "No"; this will not repeal Resolution 13-087 in its entirety. The resolution will remain as part of the City Clerk records and will not be associated with any enacted impact fees.
3. Vote to "Amend"; this could modify the terms of the resolution and instruct staff to seek alternative direction.
4. Vote to "Table"; this will delay the repeal and cause the resolution to remain as part of the City Clerk records.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits:

1. Resolution 13-087.

RESOLUTION NO. 13-172

A RESOLUTION REPEALING RESOLUTION NO. 13-087 IN ITS ENTIRETY. RESOLUTION NO. 13-087 DEFERRED THE EFFECTIVE DATE FOR THE MAJOR ROAD AND DRAINAGE IMPACT FEES FROM JANUARY 1, 2013 TO JULY 1, 2013.

The City Council is informed that:

WHEREAS, on August 1, 2011, the City of Las Cruces (City) City Council adopted the major road and drainage impact fees for new residential and commercial development in compliance with the Las Cruces Development Impact Fee Ordinance (Las Cruces Municipal Code, Chapter 33) with an effective date of January 1, 2013; and

WHEREAS, on December 17, 2012, City Council approved a resolution to postpone the effective date for the major road and drainage impact fees from January 1, 2013 to July 1, 2013; and

WHEREAS, on May 13, 2013, City Council directed staff to repeal the resolutions that enacted the major road and drainage impact fees; and

WHEREAS, Resolution 13-087 is no longer valid and needs to be repealed in its entirety.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT Resolution 13-087 is hereby repealed in its entirety.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____