



**TOWN OF TAOS
ORDINANCE 25-01**

An Ordinance Establishing the Metropolitan Redevelopment Agency

WHEREAS, the Town Council, the Governing Body of the Town of Taos, finds that the New Mexico State Legislature has enacted the Metropolitan Redevelopment Code, NMSA 1978, §§ 3-60A-1 et seq. (2024) conferring certain powers upon the Town Council for the creation of a Metropolitan Redevelopment Agency (“Agency” or “Metropolitan Redevelopment Agency”) and delegation to the Metropolitan Redevelopment Agency of the exercise of such powers set forth in the Metropolitan Redevelopment Code.

WHEREAS, the Town Council finds that it is in the best interest of the Town of Taos to delegate such powers to an Agency and provide staff to ensure the creation, establishment, implementation, and oversight of the Taos Downtown Metropolitan Redevelopment Area Plan and to secure funding for the same.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Town of Taos, meeting in Regular Session on this 25th day of March 2025, and after having held a public hearing on the matter, that a new Metropolitan Redevelopment Agency is established as follows:

1. **Board Composition and Eligibility:** The Metropolitan Redevelopment Agency shall be governed by a Board of five (5) Commissioners, each of whom must reside within the area of Agency operations.
 - A. The Agency shall operate in the Town of Taos.
 - B. Commissioners should be individuals with sufficient experience and knowledge necessary to implement the Metropolitan Redevelopment Agency Plan, including but not limited to business and property owners within the Metropolitan Redevelopment Agency District, area developers, real estate professionals, and long-standing community leaders. Requirements further governing the necessary experience of Commissioners may be developed in the Agency’s bylaws.
 - C. Commissioners shall be appointed by the Mayor of the Town of Taos and confirmed by the Town Council in staggered terms of service for the first term, where the first two (2) Commissioners shall serve for a 3-year term, the next two (2) Commissioners shall serve for a 2-year term, and the last one (1) Commissioner shall serve for a 1-year term. For each term thereafter, all Commissioners shall be

appointed by the Mayor of the Town of Taos and confirmed by the Town Council for 5-year terms.

- D. Commissioners shall not serve more than two (2) full 5-year consecutive terms as a Commissioner for the Agency.
 - E. The Mayor of the Town of Taos shall designate a chair and vice chair from among the Commissioners every other year.
2. **Board Compensation:** Commissioners shall not receive compensation for their service in the form of wages, salaries, or any other monetary or nonmonetary return. Commissioners are, however, entitled to reimbursement for all necessary Board-related expenses, to be approved on a case-by-case basis by a quorum of all voting members of the Board.
 3. **Agency Staff:** The Board shall provide the Metropolitan Redevelopment Agency with the appropriate staff support to carry out the powers granted to it under the Metropolitan Redevelopment Code, including an executive director, technical experts, and other agents and employees. The commission may determine the qualifications, duties, and compensation for Agency staff that it may require.
 4. **Redevelopment Project Powers:** The term “redevelopment project powers” includes any rights, powers, functions, and duties of a municipality authorized or conferred by NMSA 1978, §§ 3-60A-5 to -18 (2024), except the following powers which are reserved to the Town Council:
 - A. Declaration of an area to be a slum or a blighted area or combination thereof and designation of the area as appropriate for a redevelopment project;
 - B. Approval or amendment of redevelopment plans;
 - C. Approval of Town plans for urban development and conservation, unless approval is specifically delegated by Council ordinance or resolution;
 - D. Making findings of necessity prior to preparation of a plan, pursuant to NMSA 1978, §§ 3-60A-5 to -18 (2024), and making the findings and determinations required prior to the approval of a redevelopment plan or project, pursuant to NMSA 1978, §§ 3-60A-5 to -18 (2024);
 - E. Issuance of general obligation bonds and revenue bonds as authorized in the Code;
 - F. Grants of \$100,000.00 or more;
 - G. Issuance of municipal redevelopment bonds;

- H. Appropriation of funds, levying of taxes and assessments; and
 - I. Deciding appeals of the Agency's action as to acceptance of a proposal for the sale and/or redevelopment of land.
5. **Agency Powers:** The Metropolitan Redevelopment Agency is hereby vested with all of the aforementioned metropolitan redevelopment project powers in the same manner as though all of the said powers were conferred on the Agency by the Metropolitan Redevelopment Code.
6. **Agency Responsibilities:**
- A. With respect to public purchases other than real property processed by the Agency, the provisions of existing Town ordinances, regulations, and codes shall apply.
 - B. With respect to the disposition or lease of real property carried out by the Agency, the provisions of NMSA 1978, § 3-60A-12 (2018) shall apply.
 - C. With respect to acceptance of a proposal for the sale and/or redevelopment of land by the Agency, the decision shall be made consistent with NMSA 1978, § 3-60A-12 (2018) and other provisions of the Metropolitan Redevelopment Code as applicable, and NMSA 1978, § 13-1-116 (1984) and other provisions of the New Mexico Procurement Code as applicable.
 - D. With respect to tax increment financing carried out by the Agency, the provisions of the State Tax Increment Law, NMSA 1978, §§ 3-60A-19 to -24 (2024) shall apply.
7. **Semi-Annual Report and Presentation:** At the end of each calendar year following the creation of the Agency, the Agency shall provide an oral report and presentation to the Town Council during a public meeting regarding its activities and exercise of its powers and responsibilities as defined herein.
8. **Annual Report:** At the end of each fiscal year following the creation of the Agency, the Agency shall provide a written annual report to the Town Council and Town Manager documenting its activities for the preceding fiscal year. Such report shall describe its activities and exercise of its powers and responsibilities as defined herein. This annual report shall additionally include a complete financial statement setting forth Agency assets, liabilities, income, and operating expenses as of the end of the fiscal year being reported upon.

9. **Agency Action.** The powers of the Metropolitan Redevelopment Agency shall be exercised by the Commissioners. A majority of the appointed Commissioners constitute a quorum for the purpose of conducting business and exercising the powers of the Metropolitan Redevelopment Agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissions present at a lawful meeting.

10. **Appeal:**

A. *Application:* Decisions of the Agency as to acceptance of a proposal for sale and/or redevelopment of land may be appealed to the Town Council on forms prescribed by the Agency. A filing fee of \$500 shall accompany each appeal application. When an application is withdrawn the application fee shall not be refunded.

B. *Limitations Period:* Decisions of the Agency are final unless an appeal is initiated by application to the Town on prescribed forms within 15 days of the Agency's notice of decision. The date of the notice of decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday, or holiday, the next working day is the deadline for filing the appeal. Selection of a proposal for the sale and/or redevelopment of land shall not become a legally binding acceptance by the Town until an appeal of the selection is decided or the time for filing the appeal has expired without an appeal being filed.

C. *Standing for Appeals:* Any person who submitted a redevelopment proposal but who was not selected for the award of the redevelopment project at issue may appeal.

D. *Notice of Hearing:* The Mayor shall give written notice of an appeal, together with a notice of the date, time, and place of hearing to all those who made submittals for the project, and to all those who testified at the development hearing concerning the project.

E. *Hearing and Decision:*

i. An appeal shall be heard within 60 days of its filing. The Town Council's decision on the appeal shall be made following a public hearing. At the hearing, the Town Council shall review carefully the previous decision on the matter, and based only on the record before it, determine only whether:

1. The Agency's decision was arbitrary or capricious;

2. Whether the Agency's decision is supported by substantial evidence in the record; or

3. Whether the Agency erred as a matter of law.
 - ii. The concurring vote of two-thirds of the members of the Town Council is required to reverse a determination by the Agency.
 - iii. If the Town Council reverses the decision of the Agency, the Town Council shall conduct a separate hearing, and after reviewing all qualifying proposals considered by the Agency and hearing any presentations and considering any new evidence it finds appropriate:
 1. Select whichever of the original proposals it finds to be best based on the criteria and standards of the Metropolitan Redevelopment Plan and the request for proposals;
 2. Remand all or part of the proposals to the Agency; or
 3. If the Town Council determines that none of the proposals received are in accordance with the call for proposals or do not meet the objectives of the Metropolitan Redevelopment Code, the Town Council may reject all proposals and direct the Agency to award the project through reasonable negotiating procedures as provided under NMSA 1978, § 3-60A-12(C) (2018).
 - iv. In addition to appearing before the Town Council at any hearing called for under the sections herein, any party to an appeal may provide a written argument to the Town Council by submitting it through the Town Council staff. The written argument shall not include new evidence and shall be submitted at least five days before the next hearing on the appeal with copies provided to all parties.
- F. *Notice of Decision:* The Town Council shall state its key findings of fact in a notice of decision issued after its hearing(s).

11. Lease Fee:

- A. *Annual Metropolitan Redevelopment Lease Fee:* All lease agreements for real property leased for the purpose of facilitating a metropolitan redevelopment project financed by metropolitan redevelopment revenue bonds shall include a provision requiring the lessee to pay the Town, in addition to any other monetary obligations under the lease, an annual fee equivalent to 10% of the annual incremental abated taxes. The incremental abated value shall be equivalent to the difference in the property valuation for property taxation purposes that existed in the year immediately preceding the year of acquisition by the Town and the property

valuation for property taxation purposes each year the Town owns the property. The annual fee will be equivalent to 10% of the current total property tax mill rate for the incremental abated value had the property not been exempt and had it been valued for property taxation purposes. The fee shall be paid to the Town by the lessee each year that the Town owns the property.

- B. *Deposit of fees:* All fees received by the Town for purposes of redevelopment shall be deposited into the Metropolitan Redevelopment Fund to support the ongoing operations of the Agency. Pursuant to the Metropolitan Redevelopment Code, the Metropolitan Redevelopment Fund shall hold redevelopment funds until such funds are needed for project planning, design, financing, bond capacity, or investments, including general fund contributions, capital outlay, TIF funds, or other revenue.

PASSED, RESOLVED, and APPROVED this 25th day of March 2025 at the Regular Meeting of the Town of Taos Council.

Mayor Pro Tem Marietta Fambro _____
Councilmember Darien Fernandez _____
Councilmember Corilia Ortega _____
Councilmember Genevieve Oswald _____

TOWN OF TAOS

Pascualito Maestas, Mayor

ATTESTED:

Denise Martinez, Town Clerk

APPROVED AS TO FORM:

Jessica Nixon, Town Attorney