

ARTICLE 12: CAPITAL IMPROVEMENTS

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Program submittals

§ 2-12-1 CAPITAL IMPROVEMENTS PROGRAM INTENT; SCOPE.

(A) The Capital Improvement Program (CIP) plan shall include, and take as a starting point, an inclusive perspective of all capital expenditures regardless of fund source (including, but not limited to City, State, Federal funds, and private contributions-in-aid) including those expended by the City directly and those undertaken by other public agencies within the city limits that are related to the City's adopted goals. The City-funded public purposes capital improvements shall be considered as a component of this over-all perspective.

(B) The Capital Improvement Program shall be linked to the City's adopted Five Year Goals, Program Strategies, and to the Performance Plan of city departments.

(C) The Capital Improvement Program shall be consistent with and carry out the policies contained in the City/County Comprehensive Plan.

(D) The first priority of the City's Capital Improvement Program shall be to rehabilitate, replace, and maintain in good condition the capital assets of the City. Pursuant to this priority, facility plans shall be developed and maintained by all City departments, coordinated according to a common set of standards by the CIP office. These plans shall include the condition of the City's major capital assets and a program of necessary annual capital expenditures to restore, replace, and maintain the facilities, vehicles and equipment in good condition. These inventories and plans shall be completed by the 2003 CIP. The plan for streets and hydrology shall be based on the Planned Growth Strategy findings.

(E) City-funded public-purpose capital improvements are undertaken in order to implement the city's adopted goals and objectives; normally, these have been adopted in city plans for urban development and conservation. In order to maximize the effectiveness of capital improvements in advancing such goals and objectives in a coordinated manner, and in order to efficiently use public funds, the Mayor shall develop and submit to the Council a proposed Capital Improvements Program, which shall include all city-funded public-purpose capital projects proposed to be built within ten years. The program shall include but is not limited to all projects financed by general obligation bonds, revenue bonds, Urban Enhancement Fund monies, Tax Increment Fund monies, Consolidated Plan monies, tax and rate revenues, Federal and State grants, metropolitan redevelopment bonds and special assessment districts. Projects built with industrial development bonds are not normally included.

(F) The proposed Capital Improvements Program shall consist of a ten-year plan of capital expenditures, including a more detailed two-year Capital Improvements

Budget. The proposed Capital Improvements Program shall include a listing of projects in order of priority and proposed year of construction or acquisition. Data on each project shall include:

- (1) The anticipated capital cost of each project;
- (2) The anticipated source of capital funds for each project;
- (3) The estimated annual operating cost or savings for each project;
- (4) The estimated completion date of each project;
- (5) The adopted plan or policy, if any, which each project would help to implement;

- (6) The viable alternatives that were considered for each project and the reasons the proposed project is the most cost-effective and practical alternative for meeting the stated objective;

- (7) The project's ranking in whatever sequencing/priority-setting system is used as a basis for proposed programming; and

- (8) The impacts of proposed capital improvements on user rates (for enterprise fund projects); and

- (9) The percentage allocations of each project as "growth", "rehabilitation", "deficiency", and "mandate", which categories are defined in Bill No. F/S R-37 (Enactment 118-2000), establishing priorities for the 2001 Capital Improvement Plan; and

- (10) The capital projects of the enterprise funds shall be evaluated by the Capital Improvements Program staff in a similar manner as those for the General Fund.

(G) All assets included in projects to be funded in part or in total from proceeds of general obligation bond issues or revenue bond issues shall have a minimum service life expectancy at least equal to the term of the relevant bond issue.

(H) All CIP project items with a two year programmed amount in the General Fund and a one year programmed amount in the Enterprise Funds of \$100,000 or more shall be included in the CIP bill as a separate line item.

(I) Separate bond issues shall be sold to fund vehicles and equipment, the term of which bonds shall not exceed five years.

(J) Three percent of the CIP for the general fund in the 2007, 2009 and 2011 bond elections shall be reserved to fund the design, installation, purchase, user training and monitoring of Energy Conservation and/or Renewable Energy that reduce fossil fuel based energy costs for General Fund and Enterprise Fund Programs that will demonstrably reduce energy consumption. This fund shall be known as the 3% for Energy Conservation and Renewable Energy Set-A-Side for Capital Improvements. The Planning for the fund shall be consistent with the requirements set forth in Article 2-12 ROA 1994.

(K) The Department of Finance and Administrative Services will budget 3% of the General Obligation Bond Program for the 3% for Energy Conservation and Renewable Energy Set-A-Side for Capital Improvements.

(L) Departmental applications for the 3% for the Energy Conservation and Renewable Energy Set-A-Side for Capital Improvements shall be submitted to the Facility, Energy & Security Management Division. A committee of City fiscal and technical staff shall approve selected projects based on established criteria. The

committee may consult with subject matter experts outside of the City Government in the selection of projects. Criteria shall include but are not limited to:

(1) The capital expenses of a project should be regained from energy savings generated from the project within the expected life of the equipment, and projects using renewable energy shall have a lower life cycle cost than a project using conventional energy based on the projected cost per unit by year for an energy resource as published in the United States Department of Energy, Energy Information Administration, Annual Energy Outlook Report or other sources identified by the committee. Preference shall be given to alternatives that meet the energy cost criteria.

(2) If a proposal is for construction or installation, the scope of the project shall only be for Energy Conservation and/or Renewable Energy in existing facilities.

(3) The monetary amount allocated to any one project shall not exceed 40% of the funding allocated to the 3% Energy Conservation and Renewable Energy Set-A-Side, during any one bond cycle unless approved by the City Council.

(4) The project shall be consistent with the requirements set forth in Paragraph (D) of this Section.

(M) The Mayor shall obtain a Certificate of No Effect or a Certificate of Approval for each project that meets the applicability criteria of Ordinance 25-2007 and that is part of the Capital Improvements Program or the Component Capital Improvements Program prior to construction of the project.

('74 Code, § 1-10-1) (Ord. 34-1975; Am. Ord. 8-1986; Am. Ord. 56-1988; Am. Ord. 23-1992; Am. Ord. 16-2001; Am. Ord. 52-2002; Am. Ord. 9-2005; Am. Ord. 35-2006; Am. Ord. 25-2007)

§ 2-12-2 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEST ENERGY PRACTICES. Management of energy production and consumption to reduce energy use and costs, implement renewable energy, promote clean energy sources and the efficiency and maintenance of the city's energy infrastructure.

ENERGY CONSERVATION. Building materials, equipment and machinery and supplies that reduce energy costs for Enterprise and General Fund Programs by demonstrably reducing energy consumption or by furthering the implementation of renewable energy sources.

RENEWABLE ENERGY. Any energy resource that is naturally regenerated over a short time scale and is generated by use of low- or zero-emissions technology with substantial long-term production potential or generated by renewable energy sources that may include (1) solar, wind, hydropower and geothermal resources; (2) fuel cells that are not fossil fueled; and (3) biomass resources, such as agricultural or animal waste, small diameter timber, salt cedar and other phreatophyte or woody vegetation, landfill gas and anaerobically digested waste biomass and new technologies as they emerge.

RENEWABLE ENERGY does not include electric energy generated by use of fossil fuel, waste products from fossil sources or nuclear energy.

(Ord. 35-2006)

§ 2-12-3 ADOPTING THE CAPITAL IMPROVEMENTS PROGRAM; PUBLICATION.

(A) The Mayor shall submit by November 21 of each even-numbered year, except as provided by division (C) of this section, the proposed Capital Improvements Program to the Environmental Planning Commission. The Environmental Planning Commission shall conduct at least one public hearing on responsibilities of the Commission for plans and policies on development and on protection of the environment as delineated in §§ 14-13-3-1 et seq. The Environmental Planning Commission shall submit its recommendations on the proposed program to the Mayor by December 1 of each even-numbered year. The Mayor is not required to revise the proposed Capital Improvements Program to incorporate the recommendations of the Environmental Planning Commission but may do so.

(B) The Mayor shall submit the proposed Capital Improvements Program, including any recommendations of the Environmental Planning Commission, to the Council by January 3 of each odd-numbered year, except as provided by division (C) of this section.

(C) The Capital Improvements Programs for the Air Quality, Aviation Enterprise, Parking Enterprise, Refuse Disposal, and Golf Enterprise Funds shall be developed in accordance with the following procedure:

(1) The capital improvements appropriations for the above referenced funds shall be developed by the Mayor in conjunction with operating budgets and supporting rate proposals, if any, and shall be submitted to the Council no later than April 1 of each year.

(2) The Mayor shall submit to the Council any proposed rate increases required for the proposed Capital Improvements Programs of the above referenced funds along with the operating budget no later than April 1st of each year. These Capital Improvement Program budgets shall be fully integrated into the proposed ten year program by the CIP Office.

(D) The Council shall approve the Capital Improvements Program as proposed or shall amend and approve it. Council action shall be within 60 days after it has been submitted by the Mayor. This period begins on the date of introduction of the CIP bill at a City Council meeting. The Council shall hold at least one public hearing on the proposed program.

(E) The city shall promptly publish the Capital Improvements Program as approved.

('74 Code, § 1-10-2) (Ord. 34-1975; Am. Ord. 8-1986; Am. Ord. 56-1988; Am. Ord. 35-1994; Am. Ord. 40-1995; Am. Ord. 16-2001; Am. Ord. 9-2005; Am. Ord. 35-2006; Am. Ord. 5-2007)

§ 2-12-4 CITY COUNCIL PARTICIPATION.

(A) Prior to January 31 of even-numbered years, the City Council shall adopt a resolution providing policy guidelines for the upcoming Capital Improvements Program. Should the Council fail to provide policy guidelines by the end of January, the Mayor's guidelines shall direct the development of the Capital Improvements Program.

(B) During the preparation of the proposed Capital Improvements Program by the Mayor, he shall furnish any requested information on departmental requests to the staff of the City Council and shall cooperate with City Council staff so that it may monitor the program development process and prepare preliminary analyses and other information for the City Council.

(C) A representative of the Council shall be allowed to attend the meetings during which the Mayor and CAO formally review the program recommendations by the CIP Review Group or other similar body.

(Ord. 26-1993; Am. Ord. 40-1995; Am. Ord. 16-2001; Am. Ord. 35-2006)

§ 2-12-5 AMENDING THE CAPITAL IMPROVEMENTS PROGRAM.

(A) When it appears to the Mayor that sound Capital Improvements Planning requires amending that part of the Capital Improvements Program which is included in the two-year Capital Improvements Budget before presentation of a new program is due, he may change the amount designated for a specific project without Council approval under any of the following circumstances. For purposes of this section, a "project" is defined as a capital-related activity for which there is a specific and unique Council appropriation.

(1) The change does not significantly alter the project's scope and the total change:

(a) Does not exceed 20% of the amount appropriated for that project in the Capital Improvements Program as approved if the appropriated amount for the project is less than one million dollars, and

(b) Does not exceed 10% of the amount appropriated for that project in the Capital Improvements Program as approved if the appropriated amount for the project is between one million dollars and five million dollars, and

(c) If the amount appropriated for the project is greater than five million dollars or the total increase or reduction will exceed the applicable percentage in subsections a and b herein of the amount designated for that project in the Capital Improvements Program, the Mayor shall submit his proposed change to the Council for approval.

(2) The change combines parallel projects, usually in succeeding bonding years, and does not change the nature of any project involved in the combination. The Mayor shall notify the Council of the change in writing at the next regularly scheduled Council meeting after the change takes place.

(3) The change combines all or parts of several projects into an approved or new project and does not change the nature of any project involved in the combination. The Mayor shall notify the Council of the change in writing at the next regularly scheduled Council meeting after the change takes place.

(B) When it appears to the Mayor that sound Capital Improvements Planning requires amending that part of the Capital Improvements Program which is included in the two-year Capital Improvements Budget before presentation of a new program is due, and the Mayor is not permitted to make the change under the terms of division (A) of this section, he shall act as follows:

(1) Before submitting an amendment to the Council the Mayor shall submit it to the Environmental Planning Commission for its evaluation; this need not involve a public hearing. However, this evaluation by the Environmental Planning Commission is not required in the following situations:

(a) The project is not contrary to adopted city plans, and would not significantly affect city public utility systems, neighborhood land use, transportation, or the environment; or

(b) The Environmental Planning Commission could not or does not provide an evaluation within the time that the Mayor feels is available in order for the city to respond to the special opportunity or need.

(2) The Mayor shall submit to the Council for approval his proposed amendment, including any recommendations of the Environmental Planning Commission, according to the following schedule:

(a) In March, he shall submit amendments to the Council.

(b) In October, he shall submit amendments to the Council which could not be foreseen when either the previous Capital Improvements Program or the previous March's amendments were presented to the Council, and in addition he finds that the amendments cannot prudently be delayed until the next Capital Improvements Program or March amendments.

(c) At other times, he shall submit amendments only in unforeseen emergency or opportunity situations which cannot prudently be delayed until the following regularly scheduled submissions of changes.

(C) Unless an amendment falls within division (A) or (B) above, the Capital Improvements Program shall not be amended until the next Capital Improvements Program is adopted.

(D) In no case shall funds be designated or transferred under the provisions of this section without said funds having been previously appropriated by the City Council, either to a project or to the contingency activity within the respective purpose.

('74 Code, § 1-10-6) (Ord. 76-1975; Am. Ord. 47-1981; Am. Ord. 12-1983; Am. Ord. 84-1985; Am. Ord. 40-1995; Am. Ord. 52-1999; Am. Ord. 16-2001; Am. Ord. 35-2006)
§ 2-12-6 PROGRESS REPORTS.

The Mayor shall submit a status report to the Council summarizing the implementation of each Capital Improvements Program at annual intervals until all projects in the approved Capital Improvements Program are completed. The annual report shall be submitted by the first Council meeting in September of each year.

(A) The annual report shall contain the following information for each current project in the Capital Improvements Program: (These requirements shall be included first in the September 2002 annual report.)

(1) Project name.

(2) Total estimate project cost.

(3) Total funding appropriated to project and also itemized as to source.

(4) Status, e.g. feasibility study completed, design completed, date construction began or is anticipated to begin.

(5) Estimated completion date of project.

(B) The status report shall also list every change made pursuant to § 2-12-5 and shall include the following information about each change:

(1) The specific project that was changed;

(2) The total amount originally approved by the Council for the project;

(3) The amount of the increase or decrease that was authorized without prior Council approval;

(4) The reason(s) for the change; and

(5) If the amount designated for a project was increased, the account(s) and project(s) from which the funds were transferred, or if the amount designated for a project was decreased, the account(s) and project(s) to which the funds were transferred.

(6) If a change combines all or parts of projects, the individual account(s) and project(s) which were combined and the amount of funds involved from each.

(C) An updated status report on Capital Projects shall be published on a quarterly basis on the city's website. Such report shall be user-friendly, accessible to the general public and contain graphic representation of Capital Projects in progress.

('74 Code, § 1-10-7) (Ord. 12-1983; Am. Ord. 11-1991; Am. Ord. 52-1999; Am. Ord. 16-2001; Am. Ord. 35-2006; Am. Ord. 18-2007)

§ 2-12-7 TRAILS AND BIKEWAYS SET ASIDE.

An amount not less than five percent of funding for the Public Works - Street purpose of the Public Works Department in the Capital Improvement Program shall be dedicated to trails and bikeways. The projects funded through this set aside shall be consistent with the adopted 1993 Rank II Trails and Bikeways Facility Plan or any subsequent updates to the plan. The funds shall be administered by the Capital Improvements Division of the Office of Management and Budget. A memorandum of understanding shall be developed between the Public Works Department, the Parks and Recreation Department, and the Planning Department for the purpose of administering the funds. The trails and bikeways set aside shall not be used as a justification to decrease funding for this purpose from other sources.

(Ord. 20-1994; Am. Ord. 16-2001; Am. Ord. 35-2006)

§ 2-12-8 METROPOLITAN TRANSPORTATION PLAN AND TRANSPORTATION IMPROVEMENT PROGRAM SUBMITTALS.

(A) The Mayor shall submit a proposed resolution to the City Council setting forth projects recommended for inclusion in the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP) of the Albuquerque Metropolitan Planning Area at least 30 days prior to the deadline for project submittals as established by the Metropolitan Planning Organization (MPO). Projects shall only be submitted to the MPO for inclusion in the MTP and/or the TIP by City Council resolution.

(B) The city in preparing the projects to be included in the MTP and the TIP shall adhere to the rules set forth in the Mid Region Council of Governments Manual on Policies and Procedures of the Transportation Improvement Program for the Albuquerque Metropolitan Area.

(C) The City Council may amend the recommended projects contained in the proposed resolution prior to adoption of the resolution and submission to the MPO.

(D) Except for adjusting Federal Transit Administration Grant amounts to reflect the Federal Register, amendments to the City of Albuquerque's adopted MTP or TIP project list shall be submitted to the City Council for approval before submittal to the Metropolitan Transportation Board if the change meets one or more of the following criteria:

- (1) A project is added to or deleted from the MTP or TIP.
- (2) There is a substantive change to a project scope.

(3) A funding timeline for the project is moved forward or backward by more than three years.

(4) Funding is removed or added that increases or decreases the dollar value of the federal funding for the project by more than 40%.

(5) Funding is removed or added that increases or decreases the dollar value of the federal funding for the project by more than two million dollars.

(E) A resolution adopting a project, or an amendment to an adopted project, shall include the following information about each project:

(1) The title.

(2) The geographic boundaries.

(3) The council district(s) the project is within.

(4) The transportation mode(s) the project supports.

(5) Whether the project procures rolling stock, capital facilities or planning and programming support.

(6) The project purpose including: does it add capacity to a facility, rehabilitate a facility, convert a facility from one mode to another or provide infrastructure for an additional transportation mode.

(7) Whether the project will reduce congestion and improve air quality.

(8) The city policies, plans or land use assumptions that authorize development of such a project.

(9) Identification of land use measure(s) (LUM(S)) the project furthers, how it furthers the LUM(S) and how the project supports the LUM(S).

(10) Goals and objectives established under the procedures of § 2-11-3 ROA 1994, that the project accomplishes or furthers.

(11) Whether the project is included in the Capital Improvement Program Decade Plan and also the Component Capital Improvement Plan.

(12) Total dollar value of the project.

(13) The value of federal funds requested for the project and the type of Federal Highway Administration or Federal Transit Administration funding category from which the funds are obtained.

(14) The value of state funds supplied to the project and the funding source within the state government from which they are provided.

(15) The value of city funds supplied to the project and the funding source.

(16) The value of private funds supplied to the project and the funding source.

(17) A schedule of the funding to be acquired by year.

(18) Other information the Mayor or City Council deems appropriate.

(F) The City Council may issue a request to the Mayor for "other information" pertaining to a project no later than five days before the first public hearing of the resolution.

(Ord. 26-2007)