

VILLAGE OF TAOS SKI VALLEY

RESOLUTION NO. 2021-449

A RESOLUTION OF THE VILLAGE OF TAOS SKI VALLY ESTABLISHING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE (CIAC) TO ASSIST IN THE ESTABLISHMENT OF DEVELOPMENT IMPACT FEES FOR IMPLEMENTATION OF THE VILLAGE'S CAPITAL IMPROVEMENTS PLAN, PURSUANT TO THE NEW MEXICO DEVELOPMENT FEES ACT, NMSA 1978, SECTION 5-8-1, *ET. SEQ.* ("THE ACT"), AND ESTABLISHING CRITERIA AND PROCEDURES FOR THE COMMITTEE IN CONFORMANCE WITH THE ACT

WHEREAS, the New Mexico Development Fees Act, NMSA 1978, Section 5-8-1 *et. seq.* ("the Act"), establishes a procedure for municipalities and counties to impose development impact fees;

WHEREAS, the imposition of development impact fees is necessary to ensure that new development pays for the infrastructure and service needs that new development generates both on-site and off-site, ultimately creating future sustainability within the Village;

WHEREAS, the imposition of development impact fees on new development enhances Village services, including, but not limited to, law enforcement, fire and emergency medical service, roads, water, sewer, open space and trails;

WHEREAS, long-term sustainability for the Village is accomplished by new development participating in funding on-site and off-site public facilities and public services, where the need for such services is generated directly by the development;

WHEREAS, the Village has undertaken a capital improvement planning process, in accordance with the New Mexico Development Fees Act, to create a valid basis for allowing the assessment of development impact fees through the eventual adoption of a Village ordinance;

WHEREAS, Section 5-8-37 of the Act requires the appointment of a Capital Improvements Advisory Committee (CIAC) and compliance with various other provisions of the Act that include notice and public hearings, as a condition of imposing an impact fee;

WHEREAS, pursuant to Section 5-8-19 of the Act, the governing body of a municipality or county shall appoint a CIAC on or before the date of enacting new development impact fees;

WHEREAS, the CIAC shall be composed of not less than five (5) members who shall be appointed by a majority vote of the Village Council;

WHEREAS, according to the Act, not less than forty percent (40%) of the membership of the CIAC must be representative of the real estate, development or building industries;

WHEREAS, pursuant to Section 5-8-37 (B), no members of the CIAC shall be employees or officials of a municipality or county or other governmental entity;

WHEREAS, pursuant to Section 5-8-37 (E), the Village Council may establish rules and procedures to govern the CIAC and its conduct, as set forth herein.

NOW, THEREFORE BE IT RESOLVED by the Council of the Village of Taos Ski Valley as follows:

1. A Capital Improvements Advisory Committee (CIAC) is hereby established in compliance with Section 5-8-37 of the New Mexico Development Fees Act ("the Act"), subject to the appointment of at least five (5) individuals by the Village Council by formal motion of the Council at a public meeting. In accordance with the Act, the CIAC serves in an advisory capacity and shall:

(a) advise and assist the Village in adopting land use assumptions;

(b) review the capital improvements plan and file written comments to the Village Council, or where designated by the Council, directly to the Village Planning and Zoning Commission;

(c) monitor and evaluate implementation of the Capital Improvements Plan at the direction of the Village Council, the Village Planning and Zoning Commission, and/or Village staff;

(d) file annual reports with respect to the progress of the Capital Improvements Plan and report to the Village any perceived inequities in implementing the Plan or imposing the impact fee;

(e) advise the Village of the need to update or revise the land use assumptions, the Capital Improvements Plan and/or impact fees; and

(f) limit its work to the above stipulated tasks.

2. In compliance with the Act, Section 5-8-37, the CIAC shall consist of at least five (5) members, forty percent (40%) of whom must be representative of the real estate, development (such as professional engineers, architects, or land use planners), or building industries.

3. Members of the CIAC shall be appointed by the Village Council based upon submitted letters of interest. The Village will advertise on its website any vacancies for application to the CIAC.

4. The purpose of the CIAC shall be to advise the Village Council and/or Village Planning Commission, acting through the Village Planning Department or Public Works Department, on matters related to capital improvements, land use assumptions, and development impact fees within the Village's municipal boundary. The CIAC's duties are limited to the following:

- (a) advising and assisting the Village in adopting land use assumptions;
- (b) reviewing the Capital Improvements Plan and filing written comments;
- (c) monitoring and evaluating implementation of the Capital Improvements Plan;
- (d) filing an annual report with respect to the progress of the Capital Improvements Plan and reporting any perceived inequities in implementing the Plan or imposing any development impact fees; and
- (e) advising the Village of the need to update or revise the land use assumptions, the Capital Improvements Plan, and any development impact fees.
- (f) hold meetings to review the Village's proposed Capital Improvements Plan and make written recommendations to the Village's Planning and Zoning Commission as part of the Village's formal adoption of a new Development Impact Fees ordinance.

5. Village staff shall make available to the CIAC any professional reports it possesses with respect to developing and implementing the Capital Improvements Plan.

6. Two (2) members of the Committee shall be appointed for an initial term of two (2) years, and three (3) members shall be appointed for an initial term of three (3) years. Any additional members shall be appointed for two (2) year terms. Thereafter, Committee members shall serve terms of three (3) years. In the event of a vacancy, the

Village Council shall appoint a member to serve out the remainder of the departing member's term, taking into consideration any recommendations from the Committee and Village staff to fill that vacancy.

7. There shall be no limitation on the number of consecutive terms that a member may serve.

8. The CIAC shall designate a Chair and Vice-Chair. The Chair and Vice-Chair of the Committee shall serve for a two (2) year term and shall be selected by majority vote of the members of the Committee.

9. Members of the CIAC may be removed by the Village Council with or without cause.

10. The CIAC shall meet at the call of its Chair, by approval of the Village Council, or Village Planning and Zoning Commission where authority has been designated, as often as is necessary to carry out its work, but no less than one meeting annually.

11. The meetings of the CIAC shall be held at such Village locations as may be conducive to visible and publicly accessible meetings. Meetings shall be held in accordance with all Village and State ordinances and resolutions applicable to public notice, open meetings, and rules of order followed during meetings. Minutes shall be taken of all meetings;

12. All matters coming before the CIAC shall be resolved by majority vote of a quorum of the Committee in attendance at a meeting.

13. The Village Administrator shall designate the Planning Director to serve as liaison to the CIAC, with the ability to substitute a different employee as needs arise.

14. The CIAC may be dissolved at any time by resolution of the Village Council.

15. Committee members shall not be entitled to receive a salary, per diem or mileage or any other form of compensation for any services they render in their capacity as members of the CIAC. Committee members are not employees or contractors of the Village and will not receive any related benefits;

17. CIAC members shall be subject to reasonable ethical standards and must disqualify themselves from voting on any matter in which they have a direct personal or financial interest by reason of their employment, business or spousal affiliation or familial relationship.

APPROVED, ADOPTED, AND PASSED by the Council of the Village of
Taos Ski Valley on this ____ day of ____.

A handwritten signature in cursive script, appearing to read "Christof Brownell", written over a horizontal line.

Mayor Christof Brownell

A handwritten signature in cursive script, appearing to read "Ann M. Wooldridge", written over a horizontal line.

Ann Wooldridge, Village Clerk