M. 2012.005

CITY OF ALBUQUERQUE CITY COUNCIL

1/10/12

INTEROFFICE MEMORANDUM

TO:

Richard J. Berry, Mayor

FROM:

Laura Mason, Director of Council Services

SUBJECT: Transmittal of Legislation

Transmitted herewith is <u>Bill No. R-11-305</u> Approving The Appointment Of A Director And Officer To Fill The Vacancies On The Governing Body Of The Montecito Estates Public Improvement District, Caused By The Resignation Of A Director And The Expiration Of A Four-Year Term To The Governing Body (Lewis, by request), which was passed at the Council meeting of January 4, 2012, by a vote of <u>9 FOR AND 0 AGAINST</u>.

In accordance with the provisions of the City Charter, your action is respectfully requested.

LM:dm Attachment 1/6/12

CITY of ALBUQUERQUE NINETEENTH COUNCIL

COUNCIL BILL NO. R-11-305 ENACTMENT NO. 4. 2012.005

SPONSORED BY:

Dan Lewis, by request

1 RESOLUTION APPROVING THE APPOINTMENT OF A DIRECTOR AND OFFICER TO FILL THE 2 VACANCIES ON THE GOVERNING BODY OF THE MONTECITO ESTATES 3 PUBLIC IMPROVEMENT DISTRICT, CAUSED BY THE RESIGNATION OF A 4 DIRECTOR AND THE EXPIRATION OF A FOUR-YEAR TERM TO THE 5 GOVERNING BODY, PURSUANT TO THE PUBLIC IMPROVEMENT DISTRICT 6 ACT, NMSA 1978, §§ 5-11-1 TO -27 (2009, AS AMENDED) AND CITY 7 ORDINANCE ENACTMENT NO. 0-2003-12, COUNCIL BILL NO. FS 0-03-84; AND 8 REPEALING ALL ACTIONS INCONSISTENT WITH THIS RESOLUTION. 9 Capitalized terms used herein shall have the meanings assigned in City 10 Council Bill No. R-07-246, Enactment No. R-2007-081, adopted on June 18, 11 Bracketed/Strikethrough Material] - Deletion Bracketed/Underscored Material] - New 12 2007 (the "District Formation Resolution"), except as otherwise defined in this 13 Resolution, or unless the context clearly requires otherwise. WHEREAS, pursuant to § 5-11-9(A) of the Act, the Council is empowered to 14 appoint a director to fill the vacancy on the Governing Body of the District 15 because of death, resignation or inability of the director to discharge the 16 17 duties of director, which appointee shall hold office for the remainder of the unexpired term until a successor is appointed or elected; and 18 WHEREAS, pursuant to § 5-11-6(A) of the Act, the Council is empowered to 19 appoint a treasurer from the appointed members of the Governing Body of the 20 21 District; and 22 WHEREAS, pursuant to Section 6.C of the District Formation Resolution,

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four-year term has now expired; and

Jacques Blair was appointed to a four-year term to the Governing Body of the

District, which was accepted and commenced on August 8, 2007 and which

WHEREAS, pursuant to Section 1.B of City Council Bill No. R-09-253,

- 1 Enactment No. R-2009-075, adopted on June 2, 2009, Greg Stricklin was
- 2 appointed to hold office as Director and District Treasurer for the remainder of
- 3 Robert Young's initial four-year term to the Governing Body of the District, as
- 4 described in Section 6.C of the District Formation Resolution, which four-year
- 5 term has now expired; and
- 6 WHEREAS, pursuant to Section 6.B of the District Formation Resolution,
- 7 Michael Cadigan was appointed to a six-year term to the Governing Body of
- 8 the District, which six-year term has not expired; and
- 9 WHEREAS, the District understands that on or about November 30, 2009
- 10 Michael Cadigan resigned as a member of the Governing Body of the District.
- 11 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
- 12 ALBUQUERQUE:
- 13 <u>Section 1</u>. <u>Appointments to the Governing Body of the District</u>.
- 14 A. Pursuant to § 5-11-9(A) of the Act, the Council hereby appoints
- 15 Jacques Blair to replace Michael Cadigan as a member of the Governing Body
- 16 of the District. Jacques Blair, who previously served a four-year term that has
- 17 expired, shall hold his newly appointed office for the remainder of the
- 18 unexpired six-year term until his successor is appointed or elected.
 - B. Pursuant to § 5-11-6(A) of the Act, the Council hereby appoints
 - Christopher Daniel, a current member of the Governing Body of the District, to
 - replace Greg Stricklin as Treasurer of the District. Christopher Daniel shall
 - hold office for the remainder of the unexpired term until his successor is
 - appointed or elected.
 - Section 2. Repealer. All ordinances or resolutions, or parts thereof in
 - conflict with the provisions of this Resolution, are hereby repealed to the
 - extent only of such inconsistency. This repealer shall not be construed to
 - revive any ordinance or resolution, or part thereof, heretofore repealed.
 - Section 3. Severability. If any section, paragraph, clause or provision of
- 29 this Resolution shall for any reason be held to be invalid or unenforceable, the
- 30 invalidity or unenforceability of such section, paragraph, clause or provision
- 31 shall in no manner affect any remaining provisions of this Resolution.

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9	Trudy E. Jones, President			
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