

# CITY of ALBUQUERQUE TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-8 ENACTMENT NO. R-2020-014

SPONSORED BY: Cynthia D. Borrego

1 RESOLUTION  
2 APPROVING THE APPOINTMENT OF DIRECTORS TO FILL VACANCIES ON  
3 THE GOVERNING BODY OF THE TRAILS PUBLIC IMPROVEMENT DISTRICT  
4 CAUSED BY THE RESIGNATION OF AN ELECTED DIRECTOR BEFORE THE  
5 END OF HIS TERM PURSUANT TO THE PUBLIC IMPROVEMENT DISTRICT  
6 ACT, NMSA 1978, SECTIONS 5-11-1 THROUGH 27, AS AMENDED, AND CITY  
7 ENACTMENT NO. O-2003-012; AND REPEALING ALL ACTIONS  
8 INCONSISTENT WITH THIS RESOLUTION.

9 Capitalized terms used herein shall have the meanings assigned in City  
10 Enactment No. 2008-019, adopted on February 4, 2008 (the “Formation  
11 Resolution”), except as otherwise defined in this Resolution, or unless the  
12 context clearly requires otherwise.

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

13 WHEREAS, Section 5-11-9(A) of the Act provides that: “The governing  
14 body, at its option, may authorize the appointment of a separate district board.  
15 In the case of an appointed district board, three of the appointed directors  
16 shall serve an initial term of six years. Two of the appointed directors shall  
17 serve an initial term of four years. The resolution forming the district shall  
18 state which directors shall serve four-year terms and which shall serve six-  
19 year terms. If a vacancy occurs on the district board because of death,  
20 resignation or inability of the director to discharge the duties of director, the  
21 governing body shall appoint a director to fill the vacancy, who shall hold  
22 office for the remainder of the unexpired term until a successor is appointed  
23 or elected.”; and

24 WHEREAS, Section 5-11-9(C) of the Act provides that: “At the end of the  
25 appointed directors’ terms, the governing body shall resume governance of  
26 the district as its board either directly or through the governing body’s

[Bracketed/Underscored Material] - New  
[Braeketed/Strikethrough-Material] - Deletion

1 designees or, at the governing body’s option, shall hold an election of new  
2 directors by majority vote of the qualified electors and owners.”; and

3 WHEREAS, Section 6(E) of the Formation Resolution provides that “within  
4 six years following the date of formation of the District, either the District shall  
5 hold an election of members of the Governing Body as required by law, or the  
6 City Council shall appoint five then-sitting Councilors to serve as the  
7 Governing Body.”; and

8 WHEREAS, on March 17, 2015, pursuant to the foregoing provisions, the  
9 District held an election to replace all five seats on the Governing Board with  
10 new directors (the “Election”); and

11 WHEREAS, at the Election, the qualified electors and owners within the  
12 District cast ballots for only three candidates, leaving two vacant seats  
13 remaining on the Governing Board; and

14 WHEREAS, following the Election, the Governing Board has been  
15 composed of three members: Kelly Calhoun, Rick Beltramo, and John L.  
16 Murtagh; and

17 WHEREAS, member Rick Beltramo has resigned from the Governing  
18 Board; and

19 WHEREAS, as a result of the resignation of Rick Beltramo three seats on  
20 the Governing Board will be vacant, resulting in the inability of the Governing  
21 Board to obtain a quorum.

22 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
23 ALBUQUERQUE:

24 Section 1. Appointments to the Governing Body of the District.  
25 Christopher Melendrez, Thomas Menicucci, and Joseph T. Griego are hereby  
26 appointed to fill the vacant seats on the Governing Board of the District until  
27 such time that an election by a majority vote of the residents of the District is  
28 held.

29 Section 2. Repealer. All ordinances or resolutions, or parts thereof in  
30 conflict with the provisions of this Resolution are hereby repealed to the  
31 extent only of such inconsistency. This repealer shall not be construed to  
32 revive any ordinance or resolution, or part thereof, heretofore repealed.


1           **Section 3. Severability. If any section, paragraph, clause or provision of**  
2 **this Resolution shall for any reason be held to be invalid or unenforceable, the**  
3 **invalidity or unenforceability of such section, paragraph, clause or provision**  
4 **shall in no manner affect any remaining provisions of this Resolution.**

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

**[Bracketed/Underscored Material] - New**  
**[Bracketed/Strikethrough-Material] - Deletion**


1 PASSED AND ADOPTED THIS 3rd DAY OF February, 2020  
2 BY A VOTE OF: 8 FOR 0 AGAINST.


3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

  
\_\_\_\_\_  
Patrick Davis, President  
City Council

APPROVED THIS 10 DAY OF Feb, 2020

Bill No. R-20-8

  
\_\_\_\_\_  
Timothy M. Keller, Mayor  
City of Albuquerque

ATTEST:  
  
\_\_\_\_\_  
Ethan Watson, Acting City Clerk

[ + Bracketed/Underscored Material + ] - New  
[ - Bracketed/Strikethrough Material - ] - Deletion