

CITY of ALBUQUERQUE

NINETEENTH COUNCIL

COUNCIL BILL NO. R-11-305 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis, by request

1 RESOLUTION
2 APPROVING THE APPOINTMENT OF A DIRECTOR AND OFFICER TO FILL THE
3 VACANCIES ON THE GOVERNING BODY OF THE MONTECITO ESTATES
4 PUBLIC IMPROVEMENT DISTRICT, CAUSED BY THE RESIGNATION OF A
5 DIRECTOR AND THE EXPIRATION OF A FOUR-YEAR TERM TO THE
6 GOVERNING BODY, PURSUANT TO THE PUBLIC IMPROVEMENT DISTRICT
7 ACT, NMSA 1978, §§ 5-11-1 TO -27 (2009, AS AMENDED) AND CITY
8 ORDINANCE ENACTMENT NO. 0-2003-12, COUNCIL BILL NO. FS 0-03-84; AND
9 REPEALING ALL ACTIONS INCONSISTENT WITH THIS RESOLUTION.

10 Capitalized terms used herein shall have the meanings assigned in City
11 Council Bill No. R-07-246, Enactment No. R-2007-081, adopted on June 18,
12 2007 (the "District Formation Resolution"), except as otherwise defined in this
13 Resolution, or unless the context clearly requires otherwise.

14 WHEREAS, pursuant to § 5-11-9(A) of the Act, the Council is empowered to
15 appoint a director to fill the vacancy on the Governing Body of the District
16 because of death, resignation or inability of the director to discharge the
17 duties of director, which appointee shall hold office for the remainder of the
18 unexpired term until a successor is appointed or elected; and

19 WHEREAS, pursuant to § 5-11-6(A) of the Act, the Council is empowered to
20 appoint a treasurer from the appointed members of the Governing Body of the
21 District; and

22 WHEREAS, pursuant to Section 6.C of the District Formation Resolution,
23 Jacques Blair was appointed to a four-year term to the Governing Body of the
24 District, which was accepted and commenced on August 8, 2007 and which
25 four-year term has now expired; and

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

[Bracketed/Underscored Material] - New
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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 THAT:

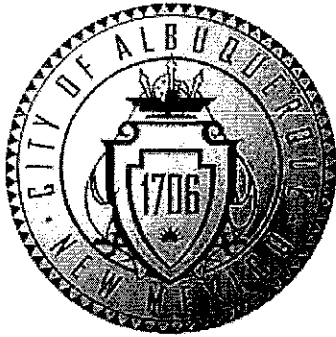
13 Section 1. Appointments to the Governing Body of the District.

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.

19 B. Pursuant to § 5-11-6(A) of the Act, the Council hereby appoints
20 Christopher Daniel, a current member of the Governing Body of the District, to
21 replace Greg Stricklin as Treasurer of the District. Christopher Daniel shall
22 hold office for the remainder of the unexpired term until his successor is
23 appointed or elected.

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

28 Section 3. Severability. If any section, paragraph, clause or provision of
29 his 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.



Mayor Richard J. Berry

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor

INTER-OFFICE MEMORANDUM

September 29, 2011

TO: Don Harris, President, City Council

FROM: Richard J. Berry, Mayor 

SUBJECT: Governance of the Montecito Estates Public Improvement District

Pursuant to the PID Act and City Ordinance Enactment No. 0-2003-12, Council Bill No. FS 0-03-84, the Council enacted the Formation Resolution for the Montecito Estates Public Improvement District (Council Bill No. R-07-246), in which the Council approved the formation of the District for the principle purpose of financing certain public infrastructure improvements.

Pursuant the section 6 of the Formation Resolution, Section 5-11-9(A), NMSA 1978, and Section 1 of Council Bill No. R-09-253, the following five (5) individuals were most recently named as the members and, as applicable, officers, of the District Board of Directors: Michael Riordan (6-year term), Michael Cadigan (6-year term), Christopher Daniel (6-year term and District Clerk), Jacques Blair (4-year term), and Greg Stricklin (4-year term and District Treasurer).

Of the appointed members of the District Board, Michael Cadigan and Greg Stricklin have resigned and the 4-year term of Jacques Blair has now expired. The following person has agreed to serve as a replacement member of the District Board: Jacques Blair (replacing Michael Cadigan). Christopher Daniel has also agreed to act as District Treasurer. Messrs. Blair and Daniel would hold their respective office for the remainder of the unexpired six-year term until his successor is appointed or elected.

Approval of the appointment of Jacques Blair to the District Board of Directors and of the appointment of Christopher Daniel as District Treasurer is respectfully requested.

This Executive Communication is being forwarded to City Council for approval.

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DATE 09/29/2011

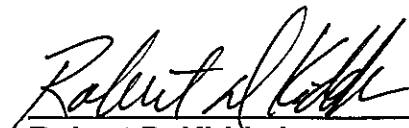
SUBJECT: Governance of the Montecito Estates Public Improvement District

Approved:

 10/10/11

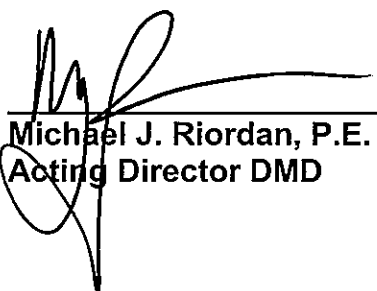
Robert J. Perry Date
Chief Administrative Officer

Approved as to Legal Form:

 10/6/11

Robert D. Kidd, Jr. Date
Interim City Attorney

Recommended:

 9/29/11

Michael J. Riordan, P.E. Date
Acting Director DMD



Cover Analysis

1. What is it?

The attached is a resolution for filling vacancies on the governing body of the Montecito Estates Public Improvement District.

2. What will this piece of legislation do?

The legislation will name new members of the District's governing body.

3. Why is this project needed?

Sections 5-11-6.A and 9.A, NMSA 1978 provide that the City Council is directed to fill the vacancies on the governing body of District.

4. How much will it cost and what is the funding source?

No costs are associated with this action.

5. Is there a revenue source associated with this contract? If so, what level of income is projected?

N/A

6. What will happen if the project is not approved?

The City will have failed to comply with state law and the governing body of the District would likely be unable to attain a quorum and govern the District.

7. Is this service already provided by another entity?

No.