

# **CITY OF ALBUQUERQUE**

## **TWENTY FIFTH COUNCIL**

**COUNCIL BILL NO.** R-22-48 **ENACTMENT NO.**

**SPONSORED BY:** Dan Lewis

1 **RESOLUTION**

2 APPROVING THE APPOINTMENT OF DIRECTOR TO FILL VACANCIES ON THE  
3 GOVERNING BODY OF THE MONTECITO ESTATES PUBLIC IMPROVEMENT  
4 DISTRICT, CAUSED BY THE LACK DECLARATION OF CANDIDATES TO  
5 SERVE ON THE BOARD IN THE LOCAL ELECTION, PURSUANT TO THE  
6 PUBLIC IMPROVEMENT DISTRICT ACT, NMSA 1978, §§ 5-11-1 TO -27 (2013,  
7 AS AMENDED) AND CITY ORDINANCE ENACTMENT NO. 0-2003-12, COUNCIL  
8 BILL NO. FS 0-03-84; AND REPEALING ALL ACTIONS INCONSISTENT WITH  
9 THIS RESOLUTION.

10       Capitalized terms used herein shall have the meanings assigned in City  
11      Resolution Enactment No. R-2007-081 (the “District Formation Resolution”),  
12      except as otherwise defined in this Resolution, or unless the context clearly  
13      requires otherwise.

14       **WHEREAS**, the five District Board positions expired in 2021; and  
15       **WHEREAS**, pursuant to Local Election Act, the Board notified Bernalillo  
16       County of the positions to be filled in the local election; and  
17       **WHEREAS**, no qualified candidates submitted a declaration of candidacy  
18       for the vacant positions; and

19 WHEREAS, pursuant to § 5-11-9(A) of the Act, the Council is empowered to  
20 appoint a director to fill the vacancy on the Governing Body of the District,  
21 which appointee shall hold office for the remainder of the unexpired term until  
22 a successor is appointed or elected: and

23 WHEREAS, the Board has recruited a combination of existing Board  
24 members, other City employees with financial, planning, and/or infrastructure  
25 experience, and a local neighborhood representative to comprise the Board by  
26 appointment of City Council.

1    **BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
2    **ALBUQUERQUE:**

3    **Section 1. Appointment to the Governing Body of the District.**

4       A. Pursuant to § 5-11-9(A) of the Act, the Council hereby appoints Tom  
5    Menicucci and Jesse Muniz as members of the Governing Body of the District,  
6    for the unexpired terms of four years, which commenced January 1, 2022, or  
7    until their successors are appointed or elected. Pursuant to § 5-11-9(A) of the  
8    Act, the Council hereby appoints Lawrence Davis, Mikaela Renz-Whitemore,  
9    and Robin Mitchell as members of the Governing Body of the District, for the  
10   unexpired terms of six years, which commenced January 1, 2022, or until their  
11   successors are appointed or elected.

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

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

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