CITY of ALBUQUERQUE TWENTIETH COUNCIL

COUNCIL BILL NO. R-12-120 **ENACTMENT NO. SPONSORED BY: Dan Lewis** 1 **RESOLUTION** 2 APPROVING THE APPOINTMENT OF A DIRECTOR TO FILL A VACANCY ON THE GOVERNING BODY OF THE MESA DEL SOL TAX INCREMENT 3 4 DEVELOPMENT DISTRICTS 1 THROUGH 5 CAUSED BY THE RESIGNATION 5 OF A CERTAIN DIRECTOR PURSUANT TO THE TAX INCREMENT FOR DEVELOPMENT ACT, NMSA 1978, SECTIONS 5-15-1 THROUGH 28 NMSA, AS 6 7 AMENDED, CITY ENACTMENT NO. O-2006-44, CITY ENACTMENTS NO. R-8 2006-126, R-2007-174, R-2009-266, AND R-10-110; AND REPEALING ALL 9 **ACTIONS INCONSISTENT WITH THIS RESOLUTION.** 10 Capitalized terms used herein shall have the meanings assigned in City 11 Enactment No. R-2006-126, adopted on December 18, 2006 (the "Formation" Deletion 12 Resolution"), except as otherwise defined in this Resolution, or unless the 13 context clearly requires otherwise. WHEREAS, Section 5-15-10(B) of the Act has been amended to provide that: "The District shall be governed by the governing body that adopted a resolution to form the district or by a five member board composed of four members appointed by that governing body; provided, however, that the fifth member of the five member board is the secretary of finance and administration or the secretary's designee with full voting privileges."; and WHEREAS, pursuant to Section 5-15-10(C) of the Act, the Council is empowered to appoint a director to fill a vacancy on the governing body of the District because of death, resignation or inability of a director to discharge the 23 duties of director, which appointee shall hold office for the remainder of the 24 unexpired term until a successor is appointed or elected; and 25 WHEREAS, Section 1 of City Enactment No. R-12-107 adopted on 26 November 19, 2012 revised the composition of the governing body of the

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1	174, adopted on January 10, 2007 (the "Dedication Resolution") such that		
2	Section 6(A) of the Dedication Resolution currently reads as follows:		
3	"A. The Districts' governing body shall be composed of the following five		
4	voting members and one ex officio, nonvoting member:		
5	i)	The City Councilor from District 3, who is currently Isaac	
6	Benton;		
7	ii)	The President and Vice President of the City Council, who are	
8	currently Don Harris and Rey Garduño, respectively;		
9	iii)	Gilbert Montaño, the Deputy Chief Administrative Officer of the	
10	City of Albuquerque; and		
11	iv)	the Secretary of Finance and Administration or his designee.	
12	Non Voting Ex Officio member:		
13	v)	A representative of the Applicant who is currently Brent	
14	Dupes;		
15	Gilbert Montaño continues as the appointed clerk of Districts 1 through 5		
16	and Brent Dupes continues as the appointed treasurer of Districts 1 through 5.		
17	In the event	t that the Councilor from District 3 is elected to serve as either	
<u> 18</u>	the President or Vice-President of the City Council, the Councilor from District		
19	2 shall fill the vacancy created on the District's governing board.		
20	Within six years following the formation of Districts 1 through 5, the board		
21	shall hold an e	election of new directors by majority vote of owners and	
22	qualified resident electors in accordance with the Act."; and		
23	WHEREAS, Brent Dupes is no longer employed by the Developer and has		
24	resigned from the District's governing board;		
25	BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY		
26	OF ALBUQUERQUE:		
27	Section 1.	Appointments to the Governing Body of the District. Section 1	
28	of City Enactment No. R-10-110 is amended to read as follows:		
<u>5</u> 29	"A. The Districts' governing body shall be composed of the following five		
30	voting members and one ex officio, nonvoting member:		
31	i)	The City Councilor from District 6, who is currently Rey	
32	Garduño;		

1	ii) The President and Vice President of the City Council, who are		
2	currently Dan Lewis and Ken Sanchez, respectively;		
3	iii) Gilbert Montaño, the Deputy Chief Administrative Officer of the		
4	City of Albuquerque; and		
5	iv) the Secretary of Finance and Administration or his designee.		
6	Non Voting Ex Officio member:		
7	v) A representative of the Applicant who is currently Amy Brown;		
8	Gilbert Montaño continues as the appointed clerk of Districts 1 through 5		
9	and Amy Brown is appointed treasurer of Districts 1 through 5.		
10	In the event that the Councilor from District 6 is elected to serve as either		
11	the President or Vice-President of the City Council, the Councilor from District		
12	2 shall fill the vacancy created on the District's governing board.		
13	Within six years following the formation of Districts 1 through 5, the board		
14	shall hold an election of new directors by majority vote of owners and		
15	qualified resident electors in accordance with the Act."		
16	Section 2. Repealer. All ordinances or resolutions, or parts thereof in		
17	conflict with the provisions of this Resolution, are hereby repealed to the		
18	extent only of such inconsistency. This repealer shall not be construed to		
19	revive any ordinance or resolution, or part thereof, heretofore repealed.		
20	Section 3. Severability. If any section, paragraph, clause or provision of		
21	this Resolution shall for any reason be held to be invalid or unenforceable, the		
22	invalidity or unenforceability of such section, paragraph, clause or provision		
23	shall in no manner affect any remaining provisions of this Resolution.		
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