

**CITY of ALBUQUERQUE  
TWENTIETH COUNCIL**

COUNCIL BILL NO. R-12-120

ENACTMENT NO. R. 2012.108

SPONSORED BY: Dan Lewis

1 RESOLUTION  
2 APPROVING THE APPOINTMENT OF A DIRECTOR TO FILL A VACANCY ON  
3 THE GOVERNING BODY OF THE MESA DEL SOL TAX INCREMENT  
4 DEVELOPMENT DISTRICTS 1 THROUGH 5 CAUSED BY THE RESIGNATION  
5 OF A CERTAIN DIRECTOR PURSUANT TO THE TAX INCREMENT FOR  
6 DEVELOPMENT ACT, NMSA 1978, SECTIONS 5-15-1 THROUGH 28 NMSA, AS  
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  
12 Resolution"), except as otherwise defined in this Resolution, or unless the  
13 context clearly requires otherwise.

14 WHEREAS, Section 5-15-10(B) of the Act has been amended to provide  
15 that: "The District shall be governed by the governing body that adopted a  
16 resolution to form the district or by a five member board composed of four  
17 members appointed by that governing body; provided, however, that the fifth  
18 member of the five member board is the secretary of finance and  
19 administration or the secretary's designee with full voting privileges."; and

20 WHEREAS, pursuant to Section 5-15-10(C) of the Act, the Council is  
21 empowered to appoint a director to fill a vacancy on the governing body of the  
22 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  
27 Districts as originally provided in Section 6(A) of City Enactment No. R-2007-

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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 Montañó, 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 Montañó 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 that the Councilor from District 3 is elected to serve as either  
18 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 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 OF  
26 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:

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;

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- 1           ii)     The President and Vice President of the City Council, who are  
2 currently Dan Lewis and Ken Sanchez, respectively;  
3           iii)    Gilbert Montaña, 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 Montaña 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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1 PASSED AND ADOPTED THIS 17<sup>th</sup> DAY OF December 2012  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

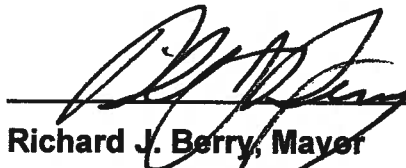
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Dan Lewis, President  
City Council

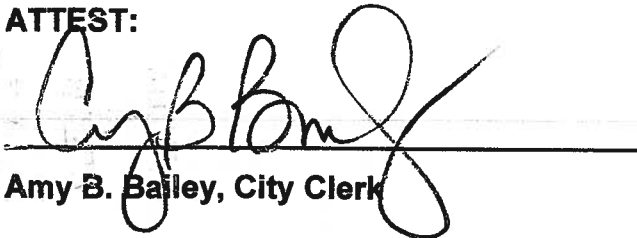
APPROVED THIS 8 DAY OF January, 2013

Bill No. R-12-120



Richard J. Berry, Mayor  
City of Albuquerque

ATTEST:



Amy B. Bailey, City Clerk

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