

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
[Bracketed/Strikethrough Material] - Deletion

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

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:

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 this 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.

32

33 X:\SHARE\Legislation\Nineteen\R-305final.DOC