

R-2019-014

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**CITY OF ALBUQUERQUE**  
**CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO:** Timothy M. Keller, Mayor

**FROM:** Stephanie M. Yara, Director of Council Services *WJ 2/26/19*

**SUBJECT:** Transmittal of Legislation

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Transmitted herewith is Bill No. R-19-125 Approving The Appointment Of A Director To Fill A Vacancy On The Governing Body Of The Mesa Del Sol Tax Increment Development Districts 1 Through 5 Caused By The Resignation Of A Certain Director Pursuant To The Tax Increment For Development Act, NMSA 1978, Sections 5-15-1 Through 28, As Amended (Davis), which was passed at the Council meeting of February 20, 2019, by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

SY:dm  
Attachment  
2/22/2019

# CITY of ALBUQUERQUE

## TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-125 ENACTMENT NO. R-2019-014

SPONSORED BY: Patrick Davis

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 OF  
5 A CERTAIN DIRECTOR PURSUANT TO THE TAX INCREMENT FOR  
6 DEVELOPMENT ACT, NMSA 1978, SECTIONS 5-15-1 THROUGH 28 NMSA,  
7 AS AMENDED, CITY ENACTMENT NO. O-2006-44, CITY ENACTMENTS NO.  
8 R-2006-126, R-2007-174, R-2009-142, R-2010-104, R-2012-101, R-2012-  
9 108, R-2014-095, AND R-2018-040; AND REPEALING ALL ACTIONS  
10 INCONSISTENT WITH THIS RESOLUTION.

11 Capitalized terms used herein shall have the meanings assigned in City  
12 Enactment No. R-2006-126, adopted on December 18, 2006 (the "Formation  
13 Resolution"), except as otherwise defined in this Resolution, or unless the  
14 context clearly requires otherwise.

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

21 WHEREAS, pursuant to Section 5-15-10(C) of the Act, the Council is  
22 empowered to appoint a director to fill a vacancy on the governing body of the  
23 District because of death, resignation or inability of a director to discharge the  
24 duties of director, which appointee shall hold office for the remainder of the  
25 unexpired term until a successor is appointed or elected; and

1 WHEREAS, Section 1 of City Enactment No. R-2018-040, enacted on  
2 June 18, 2018 revised the composition of the governing body of the Districts as  
3 originally provided in Section 6(A) of City Enactment No. R-2007-174, adopted  
4 on January 10, 2007 (the "Dedication Resolution") such that Section 6(A) of  
5 the Dedication Resolution currently reads as follows:

6 "A. The Districts' governing body shall be composed of the following  
7 five voting members and one ex officio, nonvoting member:

- 8 i) The City Councilor from District 6, who is currently Pat Davis;  
9 ii) The President and Vice President of the City Council, who are  
10 currently Ken Sanchez and Don Harris, respectively;  
11 iii) Sunalei Stewart, the Deputy Chief Administrative Officer/Chief of  
12 Staff of the City of Albuquerque; and  
13 iv) The Secretary of Finance and Administration or his designee.

14 Non Voting Ex Officio member:

- 15 v) A representative of the Applicant who is currently Brent Dupes.

16 Sunalei Stewart is appointed the clerk of Districts 1 through 5 and Brent  
17 Dupes continues as the appointed treasurer of Districts 1 through 5.

18 In the event that the Councilor from District 6 is elected to serve as either  
19 the President or Vice-President of the City Council, the Councilor from District 2  
20 shall fill the vacancy created on the Districts' governing board.

21 Within six years following the formation of Districts 1 through 5, the  
22 board shall hold an election of new directors by majority vote of owners and  
23 qualified resident electors in accordance with the Act."; and

24 WHEREAS, the City's former Deputy Chief Administrative Officer/Chief of  
25 Staff of the City, Sunalei Stewart, has resigned from the City and from the  
26 Districts' boards.

27 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
28 ALBUQUERQUE:

29 Section 1. Appointments to the Governing Body of the District. Section  
30 1 of City Enactment No. R-2018-040 is amended to read as follows:

31 "A. The Districts' governing body shall be composed of the  
32 following five voting members and one ex officio, nonvoting member:

- i) The City Councilor from District 6, who is currently Pat Davis;
- ii) The President and Vice President of the City Council, who are currently Klarissa J. Peña and Cynthia D. Borrego, respectively;
- iii) The Chief Operating Officer of the City of Albuquerque, who is currently Lawrence Rael; and
- iv) The Secretary of Finance and Administration or his designee.

Non Voting Ex Officio member:

- v) A representative of the Applicant who is currently Brent Dupes.

Lawrence Rael is appointed the clerk of Districts 1 through 5 and Brent Dupes continues as the appointed treasurer of Districts 1 through 5.

In the event that the Councilor from District 6 is elected to serve as either the President or the Vice-President of the City Council, the Councilor from District 2 shall fill the vacancy created on the District's governing board.

Within six years following the formation of Districts 1 through 5, the board shall hold an election of new directors by majority vote of owners and qualified resident electors in accordance with the Act."

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

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

1 PASSED AND ADOPTED THIS 20th DAY OF February, 2019  
2 BY A VOTE OF: 9 FOR 0 AGAINST.  
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9 Klarissa J. Peña, President  
10 City Council

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12 APPROVED THIS 04 DAY OF March, 2019  
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15 Bill No. R-19-125  
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20 Timothy M. Keller, Mayor  
21 City of Albuquerque  
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25 ATTEST:

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28 Katy Duhigg, City Clerk  
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