

R-2019-015

**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

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

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. R-19-126 Approving The Appointment Of A Director To Fill A Vacancy On The Governing Body Of The Winrock Town Center Tax Increment Development Districts 1 And 2 (Collectively, The "District") 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 (Gibson), 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-19-126 ENACTMENT NO. R-2019-015

SPONSORED BY: Diane G. Gibson

1 RESOLUTION
2 APPROVING THE APPOINTMENT OF A DIRECTOR TO FILL A VACANCY ON
3 THE GOVERNING BODY OF THE WINROCK TOWN CENTER TAX INCREMENT
4 DEVELOPMENT DISTRICTS 1 AND 2 (COLLECTIVELY, THE "DISTRICT")
5 CAUSED BY THE RESIGNATION OF A CERTAIN DIRECTOR PURSUANT TO THE
6 TAX INCREMENT FOR DEVELOPMENT ACT, NMSA 1978, SECTIONS 5-15-1
7 THROUGH 28 NMSA, AS AMENDED, CITY ENACTMENT NO. O-2006-036,
8 CITY ENACTMENTS NO. R-2008-120, R-2009-005, R-2010-020, R-2011-037,
9 R-2011-073, R-2013-073, AND R-2018-041; 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-2008-120, adopted on October 6, 2008 (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, City Enactment No. R-2010-020 adopted on January 4,
2 2010, City Enactment No. R-2011-037 adopted on May 16, 2011, City
3 Enactment No. R-2011-073 adopted on August 15, 2011, and City Enactment
4 No. R-2013-073 adopted on August 19, 2013, revised the composition of the
5 governing body of the Districts as originally provided in Section 8(A) of the
6 Formation Resolution such that Section 8(A) of the Formation Resolution reads
7 as follows:

8 "A. The District's governing body shall be composed of the following five
9 voting members and two ex officio, nonvoting members:

- 10 i) The City Councilor from District 7;
11 ii) The City's Deputy Chief Administrative Officer;
12 iii) The Director of the Economic Development Department of
13 Bernalillo County, Mayling Armijo or a representative designated by letter from
14 the County Commission to the Governing Board;
15 iv) The designated representative of the Applicant; and
16 v) The Secretary of Finance and Administration or his designee.

17 Non Voting Ex Officio members:

- 18 i) The State Representative for District 25 (the District in which
19 the Real Property is located; and
20 ii) The State Senator for District 15 (the District in which the Real
21 Property is located).

22 The City Councilor sitting on the Board shall be the Chair of the Board,
23 City's Deputy Chief Administrative Officer, shall be the clerk of District and a
24 designated representative of the Applicant is appointed treasurer of District.

25 Within six years following the formation of District, the board shall hold
26 an election of new directors by majority vote of owners and qualified resident
27 electors in accordance with the Act or governance of the District shall then
28 revert to the City Council"; and

29 WHEREAS, the City's former Deputy Chief Administrative Officer, Sunalei
30 Stewart, has resigned from the City and from the District boards.

31 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
32 ALBUQUERQUE:

1 **Section 1. Appointments to the Governing Body of the District.** Section
2 8(A) of the Formation Resolution and Section 6 of the Development Agreement
3 Resolution are amended to read as follows:

4 **"A. The District's governing body shall be composed of the**
5 **following five voting members and two ex officio, nonvoting members:**

6 b> i) The City Councilor from District 7, who is currently Diane

7 Gibson;

8 b> ii) The Chief Operating Officer of the City, who is currently

9 Lawrence Rael;

10 b> iii) The Director of the Economic Development Department of

11 Bernalillo County, or a representative designated by letter from the County

12 Commission to the District Board;

13 b> iv) The designated representative of the Applicant, who is currently

14 Debbie Bonsignore; and

15 b> v) The Secretary of Finance and Administration, or his designee.

16 Non-voting Ex Officio members:

17 b> i) The State Representative for District 25 (the District in which

18 the Real Property is located); and

19 b> ii) The State Senator for District 15 (the District in which the Real

20 Property is located).

21 The City Councilor from District 7 shall serve as the Chair of the District

22 Board, the City's Chief Operating Officer is appointed Clerk of the District

23 Board, and the designated representative of the Applicant is appointed treasurer

24 of District.

25 Within six years following the formation of District, the board shall hold

26 an election of new directors by majority vote of owners and qualified resident

27 electors in accordance with the Act or governance of the District shall then

28 revert to the City Council."

29 **Section 2. Repealer.** All ordinances or resolutions, or parts thereof in

30 conflict with the provisions of this Resolution, are hereby repealed to the extent

31 only of such inconsistency. This repealer shall not be construed to revive any

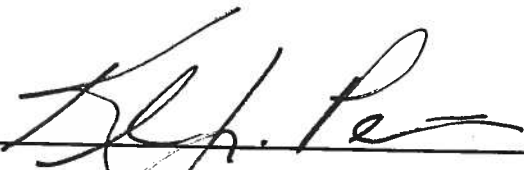
32 ordinance or resolution, or part thereof, heretofore repealed.

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.

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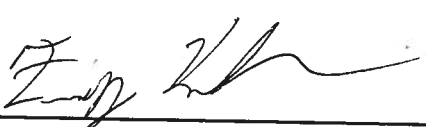
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1 PASSED AND ADOPTED THIS 20th DAY OF February, 2019
2 BY A VOTE OF: 9 FOR 0 AGAINST.
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9 Klarissa J. Peña, President
10 City Council
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14 APPROVED THIS 04 DAY OF March, 2019
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17 Bill No. R-19-126
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21 Timothy M. Keller, Mayor
22 City of Albuquerque
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25 ATTEST:

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28 Katy Duhigg, City Clerk
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