## **CITY of ALBUQUERQUE TWENTY FOURTH COUNCIL**

COUNCIL	BILL NO	R-20-8	ENACTMENT NO.	
SPONSO	RED BY:	Cynthia D. Borrego		
1			RESOLUTION	
2	APPROVING	THE APPOINTMEN	NT OF DIRECTORS TO FILL VACANCIES ON	
3	THE GOVER	NING BODY OF TH	E TRAILS PUBLIC IMPROVEMENT DISTRICT	
4	CAUSED BY	THE RESIGNATION	N OF AN ELECTED DIRECTOR BEFORE THE	
5	END OF HIS	TERM PURSUANT	TO THE PUBLIC IMPROVEMENT DISTRICT	
6	ACT, NMSA	1978, SECTIONS 5-	11-1 THROUGH 27, AS AMENDED, AND CITY	
7	ENACTMEN	Γ NO. O-2003-012; <i>Α</i>	AND REPEALING ALL ACTIONS	
8	INCONSISTE	ENT WITH THIS RES	SOLUTION.	
9	Capitalized terms used herein shall have the meanings assigned in City			
10	Enactment No. 2008-019, adopted on February 4, 2008 (the "Formation Resolution"), except as otherwise defined in this Resolution, or unless the context clearly requires otherwise.  WHEREAS, Section 5-11-9(A) of the Act provides that: "The governing			
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[Bracketed/Underscored Material] [Bracketed/Strikethrough Material] 7 1 0 1 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	body, at its o	option, may authori	ze the appointment of a separate district board.	
15	In the case of	of an appointed dist	rict board, three of the appointed directors	
기 년 16	shall serve a	n initial term of six	years. Two of the appointed directors shall	
<u>ਹਿੰ</u> 17	serve an init	ial term of four yea	rs. The resolution forming the district shall	
18 <del>       </del>	state which	directors shall serv	e four-year terms and which shall serve six-	
<b>万</b> 19	year terms.	If a vacancy occurs	s on the district board because of death,	
20 <u>\$</u>	resignation of	or inability of the di	rector to discharge the duties of director, the	
한 <b>21</b>	governing be	ody shall appoint a	director to fill the vacancy, who shall hold	
_ <u> </u>	office for the remainder of the unexpired term until a successor is appointed			
23	or elected."; and			
24	WHEREA	S, Section 5-11-9(C	) of the Act provides that: "At the end of the	
25	appointed di	rectors' terms, the	governing body shall resume governance of	

26 the district as its board either directly or through the governing body's

1	designees or, at the governing body's option, shall hold an election of new
2	directors by majority vote of the qualified electors and owners."; and
3	WHEREAS, Section 6(E) of the Formation Resolution provides that "within
4	six years following the date of formation of the District, either the District shall
5	hold an election of members of the Governing Body as required by law, or the
6	City Council shall appoint five then-sitting Councilors to serve as the
7	Governing Body."; and
8	WHEREAS, on March 17, 2015, pursuant to the foregoing provisions, the
9	District held an election to replace all five seats on the Governing Board with
10	new directors (the "Election"); and
11	WHEREAS, at the Election, the qualified electors and owners within the
12	District cast ballots for only three candidates, leaving two vacant seats
13	remaining on the Governing Board; and
14	WHEREAS, following the Election, the Governing Board has been
15	composed of three members: Kelly Calhoun, Rick Beltramo, and John L.
16	Murtagh; and
17	WHEREAS, member Rick Beltramo has resigned from the Governing
18	Board; and
19	WHEREAS, as a result of the resignation of Rick Beltramo three seats on
20	the Governing Board will be vacant, resulting in the inability of the Governing
21	Board to obtain a quorum.
22	BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
23	ALBUQUERQUE:
24	Section 1. Appointments to the Governing Body of the District.
25	Christopher Melendrez, Thomas Menicucci, and Joseph T. Griego are hereby
26	appointed to fill the vacant seats on the Governing Board of the District until
27	such time that an election by a majority vote of the residents of the District is
28	held.
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
31	extent only of such inconsistency. This repealer shall not be construed to
32	revive any ordinance or resolution, or part thereof, heretofore repealed.

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