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1 WHEREAS, Section 5-11-9(C) of the Act provides that: “At the end of the
2 appointed directors’ terms, the governing body shall resume governance of
3 the district as its board either directly or through the governing body’s
4 designees or, at the governing body’s option, shall hold an election of new
5 directors by majority vote of the qualified electors and owners.”; and

6 WHEREAS, Section 6(E) of the Formation Resolution provides that “[w]ithin
7 six years following the date of formation of the District, either the District shall
8 hold an election of members of the Governing Body as required by law, or the
9 City Council shall appoint five then-sitting Councilors to serve as the
10 Governing Body.”; and

11 WHEREAS, on March 17, 2015, pursuant to the foregoing provisions, the
12 Districts held an election to replace all five seats on the Governing Board of
13 Mesa del Sol Public Improvement District No. 1 and all five seats on the
14 Governing Board of Mesa del Sol Public Improvement Districts 2 through 5
15 (collectively, the Governing Boards) with new directors (the “Election”); and

16 WHEREAS, following the Election, the Governing Boards have been
17 comprised of five members: Ernest L. Jenkins, J. Manuel Barrera, Jon Zaman,
18 Jacques Blair and Brent F. Dupes; and

19 WHEREAS, member Jon Zaman is unable to discharge his duties as a
20 director of the Governing Boards; and

21 WHEREAS, as a result of the inability of Jon Zaman to discharge his duties
22 as a director of the Governing Boards, one seat on each of the Governing
23 Boards is vacant.

24 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
25 ALBUQUERQUE:

26 Section 1. Appointments to the Governing Bodies of the Districts. Pat
27 Davis is hereby appointed to fill the vacant seat on the Governing Boards of
28 the Districts until such time that an election by a majority vote of the residents
29 of the Districts is held.

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31 conflict with the provisions of this Resolution are hereby repealed to the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33 revive any ordinance or resolution, or part thereof, heretofore repealed.

1 Section 3. Severability. If any section, paragraph, clause or 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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