CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-10 ENACTMENT NO. R-2020-015

SPONSORED BY: Patrick Davis

RESOLUTION

APPROVING THE APPOINTMENT OF A DIRECTOR TO FILL A VACANCY ON THE GOVERNING BODY OF MESA DEL SOL PUBLIC IMPROVEMENT DISTRICT 1 AND TO FILL A VACANCY ON THE GOVERNING BODY OF MESA DEL SOL PUBLIC IMPROVEMENT DISTRICTS 2 THROUGH 5 CAUSED BY THE INABILITY OF AN ELECTED DIRECTOR TO DISCHARGE THE DUTIES OF DIRECTOR FOR THE REMAINDER OF HIS UNEXPIRED TERM; TAKING ACTION PURSUANT TO THE PUBLIC IMPROVEMENT DISTRICT ACT, NMSA 1978, SECTIONS 5-11-1 THROUGH 27, AS AMENDED, AND CITY ENACTMENT NO. O-2003-012; AND REPEALING ALL ACTIONS INCONSISTENT WITH THIS RESOLUTION.

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Capitalized terms used herein shall have the meanings assigned in City Enactment No. 2008-045, adopted on March 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 body, at its option, may authorize the appointment of a separate district board. In the case of an appointed district board, three of the appointed directors shall serve an initial term of six years. Two of the appointed directors shall serve an initial term of four years. The resolution forming the district shall state which directors shall serve four-year terms and which shall serve six-year terms. If a vacancy occurs on the district board because of death, resignation or inability of the director to discharge the duties of director, the governing body shall appoint a director to fill the vacancy, who shall hold office for the remainder of the unexpired term until a successor is appointed or elected."; and

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

WHEREAS, Section 6(E) of the Formation Resolution provides that "within six years following the date of formation of the District, either the District shall hold an election of members of the Governing Body as required by law, or the City Council shall appoint five then-sitting Councilors to serve as the Governing Body."; and

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

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

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

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

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

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

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.

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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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PASSED AND ADOPTED THIS 3rd DAY OF February, 2020
BY A VOTE OF: 8 FOR 0 AGAINST.

Patrick Davis, President
City Council

APPROVED THIS 10 DAY OF February, 2020

Bill No. R-20-10

Timothy M. Keller, Mayor
City of Albuquerque

ATTEST:

Ethan Watson, Acting City Clerk

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