

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-42 ENACTMENT NO. _____

SPONSORED BY: Cynthia D. Borrego

1 RESOLUTION

2 APPROVING THE APPOINTMENT OF A DIRECTOR TO FILL A VACANCY ON
3 THE GOVERNING BODY OF THE BOULDERS PUBLIC IMPROVEMENT
4 DISTRICT, CAUSED BY THE RESIGNATION OF A DIRECTOR, PURSUANT TO
5 THE PUBLIC IMPROVEMENT DISTRICT ACT, NMSA 1978, §§ 5-11-1 TO -27
6 (2009, AS AMENDED) AND CITY ENACTMENT NO. R-2012-035; AND
7 REPEALING ALL ACTIONS INCONSISTENT WITH THIS RESOLUTION.

8 Capitalized terms used herein shall have the meanings assigned in City
9 Enactment No. R-2012-035, adopted on May 21, 2012 (the “Formation
10 Resolution”), except as otherwise defined in this Resolution, or unless the
11 context clearly requires otherwise.

12 WHEREAS, pursuant to Section 5-11-9(A) of the Act, the Council is
13 empowered to appoint a director to fill a vacancy on the governing body of the
14 District because of death, resignation or inability of a director to discharge the
15 duties of director, which appointee shall hold office for the remainder of the
16 unexpired term until a successor is appointed or elected; and

17 WHEREAS, Section 6.E of the Formation Resolution, City Enactment No.
18 R-2012-035, states that “within six years following the date of formation of the
19 District, the District shall hold an election of members of the Governing Body
20 in conformance with the Act and the PID Ordinance”; and

21 WHEREAS, an election of directors for the Boulders Public
22 Improvement District was held on March 5, 2019, and Pamela Fanelli was
23 elected as a Director; and:

24 WHEREAS, Pamela Fanelli was elected as Treasurer of the Boulders
25 Public Improvement District by the Governing Body; and

26 WHEREAS, Pamela Fanelli resigned her position as Director effective
27 May 4, 2020.

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

3 **Section 1. Appointments to the Governing Body of the District.**

4 Pursuant to Section 5-11-9(A) of the Act, the Council hereby appoints Jesse
5 Muñiz to replace Pamela Fanelli as a member of the Governing Board of the
6 District. Jesse Muñiz shall serve for the remainder of the unexpired six-year
7 term until his successor is appointed or elected.

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9 conflict with the provisions of this Resolution, are hereby repealed to the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

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

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