

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-43

ENACTMENT NO. R-2020-048

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 MONTECITO ESTATES PUBLIC
4 IMPROVEMENT DISTRICT, CAUSED BY THE RESIGNATION OF A DIRECTOR,
5 PURSUANT TO THE PUBLIC IMPROVEMENT DISTRICT ACT, NMSA 1978, §§ 5-
6 11-1 TO -27 (2009, AS AMENDED) AND CITY ENACTMENTS NO. R-2007-081, R-
7 2009-075, R-2012-005, AND REPEALING ALL ACTIONS INCONSISTENT WITH
8 THIS RESOLUTION.

9 Capitalized terms used herein shall have the meanings assigned in City
10 Enactment No. R-2007-081, adopted on June 18, 2017 (the "Formation
11 Resolution"), except as otherwise defined in this Resolution, or unless the
12 context clearly requires otherwise.

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

18 WHEREAS, Section 6.E of the Formation Resolution, City Enactment No.
19 R-2007-081, states that "within six years following the date of formation of the
20 District, either the District shall hold an election of members of the Governing
21 Body as required by law, or the City Council shall appoint five then-sitting
22 Councilors to serve as the Governing Body"; and

23 WHEREAS, an election of directors for the Montecito Estates Public
24 Improvement District was held on March 17, 2015, and Pamela Fanelli was
25 elected as a Director; and

26 WHEREAS, Pamela Fanelli was elected as Treasurer of the Montecito
27 Estates Public Improvement District by the Governing Body; and

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1 WHEREAS, Pamela Fanelli resigned her position as Director effective
2 May 4, 2020.

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

5 Section 1. Appointments to the Governing Body of the District.

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

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

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

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1 PASSED AND ADOPTED THIS 18th DAY OF May, 2020
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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10 Patrick Davis, President
11 City Council
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14 APPROVED THIS 29 DAY OF May, 2020
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17 Bill No. R-20-43
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23 Timothy M. Keller, Mayor
24 City of Albuquerque
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28 ATTEST:
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31 Ethan Watson, City Clerk
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