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Title: Approving The Appointment Of A Director To Fill A Vacancy On The Governing Body Of The Mesa Del Sol Tax Increment Development Districts 1 Through 5 Caused By The Resignation Of A Certain Director Pursuant To The Tax Increment For Development Act, NMSA 1978, Sections 5-15-1 Through 28, As Amended (Davis)
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2/26/2019	2	City Council	Sent to Mayor for Signature	
2/20/2019	1	City Council	Passed	Pass
2/4/2019	1	City Council	Introduced	
2/4/2019	1	President	To be heard at the Council Meeting	

CITY of ALBUQUERQUE TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-125 ENACTMENT NO. _____

SPONSORED BY: Patrick Davis

RESOLUTION

Approving The Appointment Of A Director To Fill A Vacancy On The Governing Body Of The Mesa Del Sol Tax Increment Development Districts 1 Through 5 Caused By The Resignation Of A Certain Director Pursuant To The Tax Increment For Development Act, NMSA 1978, Sections 5-15-1 Through 28, As Amended (Davis)

APPROVING THE APPOINTMENT OF A DIRECTOR TO FILL A VACANCY ON THE GOVERNING BODY OF THE MESA DEL SOL TAX INCREMENT DEVELOPMENT DISTRICTS 1 THROUGH 5 CAUSED BY THE RESIGNATION OF A CERTAIN DIRECTOR PURSUANT TO THE TAX INCREMENT FOR DEVELOPMENT ACT, NMSA 1978, SECTIONS 5-15-1 THROUGH 28 NMSA, AS AMENDED, CITY ENACTMENT NO. O-2006-44, CITY ENACTMENTS NO. R-2006-126, R-2007-174, R-2009-142, R-2010-104, R-2012-101, R-2012-108, R-2014-095, AND R-2018-040; AND REPEALING ALL ACTIONS INCONSISTENT WITH THIS RESOLUTION.

Capitalized terms used herein shall have the meanings assigned in City Enactment No. R-2006-126, adopted on December 18, 2006 (the "Formation Resolution"), except as otherwise defined in this Resolution, or unless the context clearly requires otherwise.

WHEREAS, Section 5-15-10(B) of the Act has been amended to provide that: "The District shall be governed by the governing body that adopted a resolution to form the district or by a five member board composed of four members appointed by that governing body; provided, however, that the fifth member of the five member board is the secretary of finance and administration or the secretary's designee with full voting privileges."; and

WHEREAS, pursuant to Section 5-15-10(C) of the Act, the Council is empowered to appoint a director to fill a vacancy on the governing body of the District because of death, resignation or inability of a director to discharge the duties of director, which appointee shall hold office for the remainder of the unexpired term until a successor is appointed or elected; and

WHEREAS, Section 1 of City Enactment No. R-2018-040, enacted on June 18, 2018 revised the composition of the governing body of the Districts as originally provided in Section 6 (A) of City Enactment No. R-2007-174, adopted on January 10, 2007 (the "Dedication Resolution") such that Section 6(A) of the Dedication Resolution currently reads as follows:

"A. The Districts' governing body shall be composed of the following five voting members and one ex officio, nonvoting member:

- i) The City Councilor from District 6, who is currently Pat Davis;
- ii) The President and Vice President of the City Council, who are currently Ken Sanchez and Don Harris, respectively;
- iii) Sunalei Stewart, the Deputy Chief Administrative Officer/Chief of Staff of the City of Albuquerque; and
- iv) The Secretary of Finance and Administration or his designee.

Non Voting Ex Officio member:

- v) A representative of the Applicant who is currently Brent Dupes.

Sunalei Stewart is appointed the clerk of Districts 1 through 5 and Brent Dupes continues as the appointed treasurer of Districts 1 through 5.

In the event that the Councilor from District 6 is elected to serve as either the President or Vice-President of the City Council, the Councilor from District 2 shall fill the vacancy created on the Districts' governing board.

Within six years following the formation of Districts 1 through 5, the board shall hold an election of new directors by majority vote of owners and qualified resident electors in accordance with the Act."; and

WHEREAS, the City's former Deputy Chief Administrative Officer/Chief of Staff of the City, Sunalei Stewart, has resigned from the City and from the Districts' boards.

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

Section 1. Appointments to the Governing Body of the District. Section 1 of City Enactment No. R-2018-040 is amended to read as follows:

"A. The Districts' governing body shall be composed of the following five voting members and one ex officio, nonvoting member:

- i) The City Councilor from District 6, who is currently Pat Davis;
- ii) The President and Vice President of the City Council, who are currently Klarissa J. Peña and Cynthia D. Borrego, respectively;
- iii) The Chief Operating Officer of the City of Albuquerque, who is currently Lawrence Rael; and
- iv) The Secretary of Finance and Administration or his designee.

Non Voting Ex Officio member:

- v) A representative of the Applicant who is currently Brent Dupes.

Lawrence Rael is appointed the clerk of Districts 1 through 5 and Brent Dupes continues as the appointed treasurer of Districts 1 through 5.

In the event that the Councilor from District 6 is elected to serve as either the President or the Vice-President of the City Council, the Councilor from District 2 shall fill the vacancy created on the District's governing board.

Within six years following the formation of Districts 1 through 5, the board shall hold an election of new directors by majority vote of owners and qualified resident electors in accordance with the Act."

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.

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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