



Legislation Text

File #: R-19-126, Version: 2

CITY of ALBUQUERQUE
TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-126 ENACTMENT NO. _____

SPONSORED BY: Diane G. Gibson

RESOLUTION

Approving The Appointment Of A Director To Fill A Vacancy On The Governing Body Of The Winrock Town Center Tax Increment Development Districts 1 And 2 (Collectively, The "District")

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 (Gibson)

APPROVING THE APPOINTMENT OF A DIRECTOR TO FILL A VACANCY ON THE GOVERNING BODY OF THE WINROCK TOWN CENTER TAX INCREMENT DEVELOPMENT DISTRICTS 1 AND 2 (COLLECTIVELY, THE "DISTRICT") 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-2006-036, CITY ENACTMENTS NO. R-2008-120, R-2009-005, R-2010-020, R-2011-037, R-2011-073, R-2013-073, AND R-2018-041; AND REPEALING ALL ACTIONS INCONSISTENT WITH THIS RESOLUTION.

Capitalized terms used herein shall have the meanings assigned in City Enactment No. R-2008-120, adopted on October 6, 2008 (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, City Enactment No. R-2010-020 adopted on January 4, 2010, City Enactment No. R-2011-037 adopted on May 16, 2011, City Enactment No. R-2011-073 adopted on August 15, 2011, and City Enactment No. R-2013-073 adopted on August 19, 2013, revised the composition of the governing body of the Districts as originally provided in Section 8(A) of the Formation Resolution such that Section 8(A) of the Formation Resolution reads as follows:

"A. The District's governing body shall be composed of the following five voting members and two ex officio, nonvoting members:

- i) The City Councilor from District 7;
- ii) The City's Deputy Chief Administrative Officer;

iii) The Director of the Economic Development Department of Bernalillo County, Mayling Armijo or a representative designated by letter from the County Commission to the Governing Board;

- iv) The designated representative of the Applicant; and
- v) The Secretary of Finance and Administration or his designee.

Non Voting Ex Officio members:

i) The State Representative for District 25 (the District in which the Real Property is located; and

ii) The State Senator for District 15 (the District in which the Real Property is located).

The City Councilor sitting on the Board shall be the Chair of the Board, City's Deputy Chief Administrative Officer, shall be the clerk of District and a designated representative of the Applicant is appointed treasurer of District.

Within six years following the formation of District, the board shall hold an election of new directors by majority vote of owners and qualified resident electors in accordance with the Act or governance of the District shall then revert to the City Council"; and

WHEREAS, the City's former Deputy Chief Administrative Officer, Sunalei Stewart, has resigned from the City and from the District 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 8(A) of the Formation Resolution and Section 6 of the Development Agreement Resolution are amended to read as follows:

“A. The District’s governing body shall be composed of the following five voting members and two ex officio, nonvoting members:

- i) The City Councilor from District 7, who is currently Diane Gibson;
- ii) The Chief Operating Officer of the City, who is currently Lawrence Rael;
- iii) The Director of the Economic Development Department of Bernalillo County, or a representative designated by letter from the County Commission to the District Board;
- iv) The designated representative of the Applicant, who is currently Debbie Bonsignore; and
- v) The Secretary of Finance and Administration, or his designee.

Non-voting Ex Officio members:

- i) The State Representative for District 25 (the District in which the Real Property is located); and
- ii) The State Senator for District 15 (the District in which the Real Property is located).

The City Councilor from District 7 shall serve as the Chair of the District Board, the City’s Chief Operating Officer is appointed Clerk of the District Board, and the designated representative of the Applicant is appointed treasurer of District.

Within six years following the formation of District, the board shall hold an election of new directors by majority vote of owners and qualified resident electors in accordance with the Act or governance of the District shall then revert to the City Council."

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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