



Legislation Text

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**CITY of ALBUQUERQUE**  
**TWENTY FOURTH COUNCIL**

COUNCIL BILL NO. R-20-8 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Cynthia D. Borrego

RESOLUTION

Approving The Appointment Of Directors To Fill Vacancies On The Governing Body Of The Trails Public Improvement District Caused By The Resignation Of An Elected Director Before The End Of His Term 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 (Borrego)

APPROVING THE APPOINTMENT OF DIRECTORS TO FILL VACANCIES ON THE GOVERNING BODY OF THE TRAILS PUBLIC IMPROVEMENT DISTRICT CAUSED BY THE RESIGNATION OF AN ELECTED DIRECTOR BEFORE THE END OF HIS TERM 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.

Capitalized terms used herein shall have the meanings assigned in City Enactment No. 2008-019, adopted on February 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 District held an election to replace all five seats on the Governing Board with new directors (the “Election”); and

WHEREAS, at the Election, the qualified electors and owners within the District cast ballots for only three candidates, leaving two vacant seats remaining on the Governing Board; and

WHEREAS, following the Election, the Governing Board has been composed of three members: Kelly Calhoun, Rick Beltramo, and John L. Murtagh; and

WHEREAS, member Rick Beltramo has resigned from the Governing Board; and

WHEREAS, as a result of the resignation of Rick Beltramo three seats on the Governing Board will be vacant, resulting in the inability of the Governing Board to obtain a quorum.

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

Section 1. Appointments to the Governing Body of the District. Christopher Melendrez, Thomas Menicucci, and Joseph T. Griego are hereby appointed to fill the vacant seats on the Governing Board of the District until such time that an election by a majority vote of the residents of the District 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.

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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