



Legislation Text

File #: R-20-43, Version: 2

CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-20-43 ENACTMENT NO. _____

SPONSORED BY: Cynthia D. Borrego

RESOLUTION

Approving The Appointment Of A Director To Fill A Vacancy On The Governing Body Of The Montecito Estates Public Improvement District, Caused By The Resignation Of A Director, Pursuant To The Public Improvement District Act, NMSA 1978, §§ 5-11-1 To -27 (2009, As Amended) And City Enactments No. R-2007-081, R-2009-075, R-2012-005, And Repealing All Actions Inconsistent With This Resolution (Borrego)

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

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

WHEREAS, pursuant to Section 5-11-9(A) 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 6.E of the Formation Resolution, City Enactment No. R-2007-081, states 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, an election of directors for the Montecito Estates Public Improvement District was held on March 17, 2015, and Pamela Fanelli was elected as a Director; and

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

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

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

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

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

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.

X:\CL\SHARE\CL-Staff\Legislative Staff\Legislation\24 Council\R-43final.docx