



CITY OF RIO RANCHO  
RESOLUTION

RESOLUTION NO. 24

ENACTMENT NO. 19-028

1 A RESOLUTION APPROVING THE APPLICATION AND PETITION OF  
2 TIERRA DEL ORO LLC AND TDO DEVELOPMENT LLC, FOR  
3 FORMATION OF THE TIERRA DEL ORO PUBLIC IMPROVEMENT  
4 DISTRICT PURSUANT TO THE PUBLIC IMPROVEMENT DISTRICT ACT,  
5 NMSA 1978, §§ 5-11-1 to -27 (2001, AS AMENDED) AND THE CITY OF  
6 RIO RANCHO PUBLIC IMPROVEMENT DISTRICT GUIDELINES AND  
7 APPLICATION PROCEDURE; MAKING FINDINGS IN CONNECTION WITH  
8 THE APPLICATION AND PETITION AND SUPPORTING  
9 DOCUMENTATION REQUESTING APPROVAL OF THE FORMATION OF  
10 THE DISTRICT; DETERMINING THE REAL PROPERTY TO BE  
11 INCLUDED WITHIN THE DISTRICT AND THE PURPOSES FOR WHICH  
12 THE DISTRICT IS BEING FORMED; APPROVING THE GENERAL PLAN,  
13 FEASIBILITY STUDY, RATE, METHOD OF APPORTIONMENT AND  
14 MANNER OF COLLECTION OF A SPECIAL LEVY TO BE IMPOSED  
15 UPON REAL PROPERTY WITHIN THE DISTRICT, AND APPROVING A  
16 DEVELOPMENT AGREEMENT FOR THE DISTRICT; ESTABLISHING  
17 PARAMETERS AND AUTHORIZE THE DISTRICT TO ISSUE SPECIAL  
18 LEVY BONDS; AUTHORIZING THE DISTRICT TO ISSUE SUBORDINATE  
19 OBLIGATIONS; PROVIDING FOR GOVERNANCE OF THE DISTRICT;  
20 PROVIDING THAT BONDS AND OTHER OBLIGATIONS OF THE  
21 DISTRICT SHALL NOT BE OBLIGATIONS OF THE CITY; WAIVING  
22 CERTAIN REQUIREMENTS TO FORMATION OF A PUBLIC  
23 IMPROVEMENT DISTRICT; RATIFYING CERTAIN ACTIONS  
24 HERETOFORE TAKEN; REPEALING ALL ACTIONS INCONSISTENT  
25 WITH THIS FORMATION RESOLUTION; DIRECTING THE MAILING OF A  
26 NOTICE OF ADOPTION OF THIS FORMATION RESOLUTION BY THE  
27 CITY CLERK; AND TAKING RELATED ACTION  
28

29 Capitalized terms used in the recitals below and not defined therein shall have the  
30 meanings ascribed to such terms in Section 1 hereof.  
31

32 **WHEREAS:** the New Mexico Public Improvement District Act, NMSA 1978, §§ 5-11-1 to -  
33 27 (2001, as amended) provides that an application and petition may be filed  
34 with the governing body of a municipality for the formation of a public  
35 improvement district for the purpose of financing public infrastructure  
36 improvements; that, unless waived pursuant to the Act, the governing body  
37 shall hold a hearing to determine whether a public improvement district  
38 should be formed; and, upon determination that formation of a district is in  
39 the interest of the property owners and the citizens of the governing body's  
40 municipal jurisdiction, shall order that the public improvement district be  
41 formed, and that the district shall be formed without an owner election if the  
42 application and petition was submitted by the owner(s) of 100% of the

1 property proposed to be included within the district; and

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3  
4 **WHEREAS:** the formation of a public improvement district may result in the imposition of  
5 special levies to pay the costs of public infrastructure to be acquired by a  
6 public improvement district; and  
7

8 **WHEREAS:** the Act authorizes owners, public improvement districts and municipalities to  
9 enter into development agreements to establish the obligations of the owner  
10 or developer, the municipality and the public improvement district concerning  
11 the zoning, subdivision, improvement, impact fees, financial responsibilities,  
12 and other matters relating to the development, improvement and use of real  
13 property within the district; and  
14

15 **WHEREAS:** the City has enacted policy guidelines and application procedures for the  
16 establishment of public improvement districts within the City; and  
17

18 **WHEREAS:** the Applicant has presented an Application and Petition for Approval of the  
19 Formation of the Tierra Del Oro Public Improvement District and the following  
20 documents in support of the Petition:  
21

- 22 (i) a description of the proposed District, including a legal description and  
23 current title report for the Land, the identity and addresses of all  
24 persons or entities with any interest in the property, evidence that  
25 there are no resident qualified electors on the Land and that the  
26 owners of the Land have unanimously consented to the formation of  
27 the District, and a description of the appropriateness of the  
28 boundaries;
- 29 (ii) a General Plan, which includes, among other things, a description of  
30 the District's boundaries, anticipated types and locations of  
31 Infrastructure Improvements, information regarding the future  
32 ownership and maintenance of the Infrastructure Improvements, and  
33 adequate information to establish financial parameters for operation  
34 of the District;
- 35 (iii) a Feasibility Study, which includes a market absorption study,  
36 description of improvements to be constructed, construction schedule  
37 and financing plan for the Infrastructure Improvements upon formation  
38 of the District, a description of the Applicant's equity contribution and  
39 the timing and sources of the contribution, and an operating plan for  
40 the Infrastructure Improvements;
- 41 (iv) a Rate and Method of Special Levy Apportionment in sufficient detail  
42 to enable each owner or resident within the District to estimate the  
43 maximum amount of the proposed District Special Levy;
- 44 (v) an MAI Appraisal;
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- (vi) a description of Applicant's development experience and financial ability to complete the Infrastructure Improvements;
- (vii) forms of Disclosure of District Special Levy;
- (viii) a description of the consistency of the Infrastructure Improvements with the City's development policies and objectives;
- (ix) a Development Agreement to be entered into by and between the City, the District, and the Applicant;
- (x) a form of Formation Resolution; and

**WHEREAS:** except for those improvements that are dedicated and conveyed to another governmental entity, the PID-Funded Infrastructure Improvements will be designed and constructed according to all applicable City requirements, will be suitable for dedication to the City upon completion, and will be acquired by the District and then dedicated to, owned and operated by the City; and

**WHEREAS:** pursuant to the Development Agreement, the District will fund the cost of formation and acquisition of PID-Funded Infrastructure Improvements from the Applicant with proceeds of (i) one or more series of District Bonds, as provided in the Act, which will be payable from the District Special Levy, and/or (ii) the collection of the District Special Levy, with or without the issuance of the District Bonds, through, among other things, the satisfaction of one or more Subordinate Obligations; and

**WHEREAS:** pursuant to the Application, the District will (i) be responsible for imposing the District Special Levy as provided in the Act, (ii) adopt procedures for the foreclosure of delinquent District Special Levy liens on the Land, and (iii) administer the District Special Levy, including any required payments to the Sandoval County Assessor and Sandoval County Treasurer from the proceeds of the District Special Levy; and

**WHEREAS:** pursuant to the Formation Documents, the District will finance and acquire the PID-Funded Infrastructure Improvements to serve approximately fifty (50) acres of land, located wholly within the corporate boundaries of the City to consist of an estimated two hundred fifteen (215) residential dwelling units and approximately ten acres of commercial uses, which is an authorized purpose and appropriate use of a public improvement district as set forth in the PID Guidelines; and

**WHEREAS:** the City Governing Body has considered the Application and has determined that proceeding further with the formation of the District is consistent with the PID Guidelines and promotes the interests, convenience or necessity of the owners, residents of the District and citizens of the City of Rio Rancho.

1 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY**  
2 **OF RIO RANCHO:**

3  
4 **Section 1.** As used in this Formation Resolution, the following terms shall have the  
5 meanings specified, unless the context clearly requires otherwise (such meanings to be  
6 equally applicable to both the singular and the plural forms of the terms defined):  
7

8 A. "Act" means the Public Improvement District Act, NMSA 1978, §§ 5-  
9 11-1 to -27 (2001, as amended) and the home rule powers and all enactments of the  
10 Governing Body.

11 B. "Applicant" means Tierra Del Oro LLC, a New Mexico limited liability  
12 company and TDO Development LLC, a New Mexico limited liability company.

13 C. "Application" means the Application and Petition filed with the City for  
14 the formation of the Tierra Del Oro Public Improvement District and all documentation  
15 incorporated by reference in the Petition, submitted to the City pursuant to the Act and the  
16 PID Guidelines.

17 D. "Bond Resolution" means one or more resolutions of the District Board  
18 authorizing issuance of one or more series of District Bonds for the purpose of financing  
19 the acquisition of the PID-Funded Infrastructure Improvements and other eligible costs,  
20 which are subject to the financing parameters and other applicable requirements  
21 established in this Formation Resolution.

22 E. "City" means the City of Rio Rancho, New Mexico.

23 F. "Clerk" means the City Clerk.

24 G. "Development Agreement" means the Infrastructure Development and  
25 Acquisition Agreement dated as of even date herewith by and between the City, the  
26 District, and the Applicant, which agreement shall memorialize the obligations of the District  
27 to the City and TDO Development, LLC, shall be binding upon and enforceable against the  
28 District immediately following adoption of this Formation Resolution, with no further action  
29 by the District, and shall then be subsequently ratified and executed by the District.

30 H. "Disclosure of District Special Levy" means each disclosure of special  
31 levy in the forms attached as Exhibit 8 to the Application.

32 I. "District" means the Tierra Del Oro Public Improvement District.

33 J. "District Board" means the governing body of the District.

34 K. "District Bonds" means one or more series of bonds proposed to be  
35 issued by the District pursuant to the Act, which are secured by a first lien and pledge of  
36 the District Special Levy.

37 L. "District Boundary Map" means the map attached as Exhibit A to the  
38 General Plan.

39 M. "District Special Levy" or "District Special Levies" means the special

1 levy or special levies to be imposed on the Land pursuant to NMSA 1978, § 5-11-20  
2 (2013).

3 N. "Feasibility Study" means the study of the estimated costs and  
4 financing methods of the Infrastructure Improvements, including the Plan of Finance,  
5 submitted by the Applicant in connection with the Application and as supplemented or  
6 amended from time to time.

7 O. "Formation Documents" means the Application, the Petition, the  
8 General Plan, the Feasibility Study, Rate and Method of Special Levy Apportionment, the  
9 Development Agreement, and such other documents as are required by the Act and the  
10 PID Guidelines to be submitted by the Applicant in connection with an application for the  
11 formation of the District.

12 P. "Formation Resolution" means this resolution adopted by the  
13 Governing Body in connection with its approval of the formation of the District.

14 Q. "General Plan" means the General Plan submitted by the Applicant in  
15 connection with the Application and as supplemented or amended from time to time, which  
16 is on file with the Clerk and includes, among other information, a map depicting the  
17 boundaries of the District and the real property proposed to be included in the District, a  
18 general description of anticipated improvements and their locations, and general cost  
19 estimates, proposed financing methods and anticipated District Special Levies.

20 R. "Governing Body" means the governing body of the City.

21 S. "Infrastructure Improvements" means the PID-Funded Infrastructure  
22 Improvements, as well as all other public and private improvements on the Land to be  
23 financed from sources other than the District Special Levy.

24 T. "Land" means the real property described in the District Boundary  
25 Map.

26 U. "MAI Appraisal" means the valuation of the Land as of July 25, 2018,  
27 as prepared by David Pearson, MAI.

28 V. "Petition" means the petition for formation of the District submitted by  
29 the Petitioner to the City pursuant to the Act and the PID Guidelines, which contains the  
30 signature of the owner of one hundred percent (100%) of the Land and requests that the  
31 City declare the District formed without requiring compliance with the provisions for posting,  
32 publication, mailing, notice, hearing and owner election provided in the Act.

33 W. "Petitioner" means Tierra Del Oro, LLC, a New Mexico limited liability  
34 company, which is the sole owner of 100% of the Land.

35 X. "PID-Funded Infrastructure Improvements" means the portion of the  
36 Infrastructure Improvements financed with the proceeds of the District Bonds, Subordinate  
37 Obligations, and/or revenues derived from the collection of the District Special Levy, as  
38 identified in the General Plan.

39 Y. "PID Guidelines" means the City Administrative Policies and

1 Procedures Sections 2-10-1 through -8, known as the Public Improvement District  
2 Guidelines and Applications Procedures.

3 Z. "Plan of Finance" means the plan of finance included at Section VI of  
4 the Feasibility Study.

5 AA. "Rate and Method of Special Levy Apportionment" means the rate,  
6 method of apportionment and manner of collection of the District Special Levy submitted by  
7 the Applicant in connection with the Application and as supplemented or amended from  
8 time to time.

9 BB. "SSCAFCA" means the Southern Sandoval County Arroyo Flood  
10 Control Authority.

11 CC. "State" means the State of New Mexico.

12 DD. "Subordinate Obligations" means one or more subordinate bonds,  
13 subordinate promissory notes and/or other subordinate obligations, secured by a second  
14 priority pledge of the District Special Levy and constituting a reimbursement obligation,  
15 issued by the District to memorialize the obligation of the District to pay the costs of PID-  
16 Funded Infrastructure Improvements received by the District plus interest at a rate of five  
17 percent per annum on the principal amount of such promissory notes and/or other  
18 subordinate obligations.

19 **Section 2.** Construction of Formation Resolution. Except as otherwise expressly  
20 provided in this Formation Resolution, or unless the context otherwise requires:

21  
22 A. All words and phrases shall be construed and understood according to  
23 the common and approved usage of language, but technical words and phrases and such  
24 others as may have acquired a peculiar and appropriate meaning in the law shall be  
25 construed and understood according to such peculiar and appropriate meaning.

26 B. The singular includes the plural and the plural includes the singular.

27 C. Words importing any gender include the other gender.

28 D. All references to Sections shall refer to Sections of this Formation  
29 Resolution, unless otherwise stated.

30 E. "Herein," "hereby," "hereunder," "hereof," "hereinbefore" and  
31 "hereafter" refer to this Formation Resolution and not solely to the particular portion of this  
32 Formation Resolution in which such word is used.

33 F. All times will be local time in the City unless otherwise designated in  
34 this Formation Resolution.

35 **Section 3.** Findings. The City hereby declares that it has considered the Application and  
36 all other relevant information and data, and hereby makes the following findings:

37  
38 A. The Petitioner owns 100% of the Land and no resident qualified  
39 electors or any other persons are located on the Land within the fifty days immediately

1 preceding the date of adoption of this Formation Resolution.

2 B. As planned and proposed by the Applicant, the Infrastructure  
3 Improvements to be conveyed to the City have been or will be constructed to City  
4 specifications and will be subject to inspection, approval and acceptance by the City prior  
5 to conveyance to the City, as described in the Development Agreement.

6 C. The District Bonds and Subordinate Obligations will not be backed by  
7 the credit, general funds or resources of the City in any manner. Owners of the District  
8 Bonds or the Subordinate Obligations will have no right to require the City or the District to  
9 impose ad valorem property taxes to pay amounts due under the District Bonds or the  
10 Subordinate Obligations.

11 D. The District will serve the interests, convenience and necessity of the  
12 Applicant, the Petitioner, the future owners of the Land and the citizens of the City:

13 (i) The District will be utilized to finance PID-Funded Infrastructure  
14 Improvements benefitting the Land, which will be developed as a master planned  
15 development, consisting of residential uses;

16 (ii) The information provided in the Application provides a  
17 reasonable basis upon which the Governing Body has determined that all the Land is  
18 directly or indirectly benefited by the District, as contemplated by NMSA 1978, §§ 5-11-2(T)  
19 (2013) and 5-11-6(A) (2013);

20 (iii) The cost of constructing the PID-Funded Infrastructure  
21 Improvements will be apportioned in a reasonable manner among the owners of Land, in  
22 accordance with the Rate and Method of Special Levy Apportionment, and will not be  
23 passed on to the citizens of the City, other than the owners of the Land, or the City itself;

24 (iv) The City will receive the benefit of the PID-Funded  
25 Infrastructure Improvements through dedication of the Infrastructure Improvements not  
26 otherwise dedicated to SSCAFCA.

27 E. The Applicant has the financial capacity to undertake the development  
28 of the Infrastructure Improvements.

29 F. The Plan of Finance is feasible and will not impose an undue burden  
30 on the future owners of the Land or served by the PID-Funded Infrastructure  
31 Improvements.

32 G. The Plan of Finance will enable the District to acquire the PID-Funded  
33 Infrastructure Improvements in a cost-effective manner.

34 H. The District is planned and will be implemented in a manner which  
35 provides for the expenses to be paid by the Applicant and the District, as applicable.

36 I. As planned, the District and the PID-Funded Infrastructure  
37 Improvements are consistent with the City's existing development goals, growth  
38 management policies, and conservation policies.

1 J. The formation of the District and the issuance of District Bonds and  
2 Subordinate Obligations, subject to the requirements and limitations specified in this  
3 Formation Resolution, are consistent with the requirements of the PID Guidelines.

4 **Section 4. Formation of District; District Foreclosure Procedures for Delinquent Special**  
5 **Levies; Property Tax Levy.**  
6

7 A. The Tierra Del Oro Public Improvement District is hereby ordered  
8 approved and formed to carry out the purposes set forth in, and according to the provisions  
9 of, this Formation Resolution. The District shall include the Land, which is the real property  
10 described in the General Plan's District Boundary Map and more particularly identified in  
11 the legal description attached as Exhibit 1 to the Application. In the event the District  
12 Board seeks a change in the boundaries of the District in compliance with NMSA 1978, §  
13 5-11-13.A (2001), the District shall be deemed to have been formed after a formation  
14 election, which is waived herein pursuant to NMSA 1978, § 5-11-7(I) (2001), solely for  
15 purpose of permitting an area to be deleted from the boundaries of the District.

16 B. The Application and Petition are hereby accepted and approved.

17 C. The General Plan is hereby accepted and approved.

18 D. The Feasibility Study is hereby accepted and approved. The District  
19 shall implement and reasonably carry out the Plan of Finance.

20 E. The Development Agreement is hereby accepted and approved. The  
21 City Manager of the City is hereby authorized and directed to execute the Development  
22 Agreement on behalf of the City. Any changes, insertions, deletions and modifications to  
23 the Development Agreement shall be deemed to have been approved by the Governing  
24 Body upon execution and delivery of the Development Agreement by the City Manager of  
25 the City, such execution and delivery to be conclusive evidence of such approval. The  
26 District shall be a party to the Development Agreement, as approved by the Governing  
27 Body, immediately upon formation of the District and without any further action by the  
28 District and shall be bound to the obligations set forth therein.

29 F. The Development Agreement shall be an agreement or condition  
30 pertaining to the District, as contemplated by §6(E) of the PID Guidelines, so that any  
31 existing agreements with the Applicant or other developers and landowners regarding the  
32 provision of Infrastructure Improvements proposed to be furnished to the City shall be  
33 deemed amended to reflect the terms of the Development Agreement.

34 G. The Rate and Method of Special Levy Apportionment, establishing the  
35 apportionment and manner of collection of District Special Levy in sufficient detail to enable  
36 each owner of all or a portion of the Land or resident within the District to estimate the  
37 maximum amount of the proposed District Special Levy, is hereby accepted and approved.

38 H. The Disclosure of District Special Levy is hereby approved.

39 I. The District shall have the powers necessary and convenient to pay a  
40 portion of the costs of the District, including administrative and formation costs, and finance  
41 the acquisition of the PID-Funded Infrastructure Improvements as provided in the  
42 Formation Documents. The District and the City shall be bound by the terms thereof;

1 however, the Formation Documents (excluding the Development Agreement) may be  
2 amended or supplemented by the District, without further action by the City, provided that  
3 such amendment or supplement is within the financial parameters set by this Formation  
4 Resolution.

5 J. The officers, agents and employees of the City are hereby directed,  
6 authorized and empowered to do all acts and things and to execute and deliver all  
7 documents relating to or requested by the District and necessary to carry out and comply  
8 with the provisions of the Formation Documents.

9 K. The principal purpose of the District shall be to finance the acquisition  
10 of the PID-Funded Infrastructure Improvements.

11 L. The District Special Levies to be imposed by the District shall not  
12 exceed the maximum amounts set forth in the Application, subject to adjustment consistent  
13 with the terms of the Act and the Rate and Method of Special Levy Apportionment.

14 M. The District shall be self-supporting, as provided in § 3(D) of the PID  
15 Guidelines.

16 N. The financing proposed in the Application and other Formation  
17 Documents meet the applicable requirements of § 7 of the PID Guidelines.

18 O. The District Board shall use its best efforts to hold a public meeting  
19 within 60 days following the date of adoption of this Formation Resolution. At that meeting,  
20 the District Board shall adopt an open meeting policy and bylaws for the District; ratify and  
21 execute the Development Agreement, the terms of which shall be binding upon and  
22 enforceable against the District immediately upon formation notwithstanding this instruction  
23 by the Governing Body to the District Board; direct the recording of the Development  
24 Agreement, the notice of formation, the notice of information, and certain related filings with  
25 the Sandoval County Clerk, as contemplated by the Act; and, in compliance with NMSA  
26 1978, § 5-11-8(D) (2001), take such other action toward administering in a reasonable  
27 manner the implementation of the General Plan including, but not limited to, the imposition  
28 of the District Special Levy, the acquisition of PID-Funded Infrastructure Improvements,  
29 and the issuance of the District Bonds and/or Subordinate Obligations, as authorized by  
30 this Formation Resolution.

31 P. Pursuant to the authority granted in NMSA 1978, §§ 5-11-20(I) (2013)  
32 and 5-11-23(F) (2001), the District shall establish procedures for foreclosure of delinquent  
33 District Special Levies and for redemption of foreclosed property, which procedures shall  
34 be substantially similar to the foreclosure and redemption procedures applicable to  
35 Municipal Improvement Districts set forth in NMSA 1978, §§ 3-33-28 to -30 (1965, as  
36 amended), and as set forth for the District in the Development Agreement approved by this  
37 Formation Resolution.

38 Q. The District is authorized to impose a tax levy in an amount not to  
39 exceed \$3.00 per \$1,000 of net taxable value of taxable property within the boundaries of  
40 the District, unless a higher rate is approved pursuant to § 5-11-23(A) (2001).

41 **Section 5. Authorization of District Bonds.** In compliance with § 2-10-6(H) of the PID  
42 Guidelines, the District may issue District Bonds pursuant to the terms of the Development

1 Agreement and one or more Bond Resolutions in the amounts and subject to the financing  
2 requirements and limitations set forth in this Formation Resolution. The maximum  
3 aggregate principal amount of District Bonds issued by the District shall not exceed  
4 \$3,140,000, plus amounts determined, at the time of issuance of a series of District Bonds  
5 by the District, as the increase in cost of constructing the PID Funded Infrastructure  
6 Improvements by applying the ENR Construction Cost Index to the anticipated costs of  
7 constructing and installing the PID Funded Infrastructure Improvements of \$2,455,718  
8 (2018 dollars), as identified in the Feasibility Study.

9  
10 A. Each Bond Resolution shall include, at minimum, the following  
11 provisions for the protection of owners of the Bonds:

12 (i) Each Bond Resolution shall provide for the establishment of a  
13 debt service reserve fund in an amount acceptable to the District Board.

14 (ii) Each Bond Resolution shall include provisions for the public  
15 offering or private placement of District Bonds in accordance with Section 7(F) of the PID  
16 Guidelines unless, in accordance with the PID Guidelines then in effect, the Governing  
17 Body, determines otherwise, based upon the recommendations made by underwriters or  
18 financial consultants to the City.

19 (iii) Each Bond Resolution shall provide that the District Bonds shall  
20 be sold pursuant to a limited public offering or private placement and issued in such  
21 denominations as determined by the District Board.

22 (iv) The minimum maturity of District Bonds shall be at least one  
23 day. The final maturity date for each series of District Bonds shall not be more than 30  
24 years after the date of issuance of such series of District Bonds by a District.

25 (v) Each Bond Resolution shall include provisions for appointment  
26 of a trustee pursuant to an indenture of trust, a supplemental indenture of trust, or other  
27 similar instrument.

28 (vi) The District Bonds shall bear interest at rates not to exceed  
29 12% per annum.

30 (vii) The maximum aggregate principal amount of District Bonds  
31 issued shall not exceed the estimated cost of the PID-Funded Infrastructure Improvements  
32 to be financed by the District, as determined at the time a series of District Bonds is issued  
33 by the District, plus all costs connected with the issuance and sale of the District Bonds,  
34 including, without limitation, formation costs, credit enhancement and liquidity support fees  
35 and costs.

36 B. In addition to any other express or implied authority granted by the Act  
37 and the PID Guidelines, the District may issue Subordinate Obligations pursuant to NMSA  
38 1978, §§ 5-11-10 (2001) and -20 (2013), the Formation Documents, and the terms of one  
39 or more resolutions of the District Board authorizing issuance of one or more Subordinate  
40 Obligations, for the purpose memorializing and/or satisfying the obligation of the District to  
41 pay for the value of the PID-Funded Infrastructure Improvements received by the District.

42 **Section 6. District Governance.**

- 1           A.     The District Board shall initially be composed of the five (5) members:  
2                 (i)       one of whom shall be a representative from the City Manager's  
3 Office, which member shall initially be John Craig;  
4                 (ii)       one of whom shall be a employed in the Department of  
5 Development Services, which member shall initially be Anthony Caravella;  
6                 (iii)       two members nominated by the Applicant, and consented to by  
7 the Governing Body, which members shall initially be Pierre Amestoy and Christine  
8 Amestoy;  
9                 (iv)       the remaining one of whom shall be selected by approval of the  
10 four preceding directors, which member shall initially be Vincent Pizzonia.  
11  
12           B.     Anthony Caravella, Vincent Pizzonia, and Pierre Amestoy shall serve  
13 6-year terms.  
14  
15           C.     John Craig and Christine Amestoy shall serve 4-year terms.  
16  
17           D.     Pursuant to NMSA 1978, §5-11-6(A) (2013), Pierre Amestoy is  
18 appointed to be the clerk of the District and Christine Amestoy is appointed to be treasurer  
19 of the District.  
20  
21           E.     At the end of the appointed directors' initial terms, the District shall pay  
22 the costs of an election, to be held by the City in conformance with the Act and the PID  
23 Guidelines, to select a new slate of directors for the District Board.  
24

25           **Section 7. Waiver of Additional Hearing and Election.** Based on the information  
26 provided by the Applicant in the Application, the Petition has been signed by and on behalf  
27 of the owners of 100% of the Land to be included in the proposed District and no resident  
28 qualified electors or any other persons are located on the Land, and on that basis the City  
29 waives the requirements for posting, publication, mailing, notice, hearing and owner  
30 election, as authorized by NMSA 1978, § 5-11-7(I) (2001), to the extent not performed.  
31 Furthermore, there shall be no election concerning the formation of the District among a  
32 resident qualified electors as prescribed by NMSA 1978, § 5-11-7(J) (2001).  
33

34           **Section 8. Amendments.** This Formation Resolution may be amended or  
35 supplemented by ordinance or resolution adopted by the Governing Body in accordance  
36 with the laws of the City and the State.  
37

38           **Section 9. Repealer.** All ordinances or resolutions, or parts thereof in conflict with  
39 the provisions of this Formation Resolution, are hereby repealed to the extent only of such  
40 inconsistency. To the extent, if any, that this Formation Resolution conflicts with any  
41 provision of the PID Guidelines, such provision is waived solely with respect to the  
42 formation of and other matters concerning the District, and the PID Guidelines shall remain  
43 in full force and effect in connection with any other application or project to which the PID  
44 Guidelines applies or may apply in the future. This repealer shall not be construed to  
45 revive any ordinance or resolution, or part thereof, heretofore repealed.  
46

47           **Section 10. Severability.** If any section, paragraph, clause or provision of this  
48 Formation Resolution shall for any reason be held to be invalid or unenforceable, the  
49 invalidity or unenforceability of such section, paragraph, clause or provision shall in no

1 manner affect any remaining provisions of this Formation Resolution.

2

3 **Section 11. Notice of Adoption of Formation Resolution.** In compliance with NMSA  
4 1978, § 5-11-8(A) (2001), the Clerk is hereby directed to cause a copy of this Formation  
5 Resolution to be delivered, by certified mail, return receipt requested, to the Sandoval  
6 County Assessor, the Sandoval County Manager, the Secretary of the New Mexico  
7 Taxation and Revenue Department, and the Director of the Local Government Division of  
8 the New Mexico Department of Finance and Administration.

9

10

11 ADOPTED THIS 27<sup>th</sup> DAY OF MARCH, 2019.

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\_\_\_\_\_  
Greggory D. Hull, Mayor

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ATTEST:

  
\_\_\_\_\_  
Yolanda Lucero, Acting City Clerk

(SEAL)

