

CITY of ALBUQUERQUE

TWENTY FIRST COUNCIL

COUNCIL BILL NO. R-14-109 ENACTMENT NO. _____

SPONSORED BY: Klarissa Peña & Diane Gibson

1 SPECIAL ELECTION RESOLUTION

2 TO SUBMIT THE FOLLOWING PROPOSITION TO THE VOTERS OF THE CITY
3 OF ALBUQUERQUE: A PROPOSITION TO IMPOSE A 1/8 GROSS RECEIPTS
4 TAX FOR ESSENTIAL SERVICES; AND PRESCRIBING OTHER DETAILS IN
5 CONNECTION WITH THE SPECIAL MUNICIPAL ELECTION.

6 WHEREAS, Section 3-8-9 NMSA 1978 allows a municipal special election to
7 be held concurrently with any statewide general election, and a statewide
8 general election is scheduled to be held on November 4, 2014; and

9 WHEREAS, the City Council approved P-14-5 proposing to impose a 1/8th
10 percent gross receipts tax for the purpose of funding accessible inpatient and
11 outpatient mental health services and services related to homelessness, the
12 developmentally disabled, substance abuse and at-risk populations; and 50%
13 for services and capital improvements related to mental health, homelessness,
14 the developmentally disabled, substance abuse and at-risk populations; and

15 WHEREAS, P-14-5 specified that the City Clerk is required to coordinate
16 with the Bernalillo County Clerk to prepare and file any necessary documents
17 and agreements for a special municipal election on P-14-5 to be held on
18 November 4, 2014, concurrently with the statewide general election; and

19 WHEREAS, Section 3-8-35 NMSA 1978, a portion of the Municipal Election
20 Code, states that when a special election is required by law, an election
21 resolution shall be adopted by the governing body calling for the election and
22 shall state, in part, the purpose for calling the election, the date of the election,
23 the questions to be submitted to the voters, and whether paper ballots or
24 voting machines will be used in the election.

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

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 **SECTION 1. SPECIAL ELECTION PROCESS.** The applicable provisions of
2 the New Mexico Municipal Election Code, including but not limited to those
3 provisions relating to special, concurrent elections, shall govern the Special
4 Election.

5 **(A) PURPOSE & DATE OF ELECTION.** A special municipal
6 election shall be held in Albuquerque, New Mexico on Tuesday, November 4,
7 2014 (the “Special Election”) for the purpose of submitting the questions
8 described in this Resolution to the registered, qualified voters in the City of
9 Albuquerque.

10 **(B) CLOSING OF REGISTRATION.** Any person who is otherwise
11 qualified to vote and who is not currently registered to vote may register at the
12 office of the Clerk of the County of Bernalillo, 6th Floor, One Civic Plaza,
13 Albuquerque, New Mexico, or at the office of any duly appointed deputy
14 registration officer on or before 5:00 p.m., on October 7, 2014.

15 **(C) QUESTION TO BE SUBMITTED.**
16 **PROPOSITION.** At the Special Election, the City Clerk is
17 instructed to submit the following proposition to the City’s qualified,
18 registered voters who shall be permitted to vote “for” or “against:”

19 **PROPOSITION**

20 Proposing to impose a one-eighth of one percent municipal
21 gross receipts tax for essential services, dedicated specifically
22 and only to the following purposes: 50% to provide funding for
23 accessible inpatient and outpatient mental health services and
24 services related to homelessness, the developmentally disabled,
25 substance abuse and at-risk populations; and 50% for services
26 or capital improvements related to mental health, homelessness,
27 the developmentally disabled, substance abuse and at-risk
28 populations.

29 FOR _____ AGAINST _____

30 **(D) POLLING LOCATIONS & CONSOLIDATION OF PRECINCTS.** A
31 list of polling locations and consolidation of precincts for the Special Election
32 is attached to this Resolution as Exhibit ‘A’. Polls for the Special Election
33 shall open at 7:00 a.m. and shall close at 7:00 p.m. on November 4, 2014.

1 (E) BALLOTS. Voters shall mark paper ballots. Ballots cast
2 Absentee, during Early Voting and Election Day Voting shall be electronically
3 tabulated. Applications for absentee ballots and information on early voting
4 may be obtained from the Bernalillo County Clerk's Office, 6th Floor, One Civic
5 Plaza NW, Albuquerque, New Mexico or at www.bernco.gov/clerk.

6 SECTION 2. COMBINED ACTIONS. The City Clerk may combine any
7 required actions with the Bernalillo County Clerk as authorized by law,
8 including but not limited to those authorized pursuant to NMSA 1978 § 3-8-
9 9(C).

10 SECTION 3. RATIFICATION OF PRIOR ACTIONS. All actions, not
11 inconsistent with the provisions of this Resolution, heretofore taken by the
12 Council and the officers of the City directed toward the Bond Election
13 Question, including, without limiting the generality of the foregoing, is hereby
14 ratified, approved, and confirmed.

15 SECTION 4. PUBLICATION. This Resolution shall be published in English
16 and in Spanish once each week for four consecutive weeks. The first
17 publication of the election resolution shall be between fifty and sixty days
18 before the day of the election. The election resolution shall be posted in the
19 office of the municipal clerk within twenty-four hours from the date of
20 adoption until the date of the election. For information purposes and
21 coordination, one copy of the election resolution shall be mailed to the
22 secretary of state and the Bernalillo County Clerk.

23 SECTION 5. FURTHER ACTIONS & COOPERATION. The officers and
24 agents of the City are hereby authorized and directed to take all action
25 necessary or appropriate to effectuate the provisions of this Resolution,
26 including but not limited to providing this Resolution to the Bernalillo County
27 Clerk and cooperating with the Bernalillo County Clerk, the Bernalillo County
28 Commission and the New Mexico Secretary of State regarding all election
29 matters including but not limited to the completion of any memorandums of
30 agreement as may be required, the preparation of affidavits, instructions and
31 elections supplies, and the publication of notices.

32 SECTION 6. SEVERABILITY. If any section, paragraph, sentence, word, or
33 phrase of this Resolution is for any reason held to be invalid or unenforceable

1 by any court of competent jurisdiction, such decision shall not affect the
2 validity of the remaining provisions of this Resolution. The Council hereby
3 declares that it would have passed this Resolution and each section,
4 paragraph, sentence, word or phrase thereof irrespective of any provision
5 being declared unconstitutional or otherwise invalid.

6

7

8

9

10

11

12

13 x:\city council\share\cl-staff\legislative staff\legislation\resolutions\election resolution - essential services.docx

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion