

CITY of ALBUQUERQUE TWENTIETH COUNCIL

COUNCIL BILL NO. R-12-45

ENACTMENT NO. _____

SPONSORED BY: Winter, Lewis, Sanchez

1 **RESOLUTION**

2 CONCERNING A SPECIAL MUNICIPAL BOND ELECTION TO BE HELD IN THE CITY OF
3 ALBUQUERQUE ON NOVEMBER 6, 2012; SUBMITTING TO A VOTE OF THE QUALIFIED,
4 REGISTERED ELECTORS AT SUCH SPECIAL ELECTION A QUESTION RELATING TO
5 THE ISSUANCE OF GROSS RECEIPTS TAX REVENUE BONDS IN THE PRINCIPAL
6 AMOUNT OF UP TO \$50,000,000 FOR IMPROVEMENTS TO THE PASEO DEL NORTE AND
7 1-25 INTERCHANGE; PROVIDING THE FORM OF THE BOND QUESTION AND THE
8 DESIGNATION CLAUSE FOR SUCH QUESTION ON THE BALLOT; PRESCRIBING OTHER
9 DETAILS IN CONNECTION WITH SUCH SPECIAL ELECTION AND BONDS; AND
10 RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH.

WHEREAS, the City Council (the "Council") of the City of Albuquerque (the "City") in the County of Bernalillo and State of New Mexico, has determined that it is necessary and in the best interests of the City and its inhabitants to issue gross receipts tax revenue bonds in the principal amount of up to \$50,000,000 for the purpose of studying, designing, developing, constructing, reconstructing, rehabilitating, renovating, modernizing, signing, enhancing, landscaping and otherwise improving and acquiring property for the Paseo del Norte and Interstate-25 interchange (the "Project"); and

18 WHEREAS, City Enactment No. O-2012-011, City Ordinance No. F/S O-12-17 (the
19 "Bond Ordinance") was adopted by the Council on March 26, 2012 by a vote of 6 councilors in
20 favor and 3 opposed; and

21 WHEREAS, applicable laws of the State of New Mexico provide that the Bond
22 Ordinance will not become effective until the question of issuing the bonds described therein
23 (the "Bond Election Question") is approved by the qualified electorate of the City; and

24 WHEREAS, the Council has the power to submit the question of issuing gross receipts
25 tax revenue bonds to the qualified electorate of the City pursuant to applicable laws of the State
26 of New Mexico, the City Charter and the City's home rule power pursuant to Article X, Section 6

1 of the New Mexico Constitution; and

2 WHEREAS, the Council hereby determines and declares that the Project for which the
3 City's gross receipts tax revenue bonds would be issued is for public purposes; and

4 WHEREAS, Section 3-8-9 NMSA 1978 allows a municipal election to be held
5 concurrently with any statewide general election, and a statewide general election will be held
6 on Tuesday, the 6th day of November, 2012; and

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

9 Section 1. All action, not inconsistent with the provisions of this Resolution,
10 heretofore taken by the Council and the officers of the City directed toward the Bond Election
11 Question and the Project, including, without limiting the generality of the foregoing, the calling
12 and holding of an election to authorize the issuance of the gross receipts tax revenue bonds
13 (the "GRT Bonds") to finance the Project, be, and the same hereby is, ratified, approved and
14 confirmed.

15 Section 2. At the election to be conducted by the Clerk of the County of Bernalillo on
16 November 6th, 2012, a special municipal election (such election and special election being
17 sometimes referred to herein as the "Election") shall be held and there shall be submitted to the
18 City's qualified, registered electors as herein provided the Bond Election Question set forth in
19 Section 6 hereof.

20 Section 3. The City's qualified, registered electors in all precincts within the City of
21 Albuquerque are eligible to vote on the Bond Election Question being submitted at the Election.
22 No judge or clerk of election shall allow a person to vote unless he or she is duly registered as a
23 voter with the Bernalillo County Clerk and unless he or she meets the qualifications of a resident
24 elector.

25 Section 4. Any person who is otherwise qualified to vote and who is not currently
26 registered to vote may register at the office of the Clerk of the County of Bernalillo, 6th Floor,
27 One Civic Plaza, Albuquerque, New Mexico, or at the office of any duly appointed deputy
28 registration officer on or before 5:00 p.m., on the twenty-eighth day immediately preceding the
29 election.

30 Section 5. Absentee and early voting will be permitted as authorized by state law, as
31 amended and supplemented. Applications for absentee ballots and information on early voting
32 may be obtained from the County Clerk's Office, 6th Floor, One Civic Plaza NW, Albuquerque,
33 New Mexico or at www.bernco.gov/clerk.

1 Section 6. The Bond Election Question shall be submitted on the voting machines to
2 be used for the Election except for absentee and early voters, who may use paper ballots, and
3 except to the extent that the County of Bernalillo is unable to provide voting machines for any
4 polling place. The votes cast for and against the Bond Election Question at the Election shall be
5 tabulated on the election tabulation system counters. The voting machines used shall carry a
6 ballot face which shall be the designation clause for the Bond Election Question and shall be
7 printed in English and Spanish with plain, clear type in black ink on white material of such size
8 as will fit the voting machines. The complete Bond Election Question, in English and Spanish,
9 shall be placed near the voting booths in plain view so that the complete question may be
10 examined by the qualified voters before they vote. The ballot face shall be in substantially the
11 following form:

12 FOR

- 13 THE GROSS RECEIPTS TAX
- 14 REVENUE BONDS FOR PASEO
- 15 DEL NORTE AND I-25 INTERCHANGE
- 16 IMPROVEMENTS

18 AGAINST

19 Shall the City of Albuquerque issue up to \$50,000,000 of
20 its gross receipts tax revenue bonds to study, acquire
21 property for, design, develop, improve, construct,
22 reconstruct, rehabilitate, renovate, modernize, sign,
23 enhance, landscape and otherwise improve the Paseo Del
24 Norte and I-25 interchange?

26 (End of Form of Ballot Face)

27 Section 7. The Clerk of the County of Bernalillo shall supply to each precinct a
28 quantity of paper ballots, printed in English and Spanish, of not less than 10% of the total
29 number of voters in that precinct and additionally shall supply an adequate number of such
30 absentee and early voters. If the County of Bernalillo is unable to provide voting machines at a
31 precinct for such election, the question shall be submitted to all voters therein on paper ballots
32 (if necessary, both voting machines and paper ballots may be used for the same polling place).
33 Paper ballots may be in substantially the following form:

1 (Form of Face of Ballot)

2 CONSOLIDATED PRECINCT

3 NO. _____

4 ABSENTEE (OR)

5 EMERGENCY BALLOT

6 NO. _____

7 OFFICIAL PAPER BALLOT

8 CITY OF ALBUQUERQUE, NEW MEXICO

9 SPECIAL BOND ELECTION

10 NOVEMBER 6, 2012

11 INSTRUCTIONS TO ELECTOR: Each elector shall prepare his or her ballot, indicating his or
12 her approval or disapproval of such proposition by shading in the arrow pointing to his or her
13 choice on each proposition and shall then deposit his or her ballot in the separate ballot box
14 provided for such purpose.

15 Gross Receipts Tax Revenue Bond Question Submitted:

16 [Here insert in full the Gross Receipts Tax Revenue Bond Question as set out as the
17 ballot face.]

18 : FOR Gross Receipts Tax : :

19 : Revenue Bonds

20 : AGAINST Gross Receipts Tax : :

21 : Revenue Bonds

22

23

24 OFFICIAL BOND BALLOT

25 Bond Election

26 November 6, 2012

27 _____ (Facsimile Signature)

28 Clerk

29 (End of Ballot)

30 Section 8. The polls shall be open between the hours of 7:00 a.m. and 7:00 p.m. on
31 election day.

32 Section 9. The election on the Bond Election Question shall be held and conducted
33 in accordance with the Bond Election Act and the Election Code of the City Charter.

34 Section 10. The vote on the Bond Election Question shall be canvassed as nearly as

1 is possible in accordance with the Municipal Election Code, the Bond Election Act, and the
2 Election Code of the City Charter, as amended and supplemented, and the City Clerk shall
3 certify the results of the bond election and shall enter them in the official minute book of the City.

4 Section 11. The Bond Election Resolution shall be published in the English and
5 Spanish languages at least once a week for four consecutive weeks by four insertions, the first
6 insertion being published between fifty (50) and sixty (60) days before the day of the Election in
7 a newspaper or newspapers which are of general circulation in the City and which otherwise
8 qualify as legal newspapers in the City.

9 Section 12. For further information concerning the Bond question, consult the Office
10 of the City Clerk, One Civic Plaza NW, Albuquerque, New Mexico, cityclerk@cabq.gov. For
11 information on the election, contact the office of the County Clerk, 6th Floor, One Civic Plaza,
12 NW, Albuquerque, New Mexico, www.bernco.gov/clerk.

13 Section 13. The officers of the City be, and they hereby are authorized and directed
14 to take all action necessary or appropriate to effectuate the provisions of this Resolution,
15 including, without limiting the generality of the foregoing, providing this special municipal
16 election resolution to the Bernalillo County Clerk and cooperating with the Bernalillo County
17 Clerk and the Secretary of State of New Mexico regarding the preparation of affidavits,
18 instructions and election supplies, and the publication of notices.

19 Section 14. If any section, paragraph, clause, or provision of this Resolution shall for
20 any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such
21 section, paragraph, clause or provisions shall not affect any of the remaining provisions of this
22 Resolution. The Council hereby declares that it would have passed this resolution and each
23 section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision
24 being declared unconstitutional or otherwise invalid.

25 Section 15. All bylaws, orders, resolutions and ordinances, or parts thereof,
26 inconsistent herewith are hereby repealed to the extent only of such inconsistency. This
27 repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or parts
28 thereof, heretofore repealed.

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