

CITY of ALBUQUERQUE

NINETEENTH COUNCIL

COUNCIL BILL NO. _____ ENACTMENT NO. _____

SPONSORED BY:

1 RESOLUTION

2 CONCERNING A SPECIAL MUNICIPAL BOND ELECTION TO BE HELD IN THE CITY OF
3 ALBUQUERQUE AT THE NEXT CITY GENERAL ELECTION; SUBMITTING TO A VOTE OF
4 THE QUALIFIED, REGISTERED ELECTORS AND NONRESIDENT MUNICIPAL ELECTORS
5 AT SUCH SPECIAL ELECTION CERTAIN QUESTIONS FOR AUTHORIZING (1) THE
6 ISSUANCE OF GENERAL OBLIGATION BONDS IN VARYING PRINCIPAL AMOUNTS AND
7 FOR SPECIFIED PUBLIC PURPOSES AND, TO THE QUALIFIED REGISTERED ELECTORS
8 (2) THE EFFECTIVENESS OF AN ORDINANCE AUTHORIZING ISSUANCE OF GROSS
9 RECEIPTS TAX REVENUE BONDS IN THE PRINCIPAL AMOUNT OF UP TO \$50,000,000
10 FOR CERTAIN PUBLIC PURPOSES; PROVIDING THE FORM OF THE BOND QUESTIONS
11 AND THE DESIGNATION CLAUSE FOR SUCH QUESTIONS ON THE BALLOT;
12 PRESCRIBING OTHER DETAILS IN CONNECTION WITH SUCH SPECIAL ELECTION AND
13 BONDS; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH.

14 WHEREAS, the City Council (the "Council") of the City of Albuquerque (the "City") in the
15 County of Bernalillo and State of New Mexico, hereby determines that it is necessary and in the
16 best interests of the City and its inhabitants to issue general obligation bonds and gross receipts
17 tax revenue bonds in the principal amounts and for the purposes provided herein; and

18 WHEREAS, the Council has the power to submit questions of issuing general obligations
19 bonds and gross receipts tax revenue bonds to the qualified electorate of the City pursuant to
20 applicable laws of the State of New Mexico, the City Charter and the City's home rule power
21 pursuant to Article X, Section 6 of the New Mexico Constitution; and

22 WHEREAS, certain of the projects approved by the Council in the 2011 Capital
23 Improvements Program to be funded by the proceeds of general obligation bonds have been re-
24 grouped for the purposes of the ballot faces; and

25 WHEREAS, the Council hereby determines and declares that all of the projects (the
26 "Projects") for which the questions of issuing the City's general obligation bonds (the "GO Bond

[+Bracketed Material+] - New
[-Bracketed Material-] - Deletion

1 Election Questions”) and the effectiveness of an ordinance authorizing the issuance of the City's
2 gross receipts tax revenue bonds (the "GRT Bond Election Questions" and, collectively with the
3 GO Bond Election Questions, the "Bond Election Questions") are set forth herein are or will be
4 for public purposes; and

5 WHEREAS, a regular municipal election is required to be held in the City of Albuquerque
6 on Tuesday, the 4th day of October, 2011, at which an election relating to the offices of
7 Councillor of Districts 2, 4, 6, and 8 will be held in accordance with the City Charter; and

8 WHEREAS, the Council hereby determines that a special municipal election will be held
9 in the City of Albuquerque on Tuesday, the 4th day of October, 2011 relating to the Bond
10 Election Questions.

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

13 Section 1. All action, not inconsistent with the provisions of this Resolution,
14 heretofore taken by the Council and the officers of the City, directed toward the Bond Election
15 Questions and the Projects described or referred to in the Bond Election Questions, including,
16 without limiting the generality of the foregoing, the calling and holding of an election to authorize
17 the issuance of the general obligation bonds and the gross receipts tax revenue bonds
18 (respectively, the "GO Bonds" and the "GRT Bonds, and, collectively, the “Bonds”) to finance
19 the Projects, be, and the same hereby is, ratified, approved and confirmed. Funding for projects
20 indentified within one GO Bond purpose may be reallocated to another project within the same
21 purpose, provided that any such reallocation is approved by appropriate legislation.

22 Section 2. At the next regular city election of municipal officers to be held in the City
23 a special election (such regular election and special election being sometimes referred to herein
24 as the "Election") shall be held and there shall be submitted to the City's qualified, registered
25 electors and, with respect to the GO Bond Questions but not the GRT Bond Question, to the
26 nonresident municipal electors as herein provided (“nonresident municipal electors”), the Bond
27 Election Questions set forth in Section 8 hereof. A registered, nonresident municipal elector
28 means any person who on the date of election, is a qualified registered elector of Bernalillo
29 County but who is a resident of that portion of Bernalillo County which is outside of the
30 Albuquerque city limits, who has paid a property tax on property located within the City of
31 Albuquerque during the year preceding the election and who has registered with the City Clerk
32 of Albuquerque his or her intention to vote at the general obligation bond election by filing with
33 the office of the City Clerk of Albuquerque a certificate of eligibility announcing such person's
34 intention to vote at such election on the questions of creating municipal debt.

Section 3. For the purpose of this Resolution and solely for the purpose of voting on the GO Bond Election Questions, all territory within the County of Bernalillo is a "Municipal Precinct." All territory in the Municipal Precinct and not within the City's boundaries shall constitute one voting division to be known as the "Nonresident Voting Division." The Nonresident Voting Division shall include the territory within the boundary of any other municipality within the County. The polling place within the City for nonresident municipal electors desiring to vote on the GO Bond Election Questions shall be at a location in Albuquerque, New Mexico, as designated by the City Clerk, which polling place shall be separate from any other polling place located within the City.

Section 4. The City's qualified, registered, resident electors are eligible to vote on candidates, questions and Bond Election Questions being submitted at the Election. The City's qualified, registered, nonresident electors are eligible to vote only on the GO Bond Election Questions. No judge or clerk of election shall allow a person to vote unless he or she is duly registered as a voter with the Bernalillo County Clerk and unless he or she meets the qualifications of a resident elector or a nonresident municipal elector.

Section 5. All persons desiring to vote for any candidate or on any questions being submitted at the Election (including nonresident municipal electors who may vote only on the GO Bond Election Questions) must be registered to vote. Any person who is otherwise qualified to vote and who is not currently registered to vote may register at the office of the Bernalillo County Clerk, 6th Floor, One Civic Plaza, Albuquerque, New Mexico, or at the office of any duly appointed deputy registration officer on or before 5:00 p.m., on the twenty-eighth day immediately preceding the election.

Section 6. Not more than sixty, nor less than fifteen, days before the Election, any nonresident municipal elector desiring to vote on the GO Bond Election Questions shall file with the City Clerk a certificate of eligibility which shall be the nonresident municipal elector's additional registration requirement for voting at the Election on the GO Bond Election Questions. Each nonresident municipal elector must file such certificate of eligibility in addition to registering to vote with the Bernalillo County Clerk. The certificate of eligibility shall be in substantially the following form:

(Form of Certificate of Eligibility)

NONRESIDENT MUNICIPAL ELECTOR'S CERTIFICATE

GENERAL OBLIGATION BOND ELECTION

ALBUQUERQUE, NEW MEXICO

OCTOBER 4, 2011

1 STATE OF NEW MEXICO)

2) ss

3 COUNTY OF BERNALILLO)

4 I, _____ (last name), _____ (first name) _____
5 (middle name) desire to vote at the municipal election to be held on October 4, 2011, and
6 request the County Clerk and County Treasurer of the County of Bernalillo to certify that I am a
7 nonresident municipal elector of Albuquerque, New Mexico.

8 Signed:

9 _____

10 (Signature of Nonresident Municipal Elector)

11 I hereby certify that the above named nonresident
12 municipal elector is registered to vote in this county.

13 Signed:

14 _____

15 (County Clerk)

16 I hereby certify that the above named nonresident municipal elector has paid a tax on
17 property within the City of Albuquerque, New Mexico, during the preceding year, to wit, on
18 _____, 2011.

19 Signed: _____

20 (County Treasurer)

21 (End of Form of Certificate of Eligibility)

22 Section 7. Absentee voting will be permitted as authorized by state law, as amended
23 and supplemented. Applications for absentee ballots may be obtained from the City Clerk's
24 Office. The absentee voters' polling place will be located at the City Clerk's Office, or as may be
25 otherwise designated by the City Clerk. The judges and clerks will be those persons so
26 designated for the regular municipal election.

27 Section 8. The Bond Election Questions shall be submitted on paper ballots. The
28 votes cast for and against each Bond Election Question at the Election shall be tabulated on the
29 election tabulation system counters. The paper ballots shall contain the designation clauses for
30 the Bond Election Questions and shall be printed in English and Spanish with plain, clear type in
31 black ink on white material of such size as will fit the paper ballots. The complete Bond Election
32 Questions, in English and Spanish, shall be placed near the voting booths in plain view so that
33 the complete questions may be examined by the qualified voters before they vote. The ballot
34 faces shall be in substantially the following form:

1 1. FOR

2 GENERAL OBLIGATION

3 PUBLIC SAFETY

4 BONDS

5 AGAINST

6 Shall the City of Albuquerque issue \$10,555,000 of its
7 general obligation bonds to design, develop, study,
8 construct, modernize, automate, renovate, rehabilitate,
9 recondition, landscape, furnish, enhance and otherwise
10 improve, and to acquire buildings, property, vehicles,
11 apparatus, and equipment for, police and fire department
12 facilities?

13 2. FOR

14 GENERAL OBLIGATION SENIOR,

15 FAMILY, COMMUNITY CENTER,

16 AND COMMUNITY ENHANCEMENT

17 PROJECT BONDS

18 AGAINST

19 Shall the City of Albuquerque issue \$11,514,000 of its
20 general obligation bonds to plan, design, develop,
21 construct, demolish, equip, reconstruct, renovate,
22 rehabilitate, expand, repair, study, landscape, streetscape,
23 enhance and otherwise improve, and to acquire property
24 for, City-owned community centers including those for
25 families, youth, senior citizens, and for economic
26 development projects and for infrastructure and/or facility
27 improvements associated with Metropolitan
28 Redevelopment Area projects and for community
29 enhancement projects?

30 3. FOR

31 GENERAL OBLIGATION

32 PARKS AND RECREATION

33 BONDS

34 AGAINST

1 Shall the City of Albuquerque issue \$22,473,000 of its
2 general obligation bonds to study, map, plan, design,
3 develop, construct, rehabilitate, renovate, expand, furnish,
4 equip, enhance and otherwise improve and to acquire
5 property, vehicles and equipment for park and recreational
6 facilities, including public parks and facilities within those
7 parks, swimming pools, tennis courts, sports fields and
8 other recreational facilities, open space, medians,
9 bikeways, bosque lands, and trails?

- 10 4. FOR GENERAL OBLIGATION ENERGY AND WATER CONSERVATION,
11 PUBLIC FACILITIES, AND
12 SYSTEM MODERNIZATION BONDS
13 AGAINST

14 Shall the City of Albuquerque issue \$23,104,000 of its
15 general obligation bonds to modernize, make energy-
16 and/or water-efficient, upgrade, equip, improve, acquire,
17 design, survey, develop, construct, rehabilitate, renovate,
18 maintain, expand, furnish, equip, enhance, and otherwise
19 improve, and to acquire property, vehicles and equipment
20 for, public buildings, facilities, and systems?

- 21 5. FOR
22 GENERAL OBLIGATION
23 LIBRARY BONDS
24 AGAINST

25 Shall the City of Albuquerque issue \$9,545,000 of its
26 general obligation bonds to acquire property, study, plan,
27 design, develop, construct, reconstruct, renovate,
28 rehabilitate, modernize, preserve, automate, upgrade,
29 landscape and otherwise improve, and to acquire books,
30 media, and equipment for, public libraries?

- 31 6. FOR
32 GENERAL OBLIGATION
33 STREET BONDS
34 AGAINST

1 Shall the City of Albuquerque issue \$50,051,000 of its
2 general obligation bonds to study, design, develop,
3 construct, reconstruct, rehabilitate, renovate, automate,
4 modernize, sign, enhance, landscape and otherwise
5 improve, and to acquire property and equipment for
6 municipal streets and roads, interstate roadways and
7 interchanges, medians, trails, bikeways, walkways,
8 sidewalks, railroad crossings, and bridges?

9 7. FOR

10 GENERAL OBLIGATION

11 PUBLIC TRANSPORTATION BONDS

12 AGAINST

13 Shall the City of Albuquerque issue \$6,262,000 of its
14 general obligation bonds to design, develop, construct,
15 rehabilitate, renovate, expand, recondition, modernize,
16 automate, study, furnish, enhance and otherwise improve,
17 and to acquire property, vehicles, and equipment for public
18 transportation facilities?

19 8. FOR

20 GENERAL OBLIGATION

21 STORM SEWER SYSTEM BONDS

22 AGAINST

23 Shall the City of Albuquerque issue \$13,080,000 of its
24 general obligation bonds to plan, design, develop,
25 construct, reconstruct, rehabilitate, renovate, expand,
26 extend, enhance, study, monitor and otherwise improve,
27 and to acquire property and equipment for the storm sewer
28 system?

29 9. FOR

30 GENERAL OBLIGATION MUSEUM AND

31 CULTURAL FACILITY BONDS

32 AGAINST

33 Shall the City of Albuquerque issue \$3,889,000 of its
34 general obligation bonds to study, design, develop,

construct, reconstruct, rehabilitate, renovate, repair, refurbish, modernize, preserve, maintain, expand, enhance and otherwise improve, and to acquire artifacts, exhibits, furnishings and equipment for City-owned museums and cultural facilities?

10. FOR

GENERAL OBLIGATION

AFFORDABLE HOUSING BONDS

AGAINST

Shall the City of Albuquerque issue \$10,100,000 of its general obligation bonds in support of the Workforce Housing Act to provide resources towards the construction and rehabilitation of high quality, permanently affordable housing for low to moderate working families, including affordable senior rental?

11. FOR

GENERAL OBLIGATION ZOO AND

BIOLOGICAL PARK BONDS

AGAINST

Shall the City of Albuquerque issue \$3,414,000 of its general obligation bonds to study, design, develop, construct, reconstruct, rehabilitate, renovate, repair, refurbish, modernize, preserve, maintain, expand, enhance, landscape and otherwise improve, and to acquire artifacts, animals, plant material, exhibits furnishings and equipment for the Zoo, Tingley Beach, Aquarium, and Botanic Garden?

12. FOR

THE EFFECTIVENESS OF AN

ORDINANCE AUTHORIZING THE

ISSUANCE OF GROSS RECEIPTS

TAX REVENUE BONDS

AGAINST

Shall the City Ordinance [ballot face to identify enactment

[+Bracketed Material+] - New
[-Bracketed Material-] - Deletion

number] authorizing the City of Albuquerque to issue up to \$50,000,000 of its gross receipts tax revenue bonds to finance certain capital projects be effective?

(End of Form of Ballot Faces)

Section 9. Paper ballots shall be used and may be in substantially the following form (provided that such questions may be included on the same ballot that is provided for the election of candidates for office except that ballots for nonresident municipal voters shall contain only such Bond Election Questions):

(Form of Face of Ballot)

CONSOLIDATED PRECINCT

NO. _____

ABSENTEE (OR)

EMERGENCY BALLOT

NO. _____

OFFICIAL PAPER BALLOT

CITY OF ALBUQUERQUE, NEW MEXICO

GENERAL OBLIGATION BOND ELECTION

OCTOBER 4, 2011

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

1. General Obligation Public Safety Bonds Question Submitted:

[Here insert in full the General Obligation Public Safety Bonds Question as set out as the ballot face.]

:	FOR General Obligation	:	:
:	Public Safety Bonds	:	:
:	AGAINST General Obligation	:	:
:	Public Safety Bonds	:	:

2. General Obligation Senior, Family, Community Center, and Community Enhancement Project Bonds Question Submitted:

[Here insert in full the General Obligation Senior, Family, Community Center, and

Community Enhancement Project Bonds Question as set out as the ballot face.]

:	FOR General Obligation Senior,	:	:
:	Family, Community Center,	:	:
:	and Community Enhancement	:	:
:	Project Bonds	:	:

:	AGAINST General Obligation Senior,	:	:
:	Family, Community Center,	:	:
:	and Community Enhancement	:	:
:	Project Bonds	:	:

3. General Obligation Parks and Recreation Bonds Question Submitted:

[Here insert in full the General Obligation Parks and Recreation Bonds Question as set out as the ballot face.]

:	FOR General Obligation	:	:
:	Parks and Recreation Bonds	:	:
:	AGAINST General Obligation	:	:
:	Parks and Recreation Bonds	:	:

4. General Obligation Energy and Water Conservation, Public Facilities, and System Modernization Bonds Question Submitted:

[Here insert in full the General Obligation Energy and Water Conservation, Public Facilities, and System Modernization Bonds Question as set out as the ballot face.]

:	FOR General Obligation Energy and	:	:
:	Water Conservation, Public Facilities,	:	:
:	and System Modernization Bonds	:	:
:	AGAINST General Obligation Energy and	:	:
:	Water Conservation, Public Facilities,	:	:
:	and System Modernization Bonds	:	:

5. General Obligation Library Bonds Question Submitted:

[Here insert in full the General Obligation Library Bonds Question as set out as the ballot face.]

:	FOR General Obligation	:	:
:	Library Bonds	:	:
:	AGAINST General Obligation	:	:
:	Library Bonds	:	:

- 1 6. General Obligation Street Bonds Question Submitted:
- 2 [Here insert in full the General Obligation Street Bonds Question as set out as the ballot
- 3 face.]
- 4

:	FOR General Obligation	:	:
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- 5

:	Street Bonds	:	:
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- 6

:	AGAINST General Obligation	:	:
---	----------------------------	---	---
- 7

:	Street Bonds	:	:
---	--------------	---	---
- 8 7. General Obligation Public Transportation Bonds Question Submitted:
- 9 [Here insert in full the General Obligation Public Transportation Bonds Question as set
- 10 out as the ballot face.]
- 11

:	FOR General Obligation	:	:
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- 12

:	Public Transportation Bonds	:	:
---	-----------------------------	---	---
- 13

:	AGAINST General Obligation	:	:
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- 14

:	Public Transportation Bonds	:	:
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- 15 8. General Obligation Storm Sewer System Bonds Question Submitted:
- 16 [Here insert in full the General Obligation Storm Sewer System Bonds Question as set
- 17 out as the ballot face.]
- 18

:	FOR General Obligation	:	:
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- 19

:	Storm Sewer System Bonds	:	:
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- 20

:	AGAINST General Obligation	:	:
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- 21

:	Storm Sewer System Bonds	:	:
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- 22 9. General Obligation Museum and Cultural Facility Bonds Question Submitted:
- 23 [Here insert in full the General Obligation Musuem and Cultural Facility Bonds Question
- 24 as set out as the ballot face.]
- 25

:	FOR General Obligation	:	:
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- 26

:	Museum and Cultural Facility Bonds	:	:
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- 27

:	AGAINST General Obligation	:	:
---	----------------------------	---	---
- 28

:	Museum and Cultural Facility Bonds	:	:
---	------------------------------------	---	---
- 29 10. General Obligation Affordable Housing Bonds Question Submitted:
- 30 [Here insert in full the General Obligation Affordable Housing Bonds Question as set out
- 31 as the ballot face.]
- 32

:	FOR General Obligation	:	:
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- 33

:	Affordable Housing Bonds	:	:
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1 : AGAINST General Obligation : :

2 : Affordable Housing Bonds : :

3 11. General Obligation Zoo and Biological Park Bonds Question Submitted:

4 [Here insert in full the General Obligation Zoo and Biological Park Bonds Question as set
5 out as the ballot face.]

6 : FOR General Obligation : :

7 : Zoo and Biological Park Bonds

8 : AGAINST General Obligation : :

9 : Zoo and Biological Park Bonds

10
11 12. Gross Receipts Tax Revenue Bond Ordinance Question Submitted:

12 [Here insert in full the Gross Receipts Tax Revenue Bond Ordinance Question as set out
13 as the ballot face.]

14 : FOR Gross Receipts Tax : :

15 : Revenue Bond Ordinance

16 : AGAINST Gross Receipts Tax : :

17 : Revenue Bond Ordinance

18
19
20 OFFICIAL BOND BALLOT

21 Bond Election

22 October 4, 2011

23 _____ (Facsimile Signature)

24 Clerk

25 (End of Ballot)

26 Section 10. The polls shall be open between the hours of 7:00 a.m., and 7:00 p.m.,
27 on election day. Except as provided in Section 3 hereof and except for absentee voting, the
28 polls shall be located in each of the precincts of the City, or consolidated precincts as shall be
29 established by the City. Except as provided in Section 3 hereof and except for absentee voters,
30 each voter shall cast his or her ballot at the polling place in the precinct or consolidated precinct
31 in which he or she resides.

32 Section 11. The election on the Bond Election Questions shall be held and
33 conducted in accordance with the Bond Election Act, the Municipal Election Code and the

1 Election Code of the City Charter.

2 Section 12. The judges and clerks for the Nonresident Voting Division precinct will be
3 appointed by the City Council as provided in the Municipal Election Code and the Election Code
4 of the City Charter.

5 Section 13. The vote on the Bond Election Questions shall be canvassed as nearly
6 as is possible in accordance with the Municipal Election Code, the Bond Election Act, and the
7 Election Code of the City Charter, as amended and supplemented, and the City Clerk shall
8 certify the results of the bond election and shall enter them in the official minute book of the City.

9 Section 14. The Bond Election Resolution shall be published in the English and
10 Spanish languages at least once a week for four consecutive weeks by four insertions, the first
11 insertion being published between fifty (50) and sixty (60) days before the day of the Election in
12 a newspaper or newspapers which are of general circulation in the City and which otherwise
13 qualify as legal newspapers in the City. The City Clerk is hereby instructed and authorized to
14 carry out this provision.

15 Section 15. For further information concerning this election, consult the Office of the
16 City Clerk, 11th Floor, One Civic Plaza NW, Albuquerque, New Mexico.

17 Section 16. The officers of the City be, and they hereby are authorized and directed
18 to take all action necessary or appropriate to effectuate the provisions of this Resolution.

19 Section 17. 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 18. All resolutions and ordinances, or parts thereof, inconsistent herewith are
26 hereby repealed to the extent only of such inconsistency. This repealer shall not be construed
27 to revive any resolution or ordinance, or parts thereof, heretofore repealed.

28 Passed and adopted this ____ day of June, 2011, by a vote of ____ for and ____
29 against.

30
31 8796\92\1520819.7