

# CITY of ALBUQUERQUE

## NINETEENTH COUNCIL

COUNCIL BILL NO. F/S R-11-232 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Brad Winter

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

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

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

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

1 WHEREAS, the Council hereby determines and declares that all of the projects  
2 (the "Projects") for which the questions of issuing the City's general obligation bonds  
3 (the "GO Bond Election Questions") and the effectiveness of an ordinance authorizing  
4 the issuance of the City's gross receipts tax revenue bonds (the "GRT Bond Election  
5 Questions" and, collectively with the GO Bond Election Questions, the "Bond Election  
6 Questions") are set forth herein are or will be for public purposes; and

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

11 WHEREAS, the Council hereby determines that a special municipal election will be  
12 held in the City of Albuquerque on Tuesday, the 4<sup>th</sup> day of October, 2011 relating to the  
13 Bond Election Questions.

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

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

26 Section 2. At the next regular city election of municipal officers to be held in  
27 the City a special election (such regular election and special election being sometimes  
28 referred to herein as the "Election") shall be held and there shall be submitted to the  
29 City's qualified, registered electors and, with respect to the GO Bond Questions but not  
30 the GRT Bond Question, to the nonresident municipal electors as herein provided  
31 ("nonresident municipal electors"), the Bond Election Questions set forth in Section 8  
32 hereof. A registered, nonresident municipal elector means any person who on the date  
33 of election, is a qualified registered elector of Bernalillo County but who is a resident of  
34 that portion of Bernalillo County which is outside of the Albuquerque city limits, who has

1 paid a property tax on property located within the City of Albuquerque during the year  
2 preceding the election and who has registered with the City Clerk of Albuquerque his or  
3 her intention to vote at the general obligation bond election by filing with the office of the  
4 City Clerk of Albuquerque a certificate of eligibility announcing such person's intention  
5 to vote at such election on the questions of creating municipal debt.

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

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

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

29 Section 6. Not more than sixty, nor less than fifteen, days before the Election,  
30 any nonresident municipal elector desiring to vote on the GO Bond Election Questions  
31 shall file with the City Clerk a certificate of eligibility which shall be the nonresident  
32 municipal elector's additional registration requirement for voting at the Election on the  
33 GO Bond Election Questions. Each nonresident municipal elector must file such  
34 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**

**STATE OF NEW MEXICO )**

**) ss**

**COUNTY OF BERNALILLO )**

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

**Signed:**

\_\_\_\_\_  
(Signature of Nonresident Municipal Elector)

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

**Signed:**

\_\_\_\_\_  
(County Clerk)

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

**Signed:** \_\_\_\_\_

(County Treasurer)

(End of Form of Certificate of Eligibility)

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

**Section 8. The Bond Election Questions shall be submitted on paper ballots.  
The votes cast for and against each Bond Election Question at the Election shall be**

1 tabulated on the election tabulation system counters. The paper ballots shall contain the  
2 designation clauses for the Bond Election Questions and shall be printed in English and  
3 Spanish with plain, clear type in black ink on white material of such size as will fit the  
4 paper ballots. The complete Bond Election Questions, in English and Spanish, shall be  
5 placed near the voting booths in plain view so that the complete questions may be  
6 examined by the qualified voters before they vote. The ballot faces shall be in  
7 substantially the following form:

8 1. FOR

9 GENERAL OBLIGATION

10 PUBLIC SAFETY

11 BONDS

12 AGAINST

13 Shall the City of Albuquerque issue \$10,555,000 of its  
14 general obligation bonds to design, develop, study,  
15 construct, modernize, automate, renovate, rehabilitate,  
16 recondition, landscape, furnish, enhance and  
17 otherwise improve, and to acquire buildings, property,  
18 vehicles, apparatus, and equipment for, police and fire  
19 department facilities?

20 2. FOR

21 GENERAL OBLIGATION SENIOR,

22 FAMILY, COMMUNITY CENTER,

23 AND COMMUNITY ENHANCEMENT

24 PROJECT BONDS

25 AGAINST

26 Shall the City of Albuquerque issue \$11,514,000 of its  
27 general obligation bonds to plan, design, develop,  
28 construct, demolish, equip, reconstruct, renovate,  
29 rehabilitate, expand, repair, study, landscape,  
30 streetscape, enhance and otherwise improve, and to  
31 acquire property for, City-owned community centers  
32 including those for families, youth, senior citizens, and  
33 for economic development projects and for  
34 infrastructure and/or facility improvements associated

with Metropolitan Redevelopment Area projects and  
for community enhancement projects?

3. FOR

GENERAL OBLIGATION

PARKS AND RECREATION

BONDS

AGAINST

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

4. FOR

GENERAL OBLIGATION ENERGY AND WATER CONSERVATION,

PUBLIC FACILITIES, AND

SYSTEM MODERNIZATION BONDS

AGAINST

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

5. FOR

GENERAL OBLIGATION

LIBRARY BONDS

AGAINST

1 Shall the City of Albuquerque issue \$9,545,000 of its  
2 general obligation bonds to acquire property, study,  
3 plan, design, develop, construct, reconstruct,  
4 renovate, rehabilitate, modernize, preserve, automate,  
5 upgrade, landscape and otherwise improve, and to  
6 acquire books, media, and equipment for, public  
7 libraries?

8 6. FOR

9 GENERAL OBLIGATION

10 STREET BONDS

11 AGAINST

12 Shall the City of Albuquerque issue \$50,051,000 of its  
13 general obligation bonds to study, design, develop,  
14 construct, reconstruct, rehabilitate, renovate,  
15 automate, modernize, sign, enhance, landscape and  
16 otherwise improve, and to acquire property and  
17 equipment for municipal streets and roads, interstate  
18 roadways and interchanges, medians, trails, bikeways,  
19 walkways, sidewalks, railroad crossings, and bridges?

20 7. FOR

21 GENERAL OBLIGATION

22 PUBLIC TRANSPORTATION BONDS

23 AGAINST

24 Shall the City of Albuquerque issue \$6,262,000 of its  
25 general obligation bonds to design, develop,  
26 construct, rehabilitate, renovate, expand, recondition,  
27 modernize, automate, study, furnish, enhance and  
28 otherwise improve, and to acquire property, vehicles,  
29 and equipment for public transportation facilities?

30 8. FOR

31 GENERAL OBLIGATION

32 STORM SEWER SYSTEM BONDS

33 AGAINST

34 Shall the City of Albuquerque issue \$13,080,000 of its

1 general obligation bonds to plan, design, develop,  
2 construct, reconstruct, rehabilitate, renovate, expand,  
3 extend, enhance, study, monitor and otherwise  
4 improve, and to acquire property and equipment for  
5 the storm sewer system?

6 9. FOR

7 GENERAL OBLIGATION MUSEUM AND  
8 CULTURAL FACILITY BONDS

9 AGAINST

10 Shall the City of Albuquerque issue \$3,889,000 of its  
11 general obligation bonds to study, design, develop,  
12 construct, reconstruct, rehabilitate, renovate, repair,  
13 refurbish, modernize, preserve, maintain, expand,  
14 enhance and otherwise improve, and to acquire  
15 artifacts, exhibits, furnishings and equipment for City-  
16 owned museums and cultural facilities?

17 10. FOR

18 GENERAL OBLIGATION  
19 AFFORDABLE HOUSING BONDS

20 AGAINST

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

27 11. FOR

28 GENERAL OBLIGATION ZOO AND  
29 BIOLOGICAL PARK BONDS

30 AGAINST

31 Shall the City of Albuquerque issue \$3,414,000 of its  
32 general obligation bonds to study, design, develop,  
33 construct, reconstruct, rehabilitate, renovate, repair,  
34 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

AUTHORIZING THE  
ISSUANCE OF GROSS RECEIPTS  
TAX REVENUE BONDS  
AGAINST

Shall the City of Albuquerque issue up to \$50,000,000  
of its gross receipts tax revenue bonds to finance  
certain capital projects identified as part of ABQ the  
Plan?

(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,	:	:

1	:	and System Modernization Bonds	:	:
2	:	AGAINST General Obligation Energy and	:	:
3	:	Water Conservation, Public Facilities,	:	:
4	:	and System Modernization Bonds	:	:
5	5.	General Obligation Library Bonds Question Submitted:		
6		[Here insert in full the General Obligation Library Bonds Question as set out as		
7		the ballot face.]		
8	:	FOR General Obligation	:	:
9	:	Library Bonds	:	:
10	:	AGAINST General Obligation	:	:
11	:	Library Bonds	:	:
12	6.	General Obligation Street Bonds Question Submitted:		
13		[Here insert in full the General Obligation Street Bonds Question as set out as the		
14		ballot face.]		
15	:	FOR General Obligation	:	:
16	:	Street Bonds	:	:
17	:	AGAINST General Obligation	:	:
18	:	Street Bonds	:	:
19	7.	General Obligation Public Transportation Bonds Question Submitted:		
20		[Here insert in full the General Obligation Public Transportation Bonds Question		
21		as set out as the ballot face.]		
22	:	FOR General Obligation	:	:
23	:	Public Transportation Bonds	:	:
24	:	AGAINST General Obligation	:	:
25	:	Public Transportation Bonds	:	:
26	8.	General Obligation Storm Sewer System Bonds Question Submitted:		
27		[Here insert in full the General Obligation Storm Sewer System Bonds Question as		
28		set out as the ballot face.]		
29	:	FOR General Obligation	:	:
30	:	Storm Sewer System Bonds	:	:
31	:	AGAINST General Obligation	:	:
32	:	Storm Sewer System Bonds	:	:
33	9.	General Obligation Museum and Cultural Facility Bonds Question Submitted:		

1 [Here insert in full the General Obligation Museum and Cultural Facility Bonds  
 2 Question as set out as the ballot face.]

3	:	FOR General Obligation	:	:
4	:	Museum and Cultural Facility Bonds	:	:
5	:	AGAINST General Obligation	:	:
6	:	Museum and Cultural Facility Bonds	:	:

7 10. General Obligation Affordable Housing Bonds Question Submitted:

8 [Here insert in full the General Obligation Affordable Housing Bonds Question as  
 9 set out as the ballot face.]

10	:	FOR General Obligation	:	:
11	:	Affordable Housing Bonds	:	:
12	:	AGAINST General Obligation	:	:
13	:	Affordable Housing Bonds	:	:

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

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

17	:	FOR General Obligation	:	:
18	:	Zoo and Biological Park Bonds	:	:
19	:	AGAINST General Obligation	:	:
20	:	Zoo and Biological Park Bonds	:	:

22 12. Gross Receipts Tax Revenue Bond Question Submitted:

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

25	:	FOR Gross Receipts Tax	:	:
26	:	Revenue Bonds	:	:
27	:	AGAINST Gross Receipts Tax	:	:
28	:	Revenue Bonds	:	:

**OFFICIAL BOND BALLOT**

**Bond Election**

**October 4, 2011**

**(Facsimile Signature)**

**Clerk**

**(End of Ballot)**

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

**Section 11. The election on the Bond Election Questions shall be held and conducted in accordance with the Bond Election Act, the Municipal Election Code and the Election Code of the City Charter.**

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

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

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

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

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

1           Section 17.    If any section, paragraph, clause, or provision of this Resolution  
2 shall for any reason be held to be invalid or unenforceable, the invalidity or  
3 unenforceability of such section, paragraph, clause or provisions shall not affect any of  
4 the remaining provisions of this Resolution. The Council hereby declares that it would  
5 have passed this resolution and each section, paragraph, sentence, clause, word, or  
6 phrase thereof irrespective of any provision being declared unconstitutional or otherwise  
7 invalid.

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