

CITY of ALBUQUERQUE

NINETEENTH COUNCIL

COUNCIL BILL NO. F/S R-11-232 ENACTMENT NO. B. 2011-052

SPONSORED BY: Brad Winter

RESOLUTION

CONCERNING A SPECIAL MUNICIPAL BOND ELECTION TO BE HELD IN THE CITY OF ALBUQUERQUE AT THE NEXT CITY GENERAL ELECTION; SUBMITTING TO A VOTE OF THE QUALIFIED, REGISTERED ELECTORS AND NONRESIDENT MUNICIPAL ELECTORS AT SUCH SPECIAL ELECTION CERTAIN QUESTIONS FOR AUTHORIZING (1) THE ISSUANCE OF GENERAL OBLIGATION BONDS IN VARYING PRINCIPAL AMOUNTS AND FOR SPECIFIED PUBLIC PURPOSES AND, TO THE QUALIFIED REGISTERED ELECTORS (2) THE EFFECTIVENESS OF AN ORDINANCE AUTHORIZING ISSUANCE OF GROSS RECEIPTS TAX REVENUE BONDS IN THE PRINCIPAL AMOUNT OF UP TO \$50,000,000 FOR CERTAIN PUBLIC PURPOSES; PROVIDING THE FORM OF THE BOND QUESTIONS AND THE DESIGNATION CLAUSE FOR SUCH QUESTIONS ON THE BALLOT; PRESCRIBING OTHER DETAILS IN CONNECTION WITH SUCH SPECIAL ELECTION AND BONDS; AND 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, hereby determines that it is necessary and in the best interests of the City and its inhabitants to issue general obligation bonds and gross receipts tax revenue bonds in the principal amounts and for the purposes provided herein; and

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

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

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[-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 4th 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 identified 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, 6th 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.

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1 The certificate of eligibility shall be in substantially the following form:

2 (Form of Certificate of Eligibility)

3 NONRESIDENT MUNICIPAL ELECTOR'S CERTIFICATE

4 GENERAL OBLIGATION BOND ELECTION

5 ALBUQUERQUE, NEW MEXICO

6 OCTOBER 4, 2011

7 STATE OF NEW MEXICO)

8) ss

9 COUNTY OF BERNALILLO)

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

14 Signed:

15 _____
16 (Signature of Nonresident Municipal Elector)

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

19 Signed:

20 _____
21 (County Clerk)

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

25 Signed: _____

26 (County Treasurer)

27 (End of Form of Certificate of Eligibility)

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

33 Section 8. The Bond Election Questions shall be submitted on paper ballots.
34 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 **1. General Obligation Public Safety Bonds Question Submitted:**
 2 **[Here insert in full the General Obligation Public Safety Bonds Question as set out**
 3 **as the ballot face.]**

4	:	FOR General Obligation	:	:
5	:	Public Safety Bonds	:	:
6	:	AGAINST General Obligation	:	:
7	:	Public Safety Bonds	:	:

8 **2. General Obligation Senior, Family, Community Center, and Community**
 9 **Enhancement Project Bonds Question Submitted:**
 10 **[Here insert in full the General Obligation Senior, Family, Community Center, and**
 11 **Community Enhancement Project Bonds Question as set out as the ballot face.]**

12	:	FOR General Obligation Senior,	:	:
13	:	Family, Community Center,	:	:
14	:	and Community Enhancement	:	:
15	:	Project Bonds	:	:
16	:	AGAINST General Obligation Senior,	:	:
17	:	Family, Community Center,	:	:
18	:	and Community Enhancement	:	:
19	:	Project Bonds	:	:

20 **3. General Obligation Parks and Recreation Bonds Question Submitted:**
 21 **[Here insert in full the General Obligation Parks and Recreation Bonds Question**
 22 **as set out as the ballot face.]**

23	:	FOR General Obligation	:	:
24	:	Parks and Recreation Bonds	:	:
25	:	AGAINST General Obligation	:	:
26	:	Parks and Recreation Bonds	:	:

27 **4. General Obligation Energy and Water Conservation, Public Facilities, and System**
 28 **Modernization Bonds Question Submitted:**
 29 **[Here insert in full the General Obligation Energy and Water Conservation, Public**
 30 **Facilities, and System Modernization Bonds Question as set out as the ballot**
 31 **face.]**

32	:	FOR General Obligation Energy and	:	:
33	:	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:		

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

FOR General Obligation	:	:
Museum and Cultural Facility Bonds	:	:
AGAINST General Obligation	:	:
Museum and Cultural Facility Bonds	:	:

10. General Obligation Affordable Housing Bonds Question Submitted:

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

FOR General Obligation	:	:
Affordable Housing Bonds	:	:
AGAINST General Obligation	:	:
Affordable Housing Bonds	:	:

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

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

FOR General Obligation	:	:
Zoo and Biological Park Bonds	:	:
AGAINST General Obligation	:	:
Zoo and Biological Park Bonds	:	:

12. Gross Receipts Tax Revenue Bond Question Submitted:

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

FOR Gross Receipts Tax	:	:
Revenue Bonds	:	:
AGAINST Gross Receipts Tax	:	:
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.

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

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.

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1 PASSED AND ADOPTED THIS 20th DAY OF June, 2011
2 BY A VOTE OF: 5 FOR 4 AGAINST.

3
4 For: Cook, Harris, Jones, Lewis, Winter

5 Against: Benton, Garduño, O'Malley, Sanchez

6
7 
8 Don F. Harris, President

9 City Council

10
11
12 APPROVED THIS 1 DAY OF July, 2011

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17 Bill No. F/S R-11-232

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19 
20
21 Richard J. Berry, Mayor

22 City of Albuquerque

23
24
25 ATTEST:

26 
27
28 Amy B. Bailey, City Clerk