



Legislation Text

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CITY of ALBUQUERQUE
NINETEENTH COUNCIL

COUNCIL BILL NO. F/S R-11-232

ENACTMENT NO. _____

SPONSORED BY: Brad Winter

RESOLUTION

F/S 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 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 (Winter)

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

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

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

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

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

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

Section 2. At the next regular city election of municipal officers to be held in the City a special election (such regular election and special election being sometimes referred to herein as the "Election") shall be held and there shall be submitted to the City's qualified, registered electors and, with respect to the GO Bond Questions but not the GRT Bond Question, to the nonresident municipal electors as herein provided ("nonresident municipal electors"), the Bond Election Questions set forth in Section 8 hereof. A registered, nonresident municipal elector means any person who on the date of election, is a qualified registered elector of Bernalillo County but who is a resident of that portion of Bernalillo County which is outside of the Albuquerque city limits, who has paid a property tax on property located within the City of Albuquerque during the year preceding the election and who has registered with the City Clerk of Albuquerque his or her intention

to vote at the general obligation bond election by filing with the office of the City Clerk of Albuquerque a certificate of eligibility announcing such person's 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

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

1. FOR

GENERAL OBLIGATION

PUBLIC SAFETY

BONDS

AGAINST

Shall the City of Albuquerque issue \$10,555,000 of its general obligation

bonds to design, develop, study, construct, modernize, automate, renovate, rehabilitate, recondition, landscape, furnish, enhance and otherwise improve, and to acquire buildings, property, vehicles, apparatus, and equipment for, police and fire department facilities?

2. FOR

GENERAL OBLIGATION SENIOR,
FAMILY, COMMUNITY CENTER,
AND COMMUNITY ENHANCEMENT
PROJECT BONDS

AGAINST

Shall the City of Albuquerque issue \$11,514,000 of its general obligation bonds to plan, design, develop, construct, demolish, equip, reconstruct, renovate, rehabilitate, expand, repair, study, landscape, streetscape, enhance and otherwise improve, and to acquire property for, City-owned community centers including those for families, youth, senior citizens, and for economic development projects and for 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

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

6. FOR

GENERAL OBLIGATION

STREET BONDS

AGAINST

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

7. FOR

GENERAL OBLIGATION

PUBLIC TRANSPORTATION BONDS

AGAINST

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

transportation facilities?

8. FOR

GENERAL OBLIGATION

STORM SEWER SYSTEM BONDS

AGAINST

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

9. FOR

GENERAL OBLIGATION MUSEUM AND

CULTURAL FACILITY BONDS

AGAINST

Shall the City of Albuquerque issue \$3,889,000 of its 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

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,	:	:
:	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	:	:

6. General Obligation Street Bonds Question Submitted:

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

:	FOR General Obligation	:	:
:	Street Bonds	:	:
:	AGAINST General Obligation	:	:
:	Street Bonds	:	:

7. General Obligation Public Transportation Bonds Question Submitted:

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

:	FOR General Obligation	:	:
:	Public Transportation Bonds	:	:
:	AGAINST General Obligation	:	:
:	Public Transportation Bonds	:	:

8. General Obligation Storm Sewer System Bonds Question Submitted:

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

:	FOR General Obligation	:	:
:	Storm Sewer System Bonds	:	:
:	AGAINST General Obligation	:	:
:	Storm Sewer System Bonds	:	:

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.

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

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

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