



Legislation Text

File #: R-12-45, Version: 2

CITY of ALBUQUERQUE  
TWENTIETH COUNCIL

COUNCIL BILL NO. [R-12-45](#)

ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Winter, Lewis, [Sanchez](#)

RESOLUTION

[Concerning A Special Municipal Bond Election To Be Held In The City Of Albuquerque On November 6, 2012; Submitting To A Vote Of The Qualified, Registered Electors At Such Special Election A Question Relating To The Issuance Of Gross Receipts Tax Revenue Bonds In The Principal Amount Of Up To \\$50,000,000 For Improvements To The Paseo Del Norte And I-25 Interchange \(Winter, Lewis, Sanchez\)](#)

CONCERNING A SPECIAL MUNICIPAL BOND ELECTION TO BE HELD IN THE CITY OF ALBUQUERQUE ON NOVEMBER 6, 2012; SUBMITTING TO A VOTE OF THE QUALIFIED, REGISTERED ELECTORS AT SUCH SPECIAL ELECTION A QUESTION RELATING TO THE ISSUANCE OF GROSS RECEIPTS TAX REVENUE BONDS IN THE PRINCIPAL AMOUNT OF UP TO \$50,000,000 FOR IMPROVEMENTS TO THE PASEO DEL NORTE AND I-25 INTERCHANGE; PROVIDING THE FORM OF THE BOND QUESTION AND THE DESIGNATION CLAUSE FOR SUCH QUESTION 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, has determined that it is necessary and in the best interests of the City and its inhabitants to issue gross receipts tax revenue bonds in the principal amount of up to \$50,000,000 for the purpose of studying, designing, developing, constructing, reconstructing, rehabilitating, renovating, modernizing, signing, enhancing, landscaping and otherwise improving and acquiring property for the Paseo del Norte and Interstate-25 interchange (the "Project"); and

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

WHEREAS, applicable laws of the State of New Mexico provide that the Bond Ordinance will not

become effective until the question of issuing the bonds described therein (the "Bond Election Question") is approved by the qualified electorate of the City; and

WHEREAS, the Council has the power to submit the question of issuing 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, the Council hereby determines and declares that the Project for which the City's gross receipts tax revenue bonds would be issued is for public purposes; and

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

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 Question and the Project, including, without limiting the generality of the foregoing, the calling and holding of an election to authorize the issuance of the gross receipts tax revenue bonds (the "GRT Bonds") to finance the Project, be, and the same hereby is, ratified, approved and confirmed.

Section 2. At the election to be conducted by the Clerk of the County of Bernalillo on November 6<sup>th</sup>, 2012, a special municipal election (such 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 as herein provided the Bond Election Question set forth in Section 6 hereof.

Section 3. The City's qualified, registered electors in all precincts within the City of Albuquerque are eligible to vote on the Bond Election Question being submitted at the Election. 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.

Section 4. Any person who is otherwise qualified to vote and who is not currently registered to vote may register at the office of the Clerk of the County of Bernalillo, 6<sup>th</sup> 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 5. Absentee and early voting will be permitted as authorized by state law, as amended and supplemented. Applications for absentee ballots and information on early voting may be obtained from the County Clerk's Office, 6<sup>th</sup> Floor, One Civic Plaza NW, Albuquerque, New Mexico or at [www.bernco.gov/clerk](http://www.bernco.gov/clerk) <<http://www.bernco.gov/clerk>>.

Section 6. The Bond Election Question shall be submitted on the voting machines to be used for the Election except for absentee and early voters, who may use paper ballots, and except to the extent that

the County of Bernalillo is unable to provide voting machines for any polling place. The votes cast for and against the Bond Election Question at the Election shall be tabulated on the election tabulation system counters. The voting machines used shall carry a ballot face which shall be the designation clause for the Bond Election Question 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 voting machines. The complete Bond Election Question, in English and Spanish, shall be placed near the voting booths in plain view so that the complete question may be examined by the qualified voters before they vote. The ballot face shall be in substantially the following form:

FOR

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

AGAINST

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

(End of Form of Ballot Face)

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

(Form of Face of Ballot)

CONSOLIDATED PRECINCT

NO. \_\_\_\_\_

ABSENTEE (OR)

EMERGENCY BALLOT

NO. \_\_\_\_\_

OFFICIAL PAPER BALLOT  
CITY OF ALBUQUERQUE, NEW MEXICO

## SPECIAL BOND ELECTION

NOVEMBER 6, 2012

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.

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

November 6, 2012

(Facsimile Signature)

Clerk

(End of Ballot)

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

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

Section 10. The vote on the Bond Election Question 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 11. 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.

Section 12. For further information concerning the Bond question, consult the Office of the City Clerk, One Civic Plaza NW, Albuquerque, New Mexico, [cityclerk@cabq.gov](mailto:cityclerk@cabq.gov) <<mailto:cityclerk@cabq.gov>>. For information on the election, contact the office of the County Clerk, 6<sup>th</sup> Floor, One Civic Plaza, NW, Albuquerque, New Mexico, [www.bernco.gov/clerk](http://www.bernco.gov/clerk).

Section 13. 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, including, without limiting the generality of the foregoing, providing this special municipal election resolution to the Bernalillo County Clerk and cooperating with the Bernalillo County Clerk and the Secretary of State of New Mexico regarding the preparation of affidavits, instructions and election supplies, and the publication of notices.

Section 14. 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 15. All bylaws, orders, 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 bylaw, order, resolution or ordinance, or parts thereof, heretofore repealed.

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