

**CITY of ALBUQUERQUE  
EIGHTEENTH COUNCIL**

COUNCIL BILL NO.     R-09-269     ENACTMENT NO.     R. 2009.102    

SPONSORED BY: Ken Sanchez, Rey Garduño

**RESOLUTION**

**1 CONCERNING A MUNICIPAL BOND ELECTION TO BE HELD IN THE CITY OF  
2 ALBUQUERQUE AT THE NEXT CITY GENERAL ELECTION; SUBMITTING TO A VOTE OF  
3 THE QUALIFIED, REGISTERED ELECTORS AND NONRESIDENT MUNICIPAL ELECTORS  
4 AT SUCH ELECTION CERTAIN QUESTIONS FOR AUTHORIZING THE ISSUANCE OF  
5 GENERAL OBLIGATION BONDS IN VARYING PRINCIPAL AMOUNTS AND FOR  
6 SPECIFIED PUBLIC PURPOSES; PROVIDING THE FORM OF THE BOND QUESTIONS  
7 AND THE DESIGNATION CLAUSE FOR SUCH QUESTIONS ON THE BALLOT;  
8 PRESCRIBING OTHER DETAILS IN CONNECTION WITH SUCH ELECTION AND BONDS;  
9 AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH.**

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11           WHEREAS, the City Council (the "Council") of the City of Albuquerque (the "City") in the  
12 County of Bernalillo and State of New Mexico, hereby determines that it is necessary and in the  
13 best interests of the City and its inhabitants to incur indebtedness in the principal amounts and  
14 for the purposes provided herein; and

15           WHEREAS, the Council has the power to submit questions of incurring indebtedness to  
16 the qualified electorate of the City pursuant to applicable laws of the State of New Mexico, the  
17 City Charter and the City's home rule power pursuant to Article X, Section 6 of the New Mexico  
18 Constitution; and

19           WHEREAS, certain of the projects approved by the Council in the 2009 Capital  
20 Improvements program have been re-grouped for the purposes of the ballot faces; and

21           WHEREAS, the Council hereby determines and declares that all of the projects (the  
22 "Projects") for which the questions of issuing the City's general obligation bonds (the "Bond  
23 Election Questions") are set forth herein are for public purposes; and

24           WHEREAS, a regular municipal election is required to be held in the City of Albuquerque  
25 on Tuesday, the 6th day of October, 2009, at which an election relating to the offices of Mayor  
26 and District Councillor of Districts 1, 3, 5, 7 and 9 will be held in accordance with the City

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1 Charter.

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

4 Section 1. All action, not inconsistent with the provisions of this Resolution,  
5 heretofore taken by the Council and the officers of the City, directed toward the Bond Election  
6 Questions and the Projects described in the Bond Election Questions, including, without limiting  
7 the generality of the foregoing, the calling and holding of an election to authorize the issuance of  
8 bonds (the "Bonds") to finance the Projects, be, and the same hereby is, ratified, approved and  
9 confirmed.

10 Section 2. At the next regular city election of municipal officers to be held in the City  
11 (the "Election"), there shall be submitted to the City's qualified, registered electors and to the  
12 nonresident municipal electors as herein provided ("nonresident municipal electors"), the Bond  
13 Election Questions set forth in Section 8 hereof. A registered, nonresident municipal elector  
14 means any person who on the date of election, is a qualified registered elector of Bernalillo  
15 County but who is a resident of that portion of Bernalillo County which is outside of the  
16 Albuquerque city limits, who has paid a property tax on property located within the City of  
17 Albuquerque during the year preceding the election and who has registered with the City Clerk  
18 of Albuquerque his or her intention to vote at the general obligation bond election by filing with  
19 the office of the City Clerk of Albuquerque a certificate of eligibility announcing such person's  
20 intention to vote at such election on the questions of creating municipal debt.

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

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

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1 qualifications of a resident elector or a nonresident municipal elector.

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

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

(Form of Certificate of Eligibility)

NONRESIDENT MUNICIPAL ELECTOR'S CERTIFICATE

GENERAL OBLIGATION BOND ELECTION

ALBUQUERQUE, NEW MEXICO

OCTOBER 6, 2009

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 6, 2009, 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:

\_\_\_\_\_

1 (County Clerk)

2 I hereby certify that the above named nonresident municipal elector has paid a tax on  
3 property within the City of Albuquerque, New Mexico, during the preceding year, to wit, on  
4 \_\_\_\_\_, 200\_\_\_\_\_.

5 Signed: \_\_\_\_\_

6 (County Treasurer)

7 (End of Form of Certificate of Eligibility)

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

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

- 21 1. FOR
- 22 GENERAL OBLIGATION
- 23 PUBLIC SAFETY
- 24 BONDS
- 25 AGAINST

26 Shall the City of Albuquerque issue \$8,444,000 of its  
27 general obligation bonds to design, develop, study,  
28 construct, modernize, automate, renovate, rehabilitate,  
29 recondition, landscape, furnish, enhance and otherwise  
30 improve, and to acquire land and buildings, vehicles,  
31 apparatus, and equipment for, police and fire department  
32 facilities?

- 33 2. FOR
- 34 GENERAL OBLIGATION SENIOR,

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1 FAMILY, COMMUNITY CENTER,  
2 AND COMMUNITY ENHANCEMENT  
3 PROJECT BONDS

4 AGAINST

5 Shall the City of Albuquerque issue \$22,736,000 of its  
6 general obligation bonds to design, develop, construct,  
7 demolish, equip, reconstruct, renovate, rehabilitate,  
8 expand, repair, study, landscape, streetscape, enhance  
9 and otherwise improve, and to acquire land for, City-owned  
10 community centers including those for families, youth,  
11 senior citizens, and economic development; and for  
12 community enhancement projects?

13 3. FOR

14 GENERAL OBLIGATION  
15 PARKS AND RECREATION  
16 BONDS

17 AGAINST

18 Shall the City of Albuquerque issue \$34,405,000 of its  
19 general obligation bonds to study, map, plan, design,  
20 develop, construct, rehabilitate, renovate, expand, furnish,  
21 landscape, protect, enhance and otherwise improve, and  
22 to acquire land, vehicles and equipment for, park and  
23 recreational facilities, including public parks and facilities  
24 within those parks, swimming pools, tennis courts, open  
25 space, medians, bikeways, bosque lands, and trails?

26 4. FOR GENERAL OBLIGATION ENERGY AND WATER CONSERVATION,  
27 PUBLIC FACILITIES, AND  
28 SYSTEM MODERNIZATION BONDS

29 AGAINST

30 Shall the City of Albuquerque issue \$16,257,000 of its  
31 general obligation bonds to modernize, make energy- and  
32 water-efficient, upgrade, equip, improve, acquire, design,  
33 survey, develop, construct, rehabilitate, renovate, maintain,  
34 expand, furnish, equip, enhance, and otherwise improve,

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and to acquire land, vehicles and equipment for, public buildings, facilities, and systems?

5. FOR  
GENERAL OBLIGATION  
LIBRARY BONDS  
AGAINST

Shall the City of Albuquerque issue \$5,101,000 of its general obligation bonds to 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 \$31,435,000 of its general obligation bonds to study, design, develop, construct, reconstruct, rehabilitate, renovate, automate, modernize, sign, enhance, landscape and otherwise improve, and to acquire land 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 \$7,828,000 of its general obligation bonds to design, develop, construct, rehabilitate, renovate, expand, recondition, modernize, automate, study, furnish, enhance and otherwise improve, and to acquire land, vehicles, and equipment for public transportation facilities?

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1 8. FOR  
2 GENERAL OBLIGATION  
3 STORM SEWER SYSTEM BONDS  
4 AGAINST

5 Shall the City of Albuquerque issue \$13,837,000 of its  
6 general obligation bonds to plan, design, develop,  
7 construct, reconstruct, rehabilitate, renovate, expand,  
8 extend, enhance, study, monitor and otherwise improve,  
9 and to acquire land and equipment for the storm sewer  
10 system?

11 9. FOR  
12 GENERAL OBLIGATION ZOO,  
13 BIOLOGICAL PARK , MUSEUM, AND  
14 CULTURAL FACILITY BONDS  
15 AGAINST

16 Shall the City of Albuquerque issue \$9,797,000 of its  
17 general obligation bonds to study, design, develop,  
18 construct, reconstruct, rehabilitate, renovate, repair,  
19 refurbish, modernize, preserve, maintain, expand, enhance  
20 and otherwise improve, and to acquire artifacts, exhibits,  
21 furnishings and equipment for, the municipal zoo, botanic  
22 garden, aquarium, and City-owned museums and cultural  
23 facilities?

24 10. FOR  
25 GENERAL OBLIGATION  
26 AFFORDABLE HOUSING BONDS  
27 AGAINST

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

34 (End of Form of Ballot Faces)

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

5 (Form of Face of Ballot)

6 CONSOLIDATED PRECINCT

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

8 ABSENTEE (OR)

9 EMERGENCY BALLOT

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

11 OFFICIAL PAPER BALLOT

12 CITY OF ALBUQUERQUE, NEW MEXICO

13 GENERAL OBLIGATION BOND ELECTION

14 OCTOBER 6, 2009

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

19 1. General Obligation Public Safety Bonds Question Submitted:  
20 [Here insert in full the General Obligation Public Safety Bonds Question as set out as the  
21 Ballot Face.]

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22	:	FOR General Obligation	:	:
23	:	Public Safety Bonds	:	:
24	:	AGAINST General Obligation	:	:
25	:	Public Safety Bonds	:	:

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26 2. General Obligation Senior, Family, Community Center, and Community Enhancement  
27 Project Bonds Question Submitted:  
28 [Here insert in full the General Obligation Senior, Family, Community Center, and  
29 Community Enhancement Project Bonds Question as set out as the Ballot Face.]

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30	:	FOR General Obligation Senior,	:	:
31	:	Family, Community Center,	:	:
32	:	and Community Enhancement	:	:
33	:	Project Bonds	:	:

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1 : AGAINST General Obligation Senior, : :  
2 : Family, Community Center, : :  
3 : and Community Enhancement : :  
4 : Project Bonds : :

5 3. General Obligation Parks and Recreation Bonds Question Submitted:  
6 [Here insert in full the General Obligation Parks and Recreation Bonds Question as set  
7 out as the Ballot Face.]

8 : FOR General Obligation : :  
9 : Parks and Recreation Bonds : :  
10 : AGAINST General Obligation : :  
11 : Parks and Recreation Bonds : :

12 4. General Obligation Energy and Water Conservation, Public Facilities, and System  
13 Modernization Bonds Question Submitted:  
14 [Here insert in full the General Obligation Energy and Water Conservation, Public  
15 Facilities, and System Modernization Bonds Question as set out as the Ballot Face.]

16 : FOR General Obligation Energy and : :  
17 : Water Conservation, Public Facilities, : :  
18 : and System Modernization Bonds : :  
19 : AGAINST General Obligation Energy and : :  
20 : Water Conservation, Public Facilities, : :  
21 : and System Modernization Bonds : :

22 5. General Obligation Library Bonds Question Submitted:  
23 [Here insert in full the General Obligation Library Bonds Question as set out as the Ballot  
24 Face.]

25 : FOR General Obligation : :  
26 : Library Bonds : :  
27 : AGAINST General Obligation : :  
28 : Library Bonds : :

29 6. General Obligation Street Bonds Question Submitted:  
30 [Here insert in full the General Obligation Street Bonds Question as set out as the Ballot  
31 Face.]

32 : FOR General Obligation : :  
33 : Street Bonds : :

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1 : AGAINST General Obligation : :

2 : Street Bonds : :

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3 7. General Obligation Public Transportation Bonds Question Submitted:

4 [Here insert in full the General Obligation Public Transportation Bonds Question as set  
5 out as the Ballot Face.]

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6 : FOR General Obligation : :

7 : Public Transportation Bonds : :

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8 : AGAINST General Obligation : :

9 : Public Transportation Bonds : :

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10 8. General Obligation Storm Sewer System Bonds Question Submitted:

11 [Here insert in full the General Obligation Storm Sewer System Bonds Question as set  
12 out as the Ballot Face.]

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13 : FOR General Obligation : :

14 : Storm Sewer System Bonds : :

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15 : AGAINST General Obligation : :

16 : Storm Sewer System Bonds : :

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17 9. General Obligation Zoo, Biological Park, Museum, and Cultural Facility Bonds Question  
18 Submitted:

19 [Here insert in full the General Obligation Zoo, Biological Park, Musuem, and Cultural  
20 Facility Bonds Question as set out as the Ballot Face.]

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21 : FOR General Obligation : :

22 : Zoo, Biological Park, Museum, : :

23 : and Cultural Facilities Bonds : :

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24 : AGAINST General Obligation : :

25 : Zoo, Biological Park, Museum : :

26 : and Cultural Facilities Bonds : :

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27 10. General Obligation Affordable Housing Bonds Question Submitted:

28 [Here insert in full the General Obligation Affordable Housing Bonds Question as set out  
29 as the Ballot Face.]

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30 : FOR General Obligation : :

31 : Affordable Housing Bonds : :

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32 : AGAINST General Obligation : :

33 : Affordable Housing Bonds : :

1 OFFICIAL BOND BALLOT

2 Bond Election

3 October 6, 2009

4 \_\_\_\_\_  
(Facsimile Signature)

5 Clerk

6 (End of Ballot)

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

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

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

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

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

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

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

31 Section 17. If any section, paragraph, clause, or provision of this Resolution shall for  
32 any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such  
33 section, paragraph, clause or provisions shall not affect any of the remaining provisions of this  
34 Resolution. The Council hereby declares that it would have passed this resolution and each

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1 section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision  
2 being declared unconstitutional or otherwise invalid.

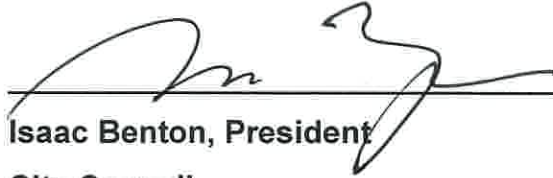
3 Section 18. All resolutions and ordinances, or parts thereof, inconsistent herewith are  
4 hereby repealed to the extent only of such inconsistency. This repealer shall not be construed  
5 to revive any resolution or ordinance, or parts thereof, heretofore repealed.

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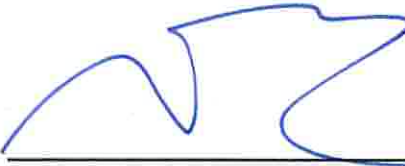
1 PASSED AND ADOPTED THIS 22nd DAY OF June, 2009  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Isaac Benton, President  
City Council

APPROVED THIS 7<sup>th</sup> DAY OF July, 2009

Bill No. R-09-269

  
Martin J. Chávez, Mayor  
City of Albuquerque

ATTEST:

  
\_\_\_\_\_  
City Clerk

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