

# TOWN of EDGEWOOD

## RESOLUTION

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

12 WHEREAS, the Town Council (the "Council") of the Town of Edgewood (the  
13 "Town") in the Counties of [Bernalillo, Sandoval and] Santa Fe in the State of New Mexico,  
14 hereby determines that it is necessary and in the best interests of the Town and its  
15 inhabitants to incur indebtedness in the principal amounts and for the purposes provided  
16 herein; and

17 WHEREAS, the Council has the power to submit questions of incurring indebtedness  
18 to the qualified electorate of the Town pursuant to applicable laws of the State of New  
19 Mexico, pursuant to Article X, Section 6 of the New Mexico Constitution; and

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

23 WHEREAS, a regular municipal election is required to be held in the Town of  
24 Edgewood on March 2, 2010, relating to the election of certain municipal officers in  
25 accordance with State law, and

26 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE TOWN OF  
27 EDGEWOOD:

28 Section 1. All action, not inconsistent with the provisions of this Resolution,

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1 heretofore taken by the Council and the officers of the Town, directed toward the Bond  
2 Election Questions and the Projects described in the Bond Election Questions, including,  
3 without limiting the generality of the foregoing, the calling and holding of an election to  
4 authorize the issuance of bonds (the "Bonds") to finance the Projects, be, and the same  
5 hereby is, ratified, approved and confirmed.

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

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

29 Section 4. The Town's qualified, registered, resident electors are eligible to vote  
30 on candidates, questions and Bond Election Questions being submitted at the Election.  
31 The Town's qualified, registered, nonresident electors are eligible to vote only on the Bond

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1 Election Questions and state constitutional amendments. No judge or clerk of election  
2 shall allow a person to vote unless he or she is duly registered as a voter with the  
3 Bernalillo, Sandoval or Santa Fe County Clerks and unless he or she meets the  
4 qualifications of a resident elector or a nonresident municipal elector.

5 Section 5. All persons desiring to vote for any candidate or on any questions  
6 being submitted at the Election (including nonresident municipal electors who may vote  
7 only on the Bond Election Questions) must be registered to vote. Any person who is  
8 otherwise qualified to vote and who is not currently registered to vote may register, as  
9 applicable, at the office of (i) the Bernalillo County Clerk, 6<sup>th</sup> Floor, Once Civic Plaza,  
10 Albuquerque, New Mexico, (ii) the Sandoval County Clerk, 711 Camino Del Pueblo,  
11 Bernalillo, NM 87004, or (iii) Santa Fe County Clerk, 102 Grant Ave, Santa Fe, New  
12 Mexico, or at the office of any duly appointed deputy registration officer on or before 5:00  
13 p.m. on the twenty-eighth day immediately preceding the election.

14 Section 6. Not more than sixty nor less than fifteen days before the Election, any  
15 nonresident municipal elector desiring to vote on the Bond Election Questions shall file with  
16 the Town Clerk a certificate of eligibility which shall be the nonresident municipal elector's  
17 additional registration requirement for voting at the Election on the Bond Election  
18 Questions. Each nonresident municipal elector must file such certificate of eligibility in  
19 addition to registering to vote with the Bernalillo County Clerk, Sandoval County Clerk or  
20 the Santa Fe County Clerk. The certificate of eligibility shall be in substantially the  
21 following form:

(Form of Certificate of Eligibility)

NONRESIDENT MUNICIPAL ELECTOR'S CERTIFICATE

GENERAL OBLIGATION BOND ELECTION

EDGEWOOD, NEW MEXICO

26 STATE OF NEW MEXICO )

27 ) ss

28 COUNTY OF [BERNALILLO] )

29 [SANDOVAL] [SANTA FE] )

30 I, \_\_\_\_\_ (last name), \_\_\_\_\_ (first name) \_\_\_\_\_ (middle  
31 name) desire to vote at the municipal election to be held on \_\_\_\_\_, 2010 and

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1 request the County Clerk and County Treasurer of the County of [Santa Fe] [Bernalillo]  
2 [Sandoval] to certify that I am a nonresident municipal elector of Edgewood, New Mexico.

3 Signed: \_\_\_\_\_  
4 (Signature of Nonresident Municipal Elector)

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

7 Signed: \_\_\_\_\_  
8 (County Clerk)

9 I hereby certify that the above named nonresident municipal elector has paid a tax  
10 on property within the Town of Edgewood, New Mexico, during the preceding year, to wit,  
11 on \_\_\_\_\_, 200\_\_.

12 Signed: \_\_\_\_\_  
13 (County Treasurer)

14 (End of Form of Certificate of Eligibility)

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

20 Section 8. The Bond Election Questions shall be submitted by separate ballots on  
21 the voting machines to be used for the regular municipal election except for absentee  
22 voters who shall use paper ballots and except to the extent that the [appropriate County] is  
23 unable to provide voting machines for any polling place. The votes cast for and against  
24 each Bond Election Question at the Election shall be tabulated on counters of the  
25 automatic voting machines. The voting machines used shall carry ballot faces which shall  
26 be the designation clauses for the Bond Election Questions and shall be printed in English  
27 and Spanish with plain, clear type in black ink on white material of such size as will fit the  
28 voting machines. The complete Bond Election Questions, in English and Spanish, shall be  
29 placed near the voting machines in plain view so that the complete questions may be  
30 examined by the qualified voters before they vote. The ballot faces shall be in  
31 substantially the following form:

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1. FOR  
GENERAL OBLIGATION  
STREET BONDS  
AGAINST

Shall the Town of Edgewood issue \$2,100,000 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?

2. FOR  
GENERAL OBLIGATION  
PUBLIC BUILDING AND FACILITY BONDS  
AGAINST

Shall the Town of Edgewood issue [\$6,500,000] of its general obligation bonds to design, develop, study, construct, modernize, automate, renovate, rehabilitate, recondition, landscape, furnish, equip, enhance and otherwise improve, and to acquire land and buildings, apparatus, and equipment for town buildings and facilities, including facilities in the Public Works Department, municipal administration, and [library.]

Section 9. Ballots to be used may be in substantially the following form (provided that such questions may be included apart from, but 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 BALLOT  
TOWN OF EDGEWOOD, NEW MEXICO  
GENERAL OBLIGATION BOND ELECTION

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 Street Bonds Question Submitted:  
[Here insert in full the General Obligation STREET BONDS Question as set out as the Ballot Face.]

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: FOR General Obligation STREET BONDS : :

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: AGAINST General Obligation STREET BONDS : :

2. General Obligation Public Building and Facilities Bond Question Submitted:  
[Here insert in full the General Obligation Public Building and Facilities Bond Question as set out as the Ballot Face.]

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: FOR General Obligation : :

: Public Building and Facilities Bonds : :

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: AGAINST General Obligation : :

: Public Building and Facilities Bonds : :

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(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 Town, or consolidated precincts as shall be established by the Town. 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.

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1 Section 11. The election on the Bond Election Questions shall be held and  
2 conducted in accordance with the Bond Election Act and the Municipal Election Code and  
3 as nearly the same manner as possible as that described for the next regular municipal  
4 election.

5 Section 12. The election on the Bond Election Questions shall be conducted by  
6 the judges and clerks named as judges and clerks for the election of municipal officers at  
7 the Election as provided by law.

8 Section 13. The vote shall be canvassed as nearly as is possible in accordance  
9 with the Municipal Election Code and the Bond Election Act, as amended and  
10 supplemented, and the Town Clerk shall certify the results of the election and shall enter  
11 them in the official minute book of the Town.

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

18 Section 15. For further information concerning this election, consult the [(i) the  
19 Bernalillo County Clerk, 6<sup>th</sup> Floor, Once Civic Plaza, Albuquerque, New Mexico, (ii) the  
20 Sandoval County Clerk, 711 Camino Del Pueblo, Bernalillo, NM 87004, or (iii) Santa Fe  
21 County Clerk, 102 Grant Ave, Santa Fe, New Mexico.]

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

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

31 Section 18. All bylaws, orders and resolutions, or parts thereof, inconsistent

1 herewith are hereby repealed to the extent only of such inconsistency. This repealer shall  
2 not be construed to revive any bylaw, order, resolution or ordinance, or parts thereof,  
3 heretofore repealed.

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