

TOWN of EDGEWOOD

RESOLUTION NO. 2009-44

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, THEREFOR AND THE
8 DESIGNATION CLAUSE FOR SUCH QUESTIONS ON THE BALLOT; PRESCRIBING OTHER
9 DETAILS IN CONNECTION WITH SUCH ELECTION AND BONDS; AND RATIFYING ACTION
10 PREVIOUSLY TAKEN IN CONNECTION THEREWITH.

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

16 WHEREAS, the Council has the power to submit questions of incurring indebtedness
17 to the qualified electorate of the Town pursuant to applicable laws of the State of New
18 Mexico, pursuant to Article IX, Section 12 of the New Mexico Constitution; and

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

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

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

27 Section 1. All action, not inconsistent with the provisions of this Resolution,
28 heretofore taken by the Council and the officers of the Town, directed toward the Bond
29 Election Questions and the Projects described in the Bond Election Questions, including,

1 without limiting the generality of the foregoing, the calling and holding of an election to
2 authorize the issuance of bonds (the "Bonds") to finance the Projects, be, and the same
3 hereby is, ratified, approved and confirmed.

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

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

27 Section 4. The Town's qualified, registered, resident electors are eligible to vote
28 on candidates, questions and Bond Election Questions being submitted at the Election.
29 The Town's qualified, registered, nonresident electors are eligible to vote only on the Bond
30 Election Questions and state constitutional amendments. No judge or clerk of election
31 shall allow a person to vote unless he or she is duly registered as a voter with the

1 Bernalillo, Sandoval or Santa Fe County Clerks and unless he or she meets the
2 qualifications of a resident elector or a nonresident municipal elector.

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

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

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

24 Section 8. The Bond Election Questions shall be submitted by separate ballots on
25 the voting machines to be used for the regular municipal election except for absentee
26 voters who shall use paper ballots and except to the extent that the appropriate County is
27 unable to provide voting machines for any polling place. The votes cast for and against
28 each Bond Election Question at the Election shall be tabulated on counters of the
29 automatic voting machines. The voting machines used shall carry ballot faces which shall
30 be the designation clauses for the Bond Election Questions and shall be printed in English
31 and Spanish with plain, clear type in black ink on white material of such size as will fit the

1 voting machines. The complete Bond Election Questions, in English and Spanish, shall be
2 placed near the voting machines in plain view so that the complete questions may be
3 examined by the qualified voters before they vote. The ballot faces shall be in
4 substantially the following form:

5

- 6 1. FOR
- 7 GENERAL OBLIGATION
- 8 STREET BONDS
- 9 AGAINST

10

Shall the Town of Edgewood issue \$2,100,000 of its
11 general obligation bonds to study, design, develop,
12 construct, reconstruct, rehabilitate, renovate, automate,
13 modernize, sign, enhance, landscape and otherwise
14 improve, and to acquire land and equipment for
15 municipal streets and roads?

16

- 16 2. FOR
- 17 GENERAL OBLIGATION
- 18 PUBLIC BUILDING AND FACILITY BONDS
- 19 AGAINST

20

Shall the Town of Edgewood issue \$2,100,000 of its
21 general obligation bonds to design, develop, study,
22 construct, modernize, automate, renovate, rehabilitate,
23 recondition, landscape, furnish, equip, enhance and
24 otherwise improve, and to acquire land and buildings,
25 apparatus, and equipment for town buildings and
26 facilities, including facilities for the Public Works
27 Department, Municipal Administration, and Library.

28

29 Section 9. The polls shall be open between the hours of 7:00 a.m. and 7:00 p.m.
30 on Election Day. Except as provided in Section 3 hereof and except for absentee voting,
31 the polls shall be located in each of the precincts of the Town, or consolidated precincts as

1 shall be established by the Town. Except as provided in Section 3 hereof and except for
2 absentee voters, each voter shall cast his or her ballot at the polling place in the precinct or
3 consolidated precinct in which he or she resides.

4 Section 10. The election on the Bond Election Questions shall be held and
5 conducted in accordance with the Bond Election Act and the Municipal Election Code and
6 as nearly the same manner as possible as that described for the next regular municipal
7 election.

8 Section 11. The election on the Bond Election Questions shall be conducted by
9 the judges and clerks named as judges and clerks for the election of municipal officers at
10 the Election as provided by law.

11 Section 12. The vote shall be canvassed as nearly as is possible in accordance
12 with the Municipal Election Code and the Bond Election Act, as amended and
13 supplemented, and the Town Clerk shall certify the results of the election and shall enter
14 them in the official minute book of the Town.

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

21 Section 14. For further information concerning this election, consult the (i) the
22 Town of Edgewood Municipal Clerk, Post Office Box 3610, Edgewood, New Mexico, (ii)
23 the Bernalillo County Clerk, 6th Floor, Once Civic Plaza, Albuquerque, New Mexico, (iii) the
24 Sandoval County Clerk, 711 Camino Del Pueblo, Bernalillo, NM 87004, or (iv) Santa Fe
25 County Clerk, 102 Grant Ave, Santa Fe, New Mexico.

26 Section 15. The officers of the Town be, and they hereby are authorized and
27 directed to take all action necessary or appropriate to effectuate the provisions of this
28 Resolution.

29 Section 16. If any section, paragraph, clause or provision of this Resolution shall
30 for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of
31 such section, paragraph, clause or provisions shall not affect any of the remaining

1 provisions of this Resolution. The Council hereby declares that it would have passed this
2 resolution and each section, paragraph, sentence, clause, word or phrase thereof
3 irrespective of any provision being declared unconstitutional or otherwise invalid.

4 Section 17. All bylaws, orders and resolutions, or parts thereof, inconsistent
5 herewith are hereby repealed to the extent only of such inconsistency. This repealer shall
6 not be construed to revive any bylaw, order, resolution or ordinance, or parts thereof,
7 heretofore repealed.

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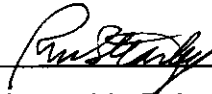
9 **PASSED, ADOPTED and APPROVED this 16th day of DECEMBER, 2009.**

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Honorable Robert Stearley, Mayor

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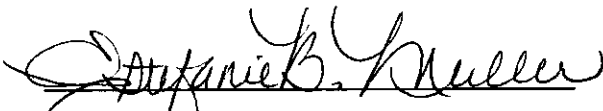
ATTEST:

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Estefania B. Muller, Clerk-Treasurer