

**TOWN of EDGEWOOD  
RESOLUTION NO. 2013-22**

**CONCERNING A MUNICIPAL BOND ELECTION TO BE HELD IN THE TOWN OF EDGEWOOD; AT THE NEXT TOWN GENERAL ELECTION SUBMITTING TO A VOTE OF THE QUALIFIED, REGISTERED ELECTORS AND NONRESIDENT MUNICIPAL ELECTORS AT SUCH ELECTION CERTAIN QUESTIONS FOR AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN VARYING PRINCIPAL AMOUNTS AND FOR SPECIFIED PUBLIC PURPOSES; PROVIDING THE FORM OF THE BOND QUESTIONS, THEREFOR AND THE DESIGNATION CLAUSE FOR SUCH QUESTIONS ON THE BALLOT; PRESCRIBING OTHER DETAILS IN CONNECTION WITH SUCH ELECTION AND BONDS; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH.**

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

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

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

WHEREAS, a regular municipal election is required to be held in the Town of Edgewood on March 4, 2014, relating to the election of certain municipal officers in accordance with State law, and

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

Section 1. All action, not inconsistent with the provisions of this Resolution, heretofore taken by the Council and the officers of the Town, directed toward the Bond Election Questions and the Projects described 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 bonds (the "Bonds") to finance the Projects, be, and the same hereby is, ratified, approved and confirmed.

Section 2. At the next regular Town election of municipal officers to be held in the Town (the "Election"), there shall be submitted to the Town's qualified, registered electors and 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, Sandoval County, Torrance County or Santa Fe County but who is a resident of that portion of Bernalillo County, Sandoval County, Torrance County or Santa Fe County

which is outside of the Edgewood Town limits, who has paid a property tax on property located within the Town of Edgewood during the year preceding the election and who has registered with the Town Clerk of Edgewood his or her intention to vote at the general obligation bond election by filing with the office of the Town Clerk of Edgewood 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 Bond Election Questions, all territory within the Counties of Bernalillo, Sandoval or Santa Fe is a "Municipal Precinct". All territory in the Municipal Precinct and not within the Town'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 Counties. The polling place within the Town for nonresident municipal electors desiring to vote on the questions of creating municipal debt shall be at a location in Edgewood, New Mexico, as designated by the Town Clerk, which polling place shall be separate from any other polling place located within the Town.

Section 4. The Town's qualified, registered, resident electors are eligible to vote on candidates, questions and Bond Election Questions being submitted at the Election. The Town's qualified, registered, nonresident electors are eligible to vote only on the Bond Election Questions and state constitutional amendments. 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, Sandoval or Santa Fe County Clerks 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 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, as applicable, at the office of (i) the Bernalillo County Clerk, 6<sup>th</sup> Floor, One Civic Plaza, Albuquerque, New Mexico, (ii) the Sandoval County Clerk, 711 Camino Del Pueblo, Bernalillo, NM 87004, or (iii) Torrance County Clerk, 205 9<sup>th</sup> St. #1, Estancia, New Mexico, or (iv) Santa Fe County Clerk, 102 Grant Ave, Santa Fe, 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 Bond Election Questions shall file with the Town Clerk a certificate of eligibility which shall be the nonresident municipal elector's additional registration requirement for voting at the Election on the Bond Election Questions. Each nonresident municipal elector must file such certificate of eligibility in addition to registering to vote with the Bernalillo County Clerk, Sandoval County Clerk or the Santa Fe County Clerk.

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 Town Clerk's Office. The absentee voters' polling place will be located at the Town Clerk's Office, or as may be otherwise designated by the Town 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 by separate ballots on the

voting machines to be used for the regular municipal election except for absentee voters who shall use paper ballots and except to the extent that the appropriate County is unable to provide voting machines for any polling place. The votes cast for and against each Bond Election Question at the Election shall be tabulated on counters of the automatic voting machines. The voting machines used shall carry ballot faces which shall be 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 voting machines. The complete Bond Election Questions, in English and Spanish, shall be placed near the voting machines 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 or AGAINST:

General Obligation Street Bonds: Shall the Town of Edgewood issue \$3,000,000.00 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:

1. Rainbow Road
2. Horton Road - 1 mile
3. Walker Road – approximately 1.2 miles

(Amended this 15<sup>th</sup> day of January, 2014.)

FOR or AGAINST:

General Obligation Public Building and Facility Bonds: Shall the Town of Edgewood issue \$670,000.00 of its general obligation bonds to design, develop, study, construct, modernize, automate, renovate, rehabilitate, recondition, landscape, furnish, and equip, a facility for an Animal Shelter.

Section 9. 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.

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

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

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

Section 13. 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 maintain an office in and are of general circulation in the Town and which otherwise qualify as legal newspapers in the Town. The Town Clerk is hereby instructed and authorized to carry out this provision.

Section 14. For further information concerning this election, consult the (i) the Town of Edgewood Municipal Clerk, Post Office Box 3610, Edgewood, New Mexico, (ii) the Bernalillo County Clerk, 6<sup>th</sup> Floor, Once Civic Plaza, Albuquerque, New Mexico, (iii) the Sandoval County Clerk, 711 Camino Del Pueblo, Bernalillo, NM 87004, (iv) Tarrant County Clerk, 205 9<sup>th</sup>, St. #1, Estancia, New Mexico or (v) Santa Fe County Clerk, 102 Grant Ave, Santa Fe, New Mexico.

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

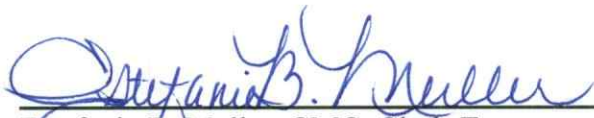
Section 16. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provisions shall not affect any of the remaining provisions of this Resolution. The Council 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 17. All bylaws, orders and resolutions, 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.

**PASSED, ADOPTED and APPROVED this 20<sup>th</sup> day of NOVEMBER, 2013.**  
**AMENDED, ADOPTED AND APPROVED this 15<sup>th</sup> day of JANUARY, 2014.**

  
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Brad E. Hill, Mayor

**ATTEST:**

  
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Estefanie B. Muller, CMC, Clerk-Treasurer