

D-2014-015

CITY OF ALBUQUERQUE  
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

*JKZ* 6/19/14

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. F/S O-14-12 Amending Chapter 6, Article 9, ROA 1994, Regarding Public Improvement Districts, To Provide For The Establishment Of Candidate Election Policies And Procedures For Public Improvement Districts Located Within The City (Lewis), which was passed at the Council meeting of June 16, 2014, by a vote of 8 FOR AND 0 AGAINST.

Excused: Jones

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:dm  
Attachment  
6/18/14

2014 JUN 17 PM 5:34



1 after the date of the formation of the PID, the governing body shall resume  
2 governance of the district as its board either directly or through the governing  
3 body's designees or, at the governing body's option hold an election of new  
4 directors by majority vote of the qualified electors and owners in the PID.

5 (E) Elections are to be held in compliance with Sections 5-11-6 and 5-11-  
6 7 of the Act.

7 (F) Sections 5-11-7(B) and (F) of the Act provide that either a PID board  
8 or the governing body (which for purposes of the Act is the City) may  
9 establish provisions for voting by mail and for the returns of the election to be  
10 made in person or by mail.

11 (G) Except as provided in Section 5-11-7 of the Act, elections pertaining  
12 to a PID are to be held in compliance with the general election laws of the  
13 State of New Mexico.

14 (H) In order to establish (1) a uniform policy for all PIDs within the City,  
15 (2) procedures by which an election of new directors shall be held, and (3)  
16 provisions for voting by mail and the returns of elections, the PID Ordinance is  
17 hereby amended to include provisions for the administration of elections of  
18 PID board directors, which shall apply in the event the City Council does not  
19 elect to resume or continue governance of the district as its board.

20 Section 2. Section 6-9-1(E) ROA 1994, GENERAL POLICIES, is amended  
21 to read:

22 "(E) The PID shall be governed by a Board of Directors comprised  
23 of members of the City Council, ex officio, or, at the option of the City Council,  
24 five members appointed or elected pursuant to Sections 5-11-1 et seq. NMSA  
25 ("the Act"). If the City Council is serving as the PID Board, the City Council  
26 may, in accordance with law, delegate certain responsibilities of governance  
27 of the PID to a committee as approved by the City Council. Advisory  
28 committees may, at the option of the PID Board, be utilized."

29 Section 3. Chapter 6, Article 9 ROA 1994 is amended by inserting the  
30 following new section:

31 § 6-9-7 PID BOARD ELECTION PROCEDURES.  
32 (A) *Applicability; Delegation of Election; Administration to PID Board.*  
33 This section shall not apply if the City Council elects to resume governance of

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 the PID as its board to comply with the terms of a development agreement  
2 entered into between the City, the PID, and the developer/landowner, or for  
3 other reasons as determined by the City Council in its discretion as authorized  
4 under Section 5-11-9(C) of the Act. With respect to elections of PID board  
5 members, it is the policy of the City that all elections held pursuant to Section  
6 5-11-7 of the Act shall be conducted pursuant to the provisions of this section  
7 on behalf of City Council, and the responsibility for the conduct and  
8 administration of certain aspects of such board elections pursuant to the  
9 provisions of this policy shall be delegated to the board of directors of each  
10 PID formed by the City.

11 (1) After a PID is organized and the first board is appointed, the  
12 PID board shall govern the conduct of all subsequent regular and special  
13 elections of the PID, determine when all subsequent regular and special  
14 elections of the PID are to be held, may consult with and obtain guidance and  
15 assistance from the City Clerk concerning the conduct of such elections, and  
16 shall act as the canvassing board for the purpose of interpreting procedures  
17 and deciding controversies or other matters arising in the conduct of the  
18 elections.

19 (2) All powers and authority delegated to the board pertaining to  
20 the conduct of regular or special elections may be exercised in the absence of  
21 the board by the secretary or by an assistant secretary appointed by the  
22 board. The person named by the board who is responsible for the conducting  
23 of the election shall be the City Clerk.

24 (B) *Call for Nominations.*

25 (1) Not less than 70 days nor more than 90 days before a regular  
26 special district election, the City Clerk shall provide notice of a call for  
27 nominations for the election and such notice shall be posted in at least three  
28 (3) public places within the PID and shall be published in full, in English and  
29 Spanish, once a week for at least two (2) consecutive weeks before the 70th  
30 day prior to the election in the *Albuquerque Journal* or another newspaper of  
31 general circulation within the PID. The call shall state the date of the election,  
32 the number of PID directors to be voted upon at the election, where a  
33 nomination and acceptance form may be obtained, the deadline for submitting

1 the nomination and acceptance form to the City Clerk, information on  
2 obtaining a ballot if the election will be by mail-ballot only, the name and  
3 address of the City Clerk, and a brief summary of the information described in  
4 subsection (B)(2) of this Section.

5 (2) The call for nominations shall include either (i) a summary of  
6 the basic annual and periodic responsibilities of the PID board, including  
7 items (a) through (e), or (ii) the method by which interested persons may  
8 obtain the summary. Annual and periodic board responsibilities include:

- 9 (a) Adoption of an open meetings resolution;
- 10 (b) Preliminary and final approval of an annual budget  
11 sufficient to pay debt service on outstanding district bonds and annual  
12 administrative costs;
- 13 (c) Exercise of remedies to collect delinquent PID special  
14 levies;
- 15 (d) Approval of audited financial statements; and
- 16 (e) Approval of continuing disclosure reports prepared on  
17 behalf of the PID.

18 (3) The City Clerk shall provide the information described in  
19 subsection (B)(2) of this Section promptly to all persons accepting  
20 nominations for board positions.

21 (C) *Nominations.*

22 (1) Not less than 60 days before the date of the election, any  
23 resident qualified elector or owner who desires to be or designate a candidate  
24 for the office of a PID director shall file a nomination and acceptance form or  
25 letter signed by the resident qualified elector or owner and, as applicable, the  
26 designee for the office of PID Director.

27 (2) On the date of signing the nomination and acceptance form or  
28 letter, the candidate for director shall be a resident qualified elector, owner, or  
29 the designee of a resident qualified elector or owner.

30 (3) The nomination and acceptance form or letter shall state the  
31 name of the PID in which the election will be held, the date of the election, the  
32 full name of the candidate as it is to appear on the ballot, and a statement that  
33 the candidate is a resident qualified elector, owner, or the designee of a

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 resident qualified elector or owner. Unless physically unable, all parties  
2 submitting and identified on a nomination and acceptance form or letter shall  
3 sign their own signature and shall print (a) their names, (b) their mailing  
4 addresses, (c) their telephone number, (d) the address of the property owned,  
5 resided, or represented, including the street number and name, and (e) the  
6 date of signature on the nomination and acceptance form or letter. All  
7 signatures or marks on the nomination and acceptance form or letter shall be  
8 acknowledged by a notary public.

9 (4) The nomination and acceptance form or letter shall be filed  
10 with the City Clerk of the PID in which the election will be held, and the City  
11 Clerk shall verify the sufficiency of the information contained therein and shall  
12 return any insufficient nomination form to the candidate with a written  
13 description of the insufficiency. A nomination and acceptance form that is  
14 insufficient may be amended at any time after filing but prior to 3 p.m. on the  
15 30<sup>th</sup> day before the election.

16 (5) Notwithstanding the foregoing, the City Council, at its option,  
17 may nominate one or more candidates. The City Council or its designee shall  
18 provide a list of any candidate(s) nominated by the City Council to the City  
19 Clerk of the PID in which the election will be held not less than 60 days before  
20 the date of the election. The City Council shall have no duty to nominate any  
21 candidate unless the PID has not delivered payment for all costs of the  
22 improvements to be financed by the PID, as described in the implementing  
23 legislation. If the City Council is required to nominate candidates, the list of  
24 nominees shall consist of no less than three City employees.

25 (D) *Time for Holding Elections; Manner of Election; Notice.*

26 (1) Except as otherwise provided in subsection (D)(2) of this  
27 section, regular PID elections shall be held on the first Tuesday after the first  
28 Monday in August in every other even-numbered year.

29 (2) Special elections may be held on the first Tuesday after the  
30 first Monday of the month in which held, but in no event on a date within 42  
31 days before any statewide election, as provided by Section 1-12-71 NMSA  
32 1978.

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1           (3) At least 60 days prior to a PID Board election, the City Clerk  
2 shall request that the County Clerk provide to the City Clerk a list of the names  
3 and addresses of registered electors of the city who are also registered  
4 electors of the PID.

5           (4) At least 60 days prior to a PID Board election, the City Clerk  
6 shall request that the County Assessor provide to the City Clerk a list of the  
7 names and addresses of the owners of real property in the district on the  
8 current property tax assessment roll.

9           (5) The City Clerk shall prepare a voter list of registered electors  
10 residing within the PID and owners of property within the PID from the lists  
11 provided by the County Clerk and County Assessor.

12           (6) The City Clerk shall prepare and provide to the City Clerk a  
13 form of ballot containing the names of the eligible candidates.

14           (7) If the PID Election is conducted as regular municipal election,  
15 or where as otherwise required by law, the City Clerk shall follow the early  
16 voting and absentee voting procedures in Section 3-8-37.1 NMSA 1978. In the  
17 event of a mail ballot only election, the following procedures shall be followed:

18           (a) The City Clerk shall make available at the Office of the  
19 City Clerk beginning no later than 20 days before the date of the election a  
20 regular ballot to any person whose name appears on the voter list or who  
21 provides an affidavit of ownership signed by that person. The City Clerk shall  
22 record the names and mailing addresses of each person receiving a regular  
23 ballot.

24           (b) The City Clerk shall make available at the Office of the  
25 City Clerk a provisional ballot to any person not appearing on the voter list,  
26 but claiming eligibility to vote as either a qualified resident elector or owner of  
27 property within the PID. The City Clerk shall record the name and mailing  
28 address of any person to whom a provisional ballot is given, and shall keep  
29 copies of any evidence presented by such person in support of the claim of  
30 eligibility. If during the canvass the PID Board determines it has insufficient  
31 information to determine whether a person given a provisional ballot is a  
32 qualified elector, it shall provide written notification to such person that he or  
33 she may present additional evidence of eligibility to the PID Board, and shall

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 describe the means by which such evidence may be presented and that the  
2 evidence must be presented before the end of the canvassing period of 30  
3 days, as provided in Section 5-11-7(G) NMSA 1978.

4 (c) Ballots shall be available to prospective electors at the  
5 Office of the City Clerk, or, upon written request, shall be mailed to the  
6 requesting person, until the close of business on the Friday immediately  
7 preceding the date of the election.

8 (8) At least one polling place shall be provided for a PID board  
9 election that is not a mail ballot only election. The City Clerk shall select the  
10 most convenient and suitable public building or public school building within  
11 the PID that can be obtained. If no public building or public school building is  
12 available, the City Clerk shall provide some other suitable place, which shall  
13 be the most convenient and appropriate place obtainable within or near the  
14 PID, considering the purpose for which it is to be used.

15 (E) *Voter Eligibility.*

16 (1) No person shall be permitted to vote in any election unless  
17 that person is a resident qualified elector or property owner as defined in  
18 section 5-11-3 NMSA 1978.

19 (2) Each voter may cast the applicable number of votes  
20 authorized in the Act. As provided in Section 5-11-7 NMSA 1978, a property  
21 owner who is also a qualified resident elector shall not be entitled to an  
22 additional vote as a result of residing within the PID. The following  
23 procedures shall be implemented to prevent a single property owner and all  
24 persons related to a property owner (i.e. a related person within the meaning  
25 of Treasury Regulation 1.150-1(b), Internal Revenue Code Sections 144(a), 267,  
26 707(b) or 1563(a)) (collectively a "Single Property Owner") from maintaining  
27 continued effective control of the PID Board through the election of members  
28 that perpetuate such control; notwithstanding any other provision of the Act  
29 or this Ordinance, irrespective of the actual number of votes cast by a Single  
30 Property Owner, and in accordance with the City's home rule powers granted  
31 in Article X, Section 6 of the New Mexico Constitution:

32 (a) With respect to an election of new directors to seats  
33 initially held by the 2 directors of a PID appointed to four-year terms by the



[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 City Council (the "Class 4 Directors"), a Single Property Owner shall be  
2 permitted to cast votes sufficient in number to elect and fill no more than 1 of  
3 the Class 4 Directors. The remaining Class 4 Directors' seat on the PID Board  
4 shall be filled by a City Councilor whose district includes the PID boundaries.

5 (b) With respect to an election of new directors to seats  
6 initially held by the 3 directors of a PID appointed to six-year terms by the City  
7 Council (the "Class 6 Directors"), a Single Property Owner shall be permitted  
8 to cast votes sufficient in number to elect and fill no more than 2 of the Class 6  
9 Directors. The remaining Class 6 Directors' seat on the PID Board shall be  
10 filled by the City Council's President.

11 (c) In the event that an election of the Class 4 Directors and  
12 the Class 6 Directors occurs in a single election, Subsections 6-9-7(E)(2)(a)  
13 and (b) of this PID Ordinance shall apply and, subject to Subsections 6-9-  
14 7(E)(2)(d) and (e) of this PID Ordinance, a Single Property Owner shall only be  
15 permitted to elect one Class 4 Director and two Class 6 Directors.

16 (d) In the event that a Single Property Owner casts votes  
17 which would otherwise be sufficient in number to elect more than one Class 4  
18 Director, the candidates receiving the smallest number of votes cast by the  
19 Single Property Owner shall be eliminated. In the event that a Single Property  
20 Owner casts an equal number of votes for two (2) or more of the Class 4  
21 Directors, the PID Board shall determine the candidate or candidates to be  
22 eliminated by any method deemed fair and impartial by the PID Board, e.g.  
23 selecting names from a hat, drawing playing cards, etc.

24 (e) In the event that a Single Property Owner casts votes  
25 which would otherwise be sufficient in number to elect more than two Class 6  
26 Directors, the candidates receiving the smallest number of votes cast by the  
27 Single Property Owner shall be eliminated. In the event that a Single Property  
28 Owner casts an equal number of votes for three (3) or more of the Class 6  
29 Directors, the PID Board shall determine the candidate or candidates to be  
30 eliminated by any method deemed fair and impartial by the PID Board, e.g.  
31 selecting names from a hat, drawing playing cards, etc.

32 (f) If a Single Property Owner does not cast a majority of  
33 the votes in an election of new directors, the foregoing procedures described

1 in Subsections 6-9-7(E)(2)(a), (b), (c), (d), and (e) of this PID Ordinance shall  
2 not apply and the members of the PID Board shall be elected by majority vote  
3 of the resident qualified electors and property owners in accordance with the  
4 Act and the remaining sections of this PID Ordinance.

5 (3) Any person requesting a ballot by mail for any election as a  
6 resident qualified elector or property owner shall sign an affidavit that the  
7 person is an elector of the PID. The affidavit shall be on a form that contains  
8 in substance the following:

9 FORM OF AFFIDAVIT

10 \_\_\_\_\_ does hereby declare and warrant that (s)he is  
11 either (1) the owner of record title of \_\_\_\_\_ acres of real property located in  
12 the \_\_\_\_\_ Public Improvement District known as lot(s)/tracts \_\_\_\_\_, located in  
13 \_\_\_\_\_ Subdivision, within the \_\_\_\_\_ Public Improvement District or (2)  
14 is a resident qualified elector (i.e. a person who resides within the boundaries  
15 of the \_\_\_\_\_ Public Improvement District and who is qualified to vote in  
16 the general elections held in the state pursuant to Section 1-1-4 NMSA 1978).

17 I, \_\_\_\_\_ (printed name), reside at \_\_\_\_\_  
18 (address), am an elector of this (name of PID) and desire to vote at this  
19 election. I do solemnly swear (or affirm) that I am qualified to vote in this PID  
20 election as:

21 \_\_\_\_\_ A resident of the district or area to be included in the district for  
22 not less than thirty days; or

23 \_\_\_\_\_ The owner of taxable real property situated within the boundaries  
24 of the PID.

25 I have not voted previously at this election.

26 Date \_\_\_\_\_

27 Signature of elector

28 \_\_\_\_\_

29 (F) *Notice of Election.* Pursuant to Section 5-11-7(A) NMSA 1978, a  
30 notice of election shall be posted in at least three (3) public places within the  
31 PID not less than 20 days before the election and shall be published in full, in  
32 English and Spanish, once a week for at least two (2) consecutive weeks

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 before the election in the *Albuquerque Journal* or another newspaper of  
2 general circulation within the PID. The notice shall indicate the following:

3 (1) Ballots may be obtained at the Office of the City Clerk or, upon  
4 written request received not later than the close of business on the Friday  
5 immediately preceding the election, will be mailed to the requesting person.

6 (2) Each elector may cast the applicable number of votes  
7 authorized in the Act for up to five (5) candidates listed on the ballot. A  
8 property owner shall receive a ballot for each one-fifth of an acre owned, as  
9 identified in the property owner's affidavit required by Section 5-11-7.D NMSA  
10 1978. The PID shall calculate the actual number of acres or portions of acres  
11 owned by a property owner in accordance with Section 5-11-6.B NMSA 1978.

12 (3) Ballots must be returned to the Office of the City Clerk no later  
13 than 7:00 p.m. on the date of the election. Mail-in ballots must be received in  
14 the Office of the City Clerk by 7:00 p.m. on the date of the election.

15 (4) If voting will be in-person, the hours during the day, not less  
16 than six, in which the polls will be open.

17 (G) *Form of Ballot; Voting and Canvassing Results.*

18 (1) The City Clerk will make ballots available to prospective voters  
19 at the Office of the City Clerk. In addition, upon request, the City Clerk shall  
20 mail a ballot to requesting persons upon the presentation of a title report or  
21 other evidence establishing ownership of property within the PID, or the  
22 presentation of evidence establishing that the person is eligible to vote under  
23 the PID Act (i.e. the voter is a resident qualified elector who resides within the  
24 boundaries of the PID and is qualified to vote in general elections held in the  
25 state pursuant to Section 1-1-4 NMSA 1978). All property owners voting in the  
26 Election must execute an affidavit stating that they are the owner of land in the  
27 PID and stating the area of land in acres owned within the PID. Completed  
28 ballots, whether delivered by hand or U.S. Mail, must be received by 7:00 p.m.  
29 on the date of the election at the Office of the City Clerk. The form of ballot  
30 shall contain in substance the following:

31 FORM OF BALLOT

32 \_\_\_\_\_ PUBLIC IMPROVEMENT DISTRICT

33 DISTRICT BOARD ELECTION

1 Each owner of real property located in the \_\_\_\_\_ Public  
2 Improvement District (the "PID"), located in the City of Albuquerque, New  
3 Mexico and each resident qualified elector, if any, residing in the PID  
4 ("Voters") may vote for up to five (5) candidates. To select a candidate, follow  
5 arrow to the right of the candidate's name and fill in the oval that corresponds  
6 with the candidate for whom you are voting. The \_\_\_\_ candidates receiving  
7 the most affirmative (YES) votes will be elected as the new PID board  
8 members of the PID. The polling place for the election will be \_\_\_\_\_, and  
9 the polls will be open on \_\_\_\_\_, \_\_, 20\_\_, between the hours of \_\_\_\_  
10 a.m. and \_\_\_\_ p.m. There will be no polling place for the election, which will  
11 be conducted by mail ballots only. Completed ballots must be received by  
12 7:00 p.m. on \_\_\_\_\_, \_\_, 20\_\_, at the Office of the City Clerk, 600 2nd NW,  
13 7<sup>th</sup> floor, Albuquerque, New Mexico, 87102.

14 (Voters may vote YES for up to five (5) candidates. Any ballot in which a  
15 Voter votes for more than five (5) candidates will be held invalid and such  
16 ballot will not be counted. Should a Voter inadvertently vote for more than five  
17 (5) candidates, the Voter may request a replacement ballot prior to or on the  
18 day of the Election, which replacement ballot must be completed and  
19 submitted before 7:00 p.m. on the day of the Election.)

- 20 1. [CANDIDATE NAME] → ○  
21 2. [CANDIDATE NAME] → ○  
22 3. [CANDIDATE NAME] → ○  
23 4. [CANDIDATE NAME] → ○  
24 5. [CANDIDATE NAME] → ○  
25 6. [CANDIDATE NAME] → ○  
26 7. [CANDIDATE NAME] → ○  
27 8. [CANDIDATE NAME] → ○

28 Etc.

29 (2) The place for the receipt of completed ballots for the Election  
30 shall be the Office of the City Clerk, 600 2nd NW, 7th floor, Albuquerque, New  
31 Mexico, 87102.

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 (3) Completed ballots, whether delivered by hand or U.S. Mail,  
2 must be received by 7:00 p.m. on \_\_\_\_\_, \_\_, 20\_\_ at the Office of the City  
3 Clerk.

4 (4) The \_\_\_ candidates receiving the most votes, as evidenced by  
5 the certificate of canvassing prepared by the City Clerk, will be elected as the  
6 new members of the PID board.

7 (5) The ballots are expected to be counted and the results tallied  
8 in the Office of the City Clerk, 600 2nd NW, 7th floor, Albuquerque, New  
9 Mexico, 87102 by the close of business on \_\_\_\_ \_\_, 20\_\_. In any event,  
10 canvassing shall be completed within thirty (30) days of the Election and the  
11 City Clerk shall prepare a certificate of canvassing for recording in the PID  
12 board's minute book by the PID Clerk, which certificate will indicate the total  
13 number of votes cast, the total number of votes cast for each candidate, and  
14 will specify which five candidates received the most votes. The certificate of  
15 canvassing shall be signed by a presiding judge of the Election.

16 (6) Candidate names shall be placed on the ballot in the order in  
17 which valid nominations were received.

18 (H) *Transfer of Property Title to Qualify Electors.* No person shall take or  
19 place any interest in title to taxable property in the name of another, whether a  
20 fractional undivided interest or otherwise, or enter into a contract to purchase  
21 or sell taxable property, for the purpose of attempting to influence the  
22 outcome of any PID election. Any ballot cast in violation of this subsection as  
23 determined in an election contest conducted pursuant to Section 1-14-1 et  
24 seq. NMSA 1978, shall be void.

25 (I) *Board Member Terms.* Subsequent PID board members shall  
26 have six (6) year terms.

27 (J) *Quorum.* A majority of the number of director positions filled  
28 at the time of a PID board meeting shall constitute a quorum for the carrying  
29 out of PID board duties.

30 (K) *Definitions.* The terms defined in Section 5-11-2 NMSA 1978  
31 shall have the same meaning when used herein unless otherwise indicated.

32 (L) *Further Authorization.* The City Clerk, the Chairperson of the  
33 PID board and the PID Clerk of a PID are authorized and directed to take all

1 action necessary or appropriate to effectuate the provisions of this Section 6-  
2 9-7. The PID Clerk shall consult with and seek the assistance of the City Clerk  
3 as he or she deems necessary or convenient, but is authorized and directed to  
4 take any and all steps necessary for the proper conduct of the election,  
5 including giving timely notice of the election by proclamation by publication  
6 and posting thereof and compliance with the Federal Voting Rights Act and  
7 any other matters of federal or state election law.

8 Section 4. SEVERABILITY CLAUSE. If any section, paragraph,  
9 sentence, clause, word, or phrase of this Ordinance is for any reason held to  
10 be invalid or unenforceable by any court of competent jurisdiction, such  
11 decision shall not affect the validity of the remaining provisions of this  
12 Ordinance. The Council hereby declares that it would have passed this  
13 Ordinance and each section, paragraph, sentence, clause, word, or phrase  
14 thereof irrespective of any provision being declared unconstitutional or  
15 otherwise invalid.

16 Section 5. COMPILATION. Sections 2 and 3 of this Ordinance shall be  
17 incorporated in and made part of the Revised Ordinances of Albuquerque,  
18 New Mexico, 1994.

19 Section 6. EFFECTIVE DATE. This Ordinance shall take effect five (5)  
20 days after publication by title and general summary.

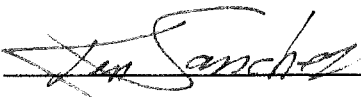
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 PASSED AND ADOPTED THIS 16th DAY OF June, 2014  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

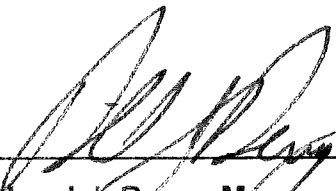
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

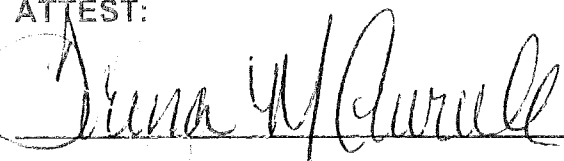
Excused: Jones

  
\_\_\_\_\_  
Ken Sanchez, President  
City Council

APPROVED THIS 27<sup>th</sup> DAY OF June, 2014

Bill No. F/S O-14-12

  
\_\_\_\_\_  
Richard J. Berry, Mayor  
City of Albuquerque

ATTEST:  
  
\_\_\_\_\_  
Trina M. Gurule, Acting City Clerk

[+Bracketed/Underscored Material+] - New  
[-Bracketed/Strikethrough Material-] - Deletion

# Health City Sun

## AFFIDAVIT OF PUBLICATION

State of New Mexico )  
 ) ss  
County of Bernalillo )

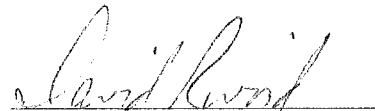
CITY of ALBUQUERQUE  
TWENTY-FIRST COUNCIL  
COUNCIL BILL NO. F/S  
O-14-12 ENACTMENT NO.  
O-2014-015  
SPONSORED BY: Dan Lewis  
ORDINANCE  
AMENDING CHAPTER 6,  
ARTICLE 9, ROA 1994,  
REGARDING PUBLIC  
IMPROVEMENT DISTRICTS,  
TO PROVIDE FOR THE  
ESTABLISHMENT OF  
CANDIDATE ELECTION  
POLICIES AND PROCEDURES  
FOR PUBLIC IMPROVEMENT  
DISTRICTS LOCATED  
WITHIN THE CITY.  
BE IT ORDAINED BY  
THE COUNCIL, THE  
GOVERNING BODY OF THE  
CITY OF ALBUQUERQUE:  
HCS Pub. July 4, 2014

David Rivord, being duly sworn declares and says he is the **Publisher** of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.

Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 14-11-4 of the New Mexico Statutes annotated (1978).

Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 4th day of July, 2014, and the last publication being in the issue of the 4th day of July, 2014.

Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.

  
David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 4<sup>th</sup> day of July, 2014.

  
Notary Public

My Commission Expires 3-11-2017

