

CITY of ALBUQUERQUE

TWENTY-FIRST COUNCIL

COUNCIL BILL NO. R-15-235 ENACTMENT NO. R-2015-071

SPONSORED BY: Trudy E. Jones

1 SPECIAL ELECTION RESOLUTION

2 TO SUBMIT TO THE VOTERS OF THE CITY OF ALBUQUERQUE AN
3 ORDINANCE PROPOSED PURSUANT TO ARTICLE III, SECTION 3, THE
4 DIRECT LEGISLATION PROVISION OF THE CITY CHARTER, AT A SPECIAL
5 MUNICIPAL ELECTION TO BE HELD IN THE CITY OF ALBUQUERQUE ON
6 OCTOBER 6, 2015 TO APPROVE OR DISAPPROVE THE PROPOSED
7 ORDINANCE AS SET FORTH HEREIN; PRESCRIBING OTHER DETAILS IN
8 CONNECTION WITH THE SPECIAL MUNICIPAL ELECTION.

9 WHEREAS, the City of Albuquerque City Charter (the "Charter") authorizes
10 direct legislation by voter initiative provided that certain minimum
11 requirements are satisfied, including that a minimum number of registered
12 voters have signed the petition; and

13 WHEREAS, on July 20, 2015 the City Clerk filed a certification with the City
14 Council certifying that the requisite number of signatures were obtained and
15 verified as required by the Charter to submit the proposed ordinance set forth
16 below (the "Proposed Ordinance") to the voters of the City of Albuquerque;
17 and

18 WHEREAS, as set forth in the City Charter, when an election is required
19 pursuant to the "direct legislation by voter initiative" process, such an
20 election must be held within ninety (90) days of the filing of the petition; and

21 WHEREAS, Section 3-8-35 NMSA 1978, a portion of the Municipal Election
22 Code, states that when a special election is required by law, an election
23 resolution shall be adopted by the governing body calling for the election and
24 shall state, in part, the purpose for calling the election, the date of the election,
25 the questions to be submitted to the voters, and whether paper ballots or
26 voting machines will be used in the election; and

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1 **WHEREAS, Section 3-8-9 NMSA 1978, a portion of the Municipal Election**
2 **Code, authorizes one or more municipal special to be held in conjunction with**
3 **a regular municipal election or one or more special municipal elections; and**

4 **WHEREAS, the City will hold its regular municipal election on October 6,**
5 **2015, and a special election on multiple bond questions and charter**
6 **amendments in conjunction therewith; and**

7 **WHEREAS, the Charter requires that a special election be held for**
8 **proposed direct legislation by voter initiative, and this resolution shall serve**
9 **as the election resolution required by Section 3-8-35 NMSA 1978 to authorize a**
10 **special election on the question set forth below to be voted upon in**
11 **conjunction with the regular and special elections already scheduled for**
12 **Tuesday, October 6, 2015.**

13 **BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
14 **ALBUQUERQUE:**

15 **SECTION 1. SPECIAL ELECTION PROCESS. The applicable provisions**
16 **of the City Charter and Revised Ordinances of Albuquerque, and the New**
17 **Mexico Municipal Election Code, including but not limited to those provisions**
18 **relating to special, concurrent elections, shall govern this Special Election.**

19 **(A) PURPOSE & DATE OF ELECTION. A special municipal**
20 **election shall be held in Albuquerque, New Mexico on Tuesday, October 6,**
21 **2015 (the "Special Election") for the purpose of submitting the questions**
22 **described in this Resolution, together with any other election resolutions**
23 **adopted by the Governing Body, to the registered voters in the City of**
24 **Albuquerque.**

25 **(B) CLOSING OF REGISTRATION. Any person who is otherwise**
26 **qualified to vote and who is not currently registered to vote may register at the**
27 **office of the Clerk of the City of Albuquerque, 600 2nd Street NW, Albuquerque,**
28 **New Mexico, 87102 or at the office of any duly appointed deputy registration**
29 **officer on or before 5:00 p.m., on Tuesday, September 8, 2015.**

30 **(C) QUESTIONS TO BE SUBMITTED. At the Special Election, the**
31 **City Clerk is instructed to submit the following measure as originally**
32 **submitted by its proponents to the City's registered voters who shall be**
33 **permitted to vote "for" or "against:"**

1 **“ADOPTING A MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS TAX**
2 **FOR THE ABQ BIOPARK**

3
4 **BE IT ORDAINED BY THE VOTERS OF ALBUQUERQUE:**

5 **Section 1. Imposition of Tax. There is imposed on any person**
6 **engaging in business in this municipality for the privilege of engaging in**
7 **business in this municipality an excise tax equal to one-eighth of one**
8 **percent (.125%) of the gross receipts reported or required to be reported**
9 **by the person pursuant to the New Mexico Gross Receipts and**
10 **Compensating Tax Act as it now exists or as it may be amended. The**
11 **tax imposed under this ordinance is pursuant to the Municipal Local**
12 **Option Gross Receipts Taxes Act as it now exists or as it may be**
13 **amended and shall be known as the “municipal capital outlay gross**
14 **receipts tax.”**

15 **Section 2. General Provisions. This ordinance hereby adopts**
16 **by reference all definitions, exemptions and deductions contained in the**
17 **Gross Receipts and Compensating Tax Act as it now exists or as it may**
18 **be amended.**

19 **Section 3. Specific Exemptions. No municipal capital outlay**
20 **gross receipts tax shall be imposed on the gross receipts arising from:**

21 **A. transporting persons or property for hire by railroad,**
22 **motor vehicle, air transportation or any other means from one point**
23 **within the municipality to another point outside the municipality;**

24 **B. a business located outside the boundaries of a**
25 **municipality on land owned by that municipality for which a state gross**
26 **receipts tax distribution is made pursuant to Subsection C of Section 7-**
27 **1-6.4 NMSA 1978; or**

28 **C. direct broadcast satellite services.**

29 **Section 4. Dedication. Revenue from the municipal capital**
30 **outlay gross receipts tax will be used for the purpose(s) listed below:**

31 **A. the capital needs, including design, construction,**
32 **acquisition, improvement, renovation, rehabilitation and equipping or**

1 furnishing of the ABQ BioPark in accord with the city's ABQ BioPark
2 Master Plan in effect at the time each phase of the plan is undertaken.

3 Section 5. Effective Date. The effective date of the capital outlay
4 municipal gross receipts tax shall be July 1, 2016.

5 Section 6. Delayed Repeal. This ordinance is repealed effective
6 July 1, 2031."

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8 FOR _____ AGAINST _____
9

10 (D) POLLING LOCATIONS & CONSOLIDATION OF PRECINCTS. A
11 list of election-day polling locations and early voting centers, and
12 consolidation of precincts for the Special Election is attached to this
13 Resolution as Exhibit 'A'. This is a Voting Convenience Center election, which
14 enables voters to choose to vote at any location listed on Exhibit 'A'. Early in-
15 person voting begins on Wednesday, September 16, 2015, through Friday,
16 October 2, 2015, during the hours of 8:00 a.m. to 5:00 p.m. Election Day polls
17 for the Special Election open at 7:00 a.m. on October 6, 2015 and close at 7:00
18 p.m.

19 (E) BALLOTS. Voters shall mark paper ballots. Ballots cast
20 Absentee, during Early Voting and Election Day Voting shall be electronically
21 tabulated. Absentee ballot applications can be requested by calling the
22 Albuquerque City Clerk's Office at 505-924-3650, emailing the request to
23 cityclerk@cabq.gov, in-person at 600 2nd Street NW, Abq. NM 87102, or by Fax
24 at 505-924-3660. Absentee ballots shall be issued to voters whose applications
25 have been approved not earlier than Tuesday, September 1, 2015, and not later
26 than 5:00 p.m. on Friday, October 2, 2015.

27 SECTION 2. PUBLICATION. This Resolution shall be published in
28 English and in Spanish once each week for four consecutive weeks. The first
29 publication of the election resolution shall be between fifty and sixty days
30 before the day of the election. The election resolution shall be posted in the
31 office of the municipal clerk within twenty-four hours from the date of
32 adoption until the date of the election.

1 **SECTION 3. SEVERABILITY.** If any section, paragraph, sentence,
2 word, or phrase of this Resolution is for any reason held to be invalid or
3 unenforceable by any court of competent jurisdiction, such decision shall not
4 affect the validity of the remaining provisions of this Resolution. The Council
5 hereby declares that it would have passed this Resolution and each section,
6 paragraph, sentence, word or phrase thereof irrespective of any provision
7 being declared unconstitutional or otherwise invalid.

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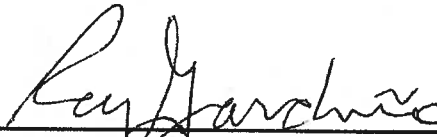
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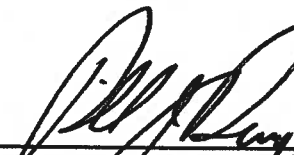
1 PASSED AND ADOPTED THIS 3rd DAY OF August 2015
2 BY A VOTE OF: 8 FOR 1 AGAINST.

3
4 Against: Lewis

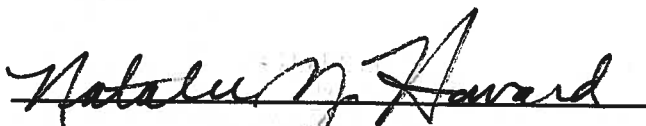
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8 _____
9 Rey Garduño, President
10 City Council

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13 APPROVED THIS 14th DAY OF August, 2015

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17 Bill No. R-15-235

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21 _____
22 Richard J. Berry, Mayor
23 City of Albuquerque

24
25 ATTEST:

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28 _____
29 Natalie Y. Howard, City Clerk