

**CITY OF RUIDOSO DOWNS
RESOLUTION NO. 2006-13**

CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF RUIDOSO DOWNS ON DECEMBER 12, 2006, FOR THE PURPOSE OF VOTING ON THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,400,000 FOR THE PURPOSE OF PURCHASING, ACQUIRING, CONSTRUCTING, EQUIPPING AND IMPROVING A WASTEWATER SYSTEM; PROVIDING THE FORM OF THE BOND QUESTION; PROVIDING FOR NOTICE OF THE ELECTION; PRESCRIBING OTHER DETAILS IN CONNECTION WITH SUCH ELECTION AND BONDS; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH.

WHEREAS, the City Council (the "Governing Body") of the City of Ruidoso Downs (the "City") in the County of Lincoln and State of New Mexico, hereby determines that it is necessary and in the best interests of the City and its inhabitants to incur indebtedness in the principal amounts and for the purposes provided herein; and

WHEREAS, in accordance with the provisions of Section 6-15-1 NMSA 1978, the Governing Body acting by and through the City Procurement/Asset Control Manager has forwarded in writing to the Local Government Division of the Department of Finance and Administration a notice of the bond election as described herein; and

WHEREAS, the Governing Body has the power to call a special election to be held on December 12, 2006 for the purpose of submitting questions of incurring indebtedness to the qualified electorate of the City pursuant to applicable laws of the State of New Mexico, and pursuant to Article IX, Section 12 of the New Mexico Constitution; and

WHEREAS, the Governing Body hereby determines and declares that the project (the "Project") for which the question of issuing the City's general obligation bonds (the "Bond Election Question") as set forth herein, are for a public purpose and no bond election has been held on the Bond Election Question during the year immediately preceding the date established for the election.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RUIDOSO DOWNS:

Section 1. All action, not inconsistent with the provisions of this Resolution, heretofore taken by the Governing Body and the officers of the City directed toward the Project described in the Bond Election Question, including, without limiting the generality of the foregoing, the calling and holding of a special election to authorize the issuance of general obligation bonds (the "Bonds") to finance the Project, is ratified, approved and confirmed.

Section 2. A special election (the "Election") shall be held in the City of Ruidoso Downs on December 12, 2006.

Section 3. At the Election the following questions shall be submitted to the City's qualified electors:

Shall the City of Ruidoso Downs issue up to \$1,400,000 of general obligation bonds, to be repaid from property taxes, for the purpose of purchasing, acquiring, constructing, equipping and improving a wastewater system?	
For general obligation wastewater system bonds	<input type="checkbox"/>
Against general obligation wastewater system bonds	<input type="checkbox"/>

Section 4. The polls for the Special Election will be opened at 7:00 a.m. prevailing Mountain Time on Tuesday, December 12, 2006, and will be closed at 7:00 p.m. prevailing Mountain Time on the same day. Precincts shall be consolidated and electors (except absentee voters, and nonresident municipal electors) shall vote at the polls located in the consolidated precinct in which he or she resides. The polling places for such consolidated precinct shall be as follows:

CONSOLIDATED PRECINCTS

POLLING PLACES

Precincts 10, 11 and a portion of 16	122 Downs Drive, City Hall Hubbard Room
Absentee	Municipal Clerk's Office, 122 Downs Drive
Absentee – in person	Municipal Clerk's Office, 122 Downs Drive
Non-resident municipal electors	City Clerk's Office, 122 Downs Drive

Section 5. Absentee Ballots will be available for this Special Election and can be obtained by contacting the Municipal Clerk's Office. Absentee voting in person will be conducted in the Municipal Clerk's Office at City Hall, 122 Downs Drive, Ruidoso Downs, New Mexico beginning on Wednesday, November 15, 2006, and ending at 5:00 p.m. on Friday, December 8, 2006. Voting is conducted during regular business hours, which is Monday through Friday, 8:00 a.m. –5:00 p.m.

Section 6. The casting of votes by qualified electors at the polling places, including the Absentee polling place, shall be cast on a paper ballot to be tabulated on Model 100 Precinct Ballot Counter. Qualified nonresident municipal electors will use paper ballots for casting votes.

Section 7. The City's qualified resident electors and the City's qualified nonresident municipal electors are eligible to vote on the Bond Election Question. No judge or clerk of election shall allow a person to vote unless he or she is duly registered as a voter with the Lincoln County Clerk and unless he or she meets the qualifications of a resident elector or a nonresident municipal elector.

Section 8. All persons desiring to vote at the Election (including nonresident municipal electors) must be registered to vote. Any person who is otherwise qualified to vote and who is not currently registered may register at the respective offices of the Lincoln County Clerk on or before 5:00 p.m. on Tuesday, November 14, 2006, provided, however, that the County Clerk shall accept for filing, certificates of registration that are hand-delivered before 5:00 p.m. on November 14, 2006, or that are postmarked not later than November 14, 2006.

Section 9. A "nonresident municipal elector" means any person who on the date of election is a qualified, registered elector of Lincoln County but who is a resident of that portion of Lincoln County which is outside of the Ruidoso Downs City limits, and who has paid a property tax on property located within the City of Ruidoso Downs during the year preceding the election. Not more than sixty nor less than fifteen days before the Election, any nonresident municipal elector desiring to vote on the Bond Election Question shall file with the Municipal Clerk a completed certificate of eligibility in substantially the form provided in Section 3-30-3 NMSA 1978, which shall constitute the nonresident municipal elector's additional registration requirement for voting at the Election on the Bond Election Question. Each nonresident municipal elector must file such certificate of eligibility in addition to registering to vote with the Lincoln County Clerk.

Section 10. For the purpose of this Resolution and solely for the purpose of voting on the Bond Election Question, all territory within the County of Lincoln is a municipal precinct (hereinafter referred to as the "Municipal District"). All territory in the Municipal District and not within the City's boundaries shall constitute one voting division to be known as the nonresident municipal elector voting precinct (hereinafter referred to as the "Nonresident Voting District"). The Nonresident Voting District shall include the territory within the boundary of any other municipality within the County.

Section 11. The vote shall be canvassed as provided in Section 3-30-7 and Section 3-8-53, NMSA 1978, and the Bond Election Act, Sections 6-15-23 through 6-15-28, NMSA 1978, and the City Clerk shall certify the results of the Election and file the certificate of canvass in the official minute book of the City.

Section 12. This 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 and sixty days before the day of the Election in a newspaper or newspapers which maintain an office in and are of general circulation in the

City and which otherwise qualify as legal newspapers in the City. The Municipal Clerk is hereby instructed and authorized to carry out this provision.

Section 13. The officers of the City are hereby authorized and directed, for and on behalf of the City, to take all action necessary or appropriate to effectuate the provisions of this Resolution, including, without limiting the generality of the foregoing, the preparation of affidavits, instructions and election supplies, and the publication of notices.

Section 14. 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 provision shall not affect any of the remaining provisions of this resolution.

Section 15. All bylaws, orders, resolutions and ordinances, 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.

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ADOPTED THIS 10TH DAY OF OCTOBER 2006.

Bob A. Miller, Mayor

ATTEST:

Carol Virden MMC, Municipal Clerk

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