

RESOLUTION 2010 - 3
2010 BOARD OF DIRECTORS ELECTION

Whereas, the Eastern Sandoval County Arroyo Flood Control Authority ("ESCAFCA"), was duly organized on the 4th day of November 2008, and its officers and directors have been duly appointed, elected and qualified; and

Whereas, the terms of Director Debbie Kilfoy and Director Dan Dennison [or his appointed replacement] expire on December 31, 2010; and an election for both Directors shall be held at the November, 2010 general election; and

Whereas, it is necessary for the Board of Directors of ESCAFCA to call an election to be held concurrently with the General Election on the 2nd day of November 2010, for the purpose of electing two Directors to serve six year terms beginning January 1, 2011, and ending December 31, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY:

SECTION 1. That an election of the qualified voters of the Eastern Sandoval County Arroyo Flood Control Authority shall be held for and within ESCAFCA concurrently with the General Election on Tuesday, November 2, 2010, between the hours of 7:00 a.m. and 7:00 p.m. of said date. The qualified electors of ESCAFCA shall elect two [2] qualified Directors, as hereinafter provided, who shall serve a six year term ending December 31, 2016.

SECTION 2. That electronic or automatic voting machines or paper ballots shall be used in said election. The official ballot shall designate the candidates for Director and shall instruct the voters, in both English and Spanish, as to the methods of voting for the director.

SECTION 3. That at the election, the qualified electors of ESCAFCA shall elect respectively, two [2] qualified Directors of ESCAFCA, who shall serve a six year term ending December 31, 2016. The two candidates receiving the highest number of votes shall be elected as Directors. Nominations for the Board of Directors may be made in writing by petition of no less than fifty qualified electors, designating the name of the person nominated, reciting that the subscribers thereto are qualified electors from ESCAFCA, and that the candidate designated therein is a qualified elector from within ESCAFCA.

Forms for nomination shall be in the form shown as Attachment One (1) to this Resolution, entitled "Nominating Petition." Each written nomination may designate only one qualified elector as a candidate. No qualified elector may nominate more than one candidate. Nominations shall be submitted to the Office of the Town Clerk [Ida Fierro], Town of Bernalillo, 829 Camino del Pueblo, Bernalillo, New Mexico, by 4:00 p.m. Tuesday, June 22, 2010. Signatures on the petitions will be assumed to be valid, and will not be validated by ESCAFCA. If validity of signatures is challenged, the matter shall be referred to the County Clerk. If a candidate does not withdraw his/her name before August 31, 2010, his/her name shall be placed on the ballot.

SECTION 4. That positioning on the ballot shall be by draw, by the candidates or their designee (with authorizing letter) at the office of the Bernalillo Town Clerk on June 22, 2010 at 4:15 p.m.

SECTION 5. That the provisions of this Resolution are subject to the laws of the State of New Mexico.

SECTION 6. That no person shall be permitted to vote at the election unless he/she is a qualified elector from within the designated boundaries of ESCAFCA, and is a registered voter as determined by the County Clerk of Sandoval County. The term "qualified elector" means a person qualified to vote in General Elections in the State of New Mexico, who is a resident of ESCAFCA.

SECTION 7. That the election precincts and divisions for the election of directors are those which will be established by the County Commission of Sandoval County for the General Election, with such amendments thereto as may be thereafter made by the County Commission from time to time prior to the election.

SECTION 8. That each and every judge and clerk in precincts located in ESCAFCA appointed by the County Commission of Sandoval County is hereby designated, and shall also serve, as judge, and clerk, respectively, of the election held pursuant to this Resolution.

SECTION 9. That the Secretary of ESCAFCA shall provide or cause to be provided at each polling place such instructions, sample ballots, electors' affidavits, and other materials and supplies required for the election.

SECTION 10. That the election shall be conducted in the same manner as provided by the laws of the State of New Mexico for the conduct of General Elections, except as provided to the contrary in this Resolution and Section 72-16-1 *et seq.*, N.M.S.A. 1978, as amended.

SECTION 11. For the purposes of determining the qualifications of any person desiring to vote as a qualified elector of ESCAFCA, any judge of election may require the execution by such person of an affidavit to evidence such qualifications. Such affidavits shall be prima facie evidence of the facts stated therein and shall be substantially in the form shown as Attachment Two (2) to this Resolution, entitled "Elector's Affidavit for Election of Directors".

SECTION 12. That immediately after the closing of the polls, the results shall be certified and the returns therefore shall be made and canvassed at the time and in the manner provided by law. The canvassing body shall certify promptly and transmit to the Secretary of ESCAFCA a statement of the results of the vote upon all candidates.

SECTION 13. That the Secretary of ESCAFCA shall cause notice of calling the election and calling for nominations for director to be published forthwith at least once a week for three (3) consecutive weeks, the last publication to be given on or before June 8, 2010 in the following newspapers:

- a) *The Albuquerque Journal* published in the City of Albuquerque, New Mexico,
- b) *Sandoval Signpost* published in Placitas, New Mexico,

which newspapers are of general circulation within the boundaries of ESCAFCA. The form of such notice shall be in substantially the form shown in Attachment Three (3) to this Resolution and entitled "Notice of Call of Election and of Nomination of Directors of the Eastern Sandoval County Arroyo Flood Control Authority".

SECTION 14. That the Secretary of ESCAFCA shall cause notice of the election to be published at least once a week for three consecutive weeks, the last publication to be given on or before October 26, 2010, in the following newspapers:

- a) *The Albuquerque Journal* published in the City of Albuquerque, New Mexico,

b) *Sandoval Signpost* published in the Placitas, New Mexico, which newspapers are of general circulation within the boundaries of ESCAFCA. The notice of election shall be substantially in the form shown in Attachment Four (4) to this Resolution and entitled "Notice of Election of Directors of the Eastern Sandoval County Arroyo Flood Control Authority".

SECTION 15. That the officers of ESCAFCA be, and they hereby are, authorized to take all action necessary to effectuate the provisions of this Resolution, including, without limiting the generality of the foregoing, the printing of instructions, the furnishing of supplies, the publication of notices, and payment for costs directly related to the election of ESCAFCA directors.

SECTION 16. That 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 the Resolution.

SECTION 17. That this Resolution shall be in full force and effect after its passage and adoption.
PASSED, ADOPTED, AND SIGNED THIS _____ DAY OF _____ 2010.

Sal Reyes
Chairman, Board of Directors
Eastern Sandoval County Arroyo
Flood Control Authority

ATTEST:

Debbie Kilfoy
Secretary, Board of Directors

NOMINATING PETITION

The undersigned qualified electors certify they reside within District 5 of the Albuquerque Metropolitan Arroyo Flood Control Authority ("AMAFCA"), that they are qualified to vote in general elections in the State of New Mexico, and do hereby nominate _____, a qualified elector of AMAFCA from District 5, for election to the office of Director from District 5 to be elected at the election to be held for that purpose on November ____, 2010, for a six year term commencing in January, 2011.

Printed Name	Signature	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____
20. _____	_____	_____

This petition has been reviewed and approved by the AMAFCA Board of Directors on April 22, 2010 for use in the November 2, 2010 AMAFCA Board of Directors Election.

(FORM OF AFFIDAVIT)

This petition may be photocopied as necessary.

ELECTOR'S AFFIDAVIT
for
ELECTION OF DIRECTORS

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY
IN BERNALILLO COUNTY, NEW MEXICO

Held at the Same Time As
And Consolidated With
The General Election On
Tuesday, November ____, 2010

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss.
ALBUQUERQUE METROPOLITAN ARROYO)
FLOOD CONTROL AUTHORITY)

I do solemnly swear (or affirm) that I am a citizen of the United States; that I am at least 18 years of age; that I am a resident of District 5 of the Albuquerque Metropolitan Arroyo Flood Control Authority; that I am a resident of and otherwise a qualified elector currently registered and eligible to vote in this election precinct in which I am offering to vote; and that I have not previously voted at this election.

(For Manual Signature) _____

Residence: _____
_____, New Mexico

SUBSCRIBED AND SWORN to before me this ____ day of November, 2010, in the Albuquerque Metropolitan Arroyo Flood Control Authority, New Mexico.

(For Manual Signature) _____

Polling Place: _____
_____, New Mexico

Election Precinct No.

(END OF FORM OF AFFIDAVIT)

NOTICE OF CALL
OF ELECTION AND OF NOMINATION
of DIRECTORS of
THE ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL
to be held on
Tuesday, November ____, 2010

PUBLIC NOTICE IS HEREBY GIVEN that on Tuesday, the ____ day of November, 2010, concurrently with the General Election, an election of the qualified voters of the Albuquerque Metropolitan Arroyo Flood Control Authority ("AMAFCA"), shall be held for District 5 within the boundaries of AMAFCA, at which election the registered qualified electors of District 5 of AMAFCA shall elect one qualified elector as Director who shall serve a six year term ending December 31, 2016. The candidate receiving the highest number of votes in the district shall be elected as a Director from that district.

Not later than June ____, 2010, written nominations of any candidates as Director may be filed with the Secretary of AMAFCA. Each nomination of any candidate shall be signed by not less than fifty (50) qualified electors from the district for which the nomination is made, regardless of whether or not nominated therein, shall designate therein the name of the candidate therein nominated, and shall recite the subscribers thereto are qualified electors residing in the district for which the nomination is made and that the candidate designated therein is a qualified elector of the respective district of AMAFCA. No qualified elector may nominate more than one candidate for each position from each district. If a candidate does not withdraw his/her name before September ____, 2010, his/her name shall be placed on the ballot.

A "qualified elector" is a person qualified to vote in a General Election in the State of New Mexico who is a resident of the respective district of AMAFCA at the time of the election, or any other time in reference to which the term is used.

Dated this ____ day of _____, 2010.

Albuquerque Metropolitan Arroyo
Flood Control Authority

Janet Saiers
Chair, Board of Directors

(SEAL)

ATTEST

Ronald D. Brown
Secretary, Board of Directors

Subscribed and Sworn before me this _____ day of _____, 2010 by Janet Saiers,
Chair, AMAFCA Board of Directors.

Notary Public

My commission expires:

(seal)

