

GRANT COUNTY, NEW MEXICO  
RESOLUTION NO. R-05-31

WHEREAS, the Board of County Commissioners of Grant County, New Mexico, (the "Board") has heretofore adopted a resolution (the "Bond Election Resolution") calling for an election upon the following question:

Shall Grant County issue up to \$10,000,000 in general obligation bonds, in one series or more, payable from general (ad valorem) property taxes, to demolish existing structures for and design, construct, improve, equip and furnish a County Detention and Law Enforcement Center?

WHEREAS, the Bond Election Resolution was duly adopted and is in accordance with law;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GRANT COUNTY, NEW MEXICO, AS FOLLOWS:

SECTION 1. The bond election (the "Election") called for by the Bond Election Resolution shall be held in Grant County, New Mexico, on the 23<sup>rd</sup> day of August, 2005 (the "Election Date").

SECTION 2. Pursuant to Section 4-49-8, NMSA 1978, the Notice of Election shall be published in full, in substantially the form attached to this Resolution as Exhibit A, with only such changes as are approved by the Chairman of the Board, and as provided by law, in English and Spanish, once a week for at least three (3) consecutive weeks, and the County Clerk shall obtain affidavits of publication thereof.

SECTION 3. The bond question presented in Section 1 of the Bond Election Resolution shall be submitted to all qualified registered county electors on a single ballot and shall be so arranged so that a separate tally can be maintained of the votes cast for and against the question. The election shall be conducted by all-mailed ballot in accordance with the Mail Ballot Election Act (Sections 1-23-1 to 1-23-7, NMSA 1978) and, except as otherwise provided in the Mail Ballot Election Act, in accordance with the provisions of the Absent Voter Act, Section 1-6-1, *et seq.*, NMSA 1978, as amended and supplemented.

SECTION 4. Ballots may be in substantially the form attached to this Resolution as Exhibit B, and shall be printed in English and Spanish.

SECTION 5. In accordance with Sections 1-23-5 and -6, NMSA 1978, the County Clerk shall mail to each registered voter of the County an absentee ballot along with a statement that there will be no polling place for the election. No voter shall be required to file an application for the absentee ballot. The ballot shall be mailed to each voter no earlier than the thirty-fifth (35<sup>th</sup>) day prior to the election, and the mailing shall be completed by the fifth (5<sup>th</sup>) day before the election.

SECTION 6. The County Clerk shall prepare a checklist of registered voters in the County pursuant to Section 1-23-6.1, NMSA 1978. The checklist of registered voters shall be marked indicating that the voter has returned an all mail ballot immediately upon receipt.

SECTION 7. The Chairman of the Board and County Clerk are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Resolution and the Bond Election Resolution, including the giving of notice pursuant to Section 6-15-1, NMSA 1978, to the Local Government Division of the Department of Finance and Administration.

SECTION 8. The County Clerk is authorized and directed to take any and all steps necessary for the proper conduct of the election, including giving timely notice of the election by proclamation by publication and posting thereof and compliance with the Federal Voting Rights Act.

SECTION 9. All action heretofore taken by the Board, the Chairman of the Board and the County Clerk not inconsistent with the provisions of this Resolution and the Bond Election Resolution are hereby ratified, approved and confirmed.

PASSED, ADOPTED, AND APPROVED this 30th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
GRANT COUNTY, NEW MEXICO

By Joseph F. Arellano  
Joseph Arellano

By Charles L. Kelly  
Charles Kelly

By Henry Torres  
Henry Torres

(SEAL)

ATTEST:

By Henry (Howie) Morales  
Henry "Howie" Morales, County Clerk

745116

James Brumfitt

## FORM OF NOTICE OF ELECTION

[Beginning of Form of Notice of Election]

### NOTICE OF GRANT COUNTY GENERAL OBLIGATION BOND ELECTION TO BE HELD ON AUGUST 23, 2005

NOTICE IS HEREBY GIVEN that, at a special general obligation bond election (the "Election") to be held in Grant County, New Mexico (the "County") on Tuesday, the 23<sup>rd</sup> day of August, 2005, there will be presented for vote to the qualified registered electors of the County the following question:

Shall Grant County issue up to \$10,000,000 in general obligation bonds, in one series or more, payable from general (ad valorem) property taxes, to demolish existing structures for and design, construct, improve, equip and furnish a County Detention and Law Enforcement Center?

The bonds shall have a net effective interest rate of not more than ten percent (10%) per year, unless the State Board of Finance at any time prior to delivery of the bonds approves a higher net effective interest rate in writing, and the bonds shall mature not more than 20 years from their date.

The election shall be conducted by all-mailed ballot. The County Clerk will mail to each registered voter of the County an absentee ballot along with a statement that there will be no polling place for the election and a printed notice to the voters informing the voters that they must return the voted ballot by mail. The voter will not be required to file an application for the absentee ballot. The ballot will be mailed to each voter no earlier than July 19, 2005, and no later than August 18, 2005.

The County Clerk will accept completed official absentee ballots at the Office of the County Clerk, Grant County, Grant County Courthouse, Silver City, New Mexico, until 7:00 p.m. on August 23, 2005.

All registered, qualified electors in Grant County, New Mexico, shall be entitled to vote. No ballot on the bond election will be received unless, on the date of the election, the person offering to vote is a registered, qualified elector of the County. The registration books of Grant County will be closed by the County Clerk at 5:00 p.m. on July 26, 2005. Any person otherwise eligible to vote as a qualified elector and not currently registered may register prior to such time at or by mail application to the Office of the County Clerk.

IN TESTIMONY WHEREOF, the Board of County Commissioners of Grant County, New Mexico, being the governing body of the County, has caused this notice to be published as required by law and dated this 30th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS  
GRANT COUNTY, NEW MEXICO

By \_\_\_\_\_  
Chairman

APPROVED:

\_\_\_\_\_  
County Clerk

[End of Form of Notice of Election]

Exhibit B

FORM OF ALL MAIL BALLOT

[Form of Ballot]

ABSENTEE BALLOT

NO. \_\_\_\_\_

OFFICIAL PAPER BALLOT  
GRANT COUNTY, NEW MEXICO  
SPECIAL GENERAL OBLIGATION BOND ELECTION  
Tuesday, August 23, 2005

INSTRUCTIONS TO ELECTOR: Prepare the ballot, indicating your approval or disapproval of such proposition by completing the arrow pointing to the group of words that express your choice on each proposition and then return the voted ballot to the County Clerk in person or by mail pursuant to the instructions from the County Clerk by 7:00 p.m., Tuesday, August 23, 2005.

General Obligation County Detention & Law Enforcement Center Bond Question

Shall Grant County issue up to \$10,000,000 in general obligation bonds, in one series or more, payable from general (ad valorem) property taxes, to demolish existing structures for and design, construct, improve, equip and furnish a County Detention and Law Enforcement Center?

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:	FOR General Obligation County	:	:
:	Detention & Law Enforcement Center Bonds	:	:
:	AGAINST General Obligation County	:	:
::	Detention & Law Enforcement Center Bonds	:	:

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(Facsimile Signature)

County Clerk

[End of Form of Ballot]

I, Henry "Howie" Morales, County Clerk of Grant County, New Mexico, do hereby certify that the foregoing is a true and correct copy of Resolution No. R-05-31, which was duly adopted by the Board of County Commissioners of Grant County at a meeting thereof held on the 30th day of June, 2005, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand this 30<sup>th</sup> day of June, 2005.

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Henry "Howie" Morales, County Clerk  
Grant County, New Mexico