

TOWN OF SILVER CITY
RESOLUTION NO. 2017-12

TO OPPOSE NEW MEXICO LEGISLATION IDENTIFIED AS CS/ HB 174
TO ENACT THE LOCAL ELECTION ACT

Sponsored by Councilor Cynthia Ann Bettison

WHEREAS, an Act to incorporate the Town of Silver City was approved on February 15, 1878 and signed by the Governor of the Territory of New Mexico; and

WHEREAS, this act of incorporation constitutes the official recognition by the Territory of New Mexico that certain rights and powers of self-government shall be granted in perpetuity to the citizens of the Town of Silver City; and

WHEREAS, for one hundred and thirty-nine years, this Territorial Charter has provided a model of local self-government in the State of New Mexico to provide for the health, safety and welfare of its inhabitants; and

WHEREAS, the Territorial Charter in Section 1(4) provides for the corporate powers and duties of the Town of Silver City to be vested in a Mayor and four Councilors and each shall be elected to serve for a term of two years, and said general election to be held under regulations and in the manner prescribed by the Council of said Town; and Section 3(23) of the Town Charter provides for the Council to appoint judges of the Town election, and by ordinance prescribe their duties and the manner of conducting such election and making returns thereof; and

WHEREAS, pursuant to NMSA 1978, Section 3-8-1, home rule municipalities or municipalities incorporated under special act may adopt the Municipal Election Code (NMSA §§ 3-8-1 et seq., 3-9-1 et seq.) by reference; and the Town of Silver City adopted the Municipal Election Code and all municipal and regular elections shall be governed by the Municipal Election Code as per the Town of Silver City Municipal Code, Section 2-21 (b); and

WHEREAS, NMSA 1978, Section 3-3-1 states: Any municipality, incorporated by special act previous to April 1, 1884, which chooses to retain such organization and charter, shall, in the enforcement of the powers or the exercise of the duties conferred by the special act or charter, proceed in all respects as provided by the special act or charter; and

WHEREAS, specifically with regard to local elections, NMSA 1978, Section 3-3-4 A.

and B., state how elections, in special act municipalities, for mayor, municipal judges and one-half of the members of the governing body shall be elected; and

WHEREAS, in the event of a conflict between the Town Charter and the Municipal Election Code, the terms of the Town Charter shall govern as per the Town of Silver City Municipal Code, Section 2-21 (c); and

WHEREAS, the New Mexico Legislature is considering a bill identified as CS/HB 174 to enact the Local Election Act which proposes the repeal of the Municipal Election Code (NMSA 1978 Sections 3-8-1 et seq., 3-9-1 et seq.) and changes the administration of municipal elections by the municipal clerk over to the county government, namely the county clerk and the county commission; and

WHEREAS, the Town Council of the Town of Silver City has determined that CS/HB 174 is in conflict with the Town Charter and maintains that municipal elections are a function of municipal government, and it is not in the best interest of the citizens of the Town of Silver City to forfeit their legal and moral authority to conduct their own local elections;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, that the Town Council opposes CS/HB 174 and supports an amendment to remove municipalities from provisions of this bill, including the repeal of the Municipal Election Code, NMSA 1978 Sections 3-8-1 through 3-8-80, and 3-9-1 through 3-9-16.

PASSED, APPROVED AND ADOPTED this 28th day of February, 2017.

TOWN OF SILVER CITY

(Seal)

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk