

NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE II (ELECTIONS), SECTION 2-21 (TITLE), AND SECTION 2-21 (a), (b) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO

The Council of the Town of Silver City, Grant County, New Mexico hereby gives notice of its intention to adopt an amendment to the Town of Silver City Code of Ordinances.

This notice is given the title as follows:

ORDINANCE NO. 1267

AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE II (ELECTIONS), SECTION 2-21 (TITLE), AND SECTION 2-21 (a), (b) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO

Sponsor: Mayor Ken Ladner

WHEREAS, the Territorial Charter of the Town of Silver City, Article III, Sections 1 through 5, authorizes and provides for the Town Council to regulate the conduct of elections for officers of the Town; and,

WHEREAS, in Chapter 2, Article II, Section 2-21 and pursuant to the Town’s Territorial Charter, the Town adopted the State of New Mexico Municipal Election Code as a convenient and comprehensive regulatory scheme for the regulation of municipal elections; and

WHEREAS, Section 21 (c) thereof states”

(c) *Conflicts; Charter governs.* In the event of a conflict between the town Charter and the Municipal Election Code, the terms of the town Charter shall govern.

And,

WHEREAS, in the 2018 regular session, the State Legislature passed a bill referenced as “Local Election Act”, effective July 1, 2018, which repeals the Municipal Election Code and substitutes another body of provisions for the regulation of local elections; and

WHEREAS, the Town Council finds that the regulatory scheme provided for by the original Municipal Election Code has been satisfactory for the conduct and regulation of Town elections,

and that many of the provisions of the newly passed Local Election Act are incompatible with the manner in which the town has chosen to conduct and regulate its local elections; and

WHEREAS, in the Local Election Act, the State Legislature specifically recognizes the existence and authority of the Town’s Special Act Territorial Charter and its precedence over the Local Election Act, specifically stating:

D. Provisions in a territorial charter supplemental to the Local Election Act may be implemented pursuant to authorization by the secretary of state in the proclamation for the regular local election.

And,

WHEREAS, such implementation of provisions in the Town’s Territorial Charter authorizes and requires the Town Council to regulate its local elections in such manner as may be prescribed by ordinance; and,

WHEREAS, this Ordinance does hereby prescribe the manner of regulation of local elections, and the Town Council finds that this Ordinance is necessary for the health, safety, and welfare of the Town and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, that:

Chapter 2, Section 2-21 (Title) and Subsections (a) and (b) thereunder are hereby deleted and replaced with:

Sec. 2-21. Municipal Elections.

(a) *Authority.* Territorial Charter of the Town of Silver City.

(b) *By reference.* The Town hereby adopts the provisions of the State of New Mexico Municipal Election Code, in its entirety, as they may exist on June 30, 2018 and unaffected by subsequent repeal and replacement. Those provisions shall be renumbered to the format adopted in the Town’s Municipal Code, and referenced as the “Town of Silver City Election Code”, and all municipal and regular elections shall be governed by said code.

(1) In addition to any other requirements for inclusion in the pre-election proclamation, the Town shall include authorization by the New Mexico Secretary of State in the proclamation for the regular local election.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this _____ day of _____, 2018.

TOWN OF SILVER CITY

(Seal)

Ken Ladner, Mayor

ATTEST: _____
Ann L. Mackie, Town Clerk

Consideration of the final adoption of such proposed ordinance will not take place until at least two (2) weeks subsequent to the date of this notice and only at a public meeting called and held in accordance with Section 3-17-3, N.M.S.A. 1978. Consideration of adoption of said ordinance is currently scheduled for and will not take place prior to _____, 2018.

Ann L. Mackie, Town Clerk

Date