

ORDINANCE NO. 1302

AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE II (ELECTIONS), DIVISION 1 (GENERALLY), SECTIONS 2-21 THROUGH 2-25 OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO

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 the 2018 regular session, the State Legislature passed a bill referenced as the “Local Election Act”, which provided for the comprehensive regulation of local elections, and is hereinafter referred to as the “Local Election Act” (NMSA 1978, § 1-22-1, et seq.); and

WHEREAS, the Town Council adopted by Ordinance No. 1278 the State Local Election Act as its election code which provided a convenient and comprehensive regulatory scheme for the regulation of its municipal elections; and

WHEREAS, Ordinance No. 1278 provided for the election of the Town’s municipal officers on a Municipal Officer Election Day, with said election day being the first Tuesday in March of even numbered years; and

WHEREAS, NMSA 1978, § 1-22-3.1(B) and §1-22-3 of the Local Election Act provide that any municipality may opt in to the Regular Local Election for the election of its municipal officers with said election to be held on the first Tuesday after the first Monday in November of each odd-numbered year; and

WHEREAS, the Town Council finds that opting in to the Regular Local Election as provided by and pursuant to NMSA 1978, § 1-22-3.1(B) of the Local Election Act, as amended, is appropriate for the health, safety and welfare of the Town and its inhabitants;

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

1. Chapter 2, Article II, Division 1, Sections 2-21 through Section 2-25 (Municipal Elections.), are deleted in their entirety and replaced with:

Sec. 2-21. Municipal officers to be elected at the regular local election.

The Town adopts the State Local Election Act as its election code and opts in to the Regular Local Election as provided by and pursuant to NMSA 1978, § 1-22-3.1(B) of the Local Election Act for the election of its municipal officers, with the municipal officers being the Mayor, the Council, and the Municipal Judge,

Sec. 2-22. Regular local elections.

Municipal officers shall be elected at the Regular Local Election, which shall be held on the first Tuesday after the First Monday in November of each odd-numbered year, beginning in November of 2021, pursuant to the Local Election Act.

Sec. 2-23. Terms of office.

The term of office for Mayor, Councilors, and Municipal Judge shall be four (4) years, and the term of office for each newly elected municipal officer shall begin on January 1 after the November election.

Sec. 2-24. Adjustment of terms of office to correspond with new election date.

To begin with the Regular Local Election in November of 2021, the terms of office for the current municipal office holders shall be adjusted, to conform to the Local Election Act, as follows:

(1) The terms of office for the Mayor, Municipal Judge, and Councilors from District 2 and District 4, whose terms would have expired in 2022, shall now serve until December 31, 2021, and the new term of office for the above-cited municipal officers, who shall be elected at the Regular Local Election in November 2021, shall commence January 1, 2022.

(2) The terms of office for Councilors from District 1 and District 3, whose terms would have expired in 2024, shall now serve until December 31, 2023, and the new term of office for the above-cited municipal officers, who shall be elected at the Regular Local Election in November 2023, shall commence January 1, 2024.

Sec. 2-25. Vacancies on town council.

Any vacancy on the Town Council shall be filled by appointment of a qualified elector by the Mayor, with the advice and consent of the Town Council. Any qualified elector so appointed

to fill such vacancy shall serve until the next Regular Local Election, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any. In the case of a vacancy of the position of Mayor, the Mayor Pro-Tem shall serve until the next Regular Local Election, at which time a qualified elector shall be elected to serve the remaining term of the vacating Mayor, if any.

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PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this ____ day of June, 2021.

TOWN OF SILVER CITY

(Seal)

/s/ _____
Ken Ladner, Mayor

ATTEST:

/s/ _____
Maria C. Sublasky, Acting Town Clerk