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AN ACT
RELATING TO MUNICIPALITIES; CLARIFYING THAT A MAYOR VOTES TO
BREAK TIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-12-2 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-11-2, as amended) is amended to
read:

"3-12-2. GOVERNING BODY--CORPORATE AUTHORITY--
LEGISLATIVE BODY--MEMBERS OF COUNCIL AND BOARDS OF TRUSTEES--
- QUORUM -"

A. The corporate authority of a municipality is
vested in the governing body that shall constitute the
legislative branch of the municipality and shall not perform
any executive functions except those functions assigned to
it by law.

B. A majority of the members of the governing
body is a quorum for the purpose of transacting business.

C. Unless otherwise provided by law, a question
before the governing body shall be decided by a majority
vote of the members present.

D. The governing body of a municipality having a
mayor-council form of government is the council or board of
trustees whose members are the mayor and not less than four
or more than ten councilmen or trustees. Any governing body

1 of more than six councilmen or trustees may provide by
2 ordinance for the election of two councilmen or trustees for
3 each ward or district or create or abolish wards or
4 districts or alter the boundary of existing wards or
5 districts; provided that only one councilman or trustee
6 shall be elected from a ward or district at any one
7 election.

8 E. In those municipalities with a mayor-council
9 form of government, when there is a requirement that a
10 certain fraction or percentage of the members of the entire
11 governing body or of all the members of the governing body
12 or of the entire membership of the governing body or other
13 similar language other than the requirement of a simple
14 majority vote for the measure, the mayor shall not be
15 counted in determining the actual number of votes needed but
16 he shall vote to break a tie vote as provided in Section 3-
17 11-3 NMSA 1978 unless he has declared a conflict of
18 interest.

19 F. The governing body of a municipality may
20 redistrict the municipality whenever redistricting is
21 warranted. Upon petition signed by qualified electors equal
22 in number to the votes cast for the councilman or trustee
23 receiving the greatest number of votes at the last regular
24 municipal election, the governing body of the municipality
25 shall redistrict the municipality. " _____

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