

AN ACT

RELATING TO MUNICIPALITIES; CHANGING THE EFFECTIVE DATE OF
CERTAIN MUNICIPAL ORDINANCES.

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

Section 1. Section 3-54-1 NMSA 1978 (being Laws 1983,
Chapter 115, Section 1, as amended) is amended to read:

"3-54-1. AUTHORITY TO SELL OR LEASE MUNICIPAL UTILITY
FACILITIES OR REAL PROPERTY--NOTICE--REFERENDUM.--

A. A municipality may lease or sell and exchange
any municipal utility facilities or real property having a
value of twenty-five thousand dollars (\$25,000) or less by
public or private sale or lease any municipal facility or
real property of any value normally leased in the regular
operations of such facility or real property, and such sale
or lease shall not be subject to referendum.

B. A municipality may lease or sell and exchange
any municipal utility facilities or real property having an
appraised value in excess of twenty-five thousand dollars
(\$25,000) by public or private sale or lease, subject to the
referendum provisions set forth in this section. The value
of municipal utility facilities or real property to be
leased or sold and exchanged shall be determined by the
appraised value of the municipal utility facilities or real
property and not by the value of the lease. An appraisal
shall be made by a qualified appraiser and submitted in
writing to the governing body. If the sale price is less
than the appraised value, the governing body shall cause a
detailed written explanation of that difference to be
prepared, and the written explanation shall be made

available to any interested member of the public upon demand.

C. If a public sale is held, the bid of the highest responsible bidder shall be accepted unless the terms of the bid do not meet the published terms and conditions of the proposed sale, in which event the highest bid which does meet the published terms and conditions shall be accepted; provided, however, a municipality may reject all bids. Terms and conditions for a proposed public sale or lease shall be published at least twice, not less than seven days apart, with the last publication no less than fourteen days prior to the bid opening, and in accordance with the provisions of Subsection J of Section 3-1-2 NMSA 1978.

D. Any sale or lease of municipal utility facilities or real property entered into pursuant to Subsection B of this section shall be by ordinance of the municipality. Such an ordinance shall be effective forty-five days after its adoption, unless a referendum election is held pursuant to this section. The ordinance shall be published prior to adoption pursuant to the provisions of Subsection J of Section 3-1-2 NMSA 1978 and Section 3-17-3 NMSA 1978 and shall be published after adoption at least once within one week after adoption pursuant to the provisions of Subsection J of Section 3-1-2 NMSA 1978. Such publications shall concisely set forth at least:

- (1) the terms of the sale or lease;
- (2) the appraised value of the municipal utility facilities or real property;
- (3) the time and manner of payments on the

lease or sale;

(4) the amount of the lease or sale;

(5) the identities of the purchasers or lessees; and

(6) the purpose for the municipality making the lease or sale.

E. In order to call for a referendum election on a sale or lease ordinance, a petition shall be filed with the municipal clerk:

(1) no later than thirty days after the adoption of the sale or lease ordinance;

(2) containing the names, addresses and signatures of at least fifteen percent of the qualified electors of the municipality; and

(3) containing the following heading on each page of the petition reprinted as follows:

"PETITION FOR A REFERENDUM

We, the undersigned registered voters of
. (insert name of
municipality) petition the governing body of
. (insert name of municipality)
to conduct a referendum election on ordinance number
. . . . Ordinance number would cause a . .
. (insert "sale" or "lease") of
municipal (insert
"real property" or "utility facilities").

Date Name (printed) Address Signature.
"

F. Section 3-1-5 NMSA 1978 shall apply to all petitions filed calling for a referendum election on a sale

or lease ordinance.

G. If the municipal clerk certifies to the municipal governing body that the petition does contain the minimum number of valid names, addresses and signatures required to call a referendum election on the sale or lease ordinance, the municipal governing body shall adopt an election resolution within fourteen days after the date the clerk makes such certification, calling for a referendum election on the sale or lease ordinance. The election resolution shall be adopted and published pursuant to the provisions of the Municipal Election Code governing special elections and shall also concisely set forth:

- (1) the terms of the sale or lease;
- (2) the appraised value of the municipal utility facilities or real property;
- (3) the time and manner of payments on the lease or sale;
- (4) the amount of the lease or sale;
- (5) the identities of all purchasers or lessees; and
- (6) the purpose for the municipality making the lease or sale.

H. The referendum election on the sale or lease ordinance shall be held not later than ninety days after the election resolution is adopted. Such election shall be held at a special or regular municipal election and shall be conducted as a special election in the manner provided in the Municipal Election Code. Any qualified elector of the municipality may vote in such a referendum election.

I. If a majority of the votes cast are to approve

the sale or lease ordinance, the sale or lease ordinance shall be effective after the election results have been canvassed and certified. If a majority of the votes cast are to disapprove the sale or lease ordinance, the ordinance shall not be effective." _____