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AN ACT

RELATING TO MUNICIPALITIES; PROVIDING THAT A PETITION FOR MUNICIPAL INCORPORATION SHALL USE POPULATION DATA PROVIDED BY THE UNIVERSITY OF NEW MEXICO GEOSPATIAL AND POPULATION STUDIES GROUP.

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

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

"3-2-1. PETITION TO INCORPORATE AREA AS A MUNICIPALITY--MAP AND MONEY FOR CENSUS.--

A. The residents of territory proposed to be incorporated as a municipality may petition the board of county commissioners of the county in which the greatest portion of the territory proposed to be incorporated lies to incorporate the territory as a municipality. The petition shall:

- (1) be in writing;
- (2) state the name of the proposed municipality;
- (3) describe the territory proposed to be incorporated as a municipality; and
- (4) be signed by either:
 - (a) not less than two hundred qualified electors, each of whom shall, on the petition: 1) swear or

1 affirm that the qualified elector has resided within the
2 territory proposed to be incorporated for a period of six
3 months immediately prior to the signing of the petition; and
4 2) list the street address of the qualified elector's
5 residence; or

6 (b) the owners of not less than sixty
7 percent of the real estate within the territory proposed to
8 be incorporated who are not delinquent in their payment of
9 real property taxes.

10 B. The petition shall be accompanied by:

11 (1) an accurate map or plat that shows the
12 boundary of the territory proposed to be incorporated;

13 (2) a municipal services and revenue plan
14 that describes the municipal services the proposed
15 municipality will provide and the details of how the
16 municipality will generate sufficient revenue to cover the
17 costs of providing those services; and

18 (3) the current university of New Mexico
19 geospatial and population studies group data showing that the
20 territory proposed to be incorporated contains a population
21 density of not less than one person per acre.

22 C. The municipal services and revenue plan shall
23 demonstrate that the proposed municipality will provide at
24 least three of the following services and that it will have a
25 tax base sufficient to pay the costs of those services:

- 1 (1) law enforcement;
- 2 (2) fire protection and fire safety;
- 3 (3) road and street construction and
- 4 maintenance;
- 5 (4) solid waste management;
- 6 (5) water supply or distribution or both;
- 7 (6) wastewater treatment;
- 8 (7) storm water collection and disposal;
- 9 (8) electric or gas utility services;
- 10 (9) enforcement of building, housing,
- 11 plumbing and electrical codes and other similar codes;
- 12 (10) planning and zoning; and
- 13 (11) recreational facilities.

14 D. The county shall forward the petition to the
15 local government division of the department of finance and
16 administration, which shall convene a municipal incorporation
17 review team consisting of:

- 18 (1) the director of the local government
- 19 division or the director's designee;
- 20 (2) the secretary of taxation and revenue or
- 21 the secretary's designee;
- 22 (3) one representative of the county in
- 23 which the proposed municipality would be located chosen by
- 24 the board of county commissioners; and
- 25 (4) a representative of the New Mexico

1 municipal league who shall be an advisory member of the
2 review team.

3 E. The review team shall consider the petition and
4 may request that the university of New Mexico geospatial and
5 population studies group confirm that the data provided with
6 the petition supports the finding that the proposed
7 boundaries contain a population of at least one person per
8 acre. The review team shall evaluate the municipal services
9 and revenue plan and determine whether the proposed
10 municipality meets the requirements of Chapter 3, Article 2
11 NMSA 1978. If the review team finds that the proposed
12 municipality meets the requirements of that article, it shall
13 report its findings and recommendations to the board of
14 county commissioners. If the review team finds that the
15 proposed municipality does not meet the requirements of that
16 article, the review team shall notify the board of county
17 commissioners and the petitioners of deficiencies in the
18 petition. The review team's notification of deficiencies in
19 the municipal services and revenue plan suspends the attempt
20 to incorporate. Petitioners have three months from the date
21 of notification of deficiencies to submit an amended plan to
22 the review team. If the amended plan is rejected by the
23 review team for deficiencies, petitioners may not submit
24 another petition to incorporate an area until at least one
25 year after the date of that rejection."

1 SECTION 2. Section 3-2-5 NMSA 1978 (being Laws 1965,
2 Chapter 300, Section 14-2-4, as amended) is amended to read:

3 "3-2-5. INCORPORATION--DUTIES OF COUNTY COMMISSIONERS
4 AFTER FILING OF PETITION TO ACT--POPULATION DATA
5 REQUIRED--ELECTION--RIGHT OF APPEAL TO DISTRICT COURT.--

6 A. After the petition for incorporation, together
7 with the accompanying map or plat and the municipal services
8 and revenue plan have been filed with the board of county
9 commissioners, the board of county commissioners, in lieu of
10 complying with the requirements of Section 3-1-5 NMSA 1978,
11 shall determine within thirty days after the filing of the
12 petition:

13 (1) from the voter registration list in the
14 office of the county clerk if the signers of the petition are
15 qualified electors residing in the territory proposed to be
16 incorporated; or

17 (2) from the tax schedules of the county if
18 any of the owners of the real estate who signed the petition
19 are delinquent in the payment of property taxes; and

20 (3) if the territory proposed to be
21 incorporated is within an existing municipality or within the
22 urbanized area of a municipality.

23 B. If the board of county commissioners determines
24 that the territory proposed to be incorporated is:

25 (1) not within the boundary of an existing

1 municipality and not within the urbanized area of a
2 municipality; or

3 (2) within the urbanized area of another
4 municipality and in compliance with Section 3-2-3 NMSA 1978,
5 the board of county commissioners shall accept the data
6 provided by the university of New Mexico geospatial and
7 population studies group regarding whether or not the
8 territory proposed to be incorporated contains a population
9 density of not less than one person per acre.

10 C. Within fifteen days after the date the
11 university of New Mexico geospatial and population studies
12 group data and the municipal incorporation review team's
13 report have been filed with the board of county
14 commissioners, the board of county commissioners shall
15 determine if the conditions for incorporation of the
16 territory as a municipality have been met as required in
17 Sections 3-2-1 through 3-2-3 NMSA 1978 and shall have its
18 determination recorded in the minutes of its meeting.

19 D. Based on the university of New Mexico
20 geospatial and population studies group data and the
21 municipal incorporation review team's report, if the board of
22 county commissioners determines that the conditions for
23 incorporation have not been met, the board of county
24 commissioners shall notify the petitioners of its
25 determination by publishing in a newspaper of general

1 circulation in the territory proposed to be incorporated,
2 once, not more than ten days after its determination, a
3 notice of its determination that the conditions for
4 incorporation have not been met. If there is no newspaper of
5 general circulation in the territory proposed to be
6 incorporated, notice of the determination shall be posted in
7 eight public places within the territory proposed to be
8 incorporated.

9 E. After the board of county commissioners has
10 determined that all of the conditions for incorporation of
11 the territory as a municipality have been met, the board of
12 county commissioners shall hold an election on the question
13 of incorporating the territory as a municipality. Special
14 elections for the incorporation of municipalities shall only
15 be held in June or July in odd-numbered years or July or
16 August in even-numbered years and shall be held pursuant to
17 the provisions of the Local Election Act. The county clerk
18 shall notify the secretary of finance and administration and
19 the secretary of taxation and revenue of the date of the
20 incorporation election within ten days after the adoption of
21 the resolution calling the election.

22 F. The signers of the petition or a municipality
23 within whose urbanized area the territory proposed to be
24 incorporated is located may appeal any determination of the
25 board of county commissioners to the district court pursuant

