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HOUSE BILL 803

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

G. X. MCSHERRY

AN ACT

RELATING TO MUNICIPALITIES; PROVIDING PROCEDURES TO AUTHORIZE A COUNTY TO GOVERN THE AFFAIRS OF A MUNICIPALITY THAT FAILS TO TRANSACT NECESSARY BUSINESS; DECLARING AN EMERGENCY.

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

Section 1. A new section of the Municipal Code is enacted to read:

"[NEW MATERIAL] MUNICIPALITY FAILURE TO TRANSACT NECESSARY BUSINESS. --

A. If the governing body of a municipality fails for a period of at least three consecutive months to convene a quorum or transact necessary official business, the following procedures shall apply to allow the citizens of the municipality to request the board of county commissioners for the county in which the municipality is located to transact necessary business

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1 for the municipality.

2 B. A petition containing the signatures of at least
3 twenty percent of the registered voters in the municipality may
4 be filed with the district court that has jurisdiction over the
5 municipality. The petition may request the district court to
6 enter an order finding that the governing body of the
7 municipality has failed either to convene a quorum for reasons
8 other than excusable absences or to transact necessary official
9 business for a period of at least three consecutive months.
10 Upon a district court making such a finding and entering an
11 order to that effect, the board of county commissioners for the
12 county in which the municipality is located is authorized to
13 enact ordinances and transact necessary official business for
14 the municipality. Such authority shall remain in effect until
15 the governing body of the municipality convenes a quorum and
16 transacts official business.

17 C. Nothing in this section prevents the governing
18 body of a municipality from subsequently repealing or revising
19 the ordinances for the municipality that were adopted or the
20 business for the municipality that was transacted by a board of
21 county commissioners pursuant to the provisions of this section.
22 This power to repeal ordinances or revise the transaction of
23 official business is available only to the same extent that the
24 governing body of the municipality could lawfully repeal its own
25 ordinances or revise its own business decisions. "

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Section 2. EMERGENCY. --It is necessary for the public
peace, health and safety that this act take effect immediately.

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