

NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING TITLE 3, CHAPTER 37 (ELECTIONS), SECTION 37.04 OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO

The Council of the Town of Silver City, Grant County, New Mexico hereby gives notice of its intention to adopt an amendment to the Town of Silver City Code of Ordinances.

This notice is given the title as follows:

ORDINANCE NO. 1159

AN ORDINANCE AMENDING TITLE 3, CHAPTER 37 (ELECTIONS), SECTION 37.04 OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO

SPONSORED BY MAYOR JAMES R. MARSHALL AND COUNCILOR CYNTHIA ANN BETTISON.

WHEREAS, the Town Council of the Town of Silver City finds that there exists a variance between its Municipal Code and the State statute regarding the date for the taking of office for an elected official; and

WHEREAS, Municipal Ordinance 1054, which changed the date of the annual municipal general election, purported to adopt the rules and regulations for elections as provided for by state statute; and

WHEREAS, Municipal Code Section 37.04, as amended, provides that officers elected at the general election shall take office on April 1 thereafter; and

WHEREAS, Municipal Code Section 37.04 is in apparent conflict with state statute §3-8-33 which provides that an elected municipal officer shall take office upon taking an oath within six days of the election; and

WHEREAS, the Town Council finds that the Town's adoption of the provisions of §3-8-33 State's municipal election code is permitted by the Town's Charter; and

WHEREAS, the Town Council finds that the amendment proposed herein is in the best interest

of the Town, and necessary to the health, safety and welfare of the Town;

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

Chapter 37, Section 37.04 (QUALIFICATIONS OF ELECTED OFFICIALS) is deleted in its entirety and replaced with the following:

§37.04 QUALIFICATION OF ELECTED OFFICIALS

All officers elected at the general election shall qualify and enter upon the discharge of their duties as provided by state statute, specifically §3-8-33 N.M.S.A., 1978.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this _____ day of _____, 2010.

(Seal)

TOWN OF SILVER CITY

James R. Marshall, Mayor

ATTEST:

Ann L. Mackie, Town Clerk

Consideration of the final adoption of such proposed ordinance will not take place until at least two (2) weeks subsequent to the date of this notice and only at a public meeting called and held in accordance with Section 3-17-3, N.M.S.A. 1978. Consideration of adoption of said ordinance is currently scheduled for and will not take place prior to _____, 2010.

Ann L. Mackie, Town Clerk

Date