

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 11th day of May, 2010.

(Seal)

TOWN OF SILVER CITY

/s/

James R. Marshall, Mayor

ATTEST:

/s/

Ann L. Mackie, Town Clerk