

RESOLUTION NO. 2011- 09

**DECLARATION OF VACANCY ON TOWN COUNCIL AND
NOTICE OF INTENT TO APPOINT**

WHEREAS, candidate Kyle A. von Holtum was elected to the Town Council of the Town of Silver City by virtue of the general election held March 1, 2011 and subsequently qualified and entered office in accordance with the Town's Municipal Code (Article II, Division 1, Sec. 2-21(b)) and the State of New Mexico Municipal Election Code (Chapter 3, Article 8, Sec. 33, NMSA); and

WHEREAS, Kyle A. von Holtum has submitted a letter to the Town Clerk stating his intention to resign his office, effective March 3, 2011; and

WHEREAS, said resignation has caused a vacancy on the Town Council; and

WHEREAS, the Town Council intends to fill said vacancy on the Town Council by appointment, pursuant to the Town's Municipal Code (Sec. 2-25) and in accordance with the laws of New Mexico (§3-12-1 A. NMSA); and

WHEREAS, Sec. 2-25 of the Town's Municipal Code provides that in the case of a vacancy in any position of the Town Council by resignation, such vacancy shall be filled by a majority vote of the Town Council, and such appointee shall serve in place of the official who vacated the office until the next following general election;

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Silver City does hereby declare the office of Town Councilor, District 3 to be vacant; and

BE IT FURTHER RESOLVED, that the Town Council hereby gives notice of its intent to appoint a qualified elector of District 3 to fill said vacancy.

AND, BE IT FURTHER RESOLVED, that in order to be a candidate available for appointment, an interested person must present a nominating petition according to the provisions of Chapter 2, Sec. 2-25 of the Municipal Code and execute an Affidavit of Candidate's Qualification; both documents to be in the form provided by the Town Clerk. If no nominating petitions are received within 30 days from the effective date of this Resolution, said petition requirement shall be waived. In such case, candidates for appointment shall thereafter make their interest known to the Town Clerk, in writing, and prior to the then next-following regular meeting of the Town Council shall execute the above-mentioned Affidavit of Candidate's Qualification. At said meeting, the appointment of a duly qualified person will be by a majority vote of the Town Council.

PASSED, APPROVED, and ADOPTED by the governing body of the Town of Silver City at its meeting of March 8, 2011.

(Seal)

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk