



Q04-01
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QUESTIONS THAT MAY BE PLACED ON THE BALLOT IN MAYOR-COUNCIL MUNICIPALITIES THAT ARE NOT HOME RULE

In a municipality with a Mayor-Council form of government that has not adopted a home rule charter, **only** those questions authorized by specific State statute may be placed on the ballot of a regular or special municipal election. Commission-Manager municipalities that are not home rule are also limited to these ballot questions in the absence of a valid initiative or referendum petition. Below are listed **all** of the authorized questions we could find in New Mexico statutes. All references are to New Mexico Statutes Annotated, 1978 compilation.

To reorganize a municipality incorporated under special act - §3-3-2 initiated by petition

To disincorporate the municipality - forced by petition - §3-4-1

To change the name of the municipality - initiated by governing body - §3-6-1

To fill vacancy on the governing body- May be done by appointment or election called by the mayor, with consent of the governing body, or election called by the governing body - §3-12-1.

To change the number of members of the governing body - initiated by governing body or forced by petition - §3-12-2.1

To change to a Commission/Manager form of government - initiated by governing body or forced by petition - §3-14-2

To adopt a municipal charter - initiated by governing body or forced by petition - §3-15-4

To authorize the municipality to acquire a utility by funding from Revenue Bonds - required by statute - §3-23-2A

To issue General Obligation Bonds (which place a mill levy on property within the municipality) - required by statute - §3-30-6

To issue Revenue Bonds (if the ordinance to issue passes by a majority of all members rather than a 3/4 majority vote of the governing body) - required by statute - §3-31-4B

To authorize sale or lease of municipal facilities or real property with a value in excess of \$25,000 - forced by petition - §3-54-1E

To establish a supervised recreational system - forced by petition- §5-4-4

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To authorize expenditures from a local government permanent fund established by ordinance – required by statute - §6-6-19E

To impose a Regular Municipal Gross Receipts Tax - called by ordinance or forced by petition - §7-19D-9

To impose the second 1/8th Municipal Infrastructure Gross Receipts Tax - required by statute – §7-19D-11

To impose a 1/4th Capital Outlay Gross Receipts Tax - required by statute - §7-19D-12

To impose a 1/4th Quality of Life Gross Receipts Tax - required by statute – (§7-19D-14)

To impose a municipal Gasoline Tax in Class A and H Counties – required by statute - §7-24A-10

To allow beer and wine sales by establishments selling food within the municipality (Restaurant Liquor License) - required by statute - §60-6A-4

To allow Sunday sale of alcoholic beverages within the municipality - By the drink: forced by petition - §60-7A-1F; By the package: forced by petition - §60-7A-1.I.

To bring municipal utility under the Public Utilities Act - forced by petition - §62-6-5

To impose a fee of up to 2.4 percent on lodging facilities (only in Angel Fire) for a sports and recreation facility – required by statute - §5-13A-1.

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