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
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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