

New Mexico

New Mexico ranks 32nd among the states in number of local governments, with 858 as of June 2002.

COUNTY GOVERNMENTS (33)

There are no areas in New Mexico lacking county government. The county governing body is called the Board of County Commissioners. There are nine classes of counties, classified on the basis of assessed valuation and population. Although Los Alamos County is incorporated, and performs municipal as well as county-type services, it is designated a county and is accordingly counted for census purposes as a county government.

SUBCOUNTY GENERAL PURPOSE GOVERNMENTS (101)

Municipal Governments (101)

Municipal governments in New Mexico are the cities, towns, and villages. There are no significant differences among the various classes of municipalities that would affect their classification for census statistics. The minimum population requirement for incorporation is 150.

Township Governments (0)

New Mexico has no township governments.

PUBLIC SCHOOL SYSTEMS (96)

School District Governments (96)

The following types of school districts in New Mexico are counted as separate governments for census purposes:

School districts

Community college districts—1963 law

Technical and vocational institute districts

Area vocational schools (repealed in 1999)

An elected board governs each school district. School districts may levy ad valorem taxes and, upon voter approval, issue general obligation bonds. They may also issue revenue bonds upon approval by the State Board of Education.

Community college districts under the 1963 law were established by petition of voters to the State Board of Educational Finance, after voter approval. A community college board, initially appointed by the State Board of Educational Finance but thereafter elected, governed each

community college district. Community college districts may have operated community colleges, levied ad valorem taxes, and issued bonds. No new community colleges may be created after 1998 under the 1963 law, however, they may still be created specifically by the state legislature. Four community colleges in New Mexico operated under this law.

Technical and vocational institute districts are established by petition of school districts, upon approval by the state board of education. The initial board of such districts consists of representatives of the creating districts, but successor board members are elected. Technical and vocational institute districts may fix tuition and fees, levy ad valorem taxes, and issue bonds.

The law authorizing area vocational schools was repealed in 1999. Existing schools are now organized as technical and vocational institute districts.

Dependent Public School Systems (0)

New Mexico has no dependent public school systems.

Other Educational Activities

The regional education cooperatives that provide services to member school districts are classified, for census reporting, as dependent activities of the state government, and are not counted as separate governments.

Branch community colleges may be created by the state legislature. They are governed by the board of regents of an existing state university in consultation with an advisory board consisting of members appointed by local school districts. An advisory board may be popularly elected by local option. Financing is provided through tuition, state aid, and a property tax levied by the member school districts. The member school districts may also issue bonds on behalf of the college. For census statistics, a branch community college is classified as a dependent activity of the parent state university, or college, and is not counted as a separate government. In June 2002, nine branch community colleges were reported in operation. In the 1997 census these entities were classified as school district governments. No branch community college districts may be created after January 1998 unless specifically created by the state legislature.

Learning center districts may be created in a school district or community college district upon adoption of a resolution by the local school board or community college

board, subject to approval by the commission on higher education. The board members that create the learning center district also serve on the board of the district. The board may levy a property tax, and may also receive funding through grants and gifts. Learning center districts are extensions of educational institutions and are not counted as separate governments for census purposes.

SPECIAL DISTRICT GOVERNMENTS (628)

New Mexico statutes authorize the creation of a variety of special districts or authorities that are counted as governments. These are discussed in detail below.

Community Ditches and Acequias

Established by three or more property owners for purposes of irrigation and drainage, ditches and acequias are governed by three elected commissioners and one supervisor. A ditch or acequia may levy assessments, collect fines, receive state and federal grants, and issue special obligation bonds. Ditches and acequias consisting of only one or two property owners are classified as private entities. They are not counted as governments.

Community Land Grants

These consist of grants of land originally made before 1848 by the Spanish or Mexican governments for common use. An elected board of trustees manages each grant. The trustees may fix and collect charges for the use of the land. Similar provisions apply to community land grants established under special acts and to corporations for the management of community land grants.

However, corporations for management of land grants that have reorganized as domestic stock corporations are classified as private entities. They are not counted as governments.

Conservancy Districts

New Mexico statutes authorize the following types of conservancy districts:

Artesian conservancy districts. These districts are created by the district court on petition of landowners to conserve artesian waters after public hearing. An elected board of directors governs district. The district may levy ad valorem taxes and borrow money.

Conservancy districts. Conservancy districts are established by the district court for flood control, drainage, irrigation, and water storage purposes upon petition of landowners, after a public hearing. These districts have elected boards, except for those districts having over 100,000 acres and covering fewer than four counties; such districts have a board of directors appointed by the district court. The districts may impose special benefit assessments and charges for water sales, and may issue bonds.

Drainage Districts

New Mexico statutes authorize the following types of drainage districts:

Drainage districts established by district court
Drainage districts within federal reclamation projects (established by county board of commissioners)

Drainage districts established by the district court are created on petition of landowners and after a public hearing. An elected board of drainage commissioners governs each district. The districts may levy special benefit assessments and issue revenue bonds.

Drainage districts within federal reclamation projects are established by the county board of commissioners to provide for drainage of agricultural lands on petition and after referendum. An elected board of directors governs each district. The districts may levy special benefit assessments and issue bonds upon voter approval.

No drainage districts were reported to be in existence as of June 2002.

Economic Advancement Districts

Districts for the acquisition of projects to promote industry and trade are established by petition of voters after referendum. An elected board of trustees governs each district. The districts may obtain revenue from the lease or sale of property, levy ad valorem taxes, and issue bonds.

Flood Control Authorities

The following flood control authorities have been established by special act to provide flood control facilities:

Albuquerque Metropolitan Arroyo Flood Control Authority
Las Cruces Metropolitan Flood Control Authority
Southern Sandoval County Arroyo Flood Control Authority

An elected board of directors governs these three districts, each of which may provide sewer facilities, as well as flood control activities. An elected board of directors governs each of these three districts. These districts may levy ad valorem taxes and issue revenue or general obligation bonds after voter approval.

Flood Control Districts—1981 Law

These districts to provide flood control projects are created by the district court on petition of the voters followed by a public hearing and by voter approval. An elected board of directors governs each district. The districts may receive revenue from contracts, accept contributions, levy ad valorem taxes and issue bonds.

Irrigation Districts

The following types of irrigation districts may be established by the county board of commissioners on petition and after referendum:

Electrical irrigation districts
Irrigation districts (also known as water or conservancy districts)
Irrigation districts cooperating with the United States under reclamation laws

An elected board of directors governs each district of these types. These districts may levy property taxes and special assessments, fix charges, and issue bonds upon voter approval. Electrical irrigation districts and irrigation districts cooperating with the United States under reclamation laws may generate and sell electric power.

Improvement districts created within irrigation districts are classified as dependent activities of the irrigation districts creating them, and are not counted as separate governments.

Metropolitan Water Boards

These boards are created by joint resolution of a county and a municipality. The district board includes one member appointed by the county, one appointed by the municipal governing body, seven elected by the voters, and, provided certain conditions are met in class B counties, one selected by the principal private water company in the municipality. The board may fix fees, charges, leases, and rentals, and may issue bonds. No metropolitan water boards were reported in operation as of June 2002.

Pink Bollworm Control Districts

Pink bollworm control districts are established by petition to the director of the Department of Agriculture, subject to approval and referendum. Two-thirds of cotton producers residing in the intended area of the district must vote to approve the creation of the district, and at least 50 percent of all remaining voters in the district must also vote to approve before the district can be established. A control committee consisting of between three and seven members governs the district. They are selected by all eligible cotton producers in the district. The committee may levy a property assessment and fix fees for eradication of pink bollworms.

Regional Housing Authorities

These authorities, each of which covers several counties, were established by special act. A board of commissioners, appointed by the governor, governs each authority. The authorities may accept grants and loans, fix rents and issue bonds. Housing authorities serving a single county or municipality are not counted as separate governments. See “Subordinate Agencies and Areas,” below.

Soil and Water Conservation Districts

Soil and water conservation districts are created to provide for soil and water conservation and flood control by the state soil and water conservation commission on petition of landowners and after hearing and referendum. An

elected board of supervisors governs each district. The districts may require contributions, lease property, accept federal aid and, with voter approval, levy ad valorem taxes.

Watershed districts may be formed as subdistricts of a soil and water conservation district upon petition of landowners and after hearing and referendum. An elected board of directors governs each watershed district. Subject to the approval of the board of supervisors of the soil and water conservation district, watershed districts may levy ad valorem taxes and, after public hearing and local referendum, issue bonds. Watershed districts are classified as dependent activities of soil and water conservation districts, and are not counted as separate governments.

Solid Waste Authorities

The power to create these authorities was established under 1993 legislation providing for the acquisition, maintenance, and operation of solid waste management projects. Authorities are created by the county special district commission following a petition by the interim solid waste board and a public hearing. An elected board of directors governs each authority. The authority may accept federal contributions, issue general obligation bonds, and upon voter approval, collect ad valorem taxes.

Special Hospital Districts

These districts are created by the county board of commissioners to provide, operate, and maintain hospital facilities on petition and after local referendum. An elected board of trustees governs each district. The districts may accept donations, fix charges, and, after voter approval, may levy ad valorem taxes and issue general obligation bonds.

Water and Sanitation Districts

A general law provides for the creation of these districts by the district court on petition of voters and after hearing and referendum. In addition to providing water and sewer service, these districts may construct streets and street improvements, and park and recreational facilities. An elected board of directors governs each district. The districts may levy ad valorem taxes, fix tolls and charges, and issue bonds.

SUBORDINATE AGENCIES AND AREAS

Shown below are various governmental designations in New Mexico that have certain characteristics of governmental units but that are classified in census statistics as subordinate agencies of the state or local governments, or Indian tribes, or as private rather than governmental activities, and are not counted as governments. Legal provisions for some of the larger of these are discussed below (see “Public School Systems,” above, regarding educational agencies of this nature).

Housing authorities (county or municipal). Each housing authority serving a single county or municipality is created by resolution of the county or municipal governing body. A board of five commissioners, appointed by the board of county commissioners (in the case of a county housing authority) or by the mayor (in the case of a municipal housing authority) governs each authority. Housing authorities may fix rents, but bonds and notes issued for the benefit of such authorities are issued by the parent county or municipal government.

Indian pueblos (tribal). Pueblos in New Mexico have many of the powers of local governments but are not counted as governments for census reporting. See page A-2 concerning Indian tribal organizations and federal reservations.

New Mexico Mortgage Finance Authority (state).

This authority was created by act of the legislature to provide mortgage credit for low-income housing. A seven-member board governs the authority, of whom four are appointed by the Governor, plus the director of the Financial Institutions Division of the Regulation and Licensing Department, the state treasurer, and the attorney general, who serve in an ex officio capacity. The authority may fix fees and charges in connection with its loans, receive grants and contributions, and issue revenue bonds.

Other examples include:

State

Agricultural commodity commissions
Border Authority
Fruit marketing districts
Grasshopper control districts
Health districts
Herd law districts
Industrial and Agricultural Finance Authority
Local armory boards
New Mexico Educational Assistance Foundation
New Mexico Finance Authority
New Mexico Hospital Equipment Loan Council
New Mexico Organic Commodity Commission
New Mexico State Fair Commission
New Mexico Student Loan Guarantee Corporation
One-variety cotton districts
Public School Insurance Authority

Solid waste districts—1990 law
State Armory Board
State Housing Authority¹
State Transportation Authority²
University research park corporations
Water districts

County

Bi-State Fair Association (Curry County)
County improvement districts
Emergency flood districts
Fire districts
Historic districts
Housing authorities (single county)
Noxious weed control districts
Parking authorities (Los Alamos County only)
Refuse disposal districts
Road districts
Special zoning districts
Transportation development districts²
Wind erosion districts

Municipal

Business improvement districts
Community development agencies
Historic districts
Housing authorities (single municipality)
Improvement districts for streets, sidewalks, sewer, water, parking, parks, railroads, or utilities
Metropolitan redevelopment boards or commissions
Parking authorities
Transportation development districts²
Urban development agencies

Private associations

Community ditches or acequias established by one or two property owners and water users' associations are classified, for census statistics, as private cooperatives. They are not counted as governments.

New Mexico laws also provide for various types of local areas for election purposes and administration of justice.

¹Laws authorizing the State Housing Authority were repealed in 1998.

²Authorizing legislation was repealed in 1997.