

(Copy)

In the Matter of the incorporation of the Village of Carrizozo.

This matter coming on regularly to be heard before the Board on the second day of January, A.D. 1917 the following Proceedings were had and done:

It appearing to the Board that on June 29th, 1916 there was filed in the office of the Clerk of this Board a Petition Praying for the Incorporation of the Village of Carrizozo which said Petition was favorably acted upon by this Board at a regular meeting held October 3rd, 1916 and at said meeting an order was duly entered appointing G. T. McQuillen to take the census of the inhabitants of said proposed village and also at same meeting an order was entered to cause a survey to be made of the exterior lines of said proposed village.

And it further appearing to the Board that the said McQuillen did make and return to this Board an enumeration of the inhabitants of said Village which said enumeration is here and now approved by the Board: and also a return of the survey of said proposed Village has been filed with the Clerk of this Board and the said Survey being examined as to the Field Notes and Plats of same the Board doth approve the same,

And now the Matter coming on further to be heard and the Board being advised that all the requirements of Sec. 3766 of the New Mexico Annotated Statutes and all other Sections of the Law appertaining to the Village Incorporation Acts, do by these Presents declare the People of the Territory embraced in the Survey of said Village to be and they are hereby Incorporated under said Acts appertaining to Incorporation of Villages in the State of New Mexico.

And it is further ordered and declared that an election be held and the same is hereby called for the 17th day of February A.D. 1917 for the Election of a Mayor and four other Trustees and a Clerk to serve as such for the Village of Carrizozo and that a Proclamation of Election be and the same is hereby made for said Election as follows:

Proclamation

In accordance with the Statutes in such case made and Provided, We the undersigned County Commissioners within and for the County of Lincoln, hereby proclaim and give public notice of an Election to be held in the Village of Carrizozo on Saturday, February 18th, A.D. 1917 the object and purpose of which is to elect to the various officer hereinafter named:

- One Mayor of the Village of Carrizozo
- Four other Trustees of the Village of Carrizozo.
- One Clerk of the Village of Carrizozo.

And the Board appoints the Following Election Judges for said Election.

W. W. Stadtman
Ed. R. Kelley
Manuel Gonzales

The Court House is designated as the Polling Place.

207

Jan 2, 1917

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, NEW MEXICO,

AT THE REGULAR MEETING ~~XXXXXX~~ HELD IN THE COURT HOUSE AT CARRIZOZO, NEW MEXICO

BEGUN ON JANUARY 1ST, 1917.

January 1st, 1917

Board met at 9 o'clock A.M.

Present: R.A. Duran, Member

J.B. Baird, Dep. Sheriff

A.H. Harvey, Clerk

Board now adjourns until 1 o'clock P.M.

Met pursuant to adjournment,

All present as before

Adjourned until 9 o'clock A.M. January 2nd.

2nd. day January 2nd, 1917

Board met pursuant to adjournment.

Present Hon. Melvin Franks, Chairman

R.A. Duran, Member

W.M. Ferguson, Member

J.B. Baird, Dep. Sheriff

A.H. Harvey, Clerk

The following Official Bonds were examined and approved by the Board.

A.J. Rolland, Treasurer and ex-officio Collector.

C. Walker Hyde, Sheriff

C. Walker Hyde, Collector of Liquor Licenses

O.T. Nye County Clerk

J.E. Koonce, Supt. of Schools

Melvin Franks, County Commissioner

Alfredo Gonzales, Assessor

Elerdo Chavez, Probate Judge

It is ordered by the Board that A.J. Rolland, County Treasurer give an additional bond as such Officer in the sum of \$14000.00 within 15 days from this date.

Board recessed to 1 O'clock P.M.

Met pursuant to adjournment.

The following Justice of the Peace reports were examined and approved by the Board

Francisco Gomez, Precinct No. One

George Kimbrell, Precinct No. 4

Ed Massie, Precinct No. 14

Chas. H. Thornton, Precinct No. 15.

In the Matter of the incorporation of the Village of Carrizozo.

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And it further appearing to the Board that the said McQuillan did make and return to this Board an enumeration of the inhabitants of said Village which said enumeration is here and now approved by the Board; and also a return of the survey of said proposed Village has been filed with the Clerk of this Board and the said survey being examined as to the Field Notes and Plats of same the Board doth approve the same,

And now the Matter coming on further to be heard and the Board being advised that all the requirements of Sec. 3766 of the New Mexico Annotated Statutes and all other Sections of the Law appertaining to the Village Incorporation Acts, do by these Presents declare the People of the Territory embraced in the Survey of said Village to be and they are hereby incorporated under said Acts appertaining to Incorporation of Villages in the State of New Mexico.

And it is further ordered and declared that an election be held and the same is hereby called for the 17th day of February A.D. 1917 for the Election of a Mayor and four other Trustees and a Clerk to serve as such for the Village of Carrizozo and that a Proclamation of Election be and the same is hereby made

for said Election, as Follows:

Proclamation

In accordance with the Statutes in such case made and Provided, We the County Commissioners within and for the County of Lincoln, hereby proclaim and give public notice of an Election to be held in the Village of Carrizozo on Saturday, the 18th, A.D. 1917 the object and purpose of which is to elect to the various offices after named:

One Mayor of the Village of Carrizozo
Four other Trustees of the Village of Carrizozo.
One Clerk of the Village of Carrizozo.

And the Board appoints the Following Election Judges for said Election.

W.W. Stadtman
Ed. R. Kelley
Manuel Gonzales

The Court House is designated as the Polling Place.

Adjourned until 8 A.M. Jan 3rd.

3rd day. Jany 3rd, 1917.

Board met pursuant to adjournment all present as of yesterday.

The transfer of Liquor license of Jose E. Romere to Porfirio Chavez was approved by the Board.

The following wild animal Bounty Claims were approved by the Board and ordered

924	W.W. Simpson	\$32.00
925	H. E. Phillips	38.00
926	Claude Halcomb	20.00
927	Jose Halcomb	18.00
928	E. E. Wright	2.00
929	Carr Cheney	2.00
930	M31Buckhannon	4.00
932	A. H. Dorsey	12.00
933	willie Conner	6.00
934	Alvin Hightower	12.00
935	J. C. Harelson	2.00
936	A. B. Helms	4.00
937	R. L. Sparks	6.00
938	A. W. Mills	124.00
939	Alvin Hightower	4.00
940	W. B. McDonald	8.00
941	Carlos Sides	64000
942	J. B. French	38.00
943	S.L. Starkey	18.00
944	A. J. Lahann	14.00
945	W. E. Burgen	2.00
946	M. F. Slack	12.00
947	A. H. Dorsey	22.00
948	Alvin Hightower	6.00
949	Wm. Gallacher	4.00
950	James Hale	4.00
951	W. L. Cooper	10.00
952	Harry Gallacher	2.00
953	J. W. Campbell	4.00
954	R. J. Ray	2.00
955	A. H. Blodgett	22.00
956	Maurice Brookin	8.00
957	O. W. Chisum	6.00
958	R. B. Pearce	14.00
959	E. F. Haskins	16.00
960	F. L. Vega	4.00
961	Sam Wills	4.00
962	Earl Black	16.00
963	Thomas Jennings	12.00
964	W. E. Burgen	2.00
965	D. Chesser	14.00
966	Euke K. Wilson	54.00
967	T. B. Bates	2.00
968	E. F. Funk	4.00
969	Fred Neighbauer	2.00
970	Jim Coor	18.00
971	Luther Hare	44.00
972	U. B. Rogers	4.00
973	J. W. Isler	4.00
974	Dewey Herron	20.00
975	M. Wertman	6.00
976	C. A. Beard	8.00
977	J. W. Campbell	4.00
978	W. M. Harkey	8.00
979	W. G. Thompson	64.00
980	C. A. Beard	6.00
981	Charles Sissel	28.00
982	Clarence Spence	15.00
983	C. H. Dixon	16.00
		10.00

~~RECEIVED~~
Mayor

EDWARD PENFIELD
Clerk

H. ELFRED JONES
Town Attorney

Town of Carrizozo

CARRIZOZO, NEW MEXICO

July 16, 1964

TRUSTEES

LEANDRO VEGA

FRED H. ENGLISH

ARRELL POSEY

TENNIS B. SMOOT

Sec. of State

*Town of Carrizozo 1953
Copies of the original charter.
Also papers re: Changing of
the seat from Lincoln to
Carrizozo*

Alberta Miller
Secretary of State
Santa Fe, New Mexico.

Dear Mrs. Miller:

Referring to your Memorandum of 20 June 1964, Re: Section 14-3-3 N.M.S.A., 1953 Compilat on Election Results--Publication or Posting of Notice---Filing, herewith is certified copy of Incorporation notice, and resolution of change of status from Village to Town.

Sincerely yours,
Vernon Petty
Vernon Petty, Mayor.

RECEIVED
1964 JUL 17 PM 1:48
OFFICE OF
SECRETARY OF STATE

Twentieth
July 1934

The Honorable Vernon Petty
Mayor of Carrizozo
P. O. Box 758
Carrizozo, New Mexico

Dear Mayor Petty:

Thank you for submitting a copy of the Incorporation
papers of the Town of Carrizozo.

May I express my appreciation to you for cooperating
so promptly with this request.

Sincerely,

ANDREW HILL
SECRETARY OF STATE

AM/cn

<p>BOARD OF COUNTY COMMISSIONERS.</p> <p>R. H. TAYLOR, Chairman C. W. WINGFIELD, Member R. A. DURAN, Member</p>	<p>Lincoln County, New Mexico.</p> <p>J. G. RIGGLE, PROBATE CLERK AND EX-OFFICIO RECORDER.</p> <p>Commissioners meet on First Monday in January, April, July and October, and at such other times as the public interests may require.</p>	<p>PROBATE COURT. DOROTEO LUCERO, JUDGE.</p> <p>TERMS OF COURT: First Monday in Jan., March, May, July, September and November.</p>
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LINCOLN, N. M., _____ 190

3 bagales
1 paper
2 bagales

600
15
4

~~Proof of Publication from Halcy,
calling the election.~~

Clerk to send above to Territorial
Secretary together with the certified
returns of the canvass of votes,
and certified copy of the order of
the Board calling the election

CARRIZOZO'S MUNICIPAL CHARTER

I have been doing some research and serious study on civic matters since my involvement last year at this time when I helped a friend of mine emeshed in the workings of this local government. Among the things I have learned of is the need of a municipal charter. I asked for this charter at the last public meeting and was told by the Village attorney that he didn't see any need for it.

Here is what one book on civics says about the charter: "A city is a municipal corporation possessing the power to sue and be sued, to acquire, hold, and dispose of property, to enact ordinances, to raise money by taxation, and to exercise the right of eminent domain. Every city has a fundamental law, called the charter, which defines the city's powers, outlines its organs of government, determines the method of choosing the mayor, council, and other officials, assigns to some or all officials their respective duties, and determines with varying degrees of precision the relations of these officials to one another. A city charter, or the authority to frame one, usually comes from the state legislature; and since charters differ in no essential respect from other acts of the legislature, that body has a right (subject only to varying constitutional restrictions in different states) to grant, withhold, suspend, alter, or revoke a charter at will, even in defiance of the expressed wishes of the people of the city affected-however much such legal autocracy may, in practice, be tempered by considerations of political expediency." Essentials of American Government, p. 565.

Besides the public meeting I have repeatedly asked the Municipal clerk for the charter and was told by her that she didn't know where it was. At first she didn't even know what it was I was talking about. I even went over to the courthouse to have ~~the county clerk look up the charter.~~ She didn't find it either, but she did find a page from the county commissioner's minutes book (see enclosure ref. 7&8). There several interesting points exist in this document that I have underlined and numbered. Number 1. states that a petition was filed with the clerk of the board. I believe that this was the incorrect place to file the petition. Although the county is an agent of the state I believe that the law expressly states that the petition should have been filed with the state legislature itself and not its agent. Therefore, I question not that Carrizozo exists but whether it was incorporated, since the petition was incorrectly filed.

I want the charter of Carrizozo proved in court. If they can not prove that there is a charter then I will get up a petition for a charter and file it correctly.

In your reply please make references to any thing you may quote, e.g. laws etc.

Look up the charter for Carrizozo in the state capitol and see if it exists and if it does please send me a copy.

BOARD OF TRUSTEES

QUALIFICATIONS:

It requires a person who aspires to run for this office to own taxable real property. I consider this requirement to be unconstitutional violating the 14th. amendment to the Federal Constitution the fourteenth amendment being: "Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." I believe that to run and this public office or any public office to be a privilege.

TERM:

Quorum: It states here that three members of the Board shall constitute a quorum. On the 25th of Nov. we had a public meeting to get public input as how to spend \$100,000 from HUD. Only two board members showed up. I challenged the village attorney a few days later and he said the Mayor and the two board members present constituted a quorum. I disagree. The mayor is the presiding officer and only votes in case of a tie. A municipality does its business through its council and can do this withou the presence of the mayor.

TIME AND PLACE OF MEETING:

First Tuesday of each month at 8:00 p.m. It now meets on the second Tuesday of each onth at 7:00 p.m. but no whøre do I find an Ordinance or anything else written down authorizing the governing body ~~to~~ to meet on such a day; yet they can lock up people for violations of the law yet they themselves tink they are God almighty.

RECEIVED
MAY 1 1976
SECRETARY OF STATE

CLERK

1-6-1 Elective Officer:

"The Clerk shall be appointed etc.". Now an office is either elective or appointed. It can't be both. I believe that by inference from the afore mentioned copy of page from the county commissioner's minutes where it said that a village clerk shall be elected along with the mayor.

I asked about this at the last public meeting and the village attorney said that he didn't know of any municipality in N.M. that had a clerk as an elective office. Is true? There is an election coming up for Carrizozo and if the charter says that this office is to be elective it should be on the ballot. The village attorney said that he didn't know how the word elective got on there; but I do. Someone put it there; and I want to know if it is legal. I believe because the charter is granted by the state I believe can't be changed without consent of the state or by popular election as in a referendum.

PRESENT CLERK:

The present clerk is Christine Chavez, who is the niece of Sally Ortiz the Police Judge of Carrizozo. To me this is conflict of interests because she is also the Village Treasurer and she is also required to receive and record all monies that is supposed to be sent over from the Police Judge.

POLICE JUDGE

MONTHLY REPORTS AND ITEMIZED STATEMENT REQUIRED:

I want to know if all the requirements of this section of the municipal code have been adhered to by Sally Ortiz the present Police Judge. Have the funds been turned over to the Clerk/treasurer Christine Chavez.

In addition Sally Ortiz is the Truant officer plus the probation officer. I believe he is in conflict of interest here too as well as holding offices which come under the incompatibility of offices section 5-3-1 NM Statutes 1953 p. 117

This office also requires property restrictions for qualification of office and is also up for election this year.

APPOINTIVE OFFICERS

APPOINTMENTS:

" a Clerk etc."

TERMS OF OFFICE:

ALL appointments etc. doesn't say for how long. I believe these appointments should be made in writing.

ELECTION VIOLATION

Willie Silva name was scratched in the last municipal election from position Three "because he failed to register to vote and thereby became ineligible except as a "write in" candidate." To me if he was ineligible for the write in then he would be ineligible for the regular way of voting because he failed to register. This means to me that he wasn't qualified to be on the ballot and therefore is not and was not a Trustee. Am I right? If you're wondering why I waited to this late date it's because I lack faith in gov. thinking that probably nothing would be done about it; and it probably won't. If it was illegal two years ago it is still illegal and isn't the statute of limitation in the state three years?

1. Matter of the incorporation of the Village of Carrizozo.

The matter coming on regularly to be heard before the Board on the second day of January, A.D. 1917 the following Proceedings were had and done:

It appearing to the Board that on June 27th, 1916 there was filed in the office of the Clerk of the Board a Petition Praying for the Incorporation of the Village of Carrizozo and said Petition was favorably acted upon by this Board at a meeting held on the 11th October 3rd, 1916 and at said meeting an order was duly entered by the Board to cause the Census of the inhabitants of said proposed Village to be taken and also at same meeting an order was entered to cause a survey to be made of the exterior lines of said proposed Village.

It further appearing to the Board that the said McMillan did make and return to this Board an enumeration of the inhabitants of said Village which enumeration is here and now approved by the Board; and also a return of the survey of said proposed Village has been filed with the Clerk of this Board and the survey being examined as to the field notes and plats of same the Board is hereby satisfied that the same are correct.

The matter coming on further to be heard and the Board being advised of the provisions of Sec. 5765 of the New Mexico Annotated Statutes and the provisions of the Law Relating to the Village Incorporation Acts, the Board being satisfied that the People of the Territory exercised in the survey of said Village to be made they are hereby incorporated under said Acts and the incorporation of Villages in the State of New Mexico.

It is further ordered and declared that an election be held on the same day called for the 17th day of February A.D. 1917 for the Election of a Mayor and Council for the Village of Carrizozo and the same is hereby made

Election.

Whereas the People of the Territory of New Mexico have and Provided, We the undersigned do hereby certify that the County of Lincoln, hereby proclaim and give public notice that an election shall be held in the Village of Carrizozo on Saturday, February 17th, 1917, for the purpose of electing a Mayor and Council for the Village of Carrizozo and the same is hereby made

Done at the County of Lincoln, State of New Mexico, this 15th day of January, 1917.
Attest: _____
Clerk of the Board of Carrizozo.

Witness my hand and the seal of the Board of Carrizozo, this 15th day of January, 1917.

Witness my hand and the seal of the Board of Carrizozo, this 15th day of January, 1917.

Adjourned until 8 A.M. Jan. 3rd, 1917.

R E S O L U T I O N

BE IT RESOLVED by the Board of Trustees of the Village of Carrizozo, as follows:

WHEREAS a census of the Village of Carrizozo, New Mexico was taken by Mrs. F. O. Brown during the last part of February, 1953 and the 1st part of March, 1953, and

WHEREAS said census discloses 546 actual residents of the Village of Carrizozo,

NOW THEREFORE, be it resolved by the Board of Trustees of the Village of Carrizozo that said census is approved and adopted and the Village of Carrizozo is hereby declared to have all the rights and powers of a Town, in accordance with Section 14-2009 of New Mexico Statutes 1941 Codification.

APPROVED this 3rd day of March, 1953.

William H. Roberts
Mayor

TRUSTEES:

Cliff Snow

Juan Martinez

Roy E. Shapiro

Clifford H. Sproull

ATTEST:

Samuel E. Johnson
Clerk

Samuel E. Johnson
Clerk

FILED
DISTRICT CLERK OF
LEWIS & CLARK COUNTY

MAR 14 1953

ref 7

Alfredo Gonzalez, Assessor
Eladio Cuevas, Probate Judge

Ref. 7

... Rollins, County Treasurer give an additional
... officer in the sum of \$1400.00 within 15 days from this date.

... recessed to 1 o'clock P.M.

... pursuant to adjournment.

The following Justice of the Peace reports were examined and approved by the Board

- Francisco Gomez, Precinct No. One
- ... Kimbrell, Precinct No. 4
- ... Precinct No. 14
- Wm. H. Thornton, Precinct No. 15.

In the Matter of the incorporation of the Village of Carrizozo.

This matter coming on regularly to be heard before the Board on the second day
of January, A.D. 1917 the following Proceedings were had and done:

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return to this Board an enumeration of the inhabitants of said Village which
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that all the requirements of Sec. 3766 of the New Mexico Annotated Statutes and
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said Village to be and they are hereby incorporated under said Acts Appertaining
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2

2
1/3

Ref

for said Election, as Follows:

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- Four other Trustees of the Village of Carrizozo.
- One Clerk of the Village of Carrizozo.

And the Board appoints the following Election Judges for said Election.

- F.W. Stadtman
- Ed. R. Kelley
- Manuel Gonzales

The Court House is designated as the Polling Place.

Adjourned until 8 P.M. Jan 3rd.

3rd day. Jany 3rd, 1917.

Board met pursuant to adjournment all present as of yesterday.

The transfer of Liquor license of Jose P. Romero to Perfirio Chavez was approved by the Board.

The following wild animal Bounty Claims were approved by the Board and are:

934	J. L. Simpson	\$32.00
935	C. C. Phillips	34.00
936	Claude ...	22.00
937	Jose ...	12.00