

STATE OF NEW MEXICO  
COUNTY OF VALENCIA  
THIRTEENTH JUDICIAL DISTRICT COURT

**THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF VALENCIA,**

**PETITIONER**

No. D-1314-CV-2024-00369  
Judge Cindy Mercer

**IN RE EMERGENCY PETITION FOR AN ORDER  
DIRECTING THE SUBMISSION OF THE QUESTION OF  
THE ORGANIZATION OF THE VALENCIA COUNTY  
ARROYO FLOOD CONTROL DISTRICT TO THE  
QUALIFIED ELECTORS OF VALENCIA COUNTY AND  
TO DECLARE THE DISTRICT ORGANIZED IF  
APPROVED BY THE VOTERS OF VALENCIA COUNTY**

**DECREE ESTABLISHING THE VALENCIA COUNTY ARROYO FLOOD CONTROL DISTRICT  
AND ORDER TO PROVIDE FOR THE APPOINTMENT OF INITIAL DIRECTORS**

**THIS MATTER**, having come before the Court and the Court being otherwise fully informed, issues this Decree Order as set forth herein. The Court finds that:

1. On August 9, 2024, this Court issued an Amended Order, as petitioned by the Board of County Commissioners of Valencia County, submitting the following question to the electorate of the County on the November 5, 2024, general election ballot:

Shall the Valencia County Arroyo Flood Control District be established for the purpose of mitigating the risks associated with flooding, implementing proactive flood control measures to protect lives, property, and infrastructure, fostering sustainable development and economic growth by reducing flood-related damages, and enhancing public safety and emergency preparedness within both the incorporated and unincorporated areas of Valencia County?

2. At the November 5, 2024, general election the ballot question was approved by 76% of the voters casting a ballot with a total of 23,029 in favor and 7,427 against.
3. On November 13, 2024, the County Canvassing Board certified the election results.
4. NMSA 1978, Section 72-18-10 (B) (2019) provides that “[i]f a majority of the votes cast at the election are in favor of the organization, the district court shall declare the district organized and give it a corporate name by which in all proceedings it shall thereafter be known and shall designate the first board of directors elected, and thereupon the district shall

be a political subdivision of the state. The certificate shall be conclusively presumed correct as to the facts stated therein.”

5. NMSA 1978, Section 72-18-11 (1981) provides that “[w]ithin thirty days after the district has been declared a corporation by the court, the clerk of the court shall file the certificate in the same manner as articles of incorporation are required to be filed under the general laws concerning corporations.”
6. Based on the direction from the Secretary of State of the State, the Chief Election Officer of the State of New Mexico, the Petition and Order in this matter only set forth the ballot question and did not provide for the election of directors at the general election as the Secretary’s position is that the directors of the district, if established, should be elected at the next local election. Accordingly, the directors positions are vacant and must be appointed to serve until the next local election.
7. NMSA 1978, Section 72-18-15 (2018) provides that “[a]ny vacancy on the board shall be filled by appointment by a majority of the remaining members of the board. The appointee shall serve until the next local election pursuant to the Local Election Act [Chapter 1, Article 22 NMSA 1978] when the vacancy shall be filled by election. If the board fails to fill any vacancy within thirty days after it occurs, the court declaring the organization of the district shall fill the vacancy.”

NOW THEREFORE IT IS DECREED THAT:

The **VALENCIA COUNTY ARROYO FLOOD CONTROL DISTRICT** hereby established as a political subdivision of the State of New Mexico pursuant to NMSA 1978, Section 72-18-1 *et seq.*

IT IS ORDERED THAT:

- A. The Clerk of the Court shall file a certificate in the same manner as articles of incorporation are required to be filed under the general laws concerning corporations with the Office of the Secretary of State.
- B. The County of Valencia shall provide notice to persons interested in serving in the office of director of the district through publication in the Valencia County News Bulletin, a newspaper of general circulation, at least two times prior to the date of submission as well as by other means the County determines to be appropriate.
- C. Interested persons must submit the following information to be considered for the office:
  - i. A petition nominating the interested person signed by not less five qualified electors; A form of petition will be provided by the County of Valencia;
  - ii. A letter of interest; and
  - iii. A resume
- D. Interested persons shall submit their request, with the aforementioned information, to the Valencia County Manager on or before January 10, 2025 in person, by mail or via email at to the following addresses.

County of Valencia  
Office of the County Manager  
444 Luna Ave.  
P.O. Box 1119  
Los Lunas New Mexico, 87031  
[lichelle.armstrong@co.valencia.nm.us](mailto:lichelle.armstrong@co.valencia.nm.us)


- E. On January 13, 2025, the County of Valenica shall submit the names of the interested persons and supporting documentation to this Court and the Court will appoint five (5) Directors.
- F. In the event that five (5) individuals do not submit to serve as Directors, the Board of County Commissioners shall submit the names of additional nominees for consideration by this Court on or before January 17, 2025. In such event, the petition of qualified electors will not be required.
- G. The five (5) appointed initial directors shall serve until the next local election, as which election their successors shall be chosen.

**IT IS SO ORDERED.**

  
The Honorable Cindy Mercer  
Thirteenth Judicial District Court

Respectfully submitted,

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