

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 21-49

A RESOLUTION APPROVING PROPOSED CHARTER AMENDMENTS AND AUTHORIZING PLACEMENT OF BALLOT QUESTIONS ON THE BALLOT OF THE CITY OF LAS VEGAS MUNICIPAL ELECTION ON MARCH 1, 2022 FOR THE PURPOSE OF VOTING ON SUCH AMENDMENTS

WHEREAS, the City of Las Vegas (“City”) Governing Body appointed a Charter Commission (“Commission”) to review the City Charter pursuant to Section 1.05 of the Charter;

WHEREAS, the Committee has finished their duties and submitted their suggested Charter amendments to the Governing Body;

WHEREAS, the Governing Body has considered said suggested Charter amendments;

WHEREAS, the Governing Body has requested the City Attorney draft the Governing Body’s proposed Charter amendments and provide them to outside private legal counsel for review;

WHEREAS, the Governing Body, in considering the Charter revisions, may approve, deny, modify, or remand any of the proposed amendments back to the City Attorney for further changes;

WHEREAS, each proposed amendment receiving approval by a majority vote of the Governing Body shall be submitted to the qualified voters of the City at the March 1, 2022 Municipal Election;

WHEREAS, the Governing Body pursuant to NMSA 1-16-3(B) shall adopt a resolution authorizing placement of ballot questions for the Municipal Election no later than seventy days before the election.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas that the recitals are hereby incorporated herein by reference, and the City Council hereby approves the submission of the following charter amendment ballot questions to the City’s qualified electors at the March 1, 2022 Municipal Election. The City Clerk is hereby instructed to file this Resolution certifying the following ballot questions with the Secretary of State not less than sixty-seven days before the date of the election. Only those ballot questions that receive a majority of the votes cast in the election, as evidenced by the official certificate of canvass shall be adopted and incorporated into the City Charter. If any section, paragraph, portion or provision of this Resolution shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such shall not affect any of the remaining provisions of this resolution.

Question 1: Shall the City amend Section 2.01(A) of the City of Las Vegas Municipal Charter to require that the City be governed by a home-rule charter whereby the City's governing body shall consist of a mayor and a city council?

Yes

No

Question 2: Shall the City amend Section 8.01(A) of the City of Las Vegas Municipal Charter to reflect the name change of the state statute that governs municipal elections?

Yes

No

Question 3: Shall the City amend Section 8.01(B) of the City of Las Vegas Municipal Charter to require the regular municipal election to be held as provided by law, rather than on the first Tuesday in March of each even-numbered year?

Yes

No

Question 4: Shall the City delete Section 8.01(C)(3) of the City of Las Vegas Municipal Charter which currently requires voters to register at least 30 days prior to an election, to instead allow same day voter registration in accordance with applicable law?

Yes

No

Question 5: Shall the City amend Section 8.01(F) of the City of Las Vegas Municipal Charter to state that the election of all municipal elective officers shall be by majority of the votes cast for the particular office in question, and permitting the City's governing body to determine, by ordinance, the procedures for breaking a tie vote?

Yes

No

Question 6: Shall the City delete Section 8.01(G) of the City of Las Vegas Municipal Charter which would prevent the City from holding a run-off election between two candidates receiving the highest number of votes, and instead provide for victory by a simple majority of votes?

Yes

No

Question 7: Shall the City delete Section 8.01(H) of the City of Las Vegas Municipal Charter which currently requires the City to provide election workers for City elections, which would result in San Miguel County providing election workers for City elections?

Yes
No

Question 8: Shall the City amend Section 8.01(I) of the City of Las Vegas Municipal Charter to permit, rather than required, the City’s governing body to adopt ordinances for the prevention of fraud in City elections, and to permit the City’s governing body to determine the substances of such ordinances?

Yes
No

Question 9: Shall the City amend Section 8.04(B) of the City of Las Vegas Municipal Charter to state that the power to recall an elected official shall be governed by New Mexico Election Code and NMSA Article 1, Chapter 25?

Yes
No

Question 10: Shall the City amend Section 8.04(D)(b)(iii) of the City of Las Vegas Municipal Charter to state that the recall petition heading must contain a clear and concise statement specifying the charges to support recall of the named official that constitute malfeasance in office, or misfeasance in office or violation of oath of office?

Yes
No

Question 11: Shall the City amend Section 8.04(D)(8) of the City of Las Vegas Municipal Charter to state that the failed attempt to recall an official prohibits that official from being recalled, on the same grounds, during the remainder of that official’s term of office?

Yes
No

Question 12: Shall the City amend Section 6.08 of the City of Las Vegas Municipal Charter to remove the duration limitation of one (1) year for advisory committees established by the City’s governing body, and instead allow advisory committee members to serve terms longer than one year?

Yes
No

Question 13: Shall the City amend Section 1.05 of the City of Las Vegas Municipal Charter to: (1) require the City's governing body to review the City Charter at least once every five (5) years; (2) require any proposed changes to the City Charter to be reviewed for compliance with applicable law by an attorney with experience in municipal law and drafting charter provisions; (3) delete Section 1.05(B) describing Charter Commission members; and, (4) give the City's governing body the option to choose one, both, or none of the following options regarding the review of the City Charter: (i) appoint a committee composed of an equal number of representatives from each council district, none of which shall be elected city officers, to review and make recommendations to the governing body, as specifically directed by the governing body, regarding the City Charter, with the committee members being actual residents of the City, appointed by the Mayor, and confirmed by the City Council; (ii) by majority vote, to employ by contract a consultant with charter experience to work independently, or with the committee, for the purpose of reviewing and making recommendations to the governing body, as specifically directed by the governing body, regarding changes to the City Charter?

Yes

No

Question 14: Shall the City amend Section 2.04(A) of the City of Las Vegas Municipal Charter to allow, but not require, the City's Governing Body to use a redistricting committee and to allow the City to contract with a redistricting consultant without the requirement of a redistricting committee?

Yes

No

Question 15: Shall the City amend Section 2.01(B) of the City of Las Vegas Municipal Charter to add a fifth (5th) city council member who is elected at-large within the City, and who is not elected to represent a specific council district but rather represents all City residents?

Yes

No

Question 16: Shall the City amend Section 5.01(A), 5.04(C), 5.05(C), and 5.06(B) of the City of Las Vegas Municipal Charter to require the Mayor to provide a list of no less than two (2) qualified candidates for the positions of City Manager, City Attorney, City Clerk and Chief of Police for review by the City Council, with the City Council being required to select from the Mayor's two candidates for the respective positions?

Yes

No

Question 17: Shall the City amend Section 6.06 of the City of Las Vegas Municipal Charter to add two additional members to the Lodgers Tax Board who shall be residents of the City and represent the general public, for a total of seven members?

Yes
No

Question 18: Shall the City amend Section 5.07(D) of the City of Las Vegas Municipal Charter to add a sentence stating that the decision of the City's governing body of whether or not to remove a department director shall be recognized and implemented by the City Manager, and shall be final and conclusive regarding the matter?

Yes
No

Question 19: Shall the City amend Section 2.06 of the City of Las Vegas Municipal Charter to increase the annual compensation of the Mayor and each Councilor to the annual compensation amount for each Commissioner of San Miguel County, New Mexico and thereafter the annual compensation for the Mayor and each Councilor would automatically increase when the annual compensation for the Commissioners increases?

Yes
No

PASSED, APPROVED AND ADOPTED this 17th day of November, 2021.



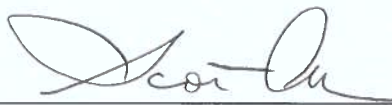
Louie A. Trujillo, Mayor

ATTEST:



Casandra Fresquez, City Clerk

Reviewed and approved as to legal sufficiency only:



Scott Aaron, City Attorney