

CITY OF LAS VEGAS, NEW MEXICO



MUNICIPAL CHARTER

EFFECTIVE AS OF APRIL 8, 2022

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1 **Charter of the City of Las Vegas New Mexico**

2 **PREAMBLE**

3 We, the Citizens of the City of Las Vegas, pursuant to the Constitution and laws of the State of
4 New Mexico, do hereby enact this Charter for the City of Las Vegas, New Mexico.

5 **ARTICLE I**

6 **GENERAL PROVISIONS AND POWERS**

7 **Section 1.01. Municipal Corporation; Purposes and Powers.**

8 **Section 1.02. State and Municipal Laws.**

9 **Section 1.03. Rights and Property.**

10 **Section 1.04. Construction.**

11 **Section 1.05. Charter Review and Amendment.**

12 **Section 1.01. Municipal Corporation; Purpose and Powers.**

- 13 **A. Incorporation.** The municipal corporation now existing and known as the City of Las
14 Vegas shall remain and continue to be a municipal corporation with the same name and
15 boundaries as existed prior to the effective date of this Charter. The boundaries may be
16 extended in a manner as provided by law.
- 17 **B. Purpose.** The purpose of this Charter is to provide maximum self-government and the
18 greatest possible exercise of home-rule powers. A liberal construction shall be given to
19 the powers granted by this Charter.
- 20 **C. Powers.** The City may exercise all legislative powers and perform all functions not
21 expressly denied by general law or charter. Unless otherwise provided in this Charter,
22 the power of the City to legislate is permissive and not mandatory. If the City does not
23 legislate, it may nevertheless act in the manner provided by law. The City shall have all
24 powers possible for a home rule municipality to possess under the New Mexico
25 Constitution and the laws of the State of New Mexico, including all implied powers and
26 all powers necessary to implement all express powers of the City, as if each and every
27 one of the City's implied powers were fully, completely and expressly enumerated in this
28 Charter. The City shall be entitled to exercise any and all powers granted by law or the
29 New Mexico Constitution to municipal corporations, except to the extent there may be a
30 conflict between the exercise of the powers and the provisions of this Charter, in which
31 case this Charter shall operate to limit the City's ability to exercise such powers.
- 32 **D. Acceptance of Powers.** By enacting this Charter pursuant to the provisions of Article X,
33 Section 6 of the New Mexico Constitution, and pursuant to the New Mexico Municipal
34 Charter Act, the City accepts the full and complete home-rule powers granted in the
35 Constitution.
36

1 **Section 1.02. State and Municipal Laws.**

- 2
- 3 **A.** All City ordinances, resolutions, codes, orders and regulations which are in force when
4 this Charter becomes fully effective shall remain in full force and effect except to the
5 extent that they are inconsistent with or interfere with the effective operation of this
6 Charter.
- 7 **B.** Any provisions of the New Mexico Municipal Code or any other state law relating to
8 municipalities shall apply to the City only to the extent that such a state statute is not
9 inconsistent with the provisions of this Charter. To the extent that any state statute
10 relating to municipalities is consistent with the Charter, the City may avail itself of the
11 rights, privileges and powers conferred by such a statute, regardless of whether such a
12 statute vests powers in home rule municipalities, non-home rule municipalities, or both.

13

14 **Section 1.03. Rights and Property.**

- 15
- 16 **A.** All rights and property which were vested in the City prior to the effective date of this
17 Charter shall remain so vested under the Charter. No existing right or liability and no
18 pending litigation shall be affected by adoption of this Charter. No action or proceeding,
19 civil or criminal, pending at the time that this Charter takes effect, shall be affected or
20 abated by operation of this Charter.
- 21 **B.** All contracts and franchises entered into by the City or for its benefit, prior to the
22 effective date of this Charter, shall remain in full force and effect. Public improvements
23 for which legislative action has been taken under laws, ordinances or resolutions existing
24 at the time this Charter takes effect, may be carried to completion in a manner which is in
25 as full compliance with this Charter as is possible in accordance with the provisions of
26 existing laws, ordinances and resolutions.

27

28 **Section 1.04. Construction.**

- 29
- 30 **A. Headings.** Section and subsection headings are included for convenience only. Such
31 headings shall not be utilized for the purpose of determining the meaning of the Charter.
- 32 **B. Terms.** Unless the context otherwise requires, the singular shall include the plural; the
33 plural shall include the singular; male shall include female; female shall include male; the
34 terms “may,” “can,” and “should” shall be permissive; the terms “must,” “shall,” and
35 “will” shall be mandatory; the term “and” shall be conjunctive; and the term “or” shall be
36 disjunctive.
- 37 **C. Severability.** The provisions of the Charter are severable. If any provision of this
38 Charter is held invalid, the other provisions of the Charter shall not be affected thereby.
39 If the application of the Charter or any of its provisions to any person or circumstance is
40 held invalid, the application of the Charter and its provisions to other persons or
41 circumstances shall not be affected thereby.

42

43 **Section 1.05. Charter Review and Amendment.**

- 44
- 45 **A. Charter Review.** The Governing Body shall be responsible for modifying the City
46 Charter as necessary, and shall review the City Charter at least once every five (5) years.

1 To accomplish said review, the Governing Body may appoint a committee composed of
2 an equal number of representatives from each council district, none of which shall be
3 elected city officers, to review and make recommendations to the Governing Body, as
4 specifically directed by the Governing Body, regarding the City Charter. The
5 representatives from each council district shall be actual residents of the City, appointed
6 by the Mayor, and confirmed by the Council. The Governing Body may, by majority
7 vote, employ by contract a consultant with charter experience to work independently, or
8 with the committee, for the purpose of reviewing and making recommendations to the
9 Governing Body, as specifically directed by the Governing Body, regarding changes to
10 the City Charter. Any recommended changes under this section shall be reviewed for
11 compliance with applicable law by an attorney experienced in municipal law and drafting
12 charter provisions

13 **B. Commission Members.** The Charter Commission shall consist of seven (7) members.
14 One (1) member shall be appointed from each council district and shall reside in said
15 district during the period of review. Three (3) members shall be residents of the City,
16 appointed at large, with equal representation among the districts to the greatest extent
17 possible. The Mayor shall appoint six (6) Commission members, including the districted
18 representatives, subject to Council approval. The seventh (7th) member shall be
19 recommended by the Municipal Judge for appointment by the Mayor and approval by the
20 Council. The Commission shall select one its members to act as chair.

21 **C. Charter Amendments.** Amendments to this Charter may be submitted to the qualified
22 electors by the Governing Body or by petition as follows:

- 23 (1) Notice of intent to circulate a petition proposing any amendments to this Charter
24 must be signed by five (5) qualified voters of the City and filed with the City
25 Clerk.
- 26 (2) The proposed amendment shall be filed with the City Clerk concurrently with the
27 filing of the Notice of Intent.
- 28 (3) The City Clerk must approve the form of any petition submitted under this section
29 prior to obtaining any signatures on the petition. The petition must include the
30 complete language of the amendment, the number of signatures required to submit
31 the petition to the Governing Body, the date by which the petition forms must be
32 submitted, and lines for voter names, signatures and registered voting addresses.
33 Only registered voters of the City shall be counted as signatories.
- 34 (4) The number of qualified voters required to sign the petition in order to have the
35 proposed amendment placed on the ballot shall be twenty-five (25) percent of the
36 number of voters who voted at the regular municipal election immediately
37 preceding the filing of the Notice of Intent.
- 38 (5) No petition or any part thereof shall be filed more than sixty (60) days after the
39 approval of the petition by the City Clerk.
- 40 (6) If the City Clerk determines that the requisite number of signatures of qualified
41 voters exists, the clerk shall certify and present the petition to the Governing
42 Body. If the City Clerk determines that the requisite number of signatures of
43 qualified voters does not exist, the clerk shall return the petition to the applicants
44 and take no further action.
- 45 (7) Upon certification and presentation of the petition by the City Clerk, the
46 Governing Body shall adopt an election resolution. The election shall be

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scheduled for the next regular municipal election, or as soon as possible thereafter to comply with state election laws.

- (8) At such election, the ballot shall contain the text of the proposed amendment and, below said text, the phrases “FOR AMENDMENT” and “AGAINST AMENDMENT”. Municipal amendments shall be listed separately on the ballot or together.
- (9) If a majority of the votes cast are against the amendment, it shall be of no effect. If a majority of the votes cast are for the amendment, it shall be adopted and shall become effective thirty (30) days following certification of the election.
- (10) No amendment that has been disapproved shall be submitted to the voters again for a period of one (1) year from the date of the election.

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ARTICLE II

GOVERNING BODY

Section 2.01. Corporate Authority.

Section 2.02. Powers and Duties.

Section 2.03. Qualifications and Election of Councilors.

Section 2.04. Council Redistricting.

Section 2.05. Vacancy in Office.

Section 2.06. Compensation.

Section 2.07. Governing Body Procedures.

Section 2.08. Ordinances.

Section 2.01. Corporate Authority.

- A. The City shall be governed by a home-rule charter whereby the City's governing body shall consist of a Mayor and a City Council.
- B. The corporate authority of the City shall be vested in the Governing Body, which shall consist of five (5) City Councilors, four of whom shall be elected by district and one of whom shall be elected by the City at large to represent all City residents, which shall collectively comprise the City Council, and a Mayor who shall be the presiding officer of the Governing Body

Section 2.02. Powers and Duties.

- A. All legislative powers of the City shall be vested in the Governing Body, except as otherwise required by law or this Charter.
- B. All corporate power resides with the Governing Body as a whole, and no individual member, except as otherwise provided herein, shall direct the activities of the city manager, appointed employees, or other employees.
- C. The Governing Body shall be the judge of the qualifications of its members, and of the grounds for removal from office, consistent with state law provisions regarding qualifications and removal.
- D. The Governing Body may conduct such investigations as it deems appropriate into the affairs of the City, or the conduct of any City department, office, agency, board, or activity.

1 **Section 2.03. Qualifications and Election of Councilors.**

- 2
- 3 **A.** Councilors shall be qualified electors of, and registered to vote in, the districts in
4 which they reside and shall have established actual residency within said districts
5 no later than ninety (90) days prior to the date of declaration of candidacy for the
6 election in which they are running.
- 7 **B.** One (1) Councilor shall be elected by the qualified electors in each of the City
8 council districts. Elected Councilors and candidates shall physically reside within
9 the districts they represent.
- 10 **C.** Councilors shall each be elected for terms of four (4) years, with two districts
11 electing Councilors in each general municipal election, thereby allowing for
12 staggered Council terms. At the general municipal election of March 2012, two
13 (2) Councilors shall be elected for the two (2) positions whose terms expire at that
14 election. The remaining two (2) Councilors shall continue to serve until the
15 expiration of their terms and the election of Councilors in the March 2014 regular
16 election. Thenceforth, in each general municipal election, two districts shall elect
17 Councilors.
- 18 **D.** Each Councilor, unless otherwise removed as provided for herein, shall remain in
19 office until that person's successor is elected and has taken office.
- 20 **E.** The council districts existing as of the effective date of this Charter shall remain
21 in effect until modified as provided by law or by the terms of this Charter.
- 22

23 **Section 2.04. Council Redistricting.**

- 24
- 25 **A.** The Governing Body shall be responsible for modifying the districts as necessary.
26 After each Federal Census, the Governing Body shall appoint a committee
27 composed of an equal number of representatives from each district, none of which
28 shall be elective city officers, to review and make recommendations to the
29 Governing Body concerning the four Council Districts to be reapportioned. Any
30 recommended changes shall comply with constitutional principles governing
31 voting rights, population and similar related concerns as determined by judicial
32 decision from time to time. The Governing Body shall employ a consultant with
33 redistricting experience to work with the committee. The district boundaries may
34 be altered as necessary to incorporate areas which are annexed into the City.
35 Redistricting shall be done by block and no redistricting shall be done that breaks
36 a block.
- 37 **B.** The Governing Body shall complete its redistricting work so that new election
38 districts are utilized at the first regular municipal election following the
39 completion of the decennial census, provided that sufficient time exists to comply
40 with the election provisions of this Charter and of state law.
- 41 **C.** In the event that annexation occurs that increases the voter population of a district
42 more than twenty-five (25) percent, and the time prior to the next Federal Census
43 exceeds three (3) years, the Governing Body shall follow the appointment
44 procedure identified herein, appoint a redistricting committee, and order a new
45 redistricting to balance the voter populations.

- 1 **D.** The redistricting provisions herein shall not be construed so as to create a vacancy
2 in the office of a City Councilor. All incumbent City Councilors shall be entitled
3 to serve out their terms, even if redistricting causes a City Councilor to reside
4 outside the district which that City Councilor was elected to represent.
5

6 **Section 2.05. Vacancy in Office.**
7

- 8 **A.** The office of a Councilor shall become vacant upon the Councilor’s death,
9 resignation, removal from office, forfeiture of office, termination of residence in
10 the district from which elected or for any other reason as authorized by this
11 Charter or the laws of the State of New Mexico.
12 **B.** A Councilor shall be deemed to have automatically forfeited and resigned from
13 office if the Councilor lacks, loses or otherwise fails to possess, during the entire
14 term of office, the qualifications for the office prescribed by this Charter or the
15 laws or Constitution of the State of New Mexico.
16 **C.** The Mayor, with approval of the Council, shall within fifteen (15) days of the
17 vacancy appoint a qualified elector from the district to fill the vacancy and who
18 will serve until the next regular municipal election. If the office is not filled
19 within forty-five (45) days of the vacancy, a special election shall be called to fill
20 the vacancy for the remaining term of office.
21 **D.** If the Councilor’s term of office has not expired at the next regular municipal
22 election following the vacancy, then a special election for the remaining term of
23 office of the Councilor shall be held concurrently with the next regular municipal
24 election, or as soon thereafter as legally possible.
25 **E.** At such a special election, only qualified electors residing in the City Council
26 district of the vacancy shall be entitled to vote. The person elected shall serve the
27 remaining unexpired term of office.
28

29 **Section 2.06. Compensation.**
30

31 Annual compensation for the Mayor shall be ten thousand dollars (\$10,000.00) and for
32 each Councilor ten thousand dollars (\$10,000.00), payable in monthly installments.
33 Benefits may be provided by the Council as provided for by state law. An elected official
34 who is a retired member of the New Mexico Public Employee Retirement Association
35 (PERA) shall be subject to the statutes and rules of PERA, as may be amended from time
36 to time, governing contributions to the official’s PERA retirement account by the City
37 and by the elected official.
38

39 **Section 2.07. Governing Body Procedures.**
40

- 41 **A. Organizational Meeting.** The Governing Body, at the first meeting following a
42 municipal election, shall convene for the purpose of organizing, reviewing the
43 mission and vision statement, reviewing the top ten priorities of the previously
44 elected Governing Body, and confirming the appointment of the city manager and
45 the appointed officers.

- 1 **B.** **Meetings.** The Governing Body shall meet regularly at least twice in every month
2 at such times and places as it may prescribe by ordinance. Special meetings may
3 be held on the call of the mayor or of three (3) or more members of the Council.
4 Notice of meetings shall be given as provided in a resolution to be adopted by the
5 Governing Body each year pursuant to the New Mexico Open Meetings Act.
6 Except as provided by the New Mexico Open Meetings Act, all meetings of a
7 quorum of the Governing Body shall be open to the public.
- 8 **C.** **Rules and Minutes.** The Governing Body shall determine its own rules and
9 order of business and shall cause minutes to be kept of its proceedings.
- 10 **D.** **Roll Call Votes.** Voting on resolutions and ordinances shall be by roll call and
11 the votes of each member shall be recorded in the minutes.
- 12 **E.** **Voting.** All actions and decisions of the Governing Body shall be by a simple
13 majority of the members present, except as follows:
- 14 (1) Ordinances and resolutions, which shall be enacted by affirmative vote of
15 a majority of all of the members of the Governing Body; and
16 (2) Any other matter required under this Charter or the Constitution or laws of
17 the State of New Mexico to be enacted by a vote other than a majority of
18 the members present.
- 19 **F.** **Quorum.** Three members of the Governing Body shall constitute a quorum,
20 provided, that if two or more vacancies exist on the Governing Body, then a
21 quorum shall be a majority of the members of the Governing Body excluding the
22 vacant offices. A number less than a quorum may, for the purpose of obtaining a
23 quorum, compel the attendance of absent members in the manner and subject to
24 the penalties prescribed by the rules of the Governing Body.

25
26 **Section 2.08. Ordinances.**

- 27
28 **A.** In addition to ordinances which are required by the laws of the State of New
29 Mexico or by specific provision of this Charter, the following matters shall be
30 undertaken by ordinance of the Governing Body:
- 31 (1) Provide for a fine or other penalty, or establish a rule or regulation for
32 violation of which a fine or other penalty is imposed;
33 (2) Levy taxes;
34 (3) Grant, renew or extend a franchise;
35 (4) Authorize the borrowing of money;
36 (5) Establish or change the rate charged for public utilities; and
37 (6) Amend or repeal any ordinance previously adopted.
- 38 **B.** The Governing Body may adopt any standard code of technical regulations by
39 reference thereto in an adopting ordinance.
- 40 **C.** All actions of the Governing Body, other than those required to be accomplished
41 by ordinance may be undertaken by resolution or by motion.
- 42 **D.** The Governing Body shall adopt by ordinance the procedures for introduction and
43 adoption of ordinances.
- 44 **E.** Except as otherwise provided in this Charter, every adopted ordinance shall
45 become effective five (5) days after publication of the ordinance following its
46 adoption, or at such later date specified herein.

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- F.** The Governing Body shall have the authority to provide procedures for adoption of emergency ordinances to meet a public emergency affecting life, health, property or the public peace, provided, that emergency ordinances shall not levy taxes, grant, renew or extend a franchise, or regulate the rates charged by any public utility.
- G.** The City Clerk shall authenticate by signing, and shall record in full in a properly indexed book kept for that purpose, all ordinances and resolutions adopted by the Governing Body.
- H.** The Governing Body shall provide for the preparation of a general codification of this Charter and all general City ordinances.

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ARTICLE III

MAYOR

Section 3.01. Qualifications and Election.

Section 3.02. Powers and Duties.

Section 3.03. Mayor Pro Tempore.

Section 3.04. Vacancy in Office.

Section 3.01. Qualification and Election.

The Mayor shall be a qualified elector residing within the City and registered to vote within the City no later than ninety (90) days prior to the election, shall be elected at-large within the City, and shall serve a four (4)-year term commencing with the general municipal election of March, 2012. The Mayor, unless otherwise removed as provided herein, shall remain in office until his or her successor is elected and has taken office.

Section 3.02. Powers and Duties.

- A. The Mayor shall be a member of the Governing Body entitled to cast a vote only in the event of a tie among the city councilors, except as otherwise provided herein.
- B. The Mayor shall:
 - (1) Preside at meetings of the Governing Body;
 - (2) Be the chief executive officer of the City and shall exercise all executive powers of the City as established by state law, except to the extent that such authority is delegated to the City Manager, subject to governing body oversight, as provided in Article V herein;
 - (3) Appoint and remove, subject to approval of the Council, the City Manager, City Attorney, City Clerk, Chief of Police and members of boards, commissions and advisory committees, all as provided more specifically herein;
 - (4) Represent the City in intergovernmental relationships, unless otherwise provided in the document creating a given intergovernmental relationship;
 - (5) Present an annual State-of-the-City report to the community; and
 - (6) Perform other duties and exercise such other powers as specified in this Charter, the City's ordinances and resolutions, or by the Governing Body.
- C. The Mayor shall be recognized as head of the City government for ceremonial purposes, for purposes of responding to civil emergencies, and by the Governor for purposes of military law.

1 **Section 3.03. Mayor Pro Tempore.**
2

- 3 **A.** The Council shall elect from its membership a Mayor Pro Tempore to assume the
4 role of Mayor during the temporary absence or disability of the Mayor. The
5 Mayor shall be authorized to vote in the event of a tie. The Mayor Pro Tempore
6 shall serve a one (1) year term.
7 **B.** During service in the absence of the Mayor, the Mayor Pro Tempore shall retain
8 his voting rights as a Councilor, shall not exercise his voting rights as tie-breaking
9 in the capacity as Mayor, and shall retain the right to make or second motions.
10

11 **Section 3.04. Vacancy in Office.**
12

- 13 **A.** The office of the Mayor shall become vacant upon the Mayor's death, resignation,
14 removal from office, termination of residence in the City or for any other reason
15 as authorized by this Charter or the laws of the State of New Mexico.
16 **B.** If the date on which the vacancy occurs within one (1) year of the expiration of
17 the Mayor's term, the Council shall appoint from among its membership a person
18 to serve the remainder of the term and the Council seat shall be vacant, to be filled
19 as provided in Article II herein. If the office is not filled within forty-five (45)
20 days of the vacancy, a special election shall be called to fill the vacancy for the
21 remaining term of office.
22 **C.** If the date on which the vacancy occurs is one (1) year or more from the
23 expiration term by a Mayor's term, the position shall be filled for the remainder of
24 the unexpired term by a special election. During the interim between the date the
25 office is vacated and the date of the special election, the Mayor's position shall be
26 filled by the Mayor Pro Tempore. The Mayor Pro Tempore shall temporarily
27 cease to be a Councilor and the seat on the council shall remain unfilled until a
28 Mayor is elected and qualified and the Councilor shall resume his seat on the
29 council, or it shall otherwise be filled as provided in Article II herein if vacant.
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ARTICLE IV
MUNICIPAL COURT

Section 4.01. Creation, Power and Duties.

Section 4.02. Qualifications.

Section 4.03. Term of Office and Compensation.

Section 4.04. Removal.

Section 4.05. Temporary Absence and Vacancy in Office.

Section 4.01. Creation, Power and Duties.

- A. Following the adoption of this Charter there shall be one (1) municipal judge.
- B. The municipal judge:
 - (1) Shall constitute the judicial branch of the City government;
 - (2) Shall be entitled to exercise all of the powers and duties of office as are authorized by the Constitution and laws of the State of New Mexico.
 - (3) Shall have jurisdiction over all offenses and complaints under the ordinances of the City; and
 - (4) May issue subpoenas, warrants and punishment for contempt.

Section 4.02. Qualifications.

The municipal judge shall:

- A. Be a qualified elector of the City of Las Vegas, reside within the city limits, and be a registered voter within the city limits no later than ninety (90) days prior to the election.
- B. Possess all of the aforementioned qualifications during the municipal judge's entire term of office.

Section 4.03. Term of Office and Compensation.

The term of Office of the Municipal Judge shall be for a period of four (4) years, commencing with the regular municipal election of 2014. The municipal judge shall remain in office until the municipal judge's successor is elected and has taken office. The salary of the municipal judge shall be established by ordinance.

1 **Section 4.04. Removal.**

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3 The municipal judge may be removed from office as provided under the laws of the State
4 of New Mexico.

5
6 **Section 4.05. Temporary Absence and Vacancy in Office.**

- 7
8 **A.** Recusal of judge. In the event that the Municipal Judge recuses himself from
9 presiding over any given case, or is excused by order of the district court, he shall
10 notify the Mayor, who shall appoint an alternate judge to preside over said case.
11 The appointment shall not require Council approval.
- 12 **B.** Temporary absence. In the event of temporary absence of the Municipal Judge,
13 other than by recusal, the Mayor shall appoint a qualified person to act as
14 temporary or alternate Municipal Judge, subject to confirmation by the Governing
15 Body.
- 16 **C.** Vacancy in Office.
- 17 (1) In the event the Municipal Judge dies, resigns, is no longer qualified to serve,
18 or is removed from office, the Governing Body shall declare the office
19 vacant.
- 20 (2) Within thirty (30) days of the vacancy, the Mayor shall appoint a qualified
21 successor to fill the vacancy, subject to approval of the Council. The
22 temporary Municipal Judge shall perform the functions of the office pending
23 appointment and confirmation of a successor Municipal Judge.
- 24 (3) If the term of office will expire at the next regular Municipal Election, the
25 person appointed to the office shall serve until said election.
- 26 (4) If the term of office will not expire at the next regular Municipal Election, a
27 Special Election shall be held concurrently with the next regular Municipal
28 Election, or as soon thereafter as possible, to fill the remaining unexpired term
29 of office.
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ARTICLE V

OFFICERS, DIRECTORS AND EMPLOYEES

Section 5.01. City Manager--Appointment and General Provisions.

Section 5.02. City Manager—Removal.

Section 5.03. City Manager—Powers and Duties.

Section 5.04. City Attorney.

Section 5.05. City Clerk.

Section 5.06. Chief of Police.

Section 5.07. Departments.

Section 5.08. Personnel System.

Section 5.01. City Manager—Appointment and General Provisions.

- A. The Mayor shall provide a list of not less than two (2) qualified candidates for the position of City Manager for the Council to review. The Council shall select a City Manager from the two candidates provided by the Mayor. The Governing Body shall enter into a contract with the City Manager which shall establish, among other matters, compensation, benefits, duties and responsibilities.
- B. The City Manager shall be appointed solely on the basis of executive and administrative qualifications, and shall establish residency in San Miguel County within ninety (90) days of acceptance of the appointment.
- C. The City Manager, if not already certified by the International City Managers Association (ICMA), shall be working to achieve certification while in the employ of the City.
- D. The City Manager shall designate other employees of the City to perform the functions of the office during any absence of thirty (30) days or less. The Mayor shall appoint, subject to Council approval, an acting City Manager for any absence exceeding thirty (30) days.

Section 5.02. City Manager; Removal.

The City Manager serves at the pleasure of the Governing Body, and may be suspended or removed without cause at any time by the Mayor, subject to approval of the Council, or by the Governing Body by a majority of all members of the Governing Body.

1 **Section 5.03. City Manager—Powers and Duties.**

2
3 The City Manager shall be the chief administrative officer of the City in charge of day-to-
4 day administrative affairs of the City, shall appoint the department directors, shall direct
5 and supervise City employees, and shall perform such other functions as may be
6 established pursuant to this Charter, by the Governing Body, or by state law.
7

8 **Section 5.04. City Attorney.**

- 9
10 **A.** There shall be a City Attorney who shall serve as chief legal advisor to the
11 Governing Body, City Manager, and all City departments, offices and agencies,
12 shall represent the City on legal proceedings, and shall perform any other duties
13 prescribed by state law, by this Charter or by ordinance. The Governing Body
14 shall enter into a contract with the City Attorney which shall establish, among
15 other matters, compensation, benefits, duties and responsibilities. The City may
16 contract for such other specialized legal services from outside legal counsel as it
17 deems appropriate.
18 **B.** The City Attorney shall be an attorney in good standing, qualified in the field of
19 municipal law, licensed to practice law in the State of New Mexico, and shall
20 establish residence in San Miguel County within ninety (90) days of acceptance of
21 appointment.
22 **C.** The Mayor shall provide a list of not less than two (2) qualified candidates for the
23 position of City Attorney for the Council to review. The Council shall select a
24 City Attorney from the two candidates provided by the Mayor. The Governing
25 Body shall enter into a contract with the City Attorney which shall establish,
26 among other matters, compensation, benefits, duties and responsibilities.
27 **D.** The Governing Body shall enter into a contract with the City Attorney which shall
28 establish, among other matters, compensation, benefits, duties and
29 responsibilities.
30 **E.** The City Attorney, whether contractual or employee, serves at the pleasure of the
31 Governing Body and may be suspended or removed without cause at any time by
32 the Mayor, subject to approval of the Council, or by a majority of all members of
33 the Governing Body.
34

35 **Section 5.05. City Clerk.**

- 36
37 **A.** There shall be a City Clerk who shall serve as clerk to the Governing Body.
38 **B.** The City Clerk shall give notice of Governing Body meetings to its members and
39 the public, keep the minutes of its proceedings, keep the official records of the
40 City, cause appropriate public notices to be given, and perform such other duties
41 as are assigned by this Charter, by the Governing Body or by law.
42 **C.** The Mayor shall provide a list of not less than two (2) qualified candidates for the
43 position of City Clerk for the Council to review. The Council shall select a City
44 Clerk from the two candidates provided by the Mayor. The Governing Body shall
45 enter into a contract with the City Clerk which shall establish, among other
46 matters, compensation, benefits, duties and responsibilities. The City Clerk shall

1 establish residence in San Miguel County within ninety (90) days of acceptance of
2 appointment.

- 3 **D.** The City Clerk serves at the pleasure of the Governing Body, and may be
4 suspended or removed without cause at any time by the Mayor, subject to
5 approval of the Council, or by the Governing Body by a majority of all members
6 of the Governing Body.
- 7 **E.** The City Clerk, if not already certified, must work toward being certified by the
8 Institute of Municipal Clerks and have achieved or be working to achieve a
9 certification as a Certified Municipal Clerk or attain that certification while in the
10 employ of the City.

11
12 **Section 5.06. Chief of Police.**

- 13 **A.** There shall be a Chief of Police.
- 14 **B.** The Mayor shall provide a list of not less than two (2) qualified candidates for the
15 position of Chief of Police for the Council to review. The Council shall select a
16 Chief of Police from the two candidates provided by the Mayor. The Governing
17 Body shall enter into a contract with the Chief of Police which shall establish,
18 among other matters, compensation, benefits, duties and responsibilities. The
19 Chief of Police shall establish residence in San Miguel County within ninety (90)
20 days of acceptance of appointment.
- 21 **C.** The Chief of Police serves at the pleasure of the Governing Body, and may be
22 suspended or removed without cause at any time by the Mayor, subject to
23 approval of the Council, or by the Governing Body by a majority of all members
24 of the Governing Body.

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27 **Section 5.07. Departments.**

- 28 **A.** Subject to approval of the Governing Body, the City Manager shall establish such
29 departments as are necessary for efficient administration of the City.
 - 30 **B.** Each department shall be under the supervision of a department director, subject
31 to the direction and supervision of the City Manager.
 - 32 **C.** The City Manager shall appoint department directors, subject to approval by the
33 Governing Body.
 - 34 **D.** Department directors are at-will employees who may be placed on administrative
35 leave or removed by the city manager, subject to a majority vote by the
36 Governing Body. The majority vote by the Governing Body of whether or not to
37 remove a department director shall be recognized and implemented by the City
38 Manager, with said vote constituting a final and conclusive determination
39 regarding the matter.
 - 40 **E.** The City Manager may serve as department, provided that the Manager shall not
41 serve as either City Clerk or Finance Director.
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1 **Section 5.08. Personnel System.**

- 2
- 3 **A.** The Governing Body shall adopt a personal ordinance which is consistent with
4 this Charter establishing the personnel policies, rules and procedures of the City.
5 All appointments and promotions of City employees, other than department
6 directors and those employees who are by this Charter or by ordinance designated
7 as at will employees, shall be made solely on the basis of merit and fitness in
8 accordance with the personnel ordinance to be adopted by the Governing Body.
- 9 **B.** The personnel ordinance shall:
- 10 (1) Establish a merit system governing personnel policies necessary for the
11 effective administration of the employees of the City departments, offices
12 and agencies, including but not limited to classification and pay plans,
13 examinations, force reduction, discipline, termination, removals, working
14 conditions, provisional and exempt appointments, in-service training,
15 grievances and relationships with employee organizations;
- 16 (2) Be consistent with all mandatory federal and state requirements; and
- 17 (3) Authorize department directors or any other administrative officer of the
18 City, subject to the City Manager's direction, approval, and supervision
19 and subject to all applicable personnel regulations, to exercise the power to
20 hire, fire and discipline subordinates in that officer's department, office or
21 agency.
- 22 **C.** Neither the Mayor nor any City Councilor shall in any manner control or demand
23 the appointment, discipline, or removal of any City employee who is a merit
24 employee of the City; and such matters shall be left in the hands of the City
25 Manager and the City Manager's subordinates, except to the extent that the City
26 personnel ordinance may authorize appeals to the Governing Body.
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ARTICLE VI

BOARDS, COMMISSIONS AND ADVISORY COMMITTEES

Section 6.01. General Provisions Governing Boards and Commissions.

Section 6.02. Permanent Boards and Commissions.

Section 6.03. Board of Adjustment and Planning and Zoning Commission.

Section 6.04. Design Review Board.

Section 6.05. Police Advisory Commission.

Section 6.06. Lodgers Tax Board.

Section 6.07. Campaign and Ethics Board.

Section 6.08. Advisory Committees.

21 **6.01. General Provisions Governing Boards and Commissions.**

- 22
- 23 **A. Creation.** In addition to those permanent boards and commissions established by
24 this Charter, the Governing Body may, by ordinance, establish such boards and
25 commissions of duration greater than one (1) year with such powers, purpose,
26 scope and authority as is deemed appropriate by the Governing Body.
- 27 **B. Appointment.** Except as otherwise provided in this Charter, the Mayor shall
28 appoint all members of boards and commissions, subject to approval by the
29 Council.
- 30 **C. Residency and District Representation.** Regular members of boards and
31 commissions shall be residents of the City except as otherwise provided herein.
32 Each board and commission shall have one (1) member appointed from each
33 Council district. Should the member move out of the district during his term, the
34 member shall be automatically removed from office and the position shall be
35 considered vacant. Other members of the board or commission may be appointed
36 at-large from within the city limits, provided, that the Governing Body shall
37 endeavor to achieve equal representation among districts. Non-residents may be
38 considered for the at-large positions if so provided by ordinance. The Mayor shall
39 appoint a replacement member to any board or commission within twenty (20)
40 days of notification to the Governing Body of a vacancy.
- 41 **D. Terms.** Terms of office for regular members of boards and commissions shall be
42 four (4) years, staggered as provided herein. At the first meeting of each board
43 and commission following the effective date of this Charter, each such body shall
44 determine by lot which of its members shall serve for two (2) years and which
45 shall serve for four (4) years, with the two categories achieving equal numbers as
46 nearly as possible. Thereafter, the Mayor shall make appointments every two (2)

1 years, subject to Council approval as provided herein, for the positions whose
2 terms have expired.

3 **E. Effect of Re-Districting.** No vacancy in the office of any member of any board
4 or commission shall be caused by redistricting of City Council election districts.
5 All members of a board or commission shall be entitled to serve out their terms,
6 unless otherwise removed pursuant to the terms of this Charter, even in
7 redistricting causes the number of members to exceed the proportional-
8 representation limitations of this Charter.

9 **F. Ex-Officio Members.** No member of the Governing Body, nor any appointed
10 official or employee, shall serve on any board or commission except as a non-
11 voting ex-officio member. The Governing Body may provide for such ex-officio
12 members by ordinance as it deems appropriate.

13 **G. Removal.** Except as otherwise provided by ordinance, regular members of
14 boards and commissions serve at the pleasure of the Governing Body and may be
15 removed by the Mayor with approval of the Council, or by a majority of all of the
16 members of the Council. A board or commission may recommend to the
17 Governing Body that it remove a member of that board or commission upon the
18 occurrence of three (3) unexcused absences.

19 **H. Quorum and Open Meetings.** A quorum of any board or commission shall be a
20 simple majority of all appointed members. Each board and commission shall
21 annually adopt a resolution requiring compliance with the provisions of the New
22 Mexico Open Meetings Act.

23 **I. Report to Council.** Each board and commission shall annually prepare and
24 deliver a report of its activities and recommendations at a meeting of the
25 Governing Body.

26
27 **Section 6.02. Permanent Boards and Commissions.**

28
29 The boards and commissions specified herein are established as permanent boards and
30 commissions of the City.

31
32 **Section 6.03. Board of Adjustment and Planning and Zoning Commission.**

33
34 **A. Membership.**

35 The Board of Adjustment and Planning and Zoning Commission shall consist of
36 seven (7) members.

37 **B. Powers and Duties.**

38 The Board of Adjustment and Planning and Zoning Commission shall exercise
39 such powers and duties as are delegated to it by ordinance in furthermore of the
40 Governing Body's exercise of its planning, platting and zoning authority pursuant
41 to state law.

42
43 **Section 6.04. Design Review Board.**

44
45 **A. Membership.**

46 The Design Review Board shall consist of seven (7) members.

1 **B. Powers and Duties.**

2 The Governing Body shall establish by ordinance the powers and duties of the
3 Design Review Board.
4

5 **Section 6.05. Police Advisory Commission.**
6

7 **A. Membership.**

8 The Police Advisory Commission shall consist of five (5) members.

9 **B. Powers and Duties.**

10 The Governing Body shall establish by ordinance the power and duties of the
11 Commission, which shall act in an advisory capacity to the Governing Body
12 regarding police policies and procedures, complaints regarding police activity that
13 have been received by the City, and such other matters as the Governing Body
14 may determine.
15

16 **Section 6.06. Lodgers Tax Board.**
17

18 **A. Membership.** The Lodgers Tax Board shall consist of seven (7) members. Two
19 (2) members shall be owners or operators of lodging establishments subject to the
20 City's occupancy tax; two (2) members shall be owners or operators of industries
21 located within the City that primarily provide services or products to tourists; and
22 three (3) members shall be residents of the City and represent the general public.
23 This provision shall supersede the provision of section 6.10(C) regarding district
24 representation to the extent necessary to procure the required membership.

25 **B. Powers and Duties.** The Governing Body shall establish by ordinance the
26 powers and duties of the Lodgers Tax Board.
27

28 **Section 6.07. Campaign and Ethics Board.**
29

30 **A. Membership.** The Campaign and Ethics Board shall consist of six (6) members
31 who shall be selected as follows: the Council shall appoint three (3) members; the
32 Mayor shall appoint one (1) member; the Municipal Judge shall appoint one (1)
33 member; and the five (5) members so appointed shall appoint a sixth member.
34 The appointment of a Board member by one appointing authority shall not be
35 subject to approval or disapproval by the other appointing authorities. This
36 provision shall supersede the provision of section 6.01(C) regarding district
37 representation to the extent necessary to procure the required membership.

38 **B. Powers and Duties.**

39 (1) The Board shall have the power to investigate complaints of violations of
40 the Code of Ethics and the Election Code ("Codes") and to render
41 advisory opinions to persons subject to the Codes.

42 (2) The Board shall establish rules of procedure for its proceedings consistent
43 with the New Mexico Open Meetings Act and with considerations of due
44 process.
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1 **Section 6.08. Advisory Committees.**

2
3 The Governing Body may establish advisory committees as it deems appropriate. The
4 ordinance, resolution or motion establishing any such committee shall provide for the
5 manner of appointment, the powers, purpose, scope and authority of the committee, the
6 termination of the committee, and such other matters as deemed relevant by the
7 Governing Body.
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ARTICLE VII

FINANCIAL PROCEDURES

Section 7.01. Fiscal Year.

Section 7.02. Preparation and Submission of Budget.

Section 7.03. Budget a Public Record.

Section 7.01. Fiscal Year.

- A. The fiscal year of the City shall begin on the first (1st) day of July and end on the last day (30th) of June of the next succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Charter, the term budget year shall mean the fiscal year for which any particular budget is adopted and in which it is administered.
- B. The Finance Director shall function as the city treasurer unless another person is designated by the Governing Body.

Section 7.02. Preparation and Submission of Budget.

The City Manager in consultation with the Finance Director shall prepare a recommended budget at least forty (40) days prior to the beginning of each budget year, in accordance with rules and regulations established by the New Mexico Department of Finance and as such rules may be amended from time to time, and shall submit the budget to the Governing Body with an explanatory budget message.

Section 7.03. Budget a Public Record.

- A. The budget, budget message and all supporting schedules shall be public records in the office of the City Clerk open to public inspection. Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the City Clerk. Sufficient copies of the certified budget shall be made available in the Finance office and City Clerk office for the use of all city offices, departments, or agencies, and for the use interested persons and civic organizations. Once approved by the Governing Body and the Department of Finance, the budget shall be posted on the city website.

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ARTICLE VIII

ELECTIONS, INITIATIVE, REFERENDUM AND RECALL

Section 8.01. City Elections.

Section 8.02. Initiative.

Section 8.03. Referendum.

Section 8.04. Recall.

Section 8.01. City Elections.

- A. The New Mexico Election Code shall apply to and govern elections of the City of Las Vegas, except to the extent that the Election Code is silent or conflicts with the provisions of this Charter, in which case the City Charter shall govern.
- B. The regular municipal election shall be held as provided by applicable law.
- C. Qualified voters are as follows:
 - (1) All registered voters resident in the City shall be qualified to vote for the Mayor and Municipal Judge.
 - (2) All registered voters resident in a district shall be qualified to vote for Councilor from that district.
- D. Candidates for all municipal elective offices shall run for office without any political party designation, and no references to any slate of candidates shall be made on any ballots.
- E. All voting systems used in municipal elections beginning in March, 2012, shall use a paper ballot on which the voter physically or electronically marks the voter's choices on the ballot itself. Privacy booths must be provided at all polling places.
- F. The election of all municipal elective offices shall be by majority of the votes cast for the particular office in question. The Governing Body shall by ordinance determine the procedure for breaking tie votes.
- G. For the purpose of preventing fraud in City elections, and such other purposes as the Governing Body may determine, the Governing Body may adopt ordinances consistent with the City Charter. Such ordinances may include a policy concerning campaign practices, candidate expenses, contribution reports and campaign ethics, among other things, as determined by the City's Governing Body.

Section 8.02. Initiative.

- A. The power of Initiative is hereby reserved by the voters of the City.
- B. Except as otherwise provided herein, the provisions of the New Mexico

1 Municipal Election code and Section 3-1-5, N.M.S.A. (1978), relating to
2 petitions, as they currently exist or may hereafter be amended or suspended, shall
3 govern the exercise of the powers of Initiative.

4 C. The following provisions shall govern the right of Initiative:

- 5 (1) The qualified electors of the City shall have the power to propose
6 ordinances to the Governing Body.
- 7 (2) The power of initiative shall not extend to: the budget; the capital
8 program; any ordinance relating to appropriation of money; the levy of
9 taxes, unless a referendum is specifically authorized by state law; salaries
10 of City officers or employees; ordinances authorizing bonds or other
11 obligations where such ordinance, bonds or other obligations previously
12 have been approved at a City election; or any other ordinance authorizing
13 or otherwise relating to any city bonds or other obligations then
14 outstanding.
- 15 (3) Initiative shall commence by the filing of a petition with the City Clerk
16 which complies with the following requirements;
- 17 (a) The form of the proposed petition shall be submitted to the City
18 Clerk prior to its circulation in the City for signature. If a
19 particular proposed petition is not submitted to the City Clerk prior
20 to circulation, or if such a proposed petition is not approved as to
21 form by the City Clerk, then the City Clerk shall not accept that
22 initiative petition for filing.
- 23 (b) The City Clerk shall indicate in writing on a proposed petition that
24 it is approved as to form if:
- 25 (i) the petition contains a heading which states that the petition
26 is for the purpose of initiative.
- 27 (ii) the heading sets forth in full the text of the proposed
28 ordinance.
- 29 (iii) the petition contains a place for the person signing the
30 petition to write the date, name (printed), address, and
31 signature; and
- 32 (iv) the petition contains a statement that any person knowingly
33 providing, or causing to be provided, any false information
34 on a petition, forging a signature or signing a petition when
35 that person knows he or she is not a qualified elector in the
36 City of Las Vegas, is guilty of a fourth degree felony.
- 37 (c) The signed petition shall be filed with the City Clerk and not more
38 than sixty consecutive days following the date upon which the City
39 Clerk approved the petition as to form.
- 40 (d) The petition shall be signed by not less than twenty-five (25)
41 percent of the number of voters of the City of Las Vegas who
42 voted at the regular municipal election immediately preceding the
43 submission of the proposed petition to the City Clerk.
- 44 (4) The Governing Body shall select a qualified attorney to review and render
45 an opinion as to legality and form any proposed ordinance before it is
46 submitted to the Governing Body for consideration.

- 1 (5) Upon the filing of an initiative petition which has been previously
2 approved as to form, the City Clerk shall verify the initiative petition
3 pursuant to Section 3-1-5 NMSA 1978, and the City Clerk and Governing
4 Body shall perform the duties otherwise required in Section 3-1-5 NMSA
5 1978, except to the extent that such provisions are inconsistent with this
6 section of the Charter.
- 7 (6) Upon the filing of an initiative petition which has been certified as
8 complying with the requirements of this subsection, the initiated ordinance
9 shall be proposed to the Governing Body for enactment within thirty (30)
10 days of the date of filing the petition.
- 11 (7) If the Governing Body fails to act, acts adversely, or amends any legally
12 proposed ordinance, then the Governing Body must enact an election
13 resolution calling for a special election, pursuant to the special election
14 calendar and procedures of the New Mexico Municipal Election Code, for
15 the purpose of submitting the initiated ordinance to the electorate. If the
16 Governing Body fails to enact an election resolution, interested persons
17 shall have recourse to the District Court. If the interested persons prevail,
18 they shall be entitled to reasonable court costs and reasonable attorney
19 fees.
- 20 (8) The ballot shall contain the initiated ordinance and the initiated ordinance
21 as amended, if the Governing Body amends the initiated ordinance. After
22 each version of the initiated ordinance there shall be printed the words:
23 "FOR" and "AGAINST" with spaces for crosses after each word.
- 24 (9) The measure receiving a majority of the votes cast in its favor is adopted.
25 If each measure receives a majority of the votes cast in its favor, the
26 measure receiving the greatest number of votes cast in its favor is adopted.
27

28 **Section 8.03. Referendum.**

- 29
- 30 **A.** The power of Referendum is hereby reserved by the voters of the City.
- 31 **B.** Except as otherwise provided herein, the provisions of the New Mexico
32 Municipal Election Code and Section 3-1-5, N.M.S.A. (1978), relating to
33 petitions, as they currently exist or may hereafter be amended or suspended, shall
34 govern the exercise of the powers of Referendum.
- 35 **C.** The following provisions shall govern the right of Referendum:
 - 36 (1) The qualified electors of the City shall have the power to require
37 reconsideration by the Governing Body of any adopted ordinance, except
38 as prohibited by law or this Charter.
 - 39 (2) The power of Referendum shall not extend to: the budget; the capital
40 program; any ordinance relating to appropriation of money; the levy of
41 taxes unless a referendum is specifically authorized by state law; salaries
42 of City officers or employees; zone map amendments; ordinances
43 authorizing bonds or other obligations, where such ordinances, bonds or
44 other obligations previously have been approved at a City election or are
45 revenue bonds; or any other ordinance authorizing or otherwise relating to
46 any city bonds or other obligations then outstanding.

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- (3) Referendum shall be commenced by the filing of a petition with the City Clerk which complies with the following requirements:
 - (a) The form of the proposed petition shall be submitted to the City Clerk prior to its circulation in the City for signature. If a particular proposed petition is not submitted to the City Clerk prior to circulation, or if such a proposed petition is not approved as to form by the City Clerk, then the City Clerk shall not accept that referendum petition for filing.
 - (b) The City Clerk shall indicate in writing on a proposed petition that it is approved as to form if:
 - (i) the petition contains a heading which states that the petition is for the purpose of referendum;
 - (ii) the heading sets forth in full the title of the ordinance which is the subject of the referendum, the ordinance number, if any, and a brief description of the ordinance;
 - (iii) the petition contains a place for the person signing the petition to write the date, name (printed), address, and signature; and
 - (iv) the petition contains a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature or signing a petition when that person knows he or she is not a qualified elector in the City of Las Vegas, is guilty of a fourth degree felony.
 - (c) The signed petition shall be filed with the City Clerk not more than sixty consecutive days following the date at which the Governing Body voted to approve the ordinance.
 - (d) The petition shall be signed by not less than twenty-five (25) percent of the number of voters of the City of Las Vegas who voted at the regular municipal election immediately preceding the submission of the proposed petition to the City Clerk.
- (4) Upon the filing of a referendum petition which has been previously approved as to form, the City Clerk shall verify the referendum petition pursuant to Section 3-1-5 NMSA 1978, and the City Clerk and Governing Body shall perform the duties otherwise required in Section 3-1-5 NMSA 1978, except to the extent that such shall select a qualified attorney to review and render an opinion as to legality and form before it is submitted to the Governing Body for consideration.
- (5) Upon the filing of a referendum petition, which has been certified as complying with the requirements of this subsection, the ordinance in question shall be presented to the Governing Body for the purpose of determining whether the Governing Body will repeal the ordinance. If the Governing Body fails to repeal the ordinance in question, then the Governing Body shall enact an election resolution calling for a special election, pursuant to the special election calendar and procedures of the New Mexico Municipal Election Code, for the purpose of submitting the ordinance to the electorate.

- 1 (6) The ballot shall contain the text of the ordinance or resolution. Below the
2 text shall be the words: "FOR" and "AGAINST" with spaces for crosses
3 after each word.
- 4 (7) If a majority of the votes cast are in favor of the ordinance, then it shall
5 take effect immediately. If a majority of the votes cast are against the
6 ordinance, it shall not take effect.
- 7 (8) If an ordinance eligible for referendum is an emergency measure, it shall
8 go into effect immediately; but it shall be subject to repeal by a majority
9 vote at a referendum election.
- 10 (9) Any ordinance subject to referendum other than an emergency ordinance
11 shall become effective as provided in Article II herein. Upon certification
12 that a referendum petition regarding such an ordinance complies with the
13 provisions of this subsection, such an ordinance shall be suspended until it
14 is repealed by the Governing Body, rejected at an election, or approved at
15 an election.

16
17 **Section 8.04. Recall.**

- 18
19 **A.** The power of recall is hereby reserved by the voters of the City.
- 20 **B.** Except as otherwise provided herein, the provisions of the New Mexico
21 Election Code and NMSA Chapter 1, Article 25 (the "Recall Act") shall govern
22 the exercise of the power of recall under the City Charter.
- 23 **C.** The Mayor and all the City Councilors are subject to recall.
- 24 **D.** The following provisions shall govern the right of recall:
- 25 (1) A written notice of intent to file a petition of recall must be submitted to
26 the City Clerk and must contain a minimum of twenty-five (25) signatures
27 with printed names and addresses of qualified electors residing in the
28 particular council district, or within the city limits for the office of Mayor.
- 29 (2) Recall shall commence by the filing of a petition with the City Clerk,
30 which complies with the following requirements:
- 31 (a) The form of the proposed petition shall be submitted to the City
32 Clerk prior to its circulation in the City for signature. If a
33 particular proposed petition is not submitted to the City Clerk prior
34 to circulation, or if such a proposed petition is not approved as to
35 form by the City Clerk, then the City clerk shall not accept that
36 recall petition for filing. If the Governing Body member sought to
37 be recalled is a City Councilor, then the proposed petition for recall
38 may only be filed by qualified electors of that particular ward.
- 39 (b) The City Clerk shall indicate in writing on a proposed petition that
40 it is approved as to form if:
- 41 (i) The petition contains a heading which states that the
42 petition is for the purpose of recall;
- 43 (ii) The heading sets forth the name of the Governing Body
44 member who is the subject of the recall;
- 45 (iii) The recall petition heading shall contain a clear and concise
46 statement specifying the charges alleged to support recall of

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the named official sufficient to constitute malfeasance in office, misfeasance in office or violation of oath of office;

- (iv) The petition contains a place for the person signing the petition to write the date, name (printed), address, and signature;
- (v) The petition contains a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature or signing a petition when that person knows he or she is not a qualified elector in the City of Las Vegas is guilty of a fourth degree felony; and
- (vi) Each page of the petition for signatures contains the requirements as specified in subsections (i) through (v) in the heading.

- (c) The signed petition shall be filed with the City Clerk not more than sixty (60) consecutive days following the date upon which the City Clerk approved the petition as to form.
- (d) In the case of the Mayor, the petition shall be signed by a number equal to or more than twenty-five (25) percent of the number of voters who voted at the regular municipal election immediately preceding the filing of the Notice of Intent.
- (e) In the case of a City Councilor, the petition shall be signed by a number equal to or more than twenty-five (25) percent of the number of voters who voted within the Councilor's district at the regular municipal election immediately preceding the filing of the Notice of Intent.

- (3) Upon the filing of a recall petition which has been previously approved as to form, the City Clerk shall verify the recall petition, pursuant to Section 3-1-5 NMSA 1978, and the City Clerk and Governing Body shall perform the duties otherwise required in Section 3-1-5 NMSA 1978, except to the extent that such provisions are inconsistent with this section of the Charter.
- (4) Upon the filing of a recall petition which has been certified as complying with the requirements of this section, the Governing Body shall enact an election resolution calling for a special election.
- (5) If the Governing Body member sought to be recalled is a City Councilor, then the special recall election shall be held only in the election district represented by that City Councilor. Only those qualified electors residing in the same council district as the Councilor sought to be recalled shall be eligible to vote.
- (6) At any recall election, the official holding office shall be recalled only if:
 - (a) A majority of the votes cast at the recall election are in favor of recalling the official; and
 - (b) This majority equals or exceeds the number of votes the official received when elected.

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- (7) If an official is recalled, he or she shall not be eligible to seek that office through election or appointment until the next term has expired.
- (8) If a recall election results are insufficient to support a recall, the official who is the subject of the recall election shall not be subject to recall on the same grounds during the remainder of that official's term of office.

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ARTICLE IX

CONFLICT OF INTEREST, ETHICS

Section 9.01. Conflict of Interest.

Section 9.02. Holding Other Office.

Section 9.03. Political Activity.

Section 9.01. Conflict of Interest.

A. Definitions. The following definitions shall be applicable when the defined terms are used in this section.

- (1) "Board, Commission or Committee Member" means any voting member of a City board, commission, committee or similar appointed body.
- (2) "Business" means a corporation, partnership, sole proprietorship, firm, organization, or individual carrying on a business.
- (3) "City Employee" means the City Manager, Appointed Officers, Department Directors, and any other person who is not an elected official of the City and who receives compensation in the form of a salary from the City.
- (4) "Controlling Interest" means an interest which is greater than twenty (20) percent.
- (5) "Contract" means an agreement to purchase or obtain services, construction or items of personal property with a value of five hundred dollars (\$500.00) or more, but shall not include a contract of employment with the City.
- (6) "Employment" means rendering of services for compensation in the form of salary as an employee.
- (7) "Financial Interest" means an interest held by a person, that person's spouse or domestic partner, or minor children, which is:
 - (a) Any ownership interest in a business; or
 - (b) Any employment or prospective employment for which negotiations have already begun.
- (8) "Official Act" means an official decision, recommendation, approval, disapproval or other action which involves the use of discretionary authority.

B. Disclosure and Voting. In addition to any other applicable provision of law, the provisions of this section shall govern disclosure and voting by the Mayor and City Councilors as follows:

- (1) The Mayor or any Councilor who has a financial interest (including property ownership) in the outcome of any policy, decision, or determination before the Governing Body, shall disclose to the other members of the Governing Body the nature of the financial interest, and

1 the disclosure shall be recorded by the Clerk as part of the minutes of the
2 meeting at which the disclosure is made.

3 (2) Disclosure of financial interest or possible interest on any issue
4 coming before the Governing Body shall not disqualify a member
5 of the Governing Body from voting on the issue, unless:

6 (a) A majority of the remaining members of the Governing
7 Body determine that the member who discloses his
8 financial interest should not in propriety vote on the issue;
9 or

10 (b) The member having a financial interest or possible interest
11 in the issue voluntarily disqualifies himself.

12 **C. Disqualification.** All City employees and board, commission and committee
13 members shall disqualify themselves from participating in any official act directly
14 affecting a business in which that employee or board, commission or committee
15 member has a financial interest (including property ownership). The governing
16 Body may grant an exception from the requirements of this subsection by action
17 in which it sets forth the reasons for its action.

18 **D. Gifts.** No City elected or appointed official, employee, or board, commission or
19 committee member shall request, receive or accept a gift or loan, or request,
20 receive or accept a gift on behalf of any other person, if:

- 21 (1) It tends to influence the official, employee, or board, commission or
22 committee member in the discharge of any official act, or if the donor's
23 financial interest would tend to be affected by the official action; or
24 (2) The official, employee or board, commission or committee member has,
25 within the prior two years, engaged in any official act directly affecting
26 the donor or lender; or
27 (3) A reasonable person would conclude that the gift would tend to influence
28 or was intended to influence the official's action; or
29 (4) The official, employee, or board, commission or committee member
30 knows the donor or lender will be directly affected by a future official act
31 of the official, employee, or board, commission or committee member.

32 The prohibitions expressed herein shall not apply to bona fide gifts of a personal
33 nature, such as Christmas, birthday gifts and the like, provided that none of the
34 above factors is present.

35 **E. Gifts-Exceptions.** The prohibitions specified herein shall not apply to:

- 36 (1) An occasional non-pecuniary gift, insignificant in value;
37 (2) An award publicly presented in recognition of public service;
38 (3) A commercially reasonable loan made in the ordinary course of business
39 of making loans; or

40 **F. Contracts.** The City shall not enter into any contract for goods or services with
41 any City elected official or City employee, with any former City elected official
42 or City employee who was a City elected official or City employee during the
43 immediate prior twelve months, or with the spouse or domestic partner of any of
44 the above, or with a business in which such current or former City elected official
45 or employee has a controlling interest, unless:

- 46 (1) The existence of any controlling interest is disclosed; and

1 (2) The contract is entered into after public notice and competitive bidding or
2 competitive sealed proposals in which price is a factor.

3 **G. Enforcement.** The Governing Body shall adopt ordinances and provide for fines
4 necessary to implement the provisions of this Article. Enforcement shall be
5 delegated to the Campaign and Ethics Board.
6

7 **Section 9.02. Holding Other Office.**
8

- 9 **A.** Except as authorized by state law, no elected officer of the City shall hold any
10 other elected public office during the term for which the member was elected.
11 Any such state law authorization shall be specific, and is not to be implied by
12 silence. Upon swearing in and assumption of any such other office, the elected
13 officer shall be deemed to have forfeited the City office.
- 14 **B.** No elected officer of the City shall hold any other City officer or be employed by
15 the City during the term for which the member was elected.
- 16 **C.** No former Mayor or Councilor shall be employed by the City until one (1) year
17 after the expiration of the term for which the member was elected.
- 18 **D.** Nothing in this section shall be construed to prohibit the Governing Body from
19 selecting any current or former Mayor or Councilor to represent the City before
20 any other governmental entity.
21

22 **Section 9.03. Political Activity.**
23

- 24 **A.** No person shall engage in fund raising or campaigning in City offices regarding
25 any ballot measure at a City election.
- 26 **B.** No person shall be disciplined or dismissed from City employment for failure or
27 refusal to pay or promise to pay any assessment, subscription or contribution to
28 any political group, organization or campaign for municipal office, provided, that
29 nothing herein shall prohibit or limit voluntary contributions to municipal election
30 campaigns.
- 31 **C.** Any City employee who becomes a candidate for municipal elective office of the
32 City of Las Vegas shall, upon filing a declaration of candidacy, take a leave of
33 absence without pay, use accrued vacation time, or both, not later than thirty (30)
34 days prior to the date of the municipal election. The City shall grant any such
35 requested leave of absence.
- 36 **D.** No employee of the City shall engage in any campaigning, fundraising or other
37 political activity involving any municipal election while on duty.
- 38 **E.** The Governing Body shall adopt an ordinance providing for implementation and
39 enforcement of this section.
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ARTICLE X

TRANSITIONAL PROVISIONS

Section 10.01. Effective Date.

Section 10.02. Officers and Employees.

Section 10.03. Saving of Consolidation and Repeal of Existing Charter.

Section 10.01. Effective Date. This Charter shall take effect for all purposes on the second Monday following the regular municipal election in March, 2012.

Section 10.02. Officers and Employees.

- A. Rights and Privileges Preserved. Except as otherwise specifically provided herein, nothing in this Charter shall affect or impair the rights or privileges of persons who are appointed City officers or employees at the time of its effective date. Upon the effective date of this Charter, all appointed officers and employees of the City shall remain in office until removed as provided for or as authorized in this Charter.
- B. Personnel System. Any person who is a merit employee of the City at the time this Charter becomes effective shall remain in the same legal status as existed prior to the effective date of the Charter, and shall remain subject to the City personnel system.

Section 10.03. Saving of Consolidation and Repeal of Existing Charter.

- A. **Saving of Consolidation.** The City of Las Vegas has heretofore adopted a Consolidation and Charter, dated March, 1970, and amended from time to time. The Consolidation portion of that document, designated as "First Part" and providing for the consolidation of the Town of Las Vegas and the City of Las Vegas is reaffirmed and adopted by this Charter except to the extent of any inconsistency, in which case the provisions of this Charter shall prevail.
- B. **Repeal of Existing Charter.** The City Charter portion of the aforesaid document, designated as "Second Part" and providing for municipal Charter for the City, is hereby repealed except to the extent, if any, that said Charter ratifies, affirms, authorizes or otherwise establishes the consolidation of the Town of Las Vegas and the City of Las Vegas. Any such ratification, affirmation, authorization or establishment is expressly saved and incorporated herein for all purposes and is newly ratified by enactment of this Charter.

1 This Charter, as amended by the voters at the March 1, 2022 election and as written above, shall
2 be effective as of April 8th, 2022.

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7 _____
Mayor Louie Trujillo

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10 _____
11 City Clerk Casandra Fresquez

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13 **(SEAL)**

