City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 16 **Ordinance/Resolution#** 2595 **Council District:** N/A

For Meeting of November 15, 2010
(Adoption Date)

TITLE: AN ORDINANCE AMENDING LCMC 1997, SECTION 2-27(c)(2)a, "MEETING SCHEDULES", REMOVING THE THIRD REGULARLY SCHEDULED MEETING EACH MONTH.

PURPOSE(S) OF ACTION: To remove the meeting of the fourth Monday of each month which was originally dedicated to Land Use Management.

Drafter and Staff Contact: Esther Martinez		Department: Legal/City Clerk		Phone: 541-2115	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Department Director			Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: Beginning in January 2005, the Las Cruces City Council started a pilot project to dedicate one Monday a month to only Land Use Management. The fourth Monday of each month was scheduled to hear ordinances and resolutions which pertained to land use. The pilot program was to be for six months, and evaluation made on the success of having this extra meeting.

After six months of conducting Land Use Management meetings on the fourth Monday of each month, the Las Cruces City Council determined it an effective method to address land use issues only during one meeting. An ordinance was adopted on August 1, 2005, approving the addition of the third meeting.

At the Council meeting of July 26, 2010, Council gave consensus to bring forth a resolution to cancel the remainder of the year's third meeting of the month and agreed to only hold a Regular Meeting twice a month.

SUPPORT INFORMATION:

1. Ordinance.
2. Attachment "A", 07-26-10 Regular Meeting Minutes, excerpt of General Discussion, page 175.
3. Attachment "B" Resolution No. 11-045
4. Attachment "C", Charter Sec. 2.08
5. Attachment "D", LCMC 1997, Sec.2-27(c)(2)a

(Continue on additional sheets as required)

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
	Yes	☐	Funds will be deposited into this fund: _____in the amount of $_____.
N/A	No	☐	There is no new revenue generated by this action.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	**N/A**	**N/A**	**N/A**	**N/A**	**N/A**

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will cancel the fourth Monday regularly scheduled meeting and Land Use Management issues will be considered during regularly scheduled council meetings on the first and third Mondays.
2. Vote "No"; and continue with the fourth Monday being a regularly scheduled meeting used to discuss Land Use Management issues.
3. Vote to "Amend", this could change the number and/or times when meetings will be held.
4. Vote to "Table"; this would require Council to continue with the fourth Monday regularly schedule meeting.

REFERENCE INFORMATION

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Ordinance No. 2144
2. Ordinance. No. 2218

(Continue on additional sheets as required)

COUNCIL BILL NO. 11-015
ORDINANCE NO. 2595

AN ORDINANCE AMENDING LCMC 1997, SECTION 2-27(c)(2)a, "MEETING SCHEDULES", REMOVING THE THIRD REGULARLY SCHEDULED MEETING EACH MONTH.

The City Council is informed that:

WHEREAS, the rules of order on meeting schedules allows for regular meetings on the first, third and fourth Mondays of each month; and

WHEREAS, City Council gave consensus at the Regular City Council meeting of July 26, 2010 to bring forth a resolution to amend the remainder of the Regular Meeting Schedule for Calendar Year 2010, cancelling the September, October and November third meeting of the month; and

WHEREAS, City Council gave consensus to change the meeting schedules to only have two Regular City Council Meetings a month to be held at 1:00 p.m.

NOW, THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT, Section 2-27(c)(2)a, entitled "Meeting schedules:, is hereby amended to read as follows:

(2) *Meeting schedules.*

a. The council shall conduct regular meetings on the first and third Mondays of each month in the City Council Chambers of City Hall at 1:00 p.m. If the day for a regular meeting falls on a legal holiday, such meeting shall be held on the next succeeding day not a holiday or as otherwise directed by council. By a vote of four or more councillors, the date, time, and/or location of a regular meeting may be changed in order to allow the councillors to attend a special function or event.

(II)

THAT, City staff is hereby authorized to do all deeds necessary in accomplishment of the herein above.

DONE AND APPROVED this _____day of November 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

VOTE:

Mayor Miyagishima: _____
Councillor Silva _____
Councillor Connor: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

Mike Johnson, Public Works Director said we are still continuing with negotiations because the initial assessment to do the work that is needed on that home came in higher than we expected.

Councillor Small asked are the other organizations that were interested in restoring this house involved?

Mike Johnson said not at this time.

Councillor Small said I would like to have them included with this project.

Robert Garza, Assistant City Manager asked can you send the information on the individuals that you would like to have involved with this project so I can schedule a meeting to discuss it?

Councillor Small said yes.

XIII. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima said several years ago, we were dealing with a lot of land use issues which is why we began having the fourth meeting of the month as a Land Use Meeting. I would like to suggest that we bring forward a resolution to change our meeting schedule to the first and third Monday of the month for Regular Council Meetings and then the second and fourth Mondays are Work Sessions.

Robert Garza, Assistant City Manager said we can incorporate land use issues into the first and third meetings so you will hear them twice a month instead of all at once at the end of the month.

Councillor Connor said I would suggest that we also change the time for all of our meetings to begin at 1:00 p.m. instead of having quarterly 5:00 p.m. meetings.

Mayor Miyagishima said that would be fine to include in the resolution.

2. CITY COUNCIL

Councillor Sorg said I just want to mention that I would like to get further clarification regarding the definition of PUDs.

Councillor Small said I want to suggest having a discussion regarding films in our community at a future Work Session.

RESOLUTION NO. 11-045

A RESOLUTION AMENDING THE CITY COUNCIL REGULAR MEETING SCHEDULE FOR THE REMAINDER OF THE 2010 CALENDAR YEAR.

The City Council is informed that:

WHEREAS, Resolution No. 10-146 established the Regular Meeting Schedule for Calendar Year 2010; and

WHEREAS, City Council gave consensus at the Regular City Council meeting of July 26, 2010 to bring forth a resolution to amend the remainder of the Regular Meeting Schedule for Calendar Year 2010.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT, the third Regular City Council meetings for the months of September, October and November 2010 are cancelled as referenced in Exhibit "A".

(II)

THAT, City staff is hereby authorized to do all deeds necessary in accomplishment of the herein above.

DONE AND APPROVED this 16th day of August 2010.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

Mayor Miyagishima:	Aye
Councillor Silva	Aye
Councillor Connor:	Aye
Councillor Pedroza:	Aye
Councillor Small:	Aye
Councillor Sorg:	Aye
Councillor Thomas:	Aye

Moved by: Connor

Seconded by: Silva

APPROVED AS TO FORM:

Asst City Attorney

EXHIBIT "A"

City of Las Cruces
Regular Meeting Schedule

Calendar Year 2010

January

Monday, January 4, 2010
Tuesday, January 19, 2010
Monday, January 25, 2010*

February

Tuesday, February 2, 2010**
Tuesday, February 16, 2010
Monday, February 22, 2010

March

Monday, March 1, 2010
Monday, March 15, 2010
Monday, March 22, 2010

April

Monday, April 5, 2010
Monday, April 19, 2010
Monday, April 26, 2010*

May

Monday, May 3, 2010
Monday, May 17, 2010
Monday, May 24, 2010

June

Monday, June 7, 2010
Monday, June 21, 2010
Monday, June 28, 2010

July

Tuesday, July 6, 2010
Monday, July 19, 2010
Monday, July 26, 2010*

August

Monday, August 2, 2010
Monday, August 16, 2010
Monday, August 23, 2010

September

Tuesday, September 7, 2010
Monday, September 20, 2010
~~Monday, September 27, 2010~~**CANCELLED**

October

Monday, October 4, 2010
Monday, October 18, 2010
~~Monday, October 25, 2010*~~ **CANCELLED**

November

Monday, November 1, 2010
Monday, November 15, 2010
~~Monday, November 22, 2010~~**CANCELLED**

December

Monday, December 6, 2010
Monday, December 20, 2010

*These meetings will be held at 5:00 p.m. per minute action taken at the Regular City Council meeting of June 5, 2006.

**This meeting will be held on Tuesday to allow City Council to attend Las Cruces Day in Santa Fe, New Mexico on Monday, February 1, 2010.

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 17 **Ordinance/Resolution#** 11-045 **Council District:** ___

For Meeting of August 16, 2010
(Adoption Date)

TITLE: **A RESOLUTION AMENDING THE CITY COUNCIL REGULAR MEETING SCHEDULE FOR THE REMAINDER OF THE 2010 CALENDAR YEAR.**

PURPOSE(S) OF ACTION: To cancel the third Regular City Council Meetings (known as Land Use Meetings) for the months of September, October and November 2010.

Drafter and Staff Contact: Esther Martinez		**Department: Legal/City Clerk**		**Phone: 541-2115**	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Department Director			Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: At the Regular City Council meeting of July 26, 2010, there was council consensus to bring forth a resolution to cancel all third Regular City Council meetings. Hence, there would only be two Regular City Council meetings a month which will be scheduled on the first and third Mondays of each month. All meetings will be held at 1:00 p.m. The City Council has the authority to change the meeting time, with minute action in compliance with the Open Meetings Act, for subsequent regular meetings.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A" – Proposed Amended Regular Meeting Schedule for Remainder of Calendar Year 2010.
3. Attachment "A" – Current Regular Meeting Schedule for Calendar Year 2010.

(Continue on additional sheets as required)

SOURCE OF FUNDING:

Is this action already budgeted?			
	Yes	☒	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
	Yes	☐	Funds will be deposited into this fund: _____
	No	☒	There is no new revenue generated by this action.

FUND SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
General Fund	**10101050-722104**	**$1,000.00 approximate**	**$10,301.13**	**$9,301.13**	**To be used to pay for legal ads for Notice of Intent to Adopt; Notice of Adoption; and Yearly Resolution for Meeting Schedule**

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will cancel the Regular City Council Meetings of September 27, 2010; October 25, 2010; and November 22, 2010.
2. Vote "No"; this will allow the Regular City Council Meetings of September 27, 2010; October 25, 2010; and November 22, 2010 to take place.
3. Vote to "Amend"; this could change the remainder of the City Council Meeting Schedule for Calendar Year 2010.
4. Vote to "Table"; this could postpone the cancellation of schedule meetings which then would have to be held.

REFERENCE INFORMATION

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Resolution No. 10-146

office or employment until one (1) year after the expiration of the term for which the councillor or mayor was elected.

(b) *Appointments and removals.* Neither the council nor its individual members shall in any manner dictate the appointment or removal of any city administrative officer or employee whom the city manager or any of the manager's subordinates are empowered to appoint.

(c) *Interference with administration.* Neither the mayor, council nor individual councillors shall in any manner usurp the administrative authority of the city manager set forth in Article III.
(Ord. No. 1077, 7-3-89)

Sec. 2.06. Vacancies; forfeiture of office; filling of vacancies.

(a) *Vacancies.* The office of councillor shall become vacant upon the councillor's death, resignation, recall, moving of residence from the district from which elected, or forfeiture of office. The office of mayor shall become vacant upon the mayor's death, resignation, recall, moving of residence to outside the city limits, or forfeiture of office.

(b) *Forfeiture of office.* A councillor or mayor may be removed from office in accordance with the general laws of the State of New Mexico.

(c) *Filling of vacancies.* A vacancy in the council, occurring more than nine (9) months prior to the next regular election, shall be filled by a special election to be held within sixty (60) days of the vacancy. The councillor or mayor so elected shall serve for the remainder of the unexpired term for which the councillor or mayor who vacated the position was elected. A vacancy occurring less than nine (9) months prior to the next regular election shall be filled by the appointment by the council of a person who is a qualified voter residing in the district in which the vacancy exists, or in the case of the mayor, be [by] a qualified voter residing in the city. The appointed councillor or mayor shall serve until the next regular election, at which time a councillor or mayor shall be elected to serve for the remainder of the unexpired term for which the councillor or mayor who vacated the position was elected. Notwithstanding the requirement hereinafter in this Charter that a quorum of the council consists of four (4) members, if at any time the membership of the council is reduced to fewer than four (4) members, the remaining members may, by majority action, enforce the provisions of this section.
(Ord. No. 1077, 7-3-89; Ord. No. 2222, § I, 8-1-05)

Sec. 2.07. Certification of elections.

The council shall certify the results of all city elections.

Sec. 2.08. Procedure.

(a) *Meetings.* The council shall meet regularly at least twice in every month at such times and places as the council may prescribe by ordinance. Special meetings may be held on the call of the mayor or of four (4) or more members and, whenever practicable, upon no less than twelve (12) hours' notice to each member. All meetings shall be subject to state statutes regarding open meetings. Closed or executive sessions may be conducted only as authorized by the statutes of the State of New Mexico.

(b) *Rules and records.* The council shall determine its own rules, policies and order of business and shall provide for keeping records of its proceedings. These records shall be public.

(c) *Voting.* Voting, except on procedural motions, shall be by roll call, and each councillor's vote shall be recorded in the records. Four (4) members of the council shall constitute a quorum. No action of the council, except as otherwise provided in Section 2.06, shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of the council.

Sec. 2.09. Action requiring an ordinance.

In addition to other acts required by law or by specific provisions of this Charter to be adopted by ordinance, the following acts of the city council shall also be adopted by ordinance:

(a) Provision for a fine or other penalty no higher than that imposed by statute for a petty misdemeanor;

odic work sessions. Instructions may be given to the city manager at work sessions, but no official action may be taken.

(2) *Meeting schedules.*

a. The council shall conduct regular meetings on the first, third and fourth Mondays of each month. The fourth Monday of each month will be dedicated to land use management. If the day for a regular meeting falls on a legal holiday, such meeting shall be held on the next succeeding day not a holiday or as otherwise directed by the council. By a vote of four or more councillors, the date, time, and/or location of a regular meeting may be changed in order to allow the councillors to attend a special function or event.

b. Special meetings may be held upon the call of the mayor or of four or more councillors and, whenever practical, upon no less than 24 hours' notice to each councillor and the public.

c. The council may meet in work sessions as directed by the council.

d. Regular and special meetings or work sessions may be canceled with the consent of four or more councillors.

(3) *Agenda.*

a. The agenda for regular meetings shall be set by the mayor or, in the absence of the mayor, by the mayor pro tem, in open meetings with the city manager and senior staff on the Monday immediately preceding regular council meetings, official holidays excepted. Councillors other than the mayor or the mayor pro tem shall not discuss the proposed agenda during the agenda meeting.

b. The agenda for work sessions shall be determined by council consent. The city manager shall maintain a list of work session topics for the guidance of the council. Copies of the agenda shall be made available to the public as early in advance of the work sessions as is feasible, but in no instance shall the public be given less than 24 hours' notice of such meetings.

c. All meetings shall be subject to state statutes regarding open meetings.

(d) *Voting; quorum.* The procedures for voting and a quorum shall be as follows:

(1) Voting, except for procedural matters, shall be taken by roll call, and each councillor's vote shall be recorded in the minutes.

(2) The city clerk shall call the vote of the council as follows:

a. The clerk shall call the vote in council district order, except that the mayor pro tem shall be the last councillor to vote.

b. The clerk shall call the mayor's vote last.

c. If one or more of the councillors is absent, the clerk shall call the vote of the next councillor in district order, except that the mayor pro tem shall be the last councillor to vote.

(3) Four members shall constitute a quorum at any location. Any action by the council shall not be valid unless adopted by the affirmative vote of four or more members.

(4) If vacancies reduce the council to fewer than four members, the remaining councillors may, by majority vote, take action consistent with the Charter to fill the vacancies.

(e) *General procedure of council.* General procedures of the council shall be as follows:

(1) *Recognition.* The mayor or, in his absence, the mayor pro tem shall chair the meetings of the council. If neither the mayor nor mayor pro tem is present, the council shall, by majority vote, select one of its members to chair the meeting. Councillors wishing to speak to matters before the council, to the city manager or mem-