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City of Las Cruces[®]
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Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 11-158 Council District:

For Meeting of January 18, 2011
 (Adoption Date)

TITLE: A RESOLUTION ESTABLISHING AN AD HOC COMMITTEE TO ASSIST IN DEVELOPING A WIND EROSION CONTROL ORDINANCE, AND AUTHORIZING THE MAYOR TO APPOINT MEMBERS TO THE AD HOC COMMITTEE IN ACCORDANCE WITH THIS RESOLUTION.

PURPOSE(S) OF ACTION: Approve a Resolution authorizing the formation of an Ad Hoc Committee that will assist City staff in developing the criteria for revising the City's Wind Erosion Control Ordinance.

Name of Drafter: Robert Kyle <i>RK</i>		Department: Community Development		Phone: 528-3106	
Department	Signature	Phone	Department	Signature	Phone
Department Director	<i>DW</i>		Budget	<i>Richard Hubert</i>	541-2107
Other			Assistant City Manager		541-2271
Legal	<i>Agnes Kennedy</i>	541-2128	City Manager	<i>John San</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: In February 2010, City staff was directed to review and revise the existing Wind Erosion Control ordinance following numerous complaints from property owners regarding the lack of effectiveness and enforcement of the ordinance. Staff did complete a revision of the existing ordinance and held a public input meeting on December 13, 2010. At that time, staff was directed to establish and work with an ad-hoc committee of staff, residents and development/construction industry representatives to recommend revisions to the draft ordinance. The proposed committee will have 60-days to review and make recommendations on revisions to the Wind Erosion Control Ordinance to effectively manage fugitive dust.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A" – Membership and Duties of the Wind Erosion Control Ad Hoc Committee.

SOURCE OF FUNDING:

N/A	Is this action already budgeted?		
	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
<input type="checkbox"/>		Proposed funding is from a new revenue source (i.e. grant; see details below)	
<input type="checkbox"/>		Proposed funding is from fund balance in the _____ Fund.	
N/A	Does this action create any revenue?		
	Yes	<input type="checkbox"/>	Funds will be deposited into this fund:
	No	<input type="checkbox"/>	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
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution to create the Wind Erosion Control Ad Hoc Committee. The Committee would assist staff in developing criteria for revisions to the Fugitive Dust Control Ordinance for consideration by City Council.
2. Vote "No"; this will deny the Resolution creating the Wind Erosion Control Ad Hoc Committee. Such action would result in having no citizen committee to assist with developing criteria for revisions to the City-wide Wind Erosion Control ordinance.
3. Vote to "Amend"; this could include changing the membership and/or duties of the Ad Hoc Committee as described in Exhibit "A."
4. Vote to "Table"; Council may table/postpone the Resolution and direct staff accordingly.

REFERENCE INFORMATION

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

RESOLUTION NO. 11-158

A RESOLUTION ESTABLISHING AN AD HOC COMMITTEE TO ASSIST IN DEVELOPING A WIND EROSION CONTROL ORDINANCE, AND AUTHORIZING THE MAYOR TO APPOINT MEMBERS TO THE AD HOC COMMITTEE IN ACCORDANCE WITH THIS RESOLUTION.

The City Council is informed that:

WHEREAS, the Las Cruces City Council gave consensus to establish an ad hoc committee for the purposes of assisting in developing a City-wide Wind Erosion Control Ordinance; and

WHEREAS, the ad hoc committee will work with staff in determining the criteria for a Wind Erosion Control Ordinance that will be brought to the City Council.

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

(I)

THAT a Wind Erosion Control Ad Hoc Committee is hereby established.

(II)

THAT the Mayor of the City of Las Cruces is hereby authorized to appoint the members of the Wind Erosion Control Ad Hoc Committee with the membership and duties as outlined in Exhibit "A," attached hereto and made part of this Resolution.

(III)

THAT the Wind Erosion Control Ad Hoc Committee shall conclude its duties sixty (60) days following its initial meeting.

(IV)

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

DONE and APPROVED this _____ day of _____, 2011.

APPROVED:

(SEAL)

Mayor

ATTEST:

City Clerk

Moved by: _____

Seconded by: _____

VOTE:

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

APPROVED AS TO FORM:



City Attorney

Exhibit "A"

**Wind Erosion Control Ad Hoc Committee
Membership and Duties**

Membership

City Councilor (tbd)

City Councilor (tbd)

Codes Enforcement representative (tbd)

Public Works representative (tbd)

Robert Garza

Robert Kyle

Ben Holstein

Bill Allen

Brian Soleman

Bruno Zaldo

Carol Reynolds

Dale Schueller

Daniel Sambrano

Dave Dubois

David Barnhart

Doug Cram

Erin Ward

Fernando Cadena

Isaac Apodaca

J. Mark Cobb

Jan McFarland

Jeffrey Herrick

Jim Covey

John Curry

John Hadley

John Moscato

Ken Thurston

Kris Havstad

Paul Dulin

Steve Satvanek

Ted Scanlon

Duties

To review existing and/or proposed wind erosion control ordinances and formulate recommendations for revision to be forwarded to City Council for consideration.