City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 11 **Ordinance/Resolution#** 2685

For Meeting of June 17, 2013 (Ordinance First Reading Date)

For Meeting of July 1, 2013 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☒ LEGISLATIVE ☐ ADMINISTRATIVE

TITLE: **AN ORDINANCE AMENDING THE LAS CRUCES MUNICIPAL CODE, SECTIONS 2-27(C)(2)B AND 2-27(C)(3)B CONCERNING *RULES OF ORDER, PROCEDURE*, AND THEREFORE COMPLYING WITH THE OPEN MEETINGS ACT.**

PURPOSE(S) OF ACTION:

To increase time that public bodies must make the final agenda available.

COUNCIL DISTRICT: N/A		
Drafter/Staff Contact: Esther Martinez-Carrillo	**Department/Section:** Legal/City Clerk	**Phone:** 541-2115
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

House Bill 21 amends the Open Meetings Act (OMA) to increase the time that public bodies must make the final agenda available from at least 24 hours prior to a meeting to at least 72 hours, except in the case of an emergency (as defined in the existing Act as matters arising from unforeseen circumstances that if not addressed immediately will likely result in injury, damages to persons or property, or substantial financial loss to the public body). For public bodies that ordinarily meet more frequently than once a week, a draft agenda must be posted at least 72 hours prior to the meeting and final agenda be posted 36 hours prior to the meeting. This bill also requires that agendas be posted on the public body's website within the specified time periods if a website is maintained; all emergency measures adopted must be submitted to the attorney general within 10 days of the meeting at which the action was taken, provided that the requirement to report to the Attorney General is waived due to a state or national emergency.

House Bill 21 will become effective June 14, 2013. All city board staff liaisons have been notified of the change and have been provided with a copy of the amendment.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Ordinance.

SOURCE OF FUNDING:

Is this action already budgeted?			
	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
N/A	*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?			
N/A	Yes	☐	Funds will be deposited into this fund: _____ in the amount of $_____for FY__.
	No	☐	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

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 amend the existing sections and comply with the Open Meetings Act.
2. Vote "No"; this is not an option.
3. Vote to "Amend"; this could allow City Council to modify the ordinance and increase time requirements for posting notices.
4. Vote to "Table"; this could allow City Council to table/postpone the ordinance and direct staff accordingly.

REFERENCE INFORMATION:

N/A

(Continue on additional sheets as required)

COUNCIL BILL NO. 13-030
ORDINANCE NO. 2685

AN ORDINANCE AMENDING THE LAS CRUCES MUNICIPAL CODE, SECTIONS 2-27(C)(2)B AND 2-27(C)(3)B CONCERNING *RULES OF ORDER, PROCEDURE*, AND THEREFORE COMPLYING WITH THE OPEN MEETINGS ACT.

The City Council is informed that:

WHEREAS, House Bill 21 amends the Open Meetings Act (OMA) to increase the time that a public body must make the final agenda available from at least 24 hours prior to a meetings to at least 72 hours, except in the case of an emergency (as defined in the existing Act as matters arising from unforeseen circumstances that if not addressed immediately will likely result in injury, damage to persons or property, or substantial financial loss to the public body. For public bodies that ordinarily meet more frequently than once a week, a draft agenda must be posted at least 72 hours prior to the meeting and final agenda be posted 36 hours prior to the meeting;

WHEREAS, the bill also requires the agenda be posted on the public body's website within the specified time periods if a website is maintained;

WHEREAS, all emergency measures adopted must be submitted to the attorney general within 10 days of the meeting at which the action was taken, provided that the requirement to report to the Attorney General is waived due to a state or national emergency;

WHEREAS, House Bill 21 goes into effect on June 14, 2013; and

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

(I)

THAT LCMC 1997, Section 2-27(c)(2)b is amended to read as follows:

Special meetings may be held upon the call of the mayor or of four or more councillors and, whenever practical, upon no less than 72 hours' notice to each councillor and the public.

(II)

THAT LCMC 1997, Section 2-27(c)(3)b is amended to read as follows:

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 feasible, but in no instance shall the public be given less than 72 hours' notice of such meetings.

(III)

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

DONE AND APPROVED this _____day of _____, 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

City Attorney