City of Las Cruces®

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Council Action and Executive Summary

Item # 13 **Ordinance/Resolution#** 2691

For Meeting of August 19, 2013 (Ordinance First Reading Date)

For Meeting of September 3, 2013 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☒ LEGISLATIVE ☐ ADMINISTRATIVE

TITLE: **AN ORDINANCE AMENDING THE LAS CRUCES MUNICIPAL CODE, SECTION 2-189(B)(3) CONCERNING MEETINGS FOR BOARDS.**

PURPOSE(S) OF ACTION:

Increase time to issue and post agendas.

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:

On July 1, 2013, City Council increased the time required to post and issue notices to the public from at least 24 hours prior to a meeting to at least 72 hours as required by the Open Meetings Act (OMA).

This ordinance will amend another section in the Las Cruces Municipal Code, which also made reference to issuing and posting notices for boards from at least 24 hours prior to any regular or special meeting to at least 72 hours prior as required by OMA.

SUPPORT INFORMATION:

1. Ordinance.

(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? **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 section 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 for boards.
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. 14-006
ORDINANCE NO. 2691

AN ORDINANCE AMENDING THE LAS CRUCES MUNICIPAL CODE, SECTION 2-189(B)(3) CONCERNING MEETINGS FOR BOARDS.

The City Council is informed that:

WHEREAS, House Bill 21 amended 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, House Bill 21 went into effect on June 14, 2013;

WHEREAS, City Council has amended the Las Cruces Municipal Code to change the time requirements for posting their notices and agendas; and

WHEREAS, City boards, committees and commissions shall have the same requirements for posting their agendas.

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

(I)

THAT LCMC 1997, Section 2-189(b)(3) is amended to read as follows:

Notice shall include the issuance and posting of an agenda for regular meetings at least 72 hours prior to any regular board meeting. Notice for special meetings shall require the issuance and posting of an agenda at least 72 hours before the special meeting. At least once a year, in January, each public board, commission, or committee shall determine what is public notice. In no event shall notice be less than the notice required for city council meetings.

(II)

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)

Moved by: _____

Seconded by: _____

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

APPROVED AS TO FORM:

_____
City Attorney