

522
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 15 Ordinance/Resolution# 2547 Council District: All

For Meeting of November 2, 2009
 (Adoption Date)

AN ORDINANCE REPEALING LAS CRUCES MUNICIPAL CODE, SECTIONS 2-826 THROUGH 2-828, SISTER CITIES BOARD, IN ITS ENTIRETY.

PURPOSE(S) OF ACTION: The Sister Cities Advisory Board was established by Ordinance 1386. The Board has not functioned since 1995. This ordinance will dissolve the Sister Cities Advisory Board and provide for a Memorandum of Agreement with the Sister Cities Foundation to provide input and oversight of Sister Cities related programs and functions.

Name of Drafter: Lori Grumet, Director		Department: Public Services		Phone: 528-3477	
Department	Signature	Phone	Department	Signature	Phone
Originating Department		528-3477	Budget		2300
			Assistant City Manager		2271
Legal		591-2128	City Manager		2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Sister Cities International Mission Statement:

Promote peace through mutual respect, understanding, & cooperation — one individual, one community at a time.

Sister Cities International is a nonprofit citizen diplomacy network that creates and strengthens partnerships between U.S. and international communities.

Their goals are to:

- **Develop** municipal partnerships between U.S. cities, counties, and states and similar jurisdictions in other nations.
- **Provide** opportunities for city officials and citizens to experience and explore other cultures through long-term community partnerships.
- **Create** an atmosphere in which economic and community development can be implemented and strengthened.
- **Stimulate** environments through which communities will creatively learn, work, and solve problems together through reciprocal cultural, educational, municipal, business, professional and technical exchanges and projects.
- **Collaborate** with organizations in the United States and other countries which share similar goals.

(Continue on additional sheets as required)

Las Cruces Activity includes:

- 1982 – First Sister Cities Agreement signed with Lerdo, Mexico
- 1992 – Sister Cities Advisory Committees established by Ordinance 92-028 -
Met April and August
- 1993 - Sister Cities Agreement Signed with Nienburg, Germany
- 1994 - Ordinance revised to combine the two City committees into one Advisory Board group. MOA accomplished with the Sister Cities Foundation
- 1995 - Last recorded meeting of the Sister Cities Advisory Board

Without input from the Advisory Board, the Las Cruces Sister Cities Foundation continued to pursue activities such as: fundraising through an annual Yard Sale, Golf Tournament, and Renaissance Faire booth; Official exchange trips to Lerdo, Mexico; Visits from Lerdo and Nienburg officials, etc.

Local delegates attend annual International Sister Cities Conferences.

Elimination of the non-functioning advisory board will not interfere with City Council directing or participating in additions or deletions of Sister City relationships. All such relationships must be vetted by the City Council to be permitted per the International Sister Cities By-Laws.

With the elimination of the Advisory Board, City staff will develop a Memorandum of Agreement to formalize the relationship between the Sister Cities Foundation and the City to facilitate future growth, transparency and appropriate accountability for the Sister City programs. The City Manager will designate a staff liaison to the Foundation. Support for the program will be pursued per direction from Mayor and Council within budgetary limits.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Council Bill/Ordinance
2. Exhibit "A" – Las Cruces Sister Cities Foundation, Inc. By-Laws
3. Attachment "A" – Ordinance 1386 (Reference Only).

OPTIONS / ALTERNATIVES:

1. A "Yes" Vote will eliminate the non-functioning Sister Cities Advisory Board from the Municipal Code.
2. A "No" Vote will retain the Sister Cities Advisory Board and require significant recruitment to reactivate the board.
3. Council may modify the Ordinance and provide staff with alternate direction.

COUNCIL BILL NO. 10-018ORDINANCE NO. 2547

AN ORDINANCE REPEALING LAS CRUCES MUNICIPAL CODE, SECTIONS 2-826 THROUGH 2-828, SISTER CITIES BOARD, IN ITS ENTIRETY.

The City Council of the City of Las Cruces is informed that:

WHEREAS, the Sister Cities Advisory Board was established by Ordinance 1386 and has not functioned since 1995; and

WHEREAS, without input from the City Board, the Las Cruces Sister Cities Foundation continued to pursue activities such as: fundraising through an annual Yard Sale, Golf Tournament, and Renaissance Faire booth; Official exchange trips to Lerdo, Mexico; Visits from Lerdo and Nienburg officials, etc.; and

WHEREAS, elimination of this non-functioning board will not interfere with City Council directing or participating in additions or deletions of sister city relationships. All such relationships must be vetted by the City Council to be permitted per the International Sister Cities By-Laws; and

WHEREAS, with the elimination of the Board, City staff will develop a Memorandum of Agreement to formalize the relationship between the Sister Cities Foundation and the City to facilitate future growth, transparency and appropriate accountability for the Sister City Programs; and

WHEREAS, the City Manager will designate a staff liaison to the Foundation; and

WHEREAS, support for the program will be pursued per direction from the Mayor and Council within budgetary limits.

Council Bill No. 10-018, cont.
Page 2 Ordinance No. 2547

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

(I)

THAT Ordinance No. 1386 establishing a Las Cruces Sister Cities Board is hereby repealed.

(II)

THAT the City Manager will designate a staff liaison to the Las Cruces Sister Cities Foundation.

(III)

THAT staff will prepare a Memorandum of Agreement with the Las Cruces Sister Cities Foundation to facilitate future growth, transparency and appropriate accountability for the Sister City programs.

(IV)

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

Council Bill No. 10-018, cont.
Page 3 Ordinance No. 2547

DONE AND APPROVED this _____ day of _____, 2009.

(SEAL)

APPROVED:

Mayor

ATTEST:

City Clerk

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____

APPROVED AS TO FORM:



City Attorney

Sister Cities Board

Sec. 2-826. Established.

There is established the sister cities board, which is a nonstandard board.
(Code 1988, § 2-441)

Sec. 2-827. Composition; appointment; terms; residency.

The sister cities board shall consist of seven members appointed by the mayor, with the advice and consent of the city council. The terms of six of the seven members shall be three years; the seventh member shall be the duly elected president of the Las Cruces Sister Cities Foundation, Inc. Of the six appointed board members first named, two shall have terms ending June 30, 1996; two shall have terms ending June 30, 1997; and two shall have terms ending June 30, 1998. The mayor shall determine which members shall have which terms. Board members shall reside within the city-county extraterritorial zone.
(Code 1988, § 2-442)

Sec. 2-828. Duties and powers.

—— (a) —— The sister cities board shall promote and encourage private and public programs to further the development of greater friendship and understanding between the people of this city and cities of other nations. In carrying out its duties, the board shall:

—— (1) —— Provide policy guidance for the sponsorship of cultural, social, educational and economic activities which further community friendship.

—— (2) —— Provide policy guidance for recommendations to the mayor and city council for programs and projects which are approved by the Las Cruces Sister Cities Foundation Board of Directors (foundation board) as promoting the mutual interest of both this city and the sister city involved.

—— (3) —— Establish ad hoc task forces as needed to assist and support the foundation board.

—— (4) —— Serve as advisory board to the foundation board for such city programs as may be directed by the mayor and city council.

—— (b) —— The board shall meet at least twice a year to conduct its business and shall maintain minutes of the meetings, which shall be forwarded to the city council.

—— (c) —— All new sister city affiliations shall be established as follows:

—— (1) —— Persons proposing an affiliation shall make a presentation to the foundation board at one of its regularly scheduled meetings. After

evaluating the proposed affiliation and reviewing the proposal with Sister Cities International, the foundation board shall present its recommendation to the sister cities board for decision. If affiliation is recommended, the approval shall be submitted to the mayor, who may present a resolution creating an affiliation to the city council. If affiliation is not recommended by the board, the proposing person or group may appeal to the mayor, who may propose an affiliation resolution to the city council.

~~(2) The criteria for selecting a city for affiliation as a sister city are as follows:~~

~~a. Consideration shall only be given to a city requesting a sister city relationship with this city where such city has no other such affiliation in the United States.~~

~~b. This city shall establish a sister city relationship with only one city per country.~~

~~(3) A person or group proposing a new sister city affiliation shall submit the following to the foundation board:~~

~~a. A statement of reasons for the proposed affiliation.~~

~~b. A profile of the proposed city, which shall include but need not be limited to:~~

~~1. Population;~~

~~2. Languages spoken;~~

~~3. Educational and cultural institutions, activities, and organizations;~~

~~4. Economic resources and conditions;~~

~~5. Political stability;~~

~~6. Number and status of other such affiliations;~~

~~7. Similarities and differences between this city and the proposed city.~~

~~c. Outline of activities proposed to start an exchange program such as pen pals, cultural programs, hosting, exchanges of delegations and students.~~

~~d. Evidence of a strong local support group in the proposed city,~~

including the name of at least one contact person.

- ~~_____ e. Evidence of a comparable support group in this city consisting of at least ten residents who shall join the Las Cruces Sister Cities Foundation, Inc., as dues-paying members and provide to the foundation board an additional, initial minimum investment set by the foundation board to cover initial expenses of adding a new sister city. Such expenses involve the cost of new or changed signs, brochures, pins and other public relation and support materials.~~
- ~~_____ (4) After requirements in subsection (c)(3) of this section have been presented to the foundation board, the foundation board will establish a working affiliation committee for the proposed affiliation group. Upon acceptance of a new sister city affiliation by the city council, the foundation board shall establish an affiliation committee as outlined in the foundation bylaws.~~
- ~~_____ (d) Termination of sister cities affiliations shall be as follows:~~

 - ~~_____ (1) Sister cities affiliations may be terminated by the city council when presented with a resolution of termination by the board. Such recommendation must first be made to the board by the foundation board.~~
 - ~~_____ (2) Sister cities affiliations may be requested to be terminated for any of the following reasons, or other reasons as shall be deemed appropriate by the foundation board:~~

 - ~~_____ a. The selection of a second city in the United States for affiliation by a city with which this city is already affiliated.~~
 - ~~_____ b. The mutual consent of the foundation board and its counterpart in the affiliated city for dissolution of their affiliation.~~
 - ~~_____ (3) Upon dissolution of an affiliation, any monies held by the foundation board on behalf of the affected sister cities affiliation committee or monies held by the sister cities affiliation committee shall become the property of the foundation board.~~

(Code 1988, § 2-443)

Las Cruces Sister Cities Foundation, Inc. By-Laws

The following are proposed by-laws for the Las Cruces Sister Cities Foundation, Inc., a not-for-profit corporation, duly organized and existing under and by the virtue of the laws of the State of New Mexico currently operating under the name Las Cruces Sister Cities, Inc. A name change to add the word "Foundation" is required.

ARTICLE I Objectives

The Foundation shall promote and encourage private and public programs to further the development of greater friendship and understanding between the people of Las Cruces and cities of other nations. In carrying out its duties and exercising its powers, the Foundation shall:

- A. Sponsor cultural, educational, economic and social activities which further international community friendships.
- B. Stimulate and sustain participation in and community support for Sister Cities programs approved by the Board of Directors.

ARTICLE II Membership and Dues

- Section 1. Membership in this Foundation shall be open to any individual or organization who supports its objectives and whose dues are current.
- Section 2. Membership dues and classes of membership shall be those that are prescribed by the Board of Directors and approved at the Annual Meeting of the Foundation, following requirements for altering, amending, or repealing amendments.
- Section 3. Each individual member or organizational member shall be entitled to one vote.

ARTICLE III
Board of Directors

- Section 1. The Board of Directors shall consist of elected officers, Group Representatives and Chairs of Standing Committees.
- Section 2. Elected officers of the Foundation shall be a President, First Vice-President, Second Vice President, Third Vice-President, Secretary, and Treasurer. Group Representatives are defined in Article V. Standing Committees are defined in Article VI.
- Section 3. Officers shall be elected by ballot at the Annual Meeting to serve for one year or until their successors are elected. The term of office for all elected officers shall begin July 1.
- Section 4. No member shall hold more than one office at a time.
- Section 5. No officer shall serve more than two consecutive terms.
- Section 6. With the exception of the office of President, vacancies occurring among the elected officers shall be filled by the Foundation Board of Directors. Vacancy of the office of President shall be filled by the First Vice-President.

ARTICLE IV
Duties of Elected Officers

- Section 1. The President shall preside over and conduct all meetings of the Foundation, appoint all committee chairs subject to the approval of the Board of Directors, and be an ex-officio member of all committees, with the exception of the Nominating Committee.
- Section 2. The First Vice-President shall serve as aide to the President and preside at meetings in the absence of the President. The First Vice-President shall also serve at the Chair of the Foundation Finance Committee and shall be responsible for fund raising activities. In the event of the inability of the President to continue serving, the First Vice-President shall assume the position of President.
- Section 3. The Second Vice-President shall serve as aide to the President and preside at meetings in the absence of the President and First Vice-President. The Second Vice-President shall also serve as Program Chair for regular meetings.
- Section 4. The Third Vice-President shall coordinate all membership activities.

- Section 5. The Secretary shall take accurate minutes of all meetings of the Board of Directors and the Foundation at large. The Secretary shall also serve in such capacities as assigned by the President.
- Section 6. The Treasurer shall handle all monies of the Foundation including each Affiliation Committee. This shall include, but not be limited to, collecting and accurately accounting for membership dues; collecting, disbursing, and accurately accounting for, or overseeing same, the monies for each Affiliation Committee. Disbursements for Affiliation Committees shall require the authorization of the President and the Chair of the appropriate Affiliation Committee. The Treasurer shall be a member of the Foundation Finance Committee.

ARTICLE V Group Representatives

- Section 1. Group Representatives shall consist of the Chairs of each formally established Sister Cities Affiliation Committees, the President of the Ambassadors, and the President of the Youth Group.
- Section 2. Group Representatives shall be elected by their respective bodies, shall conduct the necessary business within their own group and shall report at each meeting of the Board of Directors.

ARTICLE VI Standing and Special Committees

- Section 1. The members of each Standing Committee shall be appointed by the President subject to the approval of the Board. The terms of each member shall be for not more than one year beginning July 1 of each year. Vacancies shall be filled by appointments made by the President subject to the approval of the Board. Terms of members filling vacancies shall be the same as the member whose vacancy was filled. The President shall designate one of the members of each Committee as its Chair.
- Section 2. The Foundation Standing Committees, their members and duties shall be as follows:
- A. The Finance Committee shall consist of three members. Two of these members shall be appointed by the President subject to the approval of the Board. The third member shall be the Foundation Treasurer. The duties of the Finance Committee shall be to recommend an annual budget to the Board, be responsible to insure the accurate processing and accounting of all Foundation monies, and

insure that the Foundation's financial obligations, including corporate taxes, are appropriately processed.

- B. The Publicity Committee shall consist of not less than one, nor more than three members. The duties of the Publicity Committee shall be to design and recommend a publicity program to the Board and to carry out the Board approved publicity program. A publicity program shall include, but not be limited to, the publication of a periodical newsletter from the Foundation to its members, Foundation press releases, brochures, and pamphlets. In addition, the Publicity Committee shall support each of the other Standing Committees and Groups as needed and requested.
- C. The Education Liaison Committee shall consist of not less than one, nor more than three members. The duties of the Education Liaison Committee shall work with educational organizations and institutions in the Las Cruces area to further Sister School relations.

Section 3. Special Committees shall perform the required duties assigned and then disband. The Special Committees, their members and duties shall be as follows:

- A. The Auditing Committee shall consist of three members appointed by the President subject to the approval of the Board at least two (2) months prior to the Foundation's Annual Meeting. The Auditing Committee shall audit the Treasurer's accounts at the close of the fiscal year and report to the Board during their first meeting following the end of the fiscal year.
- B. The Nominating Committee shall consist of three members appointed by the President subject to the approval of the Board at least three (3) months prior to the Foundation's Annual Meeting. A written slate of nominees shall be presented to the membership one (1) month prior to the election.

Section 4. Other special committees may be appointed by the President when necessary to carry out the work of the Foundation. Each committee's purpose, members, duties, and term shall be subject to the approval of the Board.

ARTICLE VII Meetings

Section 1. The Foundation Board shall conduct no less than one (1) regular meeting of the membership during each fiscal year. Regularly scheduled meetings shall be announced to the full membership at least seven (7) days and not more than ninety (90) days prior to each meeting.

- Section 2. The Foundation Board shall conduct an Annual Meeting held at least sixty (60) days prior to the end of the fiscal year.
- Section 3. The Foundation Board shall conduct no less than four (4) regular Board of Director meetings during each fiscal year. These regular meetings are open to the membership.
- Section 4. The Foundation Board may hold special meetings as necessary to conduct the business of the Foundation. Special meetings must be announced in writing to the members of the Board at least three days prior to the meeting. The announcement must declare the purpose, time, and location of the special meeting.

ARTICLE VIII
Quorum

- Section 1. For any regular or special meeting of the membership, the quorum shall consist of ten (10) percent of the total membership represented in person or by written proxy.
- Section 2. For any regular or special meeting of the Board of Directors, the quorum shall consist of not less than one-third of the Board members present in person.

ARTICLE IX
Fiscal Year

The fiscal year shall be from July 1 to June 30.

ARTICLE X
Basic Policies

- Section 1. No part of the net earnings of the Foundation shall inure to the benefit of, or be distributed to its members, officers, other private persons, except that the Foundation shall be authorized and empowered to pay reasonable compensation for service rendered and to make payments and distributions in furtherance of the purposes set forth in Article I.
- Section 2. Upon the dissolution of any Affiliation Committee, that Committees monies shall become the property of the Foundation.

Section 3. Upon the dissolution of this corporation, after paying or adequately providing for the debts and obligations of the corporation, the remaining assets shall be distributed to one or more non-profit funds, foundations, or organizations which have established their tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

ARTICLE XI
Parliamentary Authority

Robert's Rule of Order, Newly Revised, when not in conflict with these by-laws, shall govern the proceedings of the Foundation.

ARTICLE XII
Amendments

These by-laws may be altered, amended, or repealed and new by-laws adopted by a majority of the members present at the Annual Meeting or at any special meeting if at least five (5) days' notice is given to the membership of the intention to alter, amend, or repeal, or adopt new by-laws at such meeting. The consent of three-quarters of those members present and voting shall be required to amend the by-laws if such notice has not been given.

Council Bill No. 95-005

ORDINANCE NO. 1386

**AN ORDINANCE REPEALING ORDINANCE NO. 1267
RELATING TO SISTER CITIES COMMITTEES AND
ESTABLISHING A LAS CRUCES SISTER CITIES BOARD**

The City Council is informed that:

WHEREAS, the City of Las Cruces previously adopted Ordinance No. 1267 on April 20, 1992, authorizing the creation of Sister City Committees;

WHEREAS, individual Sister City Committees have been established for Lerdo, Mexico and Nienburg, Germany;

WHEREAS, the City Council has decided that it would be more effective for the City Council to deal with one board which oversees the individual Sister City Committees than to deal with each individual Sister City Committee;

WHEREAS, the City Council has decided that its repeal of the Sister Cities Committees Ordinance and the adoption of a Sister Cities Board Ordinance, which Board will oversee the individual Sister City Committees, among other duties, are in the best interests of the City of Las Cruces.

NOW, THEREFORE, be it ordained by the governing body of the City of Las Cruces, New Mexico, as follows:

(I)

THAT City Ordinance No. 1267 be and hereby is repealed;

(II)

THAT Exhibit A attached hereto concerning the establishment of the Las Cruces Sister Cities Board be and hereby is adopted.

(III)

THAT City staff be and hereby is authorized to do all acts necessary to accomplish the intent of this Ordinance.

DONE AND APPROVED this 15 day of August, 1994.



RUBEN A. SMITH, Mayor

ATTEST:

[Signature]
CITY CLERK

(SEAL)

Mayor Ruben A. Smith:	<u>Aye</u>
Councillor Ferralez:	<u>Aye</u>
Councillor Kennon:	<u>Aye</u>
Councillor Valencia:	<u>Aye</u>
Councillor Tomlin:	<u>Aye</u>
Councillor Haltom:	<u>Aye</u>
Councillor Benavidez:	<u>Aye</u>

Moved by: Valencia

Seconded by: Benavidez

APPROVED AS TO FORM:

[Signature]
MARCIA B. DRIGGERS
Assistant City Attorney

Subdivision 12. *Las Cruces Sister Cities Board*

Section 2-441. Established

There is established the Las Cruces Sister Cities Board ("Board") which is a non-standard board.

Section 2-442. Membership.

The Board shall consist of seven (7) members appointed by the Mayor with the advice and consent of the City Council. The terms of six of the seven members shall be three years; the seventh member shall be the duly elected President of the Las Cruces Sister Cities Foundation, Inc. Of the six appointed board members first named, two (2) shall have terms ending June 30, 1995, two (2) shall have terms ending June 30, 1996, and two (2) shall have terms ending June 30, 1997. The Mayor shall determine which members shall have which terms.

Section 2-443. Duties and Powers.

- A. The Board shall promote and encourage private and public programs to further the development of greater friendship and understanding between the people of Las Cruces and cities of other nations. In carrying out its duties, the Board shall:
1. Provide policy guidance for the sponsorship of cultural, social, educational and economic activities which further community friendship.
 2. Provide policy guidance for recommendations to the Mayor and City Council for programs and projects which are approved by the Las Cruces Sister Cities Foundation Board of Directors ("Foundation Board") as promoting the mutual interest of both Las Cruces and the sister city or cities involved.
 3. Establish *ad hoc* task forces as needed to assist and support the Foundation Board.
 4. Serve as advisory board to the Foundation Board for such city programs as may be directed by the Mayor and City Council.
- B. The Board shall meet at least twice a year to conduct its business and shall maintain minutes of said meetings which shall be forwarded to the City Council.

- C. All new sister city affiliations shall be established as follows:
1. A person or group proposing a new Sister City affiliation shall submit the following to the Board:
 - a. A statement of reasons for the proposed affiliation.
 - b. A profile of the proposed city, which shall include but need not be limited to:
 - i. Population
 - ii. Languages spoken
 - iii. Educational and cultural institutions, activities, and organizations
 - iv. Economic resources and conditions
 - v. Political stability
 - vi. Number and status of other such affiliations
 - vii. Similarities and differences between Las Cruces and the proposed city
 - c. Outline of activities proposed to start an exchange program such as pen pals, cultural programs, hosting, exchanges of delegations and/or students.
 - d. Evidence of a strong local support group in the proposed city including the name of at least one contact person.
 - e. Evidence of a comparable support group in Las Cruces consisting of at least ten (10) Las Cruces residents who shall join the Las Cruces Sister Cities Foundation, Inc. as dues paying members and provide to the Foundation Board an additional, initial minimum investment set by the Foundation Board to cover initial expenses of adding a new Sister City. Such expenses involve the cost of new or changed signs, brochures, pins and other public relation and

support materials. This initial investment shall be the Foundation Board and each Sister Cities Affiliation Committee, which committee will be created by the Foundation Board for each new Sister City affiliation approved by the City Council.

2. Persons proposing an affiliation shall make a presentation to the Foundation Board at one of its regularly scheduled meetings. After evaluating the proposed affiliation and reviewing the proposal with Sister Cities International, the Foundation Board shall present its recommendation to the Board for decision. If affiliation is recommended, the approval shall be submitted to the Mayor, who may present a resolution creating an affiliation to the City Council. If affiliation is not recommended by the Board, the proposing person or group may appeal to the Mayor, who may propose an affiliation resolution to the City Council.
3. The criteria for selecting a city for affiliation as a Sister City are as follows:
 - a. Preference shall be given to a city requesting a Sister City relationship with the City of Las Cruces where such city has no other such affiliation in the United States.
 - b. The City of Las Cruces shall preferably establish a sister city relationship with only one city per country.

D. Termination of Sister Cities affiliations.

1. Sister Cities affiliations may be terminated by the City Council when presented with a resolution of termination by the Board. Such recommendation must first be made to the Board by the Foundation Board.
2. Sister Cities affiliations may be requested to be terminated for any of the following reasons, or other reasons as shall be deemed appropriate by the Foundation Board:
 - a. The selection of a second city in the United States for affiliation by a city with which Las Cruces is already affiliated.

- b. The mutual consent of the Foundation Board and its counterpart in the affiliated city for dissolution of their affiliation.
3. Upon dissolution of an affiliation, any monies held by the Foundation Board on behalf of the affected Sister Cities Affiliation Committee shall become the property of the Foundation Board.

Section 2-444. Sister City Affiliation Committees.

- A. The Board shall establish a Sister City Affiliation Committee ("Affiliation Committee") for each Sister City Affiliation approved by the City Council.
- B. The Affiliation Committees shall be established and shall operate in accordance with written rules and regulations for membership and duties to be adopted by the Board in a public meeting.
- C. For transition membership, all members of existing Sister City Committees appointed pursuant to City Ordinance 1267 shall be appointed by the Board to their respective affiliation committee.

*Subdivision 12. Sister Cities Committees****Sec. 2-441. Established.**

There is established the sister cities committees.
(Ord. No. 1267, § 1, 4-20-92)

Sec. 2-454. Organization.

(a) The committee shall elect from their members a chairperson, vice chairperson and a secretary. The elected officers shall serve for one year and shall serve for no more than two (2) consecutive terms.

(b) The committee shall adopt such rules and regulations governing their proceedings as they may deem proper and which shall not be inconsistent with the ordinances of the city.
(Ord. No. 1267, § 1, 4-20-92)

Sec. 2-455. Terms of members.

The committee members shall serve no more than two (2) consecutive terms.
(Ord. No. 1267, § 1, 4-20-92)

Secs. 2-456–2-460. Reserved.*Subdivision 14. Capital Improvements Advisory Committee***Sec. 2-461. Established.**

There is established a capital improvements advisory committee as required by chapter 122 of the Laws of 1993, known as the Development Fees Act, sections 5-8-1 through 5-8-43, NMSA 1978.
(Ord. No. 1335, § I, 9-7-93)

Sec. 2-462. Replacement.

The capital improvements advisory committee replaces the utility policy review committee previously established by city council resolution.
(Ord. No. 1335, § I, 9-7-93)

Sec. 2-463. Transition membership.

(a) The city previously appointed three (3) nonstaff members to the utility policy review committee.

Las Cruces Sister Cities Foundation, Inc. By-Laws

The following are proposed by-laws for the Las Cruces Sister Cities Foundation, Inc., a not-for-profit corporation, duly organized and existing under and by the virtue of the laws of the State of New Mexico currently operating under the name Las Cruces Sister Cities, Inc. A name change to add the word "Foundation" is required.

ARTICLE I Objectives

The Foundation shall promote and encourage private and public programs to further the development of greater friendship and understanding between the people of Las Cruces and cities of other nations. In carrying out its duties and exercising its powers, the Foundation shall:

- A. Sponsor cultural, educational, economic and social activities which further international community friendships.
- B. Stimulate and sustain participation in and community support for Sister Cities programs approved by the Board of Directors.

ARTICLE II Membership and Dues

- Section 1. Membership in this Foundation shall be open to any individual or organization who supports its objectives and whose dues are current.
- Section 2. Membership dues and classes of membership shall be those that are prescribed by the Board of Directors and approved at the Annual Meeting of the Foundation, following requirements for altering, amending, or repealing amendments.
- Section 3. Each individual member or organizational member shall be entitled to one vote.

544
ARTICLE III
Board of Directors

- Section 1.** The Board of Directors shall consist of elected officers, Group Representatives and Chairs of Standing Committees.
- Section 2.** Elected officers of the Foundation shall be a President, First Vice-President, Second Vice President, Third Vice-President, Secretary, and Treasurer. Group Representatives are defined in Article V. Standing Committees are defined in Article VI.
- Section 3.** Officers shall be elected by ballot at the Annual Meeting to serve for one year or until their successors are elected. The term of office for all elected officers shall begin July 1.
- Section 4.** No member shall hold more than one office at a time.
- Section 5.** No officer shall serve more than two consecutive terms.
- Section 6.** With the exception of the office of President, vacancies occurring among the elected officers shall be filled by the Foundation Board of Directors. Vacancy of the office of President shall be filled by the First Vice-President.

ARTICLE IV
Duties of Elected Officers

- Section 1.** The President shall preside over and conduct all meetings of the Foundation, appoint all committee chairs subject to the approval of the Board of Directors, and be an ex-officio member of all committees, with the exception of the Nominating Committee.
- Section 2.** The First Vice-President shall serve as aide to the President and preside at meetings in the absence of the President. The First Vice-President shall also serve at the Chair of the Foundation Finance Committee and shall be responsible for fund raising activities. In the event of the inability of the President to continue serving, the First Vice-President shall assume the position of President.
- Section 3.** The Second Vice-President shall serve as aide to the President and preside at meetings in the absence of the President and First Vice-President. The Second Vice-President shall also serve as Program Chair for regular meetings.
- Section 4.** The Third Vice-President shall coordinate all membership activities.

Section 5. The Secretary shall take accurate minutes of all meetings of the Board of Directors and the Foundation at large. The Secretary shall also serve in such capacities as assigned by the President.

Section 6. The Treasurer shall handle all monies of the Foundation including each Affiliation Committee. This shall include, but not be limited to, collecting and accurately accounting for membership dues; collecting, disbursing, and accurately accounting for, or overseeing same, the monies for each Affiliation Committee. Disbursements for Affiliation Committees shall require the authorization of the President and the Chair of the appropriate Affiliation Committee. The Treasurer shall be a member of the Foundation Finance Committee.

ARTICLE V Group Representatives

Section 1. Group Representatives shall consist of the Chairs of each formally established Sister Cities Affiliation Committees, the President of the Ambassadors, and the President of the Youth Group.

Section 2. Group Representatives shall be elected by their respective bodies, shall conduct the necessary business within their own group and shall report at each meeting of the Board of Directors.

ARTICLE VI Standing and Special Committees

Section 1. The members of each Standing Committee shall be appointed by the President subject to the approval of the Board. The terms of each member shall be for not more than one year beginning July 1 of each year. Vacancies shall be filled by appointments made by the President subject to the approval of the Board. Terms of members filling vacancies shall be the same as the member whose vacancy was filled. The President shall designate one of the members of each Committee as its Chair.

Section 2. The Foundation Standing Committees, their members and duties shall be as follows:

- A.** The Finance Committee shall consist of three members. Two of these members shall be appointed by the President subject to the approval of the Board. The third member shall be the Foundation Treasurer. The duties of the Finance Committee shall be to recommend an annual budget to the Board, be responsible to insure the accurate processing and accounting of all Foundation monies, and

insure that the Foundation's financial obligations, including corporate taxes, are appropriately processed.

- B. The Publicity Committee shall consist of not less than one, nor more than three members. The duties of the Publicity Committee shall be to design and recommend a publicity program to the Board and to carry out the Board approved publicity program. A publicity program shall include, but not be limited to, the publication of a periodical newsletter from the Foundation to its members, Foundation press releases, brochures, and pamphlets. In addition, the Publicity Committee shall support each of the other Standing Committees and Groups as needed and requested.
- C. The Education Liaison Committee shall consist of not less than one, nor more than three members. The duties of the Education Liaison Committee shall work with educational organizations and institutions in the Las Cruces area to further Sister School relations.

Section 3. Special Committees shall perform the required duties assigned and then disband. The Special Committees, their members and duties shall be as follows:

- A. The Auditing Committee shall consist of three members appointed by the President subject to the approval of the Board at least two (2) months prior to the Foundation's Annual Meeting. The Auditing Committee shall audit the Treasurer's accounts at the close of the fiscal year and report to the Board during their first meeting following the end of the fiscal year.
- B. The Nominating Committee shall consist of three members appointed by the President subject to the approval of the Board at least three (3) months prior to the Foundation's Annual Meeting. A written slate of nominees shall be presented to the membership one (1) month prior to the election.

Section 4. Other special committees may be appointed by the President when necessary to carry out the work of the Foundation. Each committee's purpose, members, duties, and term shall be subject to the approval of the Board.

ARTICLE VII Meetings

Section 1. The Foundation Board shall conduct no less than one (1) regular meeting of the membership during each fiscal year. Regularly scheduled meetings shall be announced to the full membership at least seven (7) days and not more than ninety (90) days prior to each meeting.

- Section 2.** The Foundation Board shall conduct an Annual Meeting held at least sixty (60) days prior to the end of the fiscal year.
- Section 3.** The Foundation Board shall conduct no less than four (4) regular Board of Director meetings during each fiscal year. These regular meetings are open to the membership.
- Section 4.** The Foundation Board may hold special meetings as necessary to conduct the business of the Foundation. Special meetings must be announced in writing to the members of the Board at least three days prior to the meeting. The announcement must declare the purpose, time, and location of the special meeting.

ARTICLE VIII
Quorum

- Section 1.** For any regular or special meeting of the membership, the quorum shall consist of ten (10) percent of the total membership represented in person or by written proxy.
- Section 2.** For any regular or special meeting of the Board of Directors, the quorum shall consist of not less than one-third of the Board members present in person.

ARTICLE IX
Fiscal Year

The fiscal year shall be from July 1 to June 30.

ARTICLE X
Basic Policies

- Section 1.** No part of the net earnings of the Foundation shall inure to the benefit of, or be distributed to its members, officers, other private persons, except that the Foundation shall be authorized and empowered to pay reasonable compensation for service rendered and to make payments and distributions in furtherance of the purposes set forth in Article I.
- Section 2.** Upon the dissolution of any Affiliation Committee, that Committees monies shall become the property of the Foundation.

Section 3. Upon the dissolution of this corporation, after paying or adequately providing for the debts and obligations of the corporation, the remaining assets shall be distributed to one or more non-profit funds, foundations, or organizations which have established their tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

ARTICLE XI
Parliamentary Authority

Robert's Rule of Order, Newly Revised, when not in conflict with these by-laws, shall govern the proceedings of the Foundation.

ARTICLE XII
Amendments

These by-laws may be altered, amended, or repealed and new by-laws adopted by a majority of the members present at the Annual Meeting or at any special meeting if at least five (5) days' notice is given to the membership of the intention to alter, amend, or repeal, or adopt new by-laws at such meeting. The consent of three-quarters of those members present and voting shall be required to amend the by-laws if such notice has not been given.

Other notes

550
ARTICLE 5A

Requirements for Receiving Funds from Certain Organizations

Sec.
6-5A-1. Definitions; requirements for governmental

entities that receive funds or property
from certain organizations.

6-5A-1. Definitions; requirements for governmental entities that receive funds or property from certain organizations.

A. As used in this section:

(1) "agency" means any state agency, department or board, any public institution of higher education or public post-secondary educational institution and any county, municipality or public school district;

(2) "organization" means an organization that has been granted exemption from the federal income tax by the United States commissioner of internal revenue as an organization described in Section 501(c) of the Internal Revenue Code of 1986, as amended or renumbered, and whose principal and authorized purpose is to complement, contribute to and support, aid the function of or forward the purposes of a single agency through financial support, the contribution of services, goods, data or information that help or aid the agency in carrying out its statutory purpose and goals, including, but not limited to, the provision of scholarships to students of educational institutions and the provision of grants to supplement ongoing research or to provide funds for research and programs being carried out by an agency;

(3) "post-secondary educational institution" means an educational institution designated in Article 12, Section 11 of the constitution of New Mexico, and any post-secondary educational institution, which term includes, but is not limited to, an academic, vocational, technical, business, professional or other school, college or university or other organization or person offering or purporting to offer courses, instruction, training or education through correspondence or in person, to any individual within this state over the compulsory school attendance age, if that post-secondary educational institution is directly supported in whole or in part by state or local taxation; and

(4) "transferred" means given or otherwise transferred, with or without consideration.

B. Prior to an agency accepting property or funds that have been transferred to an agency by an organization, the agency and the organization shall enter into a written agreement that includes at least the following:

(1) a concise statement of the organization's purpose and of how that purpose is supportive of the agency's statutory responsibilities and authority;

(2) provisions explicitly describing the relationship of the agency to the organization in connection with such issues as authority, autonomy and information sharing and reporting;

(3) provisions defining the extent to which the organization may complement and support functions that are the statutory responsibility of the agency;

(4) requirements that the organization:

(a) if its gross annual income exceeds one hundred thousand dollars (\$100,000), have a financial accounting system considered adequate under customarily and currently accepted accounting standards and that the financial affairs of the organization be audited annually in accordance with generally accepted governmental auditing standards by an independent professional auditor who would be required to furnish to the agency copies of his annual audit, which, exclusive of any lists of donors or donations, shall be a public record, and to make the associated working papers available to the agency for review upon its written request for a period of three years after the audit report date; or

(b) if its gross annual income is one hundred thousand dollars (\$100,000) or less, file a statement with the agency in the form of a balance sheet showing the assets of the organization, its liabilities, its income, classified by general source, and its expenditures, classified by object;

(5) a provision requiring that any funds or property transferred to an agency by an organization be considered subject to all state laws and regulations governing the disbursement and administration of public funds and public property, except to the extent of any specific conditions of the transfer that are acceptable to the agency and do not require actions that are punishable as crimes under state law;

(6) a provision stating that the agency has reviewed the bylaws of the organization and found them acceptable and a provision requiring that the organization furnish copies of the bylaws to the agency;

(7) a provision requiring specification of the consideration that the agency received from the organization for any agency services provided in support of the organization; and

(8) a provision requiring the application by the organization of the standard described in Section 6-8-10 NMSA 1978 as the standard for evaluating investments of the organization.

C. The written agreement required by Subsection B of this section is not required for each transfer but is a pre-condition of an agency's acceptance of any transfers. The agreement may be amended by mutual written agreement of the agency and the organization.

D. Nothing in this section subjects an organization to the provisions of the Open Meetings Act [Chapter 10, Article 15 NMSA 1978] or makes its records, other than the annual audit required under this section, public records within the purview of Sections 14-2-1 through 14-2-3 NMSA 1978.

History: Laws 1992, ch. 27, § 1.

Effective dates. — Laws 1992, ch. 27 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective on May 20, 1992.

Internal Revenue Code of 1986. — Section 501(c) of the Internal Revenue Code of 1986, referred to in Subsection A(2), appears as 26 U.S.C. § 501(c).

ARTICLE 6

Local Government Finances

- | | | | |
|--------|---|---------|--|
| Sec. | | Sec. | |
| 6-6-1. | Definitions. | 6-6-10. | Violation of expense limit; penalty. |
| 6-6-2. | Local government division; powers and duties. | 6-6-11. | Yearly expenditures limited to income; Bateman Act. |
| 6-6-3. | Local public bodies; duties. | 6-6-12. | Exemptions from Bateman Act. |
| 6-6-4. | Local government division; research and survey; report to governor and legislature. | 6-6-13. | Salaries to be prorated. |
| 6-6-5. | Record of approved budget. | 6-6-14. | Insufficient funds; prorating salaries and claims; preference for expense of boarding prisoners. |
| 6-6-6. | Approved budgets; claims or warrants in excess of budget; liability. | 6-6-15. | Void indebtedness; payment from later collections; disposition of surplus. |
| 6-6-7. | Limitation on county expenditures during year official's term expires; exceptions. | 6-6-16. | Appealed claims; payment. |
| 6-6-8. | Repealed. | 6-6-17. | Current year same as fiscal year. |
| 6-6-9. | Limitation on municipal expenditures during year officials' terms expire. | 6-6-18. | Current year; disposition of funds. |
| | | 6-6-19. | Local government permanent fund. |

6-6-1. Definitions.

"Local public body" means every political subdivision of the state which expends public money from whatever source derived, including but not limited to counties, county institutions, boards, bureaus or commissions; incorporated cities, towns or villages; drainage, conservancy, irrigation or their [other] districts; charitable institutions for which an appropriation is made by the legislature and every office or officer of any of the above. "Local public body" does not include county, municipal, consolidated, union or rural school

APPROVED AS TO FORM:



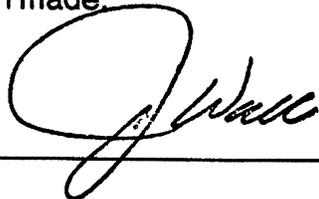
Robert B. Kelley, City Attorney

PROOF OF PUBLICATION

Jim Wall, being duly sworn, deposes and says that he is the Publisher of the Las Cruces Sun-News, a newspaper published daily in the County of Dona Ana, State of New Mexico; that the notice 11323 Ordinance No. 1386/1387 as per clipping attached was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof, for 1 consecutive weeks/days; that the first publication was in the issue dated 07/31/94 and the last publication was in the issue dated 07/31/94.

Deponent further states this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Sec. 3, Chapter 167, Laws of 1937. Payment of fees for said publication has been made.

Signed _____



Publisher
Official Position

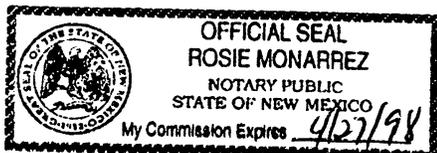
STATE OF NEW MEXICO

SS.

COUNTY OF DONA ANA

Subscribed and sworn before me this 1st day of August 1994.

Notary Public In and for
Dona Ana County, NM



NOTICE OF INTENT TO ADOPT

The City Council of the City of Las Cruces, New Mexico, hereby gives notice of its intent to adopt the following Ordinance at the regular meeting of August 15, 1994:

X Council Bill No. 95-005: Ordinance No. 1386: An Ordinance Repealing Ordinance No. 1267 Relating to Sister Cities Committees and Establishing a Las Cruces Sister Cities Board.

Council Bill No. 95-006: Ordinance No. 1387: An Ordinance Amending Section 9.7 (Construction and Maintenance of Parking Areas) of the 1981 Las Cruces Zoning Code (As Amended). Submitted by the City of Las Cruces (ZA-94-02).

Complete copies of this Ordinance are on file in the office of the City Clerk and are available for public inspection during regular office hours.

/s/Karen Stevens
City Clerk

Pub. No.: 11323
Publish: July 31, 1994

