CITY OF LAS VEGAS, NEW MEXICO

MUNICIPAL CHARTER

EFFECTIVE AS OF APRIL 8, 2022

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Charter of the City of Las Vegas New Mexico

PREAMBLE

We, the Citizens of the City of Las Vegas, pursuant to the Constitution and laws of the State of New Mexico, do hereby enact this Charter for the City of Las Vegas, New Mexico.

ARTICLE I

GENERAL PROVISIONS AND POWERS

Section 1.01. Municipal Corporation; Purposes and Powers.

Section 1.02. State and Municipal Laws.

Section 1.03. Rights and Property.

Section 1.04. Construction.

Section 1.05. Charter Review and Amendment.

Section 1.01. Municipal Corporation; Purpose and Powers.

A. **Incorporation.** The municipal corporation now existing and known as the City of Las Vegas shall remain and continue to be a municipal corporation with the same name and boundaries as existed prior to the effective date of this Charter. The boundaries may be extended in a manner as provided by law.

B. **Purpose.** The purpose of this Charter is to provide maximum self-government and the greatest possible exercise of home-rule powers. A liberal construction shall be given to the powers granted by this Charter.

C. **Powers.** The City may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the City to legislate is permissive and not mandatory. If the City does not legislate, it may nevertheless act in the manner provided by law. The City shall have all powers possible for a home rule municipality to possess under the New Mexico Constitution and the laws of the State of New Mexico, including all implied powers and all powers necessary to implement all express powers of the City, as if each and every one of the City's implied powers were fully, completely and expressly enumerated in this Charter. The City shall be entitled to exercise any and all powers granted by law or the New Mexico Constitution to municipal corporations, except to the extent there may be a conflict between the exercise of the powers and the provisions of this Charter, in which case this Charter shall operate to limit the City's ability to exercise such powers.

D. **Acceptance of Powers.** By enacting this Charter pursuant to the provisions of Article X, Section 6 of the New Mexico Constitution, and pursuant to the New Mexico Municipal Charter Act, the City accepts the full and complete home-rule powers granted in the Constitution.

Section 1.02. State and Municipal Laws.

A. All City ordinances, resolutions, codes, orders and regulations which are in force when this Charter becomes fully effective shall remain in full force and effect except to the extent that they are inconsistent with or interfere with the effective operation of this Charter.

B. Any provisions of the New Mexico Municipal Code or any other state law relating to municipalities shall apply to the City only to the extent that such a state statute is not inconsistent with the provisions of this Charter. To the extent that any state statute relating to municipalities is consistent with the Charter, the City may avail itself of the rights, privileges and powers conferred by such a statute, regardless of whether such a statute vests powers in home rule municipalities, non-home rule municipalities, or both.

Section 1.03. Rights and Property.

A. All rights and property which were vested in the City prior to the effective date of this Charter shall remain so vested under the Charter. No existing right or liability and no pending litigation shall be affected by adoption of this Charter. No action or proceeding, civil or criminal, pending at the time that this Charter takes effect, shall be affected or abated by operation of this Charter.

B. All contracts and franchises entered into by the City or for its benefit, prior to the effective date of this Charter, shall remain in full force and effect. Public improvements for which legislative action has been taken under laws, ordinances or resolutions existing at the time this Charter takes effect, may be carried to completion in a manner which is in as full compliance with this Charter as is possible in accordance with the provisions of existing laws, ordinances and resolutions.

Section 1.04. Construction.

A. **Headings.** Section and subsection headings are included for convenience only. Such headings shall not be utilized for the purpose of determining the meaning of the Charter.

B. **Terms.** Unless the context otherwise requires, the singular shall include the plural; the plural shall include the singular; male shall include female; female shall include male; the terms "may," "can," and "should" shall be permissive; the terms "must," "shall," and "will" shall be mandatory; the term "and" shall be conjunctive; and the term "or" shall be disjunctive.

C. **Severability.** The provisions of the Charter are severable. If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 1.05. Charter Review and Amendment.

A. **Charter Review.** The Governing Body shall be responsible for modifying the City Charter as necessary, and shall review the City Charter at least once every five (5) years.

To accomplish said review, the Governing Body may appoint a committee composed of an equal number of representatives from each council district, none of which shall be elected city officers, to review and make recommendations to the Governing Body, as specifically directed by the Governing Body, regarding the City Charter. The representatives from each council district shall be actual residents of the City, appointed by the Mayor, and confirmed by the Council. The Governing Body may, by majority vote, employ by contract a consultant with charter experience to work independently, or with the committee, for the purpose of reviewing and making recommendations to the Governing Body, as specifically directed by the Governing Body, regarding changes to the City Charter. Any recommended changes under this section shall be reviewed for compliance with applicable law by an attorney experienced in municipal law and drafting charter provisions

B. **Commission Members.** The Charter Commission shall consist of seven (7) members. One (1) member shall be appointed from each council district and shall reside in said district during the period of review. Three (3) members shall be residents of the City, appointed at large, with equal representation among the districts to the greatest extent possible. The Mayor shall appoint six (6) Commission members, including the districted representatives, subject to Council approval. The seventh (7th) member shall be recommended by the Municipal Judge for appointment by the Mayor and approval by the Council. The Commission shall select one its members to act as chair.

C. **Charter Amendments.** Amendments to this Charter may be submitted to the qualified electors by the Governing Body or by petition as follows:

(1) Notice of intent to circulate a petition proposing any amendments to this Charter must be signed by five (5) qualified voters of the City and filed with the City Clerk.

(2) The proposed amendment shall be filed with the City Clerk concurrently with the filing of the Notice of Intent.

(3) The City Clerk must approve the form of any petition submitted under this section prior to obtaining any signatures on the petition. The petition must include the complete language of the amendment, the number of signatures required to submit the petition to the Governing Body, the date by which the petition forms must be submitted, and lines for voter names, signatures and registered voting addresses. Only registered voters of the City shall be counted as signatories.

(4) The number of qualified voters required to sign the petition in order to have the proposed amendment placed on the ballot shall be twenty-five (25) percent of the number of voters who voted at the regular municipal election immediately preceding the filing of the Notice of Intent.

(5) No petition or any part thereof shall be filed more than sixty (60) days after the approval of the petition by the City Clerk.

(6) If the City Clerk determines that the requisite number of signatures of qualified voters exists, the clerk shall certify and present the petition to the Governing Body. If the City Clerk determines that the requisite number of signatures of qualified voters does not exist, the clerk shall return the petition to the applicants and take no further action.

(7) Upon certification and presentation of the petition by the City Clerk, the Governing Body shall adopt an election resolution. The election shall be

scheduled for the next regular municipal election, or as soon as possible thereafter to comply with state election laws.

(8) At such election, the ballot shall contain the text of the proposed amendment and, below said text, the phrases "FOR AMENDMENT" and "AGAINST AMENDMENT". Municipal amendments shall be listed separately on the ballot or together.

(9) If a majority of the votes cast are against the amendment, it shall be of no effect. If a majority of the votes cast are for the amendment, it shall be adopted and shall become effective thirty (30) days following certification of the election.

(10) No amendment that has been disapproved shall be submitted to the voters again for a period of one (1) year from the date of the election.

ARTICLE II

GOVERNING BODY

Section 2.01. Corporate Authority.

Section 2.02. Powers and Duties.

Section 2.03. Qualifications and Election of Councilors.

Section 2.04. Council Redistricting.

Section 2.05. Vacancy in Office.

Section 2.06. Compensation.

Section 2.07. Governing Body Procedures.

Section 2.08. Ordinances.

Section 2.01. Corporate Authority.

A. The City shall be governed by a home-rule charter whereby the City's governing body shall consist of a Mayor and a City Council.

B. The corporate authority of the City shall be vested in the Governing Body, which shall consist of five (5) City Councilors, four of whom shall be elected by district and one of whom shall be elected by the City at large to represent all City residents, which shall collectively comprise the City Council, and a Mayor who shall be the presiding officer of the Governing Body

Section 2.02. Powers and Duties.

A. All legislative powers of the City shall be vested in the Governing Body, except as otherwise required by law or this Charter.

B. All corporate power resides with the Governing Body as a whole, and no individual member, except as otherwise provided herein, shall direct the activities of the city manager, appointed employees, or other employees.

C. The Governing Body shall be the judge of the qualifications of its members, and of the grounds for removal from office, consistent with state law provisions regarding qualifications and removal.

D. The Governing Body may conduct such investigations as it deems appropriate into the affairs of the City, or the conduct of any City department, office, agency, board, or activity.

Section 2.03. Qualifications and Election of Councilors.

A. Councilors shall be qualified electors of, and registered to vote in, the districts in which they reside and shall have established actual residency within said districts no later than ninety (90) days prior to the date of declaration of candidacy for the election in which they are running.

B. One (1) Councilor shall be elected by the qualified electors in each of the City council districts. Elected Councilors and candidates shall physically reside within the districts they represent.

C. Councilors shall each be elected for terms of four (4) years, with two districts electing Councilors in each general municipal election, thereby allowing for staggered Council terms. At the general municipal election of March 2012, two (2) Councilors shall be elected for the two (2) positions whose terms expire at that election. The remaining two (2) Councilors shall continue to serve until the expiration of their terms and the election of Councilors in the March 2014 regular election. Thenceforth, in each general municipal election, two districts shall elect Councilors.

D. Each Councilor, unless otherwise removed as provided for herein, shall remain in office until that person's successor is elected and has taken office.

E. The council districts existing as of the effective date of this Charter shall remain in effect until modified as provided by law or by the terms of this Charter.

Section 2.04. Council Redistricting.

A. The Governing Body shall be responsible for modifying the districts as necessary. After each Federal Census, the Governing Body shall appoint a committee composed of an equal number of representatives from each district, none of which shall be elective city officers, to review and make recommendations to the Governing Body concerning the four Council Districts to be reapportioned. Any recommended changes shall comply with constitutional principles governing voting rights, population and similar related concerns as determined by judicial decision from time to time. The Governing Body shall employ a consultant with redistricting experience to work with the committee. The district boundaries may be altered as necessary to incorporate areas which are annexed into the City. Redistricting shall be done by block and no redistricting shall be done that breaks a block.

B. The Governing Body shall complete its redistricting work so that new election districts are utilized at the first regular municipal election following the completion of the decennial census, provided that sufficient time exists to comply with the election provisions of this Charter and of state law.

C. In the event that annexation occurs that increases the voter population of a district more than twenty-five (25) percent, and the time prior to the next Federal Census exceeds three (3) years, the Governing Body shall follow the appointment procedure identified herein, appoint a redistricting committee, and order a new redistricting to balance the voter populations.

D. The redistricting provisions herein shall not be construed so as to create a vacancy in the office of a City Councilor. All incumbent City Councilors shall be entitled to serve out their terms, even if redistricting causes a City Councilor to reside outside the district which that City Councilor was elected to represent.

Section 2.05. Vacancy in Office.

A. The office of a Councilor shall become vacant upon the Councilor's death, resignation, removal from office, forfeiture of office, termination of residence in the district from which elected or for any other reason as authorized by this Charter or the laws of the State of New Mexico.

B. A Councilor shall be deemed to have automatically forfeited and resigned from office if the Councilor lacks, loses or otherwise fails to possess, during the entire term of office, the qualifications for the office prescribed by this Charter or the laws or Constitution of the State of New Mexico.

C. The Mayor, with approval of the Council, shall within fifteen (15) days of the vacancy appoint a qualified elector from the district to fill the vacancy and who will serve until the next regular municipal election. If the office is not filled within forty-five (45) days of the vacancy, a special election shall be called to fill the vacancy for the remaining term of office.

D. If the Councilor's term of office has not expired at the next regular municipal election following the vacancy, then a special election for the remaining term of office of the Councilor shall be held concurrently with the next regular municipal election, or as soon thereafter as legally possible.

E. At such a special election, only qualified electors residing in the City Council district of the vacancy shall be entitled to vote. The person elected shall serve the remaining unexpired term of office.

Section 2.06. Compensation.

Annual compensation for the Mayor shall be ten thousand dollars ($10,000.00) and for each Councilor ten thousand dollars ($10,000.00), payable in monthly installments. Benefits may be provided by the Council as provided for by state law. An elected official who is a retired member of the New Mexico Public Employee Retirement Association (PERA) shall be subject to the statutes and rules of PERA, as may be amended from time to time, governing contributions to the official's PERA retirement account by the City and by the elected official.

Section 2.07. Governing Body Procedures.

A. **Organizational Meeting.** The Governing Body, at the first meeting following a municipal election, shall convene for the purpose of organizing, reviewing the mission and vision statement, reviewing the top ten priorities of the previously elected Governing Body, and confirming the appointment of the city manager and the appointed officers.

B. Meetings. The Governing Body shall meet regularly at least twice in every month at such times and places as it may prescribe by ordinance. Special meetings may be held on the call of the mayor or of three (3) or more members of the Council. Notice of meetings shall be given as provided in a resolution to be adopted by the Governing Body each year pursuant to the New Mexico Open Meetings Act. Except as provided by the New Mexico Open Meetings Act, all meetings of a quorum of the Governing Body shall be open to the public.

C. **Rules and Minutes.** The Governing Body shall determine its own rules and order of business and shall cause minutes to be kept of its proceedings.

D. **Roll Call Votes.** Voting on resolutions and ordinances shall be by roll call and the votes of each member shall be recorded in the minutes.

E. Voting. All actions and decisions of the Governing Body shall be by a simple majority of the members present, except as follows:

(1) Ordinances and resolutions, which shall be enacted by affirmative vote of a majority of all of the members of the Governing Body; and

(2) Any other matter required under this Charter or the Constitution or laws of the State of New Mexico to be enacted by a vote other than a majority of the members present.

F. **Quorum.** Three members of the Governing Body shall constitute a quorum, provided, that if two or more vacancies exist on the Governing Body, then a quorum shall be a majority of the members of the Governing Body excluding the vacant offices. A number less than a quorum may, for the purpose of obtaining a quorum, compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules o the Governing Body.

Section 2.08. Ordinances.

A. In addition to ordinances which are required by the laws of the State of New Mexico or by specific provision of this Charter, the following matters shall be undertaken by ordinance of the Governing Body:

(1) Provide for a fine or other penalty, or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(2) Levy taxes;

(3) Grant, renew or extend a franchise;

(4) Authorize the borrowing of money;

(5) Establish or change the rate charged for public utilities; and

(6) Amend or repeal any ordinance previously adopted.

B. The Governing Body may adopt any standard code of technical regulations by reference thereto in an adopting ordinance.

C. All actions of the Governing Body, other than those required to be accomplished by ordinance may be undertaken by resolution or by motion.

D. The Governing Body shall adopt by ordinance the procedures for introduction and adoption of ordinances.

E. Except as otherwise provided in this Charter, every adopted ordinance shall become effective five (5) days after publication of the ordinance following its adoption, or at such later date specified herein.

F. The Governing Body shall have the authority to provide procedures for adoption of emergency ordinances to meet a public emergency affecting life, health, property or the public peace, provided, that emergency ordinances shall not levy taxes, grant, renew or extend a franchise, or regulate the rates charged by any public utility.

G. The City Clerk shall authenticate by signing, and shall record in full in a properly indexed book kept for that purpose, all ordinances and resolutions adopted by the Governing Body.

H. The Governing Body shall provide for the preparation of a general codification of this Charter and all general City ordinances.

ARTICLE III

MAYOR

Section 3.01. Qualifications and Election.

Section 3.02. Powers and Duties.

Section 3.03. Mayor Pro Tempore.

Section 3.04. Vacancy in Office.

Section 3.01. Qualification and Election.

The Mayor shall be a qualified elector residing within the City and registered to vote within the City no later than ninety (90) days prior to the election, shall be elected at-large within the City, and shall serve a four (4)-year term commencing with the general municipal election of March, 2012. The Mayor, unless otherwise removed as provided herein, shall remain in office until his or her successor is elected and has taken office.

Section 3.02. Powers and Duties.

A. The Mayor shall be a member of the Governing Body entitled to cast a vote only in the event of a tie among the city councilors, except as otherwise provided herein.

B. The Mayor shall:

(1) Preside at meetings of the Governing Body;

(2) Be the chief executive officer of the City and shall exercise all executive powers of the City as established by state law, except to the extent that such authority is delegated to the City Manager, subject to governing body oversight, as provided in Article V herein;

(3) Appoint and remove, subject to approval of the Council, the City Manager, City Attorney, City Clerk, Chief of Police and members of boards, commissions and advisory committees, all as provided more specifically herein;

(4) Represent the City in intergovernmental relationships, unless otherwise provided in the document creating a given intergovernmental relationship;

(5) Present an annual State-of-the-City report to the community; and

(6) Perform other duties and exercise such other powers as specified in this Charter, the City's ordinances and resolutions, or by the Governing Body.

C. The Mayor shall be recognized as head of the City government for ceremonial purposes, for purposes of responding to civil emergencies, and by the Governor for purposes of military law.

Section 3.03. Mayor Pro Tempore.

A. The Council shall elect from its membership a Mayor Pro Tempore to assume the role of Mayor during the temporary absence or disability of the Mayor. The Mayor shall be authorized to vote in the event of a tie. The Mayor Pro Tempore shall serve a one (1) year term.

B. During service in the absence of the Mayor, the Mayor Pro Tempore shall retain his voting rights as a Councilor, shall not exercise his voting rights as tie-breaking in the capacity as Mayor, and shall retain the right to make or second motions.

Section 3.04. Vacancy in Office.

A. The office of the Mayor shall become vacant upon the Mayor's death, resignation, removal from office, termination of residence in the City or for any other reason as authorized by this Charter or the laws of the State of New Mexico.

B. If the date on which the vacancy occurs within one (1) year of the expiration of the Mayor's term, the Council shall appoint from among its membership a person to serve the remainder of the term and the Council seat shall be vacant, to be filled as provided in Article II herein. If the office is not filled within forty-five (45) days of the vacancy, a special election shall be called to fill the vacancy for the remaining term of office.

C. If the date on which the vacancy occurs is one (1) year or more from the expiration term by a Mayor's term, the position shall be filled for the remainder of the unexpired term by a special election. During the interim between the date the office is vacated and the date of the special election, the Mayor's position shall be filled by the Mayor Pro Tempore. The Mayor Pro Tempore shall temporarily cease to be a Councilor and the seat on the council shall remain unfilled until a Mayor is elected and qualified and the Councilor shall resume his seat on the council, or it shall otherwise be filled as provided in Article II herein if vacant.

ARTICLE IV

MUNICIPAL COURT

Section 4.01. Creation, Power and Duties.

Section 4.02. Qualifications.

Section 4.03. Term of Office and Compensation.

Section 4.04. Removal.

Section 4.05. Temporary Absence and Vacancy in Office.

Section 4.01. Creation, Power and Duties.

A. Following the adoption of this Charter there shall be one (1) municipal judge.

B. The municipal judge:

(1) Shall constitute the judicial branch of the City government;

(2) Shall be entitled to exercise all of the powers and duties of office as are authorized by the Constitution and laws of the State of New Mexico.

(3) Shall have jurisdiction over all offenses and complaints under the ordinances of the City; and

(4) May issue subpoenas, warrants and punishment for contempt.

Section 4.02. Qualifications.

The municipal judge shall:

A. Be a qualified elector of the City of Las Vegas, reside within the city limits, and be a registered voter within the city limits no later than ninety (90) days prior to the election.

B. Possess all of the aforementioned qualifications during the municipal judge's entire term of office.

Section 4.03. Term of Office and Compensation.

The term of Office of the Municipal Judge shall be for a period of four (4) years, commencing with the regular municipal election of 2014. The municipal judge shall remain in office until the municipal judge's successor is elected and has taken office. The salary of the municipal judge shall be established by ordinance.

Section 4.04. Removal.

The municipal judge may be removed from office as provided under the laws of the State of New Mexico.

Section 4.05. Temporary Absence and Vacancy in Office.

A. Recusal of judge. In the event that the Municipal Judge recuses himself from presiding over any given case, or is excused by order of the district court, he shall notify the Mayor, who shall appoint an alternate judge to preside over said case. The appointment shall not require Council approval.

B. Temporary absence. In the event of temporary absence of the Municipal Judge, other than by recusal, the Mayor shall appoint a qualified person to act as temporary or alternate Municipal Judge, subject to confirmation by the Governing Body.

C. Vacancy in Office.

(1) In the event the Municipal Judge dies, resigns, is no longer qualified to serve, or is removed from office, the Governing Body shall declare the office vacant.

(2) Within thirty (30) days of the vacancy, the Mayor shall appoint a qualified successor to fill the vacancy, subject to approval of the Council. The temporary Municipal Judge shall perform the functions of the office pending appointment and confirmation of a successor Municipal Judge.

(3) If the term of office will expire at the next regular Municipal Election, the person appointed to the office shall serve until said election.

(4) If the term of office will not expire at the next regular Municipal Election, a Special Election shall be held concurrently with the next regular Municipal Election, or as soon thereafter as possible, to fill the remaining unexpired term of office.

ARTICLE V

OFFICERS, DIRECTORS AND EMPLOYEES

Section 5.01. City Manager--Appointment and General Provisions.

Section 5.02. City Manager—Removal.

Section 5.03. City Manager—Powers and Duties.

Section 5.04. City Attorney.

Section 5.05. City Clerk.

Section 5.06. Chief of Police.

Section 5.07. Departments.

Section 5.08. Personnel System.

Section 5.01. City Manager—Appointment and General Provisions.

A. The Mayor shall provide a list of not less than two (2) qualified candidates for the position of City Manager for the Council to review. The Council shall select a City Manager from the two candidates provided by the Mayor. The Governing Body shall enter into a contract with the City Manager which shall establish, among other matters, compensation, benefits, duties and responsibilities.

B. The City Manager shall be appointed solely on the basis of executive and administrative qualifications, and shall establish residency in San Miguel County within ninety (90) days of acceptance of the appointment.

C. The City Manager, if not already certified by the International City Managers Association (ICMA), shall be working to achieve certification while in the employ of the City.

D. The City Manager shall designate other employees of the City to perform the functions of the office during any absence of thirty (30) days or less. The Mayor shall appoint, subject to Council approval, an acting City Manager for any absence exceeding thirty (30) days.

Section 5.02. City Manager; Removal.

The City Manager serves at the pleasure of the Governing Body, and may be suspended or removed without cause at any time by the Mayor, subject to approval of the Council, or by the Governing Body by a majority of all members of the Governing Body.

Section 5.03. City Manager—Powers and Duties.

The City Manager shall be the chief administrative officer of the City in charge of day-to-day administrative affairs of the City, shall appoint the department directors, shall direct and supervise City employees, and shall perform such other functions as may be established pursuant to this Charter, by the Governing Body, or by state law.

Section 5.04. City Attorney.

A. There shall be a City Attorney who shall serve as chief legal advisor to the Governing Body, City Manager, and all City departments, offices and agencies, shall represent the City on legal proceedings, and shall perform any other duties prescribed by state law, by this Charter or by ordinance. The Governing Body shall enter into a contract with the City Attorney which shall establish, among other matters, compensation, benefits, duties and responsibilities. The City may contract for such other specialized legal services from outside legal counsel as it deems appropriate.

B. The City Attorney shall be an attorney in good standing, qualified in the field of municipal law, licensed to practice law in the State of New Mexico, and shall establish residence in San Miguel County within ninety (90) days of acceptance of appointment.

C. The Mayor shall provide a list of not less than two (2) qualified candidates for the position of City Attorney for the Council to review. The Council shall select a City Attorney from the two candidates provided by the Mayor. The Governing Body shall enter into a contract with the City Attorney which shall establish, among other matters, compensation, benefits, duties and responsibilities.

D. The Governing Body shall enter into a contract with the City Attorney which shall establish, among other matters, compensation, benefits, duties and responsibilities.

E. The City Attorney, whether contractual or employee, serves at the pleasure of the Governing Body and may be suspended or removed without cause at any time by the Mayor, subject to approval of the Council, or by a majority of all members of the Governing Body.

Section 5.05. City Clerk.

A. There shall be a City Clerk who shall serve as clerk to the Governing Body.

B. The City Clerk shall give notice of Governing Body meetings to its members and the public, keep the minutes of its proceedings, keep the official records of the City, cause appropriate public notices to be given, and perform such other duties as are assigned by this Charter, by the Governing Body or by law.

C. The Mayor shall provide a list of not less than two (2) qualified candidates for the position of City Clerk for the Council to review. The Council shall select a City Clerk from the two candidates provided by the Mayor. The Governing Body shall enter into a contract with the City Clerk which shall establish, among other matters, compensation, benefits, duties and responsibilities. The City Clerk shall

establish residence in San Miguel County within ninety (90) days of acceptance of appointment.

D. The City Clerk serves at the pleasure of the Governing Body, and may be suspended or removed without cause at any time by the Mayor, subject to approval of the Council, or by the Governing Body by a majority of all members of the Governing Body.

E. The City Clerk, if not already certified, must work toward being certified by the Institute of Municipal Clerks and have achieved or be working to achieve a certification as a Certified Municipal Clerk or attain that certification while in the employ of the City.

Section 5.06. Chief of Police.

A. There shall be a Chief of Police.

B. The Mayor shall provide a list of not less than two (2) qualified candidates for the position of Chief of Police for the Council to review. The Council shall select a Chief of Police from the two candidates provided by the Mayor. The Governing Body shall enter into a contract with the Chief of Police which shall establish, among other matters, compensation, benefits, duties and responsibilities. The Chief of Police shall establish residence in San Miguel County within ninety (90) days of acceptance of appointment.

C. The Chief of Police serves at the pleasure of the Governing Body, and may be suspended or removed without cause at any time by the Mayor, subject to approval of the Council, or by the Governing Body by a majority of all members of the Governing Body.

Section 5.07. Departments.

A. Subject to approval of the Governing Body, the City Manager shall establish such departments as are necessary for efficient administration of the City.

B. Each department shall be under the supervision of a department director, subject to the direction and supervision of the City Manager.

C. The City Manager shall appoint department directors, subject to approval by the Governing Body.

D. Department directors are at-will employees who may be placed on administrative leave or removed by the city manager, subject to a majority vote by the Governing Body. The majority vote by the Governing Body of whether or not to remove a department director shall be recognized and implemented by the City Manager, with said vote constituting a final and conclusive determination regarding the matter.

E. The City Manager may serve as department, provided that the Manager shall not serve as either City Clerk or Finance Director.

Section 5.08. Personnel System.

A. The Governing Body shall adopt a personal ordinance which is consistent with this Charter establishing the personnel policies, rules and procedures of the City. All appointments and promotions of City employees, other than department directors and those employees who are by this Charter or by ordinance designated as at will employees, shall be made solely on the basis of merit and fitness in accordance with the personnel ordinance to be adopted by the Governing Body.

B. The personnel ordinance shall:

(1) Establish a merit system governing personnel policies necessary for the effective administration of the employees of the City departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, discipline, termination, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations;

(2) Be consistent with all mandatory federal and state requirements; and

(3) Authorize department directors or any other administrative officer of the City, subject to the City Manager's direction, approval, and supervision and subject to all applicable personnel regulations, to exercise the power to hire, fire and discipline subordinates in that officer's department, office or agency.

C. Neither the Mayor nor any City Councilor shall in any manner control or demand the appointment, discipline, or removal of any City employee who is a merit employee of the City; and such matters shall be left in the hands of the City Manager and the City Manager's subordinates, except to the extent that the City personnel ordinance may authorize appeals to the Governing Body.

ARTICLE VI

BOARDS, COMMISSIONS AND ADVISORY COMMITTEES

Section 6.01. General Provisions Governing Boards and Commissions.

Section 6.02. Permanent Boards and Commissions.

Section 6.03. Board of Adjustment and Planning and Zoning Commission.

Section 6.04. Design Review Board.

Section 6.05. Police Advisory Commission.

Section 6.06. Lodgers Tax Board.

Section 6.07. Campaign and Ethics Board.

Section 6.08. Advisory Committees.

6.01. General Provisions Governing Boards and Commissions.

A. **Creation.** In addition to those permanent boards and commissions established by this Charter, the Governing Body may, by ordinance, establish such boards and commissions of duration greater than one (1) year with such powers, purpose, scope and authority as is deemed appropriate by the Governing Body.

B. **Appointment.** Except as otherwise provided in this Charter, the Mayor shall appoint all members of boards and commissions, subject to approval by the Council.

C. **Residency and District Representation.** Regular members of boards and commissions shall be residents of the City except as otherwise provided herein. Each board and commission shall have one (1) member appointed from each Council district. Should the member move out of the district during his term, the member shall be automatically removed from office and the position shall be considered vacant. Other members of the board or commission may be appointed at-large from within the city limits, provided, that the Governing Body shall endeavor to achieve equal representation among districts. Non-residents may be considered for the at-large positions if so provided by ordinance. The Mayor shall appoint a replacement member to any board or commission within twenty (20) days of notification to the Governing Body of a vacancy.

D. **Terms.** Terms of office for regular members of boards and commissions shall be four (4) years, staggered as provided herein. At the first meeting of each board and commission following the effective date of this Charter, each such body shall determine by lot which of its members shall serve for two (2) years and which shall serve for four (4) years, with the two categories achieving equal numbers as nearly as possible. Thereafter, the Mayor shall make appointments every two (2)

years, subject to Council approval as provided herein, for the positions whose terms have expired.

E. **Effect of Re-Districting**. No vacancy in the office of any member of any board or commission shall be caused by redistricting of City Council election districts. All members of a board or commission shall be entitled to serve out their terms, unless otherwise removed pursuant to the terms of this Charter, even in redistricting causes the number of members to exceed the proportional-representation limitations of this Charter.

F. **Ex-Officio Members.** No member of the Governing Body, nor any appointed official or employee, shall serve on any board or commission except as a non-voting ex-officio member. The Governing Body may provide for such ex-officio members by ordinance as it deems appropriate.

G. **Removal.** Except as otherwise provided by ordinance, regular members of boards and commissions serve at the pleasure of the Governing Body and may be removed by the Mayor with approval of the Council, or by a majority of all of the members of the Council. A board or commission may recommend to the Governing Body that it remove a member of that board or commission upon the occurrence of three (3) unexcused absences.

H. **Quorum and Open Meetings.** A quorum of any board or commission shall be a simple majority of all appointed members. Each board and commission shall annually adopt a resolution requiring compliance with the provisions of the New Mexico Open Meetings Act.

I. **Report to Council**. Each board and commission shall annually prepare and deliver a report of its activities and recommendations at a meeting of the Governing Body.

Section 6.02. Permanent Boards and Commissions.

The boards and commissions specified herein are established as permanent boards and commissions of the City.

Section 6.03. Board of Adjustment and Planning and Zoning Commission.

A. **Membership.**
The Board of Adjustment and Planning and Zoning Commission shall consist of seven (7) members.

B. **Powers and Duties.**
The Board of Adjustment and Planning and Zoning Commission shall exercise such powers and duties as are delegated to it by ordinance in furthermore of the Governing Body's exercise of its planning, platting and zoning authority pursuant to state law.

Section 6.04. Design Review Board.

A. **Membership.**
The Design Review Board shall consist of seven (7) members.

B. Powers and Duties.
The Governing Body shall establish by ordinance the powers and duties of the Design Review Board.

Section 6.05. Police Advisory Commission.

A. Membership.
The Police Advisory Commission shall consist of five (5) members.

B. Powers and Duties.
The Governing Body shall establish by ordinance the power and duties of the Commission, which shall act in an advisory capacity to the Governing Body regarding police policies and procedures, complaints regarding police activity that have been received by the City, and such other matters as the Governing Body may determine.

Section 6.06. Lodgers Tax Board.

A. Membership. The Lodgers Tax Board shall consist of seven (7) members. Two (2) members shall be owners or operators of lodging establishments subject to the City's occupancy tax; two (2) members shall be owners or operators of industries located within the City that primarily provide services or products to tourists; and three (3) members shall be residents of the City and represent the general public. This provision shall supersede the provision of section 6.10(C) regarding district representation to the extent necessary to procure the required membership.

B. Powers and Duties. The Governing Body shall establish by ordinance the powers and duties of the Lodgers Tax Board.

Section 6.07. Campaign and Ethics Board.

A. Membership. The Campaign and Ethics Board shall consist of six (6) members who shall be selected as follows: the Council shall appoint three (3) members; the Mayor shall appoint one (1) member; the Municipal Judge shall appoint one (1) member; and the five (5) members so appointed shall appoint a sixth member. The appointment of a Board member by one appointing authority shall not be subject to approval or disapproval by the other appointing authorities. This provision shall supersede the provision of section 6.01(C) regarding district representation to the extent necessary to procure the required membership.

B. Powers and Duties.

(1) The Board shall have the power to investigate complaints of violations of the Code of Ethics and the Election Code ("Codes") and to render advisory opinions to persons subject to the Codes.

(2) The Board shall establish rules of procedure for its proceedings consistent with the New Mexico Open Meetings Act and with considerations of due process.

Section 6.08. Advisory Committees.

The Governing Body may establish advisory committees as it deems appropriate. The ordinance, resolution or motion establishing any such committee shall provide for the manner of appointment, the powers, purpose, scope and authority of the committee, the termination of the committee, and such other matters as deemed relevant by the Governing Body.

ARTICLE VII

FINANCIAL PROCEDURES

Section 7.01. Fiscal Year.

Section 7.02. Preparation and Submission of Budget.

Section 7.03. Budget a Public Record.

Section 7.01. Fiscal Year.

A. The fiscal year of the City shall begin on the first (1st) day of July and end on the last day (30th) of June of the next succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Charter, the term budget year shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

B. The Finance Director shall function as the city treasurer unless another person us designated by the Governing Body.

Section 7.02. Preparation and Submission of Budget.

The City Manager in consultation with the Finance Director shall prepare a recommended budget at least forty (40) days prior to the beginning of each budget year, in accordance with rules and regulations established by the New Mexico Department of Finance and as such rules may be amended from time to time, and shall submit the budget to the Governing Body with an explanatory budget message.

Section 7.03. Budget a Public Record.

A. The budget, budget message and all supporting schedules shall be public records in the office of the City Clerk open to public inspection. Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the City Clerk. Sufficient copies of the certified budget shall be made available in the Finance office and City Clerk office for the use of all city offices, departments, or agencies, and for the use interested persons and civic organizations. Once approved by the Governing Body and the Department of Finance, the budget shall be posted on the city website.

ARTICLE VIII

ELECTIONS, INITIATIVE, REFERENDUM AND RECALL

Section 8.01. City Elections.

Section 8.02. Initiative.

Section 8.03. Referendum.

Section 8.04. Recall.

Section 8.01. City Elections.

A. The New Mexico Election Code shall apply to and govern elections of the City of Las Vegas, except to the extent that the Election Code is silent or conflicts with the provisions of this Charter, in which case the City Charter shall govern.

B. The regular municipal election shall be held as provided by applicable law.

C. Qualified voters are as follows:

(1) All registered voters resident in the City shall be qualified to vote for the Mayor and Municipal Judge.

(2) All registered voters resident in a district shall be qualified to vote for Councilor from that district.

D. Candidates for all municipal elective offices shall run for office without any political party designation, and no references to any slate of candidates shall be made on any ballots.

E. All voting systems used in municipal elections beginning in March, 2012, shall use a paper ballot on which the voter physically or electronically marks the voter's choices on the ballot itself. Privacy booths must be provided at all polling places.

F. The election of all municipal elective offices shall be by majority of the votes cast for the particular office in question. The Governing Body shall by ordinance determine the procedure for breaking tie votes.

G. For the purpose of preventing fraud in City elections, and such other purposes as the Governing Body may determine, the Governing Body may adopt ordinances consistent with the City Charter. Such ordinances may include a policy concerning campaign practices, candidate expenses, contribution reports and campaign ethics, among other things, as determined by the City's Governing Body.

Section 8.02. Initiative.

A. The power of Initiative is hereby reserved by the voters of the City.

B. Except as otherwise provided herein, the provisions of the New Mexico

Municipal Election code and Section 3-1-5, N.M.S.A. (1978), relating to petitions, as they currently exist or may hereafter be amended or suspended, shall govern the exercise of the powers of Initiative.

C. The following provisions shall govern the right of Initiative:

(1) The qualified electors of the City shall have the power to propose ordinances to the Governing Body.

(2) The power of initiative shall not extend to: the budget; the capital program; any ordinance relating to appropriation of money; the levy of taxes, unless a referendum is specifically authorized by state law; salaries of City officers or employees; ordinances authorizing bonds or other obligations where such ordinance, bonds or other obligations previously have been approved at a City election; or any other ordinance authorizing or otherwise relating to any city bonds or other obligations then outstanding.

(3) Initiative shall commence by the filing of a petition with the City Clerk which complies with the following requirements;

(a) The form of the proposed petition shall be submitted to the City Clerk prior to its circulation in the City for signature. If a particular proposed petition is not submitted to the City Clerk prior to circulation, or if such a proposed petition is not approved as to form by the City Clerk, then the City Clerk shall not accept that initiative petition for filing.

(b) The City Clerk shall indicate in writing on a proposed petition that it is approved as to form if:

(i) the petition contains a heading which states that the petition is for the purpose of initiative.

(ii) the heading sets forth in full the text of the proposed ordinance.

(iii) the petition contains a place for the person signing the petition to write the date, name (printed), address, and signature; and

(iv) the petition contains a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature or signing a petition when that person knows he or she is not a qualified elector in the City of Las Vegas, is guilty of a fourth degree felony.

(c) The signed petition shall be filed with the City Clerk and not more than sixty consecutive days following the date upon which the City Clerk approved the petition as to form.

(d) The petition shall be signed by not less than twenty-five (25) percent of the number of voters of the City of Las Vegas who voted at the regular municipal election immediately preceding the submission of the proposed petition to the City Clerk.

(4) The Governing Body shall select a qualified attorney to review and render an opinion as to legality and form any proposed ordinance before it is submitted to the Governing Body for consideration.

(5) Upon the filing of an initiative petition which has been previously approved as to form, the City Clerk shall verify the initiative petition pursuant to Section 3-1-5 NMSA 1978, and the City Clerk and Governing Body shall perform the duties otherwise required in Section 3-1-5 NMSA 1978, except to the extent that such provisions are inconsistent with this section of the Charter.

(6) Upon the filing of an initiative petition which has been certified as complying with the requirements of this subsection, the initiated ordinance shall be proposed to the Governing Body for enactment within thirty (30) days of the date of filing the petition.

(7) If the Governing Body fails to act, acts adversely, or amends any legally proposed ordinance, then the Governing Body must enact an election resolution calling for a special election, pursuant to the special election calendar and procedures of the New Mexico Municipal Election Code, for the purpose of submitting the initiated ordinance to the electorate. If the Governing Body fails to enact an election resolution, interested persons shall have recourse to the District Court. If the interested persons prevail, they shall be entitled to reasonable court costs and reasonable attorney fees.

(8) The ballot shall contain the initiated ordinance and the initiated ordinance as amended, if the Governing Body amends the initiated ordinance. After each version of the initiated ordinance there shall be printed the words: "FOR" and "AGAINST" with spaces for crosses after each word.

(9) The measure receiving a majority of the votes cast in its favor is adopted. If each measure receives a majority of the votes cast in its favor, the measure receiving the greatest number of votes cast in its favor is adopted.

Section 8.03. Referendum.

A. The power of Referendum is hereby reserved by the voters of the City.

B. Except as otherwise provided herein, the provisions of the New Mexico Municipal Election Code and Section 3-1-5, N.M.S.A. (1978), relating to petitions, as they currently exist or may hereafter be amended or suspended, shall govern the exercise of the powers of Referendum.

C. The following provisions shall govern the right of Referendum:

(1) The qualified electors of the City shall have the power to require reconsideration by the Governing Body of any adopted ordinance, except as prohibited by law or this Charter.

(2) The power of Referendum shall not extend to: the budget; the capital program; any ordinance relating to appropriation of money; the levy of taxes unless a referendum is specifically authorized by state law; salaries of City officers or employees; zone map amendments; ordinances authorizing bonds or other obligations, where such ordinances, bonds or other obligations previously have been approved at a City election or are revenue bonds; or any other ordinance authorizing or otherwise relating to any city bonds or other obligations then outstanding.

(3) Referendum shall be commenced by the filing of a petition with the City Clerk which complies with the following requirements:

(a) The form of the proposed petition shall be submitted to the City Clerk prior to its circulation in the City for signature. If a particular proposed petition is not submitted to the City Clerk prior to circulation, or if such a proposed petition is not approved as to form by the City Clerk, then the City Clerk shall not accept that referendum petition for filing.

(b) The City Clerk shall indicate in writing on a proposed petition that it is approved as to form if:

(i) the petition contains a heading which states that the petition is for the purpose of referendum;

(ii) the heading sets forth in full the title of the ordinance which is the subject of the referendum, the ordinance number, if any, and a brief description of the ordinance;

(iii) the petition contains a place for the person signing the petition to write the date, name (printed), address, and signature; and

(iv) the petition contains a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature or signing a petition when that person knows he or she is not a qualified elector in the City of Las Vegas, is guilty of a fourth degree felony.

(c) The signed petition shall be filed with the City Clerk not more than sixty consecutive days following the date at which the Governing Body voted to approve the ordinance.

(d) The petition shall be signed by not less than twenty-five (25) percent of the number of voters of the City of Las Vegas who voted at the regular municipal election immediately preceding the submission of the proposed petition to the City Clerk.

(4) Upon the filing of a referendum petition which has been previously approved as to form, the City Clerk shall verify the referendum petition pursuant to Section 3-1-5 NMSA 1978, and the City Clerk and Governing Body shall perform the duties otherwise required in Section 3-1-5 NMSA 1978, except to the extent that such shall select a qualified attorney to review and render an opinion as to legality and form before it is submitted to the Governing Body for consideration.

(5) Upon the filing of a referendum petition, which has been certified as complying with the requirements of this subsection, the ordinance in question shall be presented to the Governing Body for the purpose of determining whether the Governing Body will repeal the ordinance. If the Governing Body fails to repeal the ordinance in question, then the Governing Body shall enact an election resolution calling for a special election, pursuant to the special election calendar and procedures of the New Mexico Municipal Election Code, for the purpose of submitting the ordinance to the electorate.

(6) The ballot shall contain the text of the ordinance or resolution. Below the text shall be the words: "FOR" and "AGAINST" with spaces for crosses after each word.

(7) If a majority of the votes cast are in favor of the ordinance, then it shall take effect immediately. If a majority of the votes cast are against the ordinance, it shall not take effect.

(8) If an ordinance eligible for referendum is an emergency measure, it shall go into effect immediately; but it shall be subject to repeal by a majority vote at a referendum election.

(9) Any ordinance subject to referendum other than an emergency ordinance shall become effective as provided in Article II herein. Upon certification that a referendum petition regarding such an ordinance complies with the provisions of this subsection, such an ordinance shall be suspended until it is repealed by the Governing Body, rejected at an election, or approved at an election.

Section 8.04. Recall.

A. The power of recall is hereby reserved by the voters of the City.

B. Except as otherwise provided herein, the provisions of the New Mexico Election Code and NMSA Chapter 1, Article 25 (the "Recall Act") shall govern the exercise of the power of recall under the City Charter.

C. The Mayor and all the City Councilors are subject to recall.

D. The following provisions shall govern the right of recall:

(1) A written notice of intent to file a petition of recall must be submitted to the City Clerk and must contain a minimum of twenty-five (25) signatures with printed names and addresses of qualified electors residing in the particular council district, or within the city limits for the office of Mayor.

(2) Recall shall commence by the filing of a petition with the City Clerk, which complies with the following requirements:

(a) The form of the proposed petition shall be submitted to the City Clerk prior to its circulation in the City for signature. If a particular proposed petition is not submitted to the City Clerk prior to circulation, or if such a proposed petition is not approved as to form by the City Clerk, then the City clerk shall not accept that recall petition for filing. If the Governing Body member sought to be recalled is a City Councilor, then the proposed petition for recall may only be filed by qualified electors of that particular ward.

(b) The City Clerk shall indicate in writing on a proposed petition that it is approved as to form if:

(i) The petition contains a heading which states that the petition is for the purpose of recall;

(ii) The heading sets forth the name of the Governing Body member who is the subject of the recall;

(iii) The recall petition heading shall contain a clear and concise statement specifying the charges alleged to support recall of

the named official sufficient to constitute malfeasance in office, misfeasance in office or violation of oath of office;

(iv) The petition contains a place for the person signing the petition to write the date, name (printed), address, and signature;

(v) The petition contains a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature or signing a petition when that person knows he or she is not a qualified elector in the City of Las Vegas is guilty of a fourth degree felony; and

(vi) Each page of the petition for signatures contains the requirements as specified in subsections (i) through (v) in the heading.

(c) The signed petition shall be filed with the City Clerk not more than sixty (60) consecutive days following the date upon which the City Clerk approved the petition as to form.

(d) In the case of the Mayor, the petition shall be signed by a number equal to or more than twenty-five (25) percent of the number of voters who voted at the regular municipal election immediately preceding the filing of the Notice of Intent.

(e) In the case of a City Councilor, the petition shall be signed by a number equal to or more than twenty-five (25) percent of the number of voters who voted within the Councilor's district at the regular municipal election immediately preceding the filing of the Notice of Intent.

(3) Upon the filing of a recall petition which has been previously approved as to form, the City Clerk shall verify the recall petition, pursuant to Section 3-1-5 NMSA 1978, and the City Clerk and Governing Body shall perform the duties otherwise required in Section 3-1-5 NMSA 1978, except to the extent that such provisions are inconsistent with this section of the Charter.

(4) Upon the filing of a recall petition which has been certified as complying with the requirements of this section, the Governing Body shall enact an election resolution calling for a special election.

(5) If the Governing Body member sought to be recalled is a City Councilor, then the special recall election shall be held only in the election district represented by that City Councilor. Only those qualified electors residing in the same council district as the Councilor sought to be recalled shall be eligible to vote.

(6) At any recall election, the official holding office shall be recalled only if:

(a) A majority of the votes cast at the recall election are in favor of recalling the official; and

(b) This majority equals or exceeds the number of votes the official received when elected.

(7) If an official is recalled, he or she shall not be eligible to seek that office through election or appointment until the next term has expired.

(8) If a recall election results are insufficient to support a recall, the official who is the subject of the recall election shall not be subject to recall on the same grounds during the remainder of that official's term of office.

ARTICLE IX

CONFLICT OF INTEREST, ETHICS

Section 9.01. Conflict of Interest.

Section 9.02. Holding Other Office.

Section 9.03. Political Activity.

Section 9.01. Conflict of Interest.

A. Definitions. The following definitions shall be applicable when the defined terms are used in this section.

(1) "Board, Commission or Committee Member" means any voting member of a City board, commission, committee or similar appointed body.

(2) "Business" means a corporation, partnership, sole proprietorship, firm, organization, or individual carrying on a business.

(3) "City Employee" means the City Manager, Appointed Officers, Department Directors, and any other person who is not an elected official of the City and who receives compensation in the form of a salary from the City.

(4) "Controlling Interest" means an interest which is greater than twenty (20) percent.

(5) "Contract" means an agreement to purchase or obtain services, construction or items of personal property with a value of five hundred dollars ($500.00) or more, but shall not include a contract of employment with the City.

(6) "Employment" means rendering of services for compensation in the form of salary as an employee.

(7) "Financial Interest" means an interest held by a person, that person's spouse or domestic partner, or minor children, which is:

(a) Any ownership interest in a business; or

(b) Any employment or prospective employment for which negotiations have already begun.

(8) "Official Act" means an official decision, recommendation, approval, disapproval or other action which involves the use of discretionary authority.

B. Disclosure and Voting. In addition to any other applicable provision of law, the provisions of this section shall govern disclosure and voting by the Mayor and City Councilors as follows:

(1) The Mayor or any Councilor who has a financial interest (including property ownership) in the outcome of any policy, decision, or determination before the Governing Body, shall disclose to the other members of the Governing Body the nature of the financial interest, and

the disclosure shall be recorded by the Clerk as part of the minutes of the meeting at which the disclosure is made.

(2) Disclosure of financial interest or possible interest on any issue coming before the Governing Body shall not disqualify a member of the Governing Body from voting on the issue, unless:

(a) A majority of the remaining members of the Governing Body determine that the member who discloses his financial interest should not in propriety vote on the issue; or

(b) The member having a financial interest or possible interest in the issue voluntarily disqualifies himself.

C. **Disqualification**. All City employees and board, commission and committee members shall disqualify themselves from participating in any official act directly affecting a business in which that employee or board, commission or committee member has a financial interest (including property ownership). The governing Body may grant an exception from the requirements of this subsection by action in which it sets forth the reasons for its action.

D. **Gifts.** No City elected or appointed official, employee, or board, commission or committee member shall request, receive or accept a gift or loan, or request, receive or accept a gift on behalf of any other person, if:

(1) It tends to influence the official, employee, or board, commission or committee member in the discharge of any official act, or if the donor's financial interest would tend to be affected by the official action; or

(2) The official, employee or board, commission or committee member has, within the prior two years, engaged in any official act directly affecting the donor or lender; or

(3) A reasonable person would conclude that the gift would tend to influence or was intended to influence the official's action; or

(4) The official, employee, or board, commission or committee member knows the donor or lender will be directly affected by a future official act of the official, employee, or board, commission or committee member.

The prohibitions expressed herein shall not apply to bona fide gifts of a personal nature, such as Christmas, birthday gifts and the like, provided that none of the above factors is present.

E. **Gifts-Exceptions**. The prohibitions specified herein shall not apply to:

(1) An occasional non-pecuniary gift, insignificant in value;

(2) An award publicly presented in recognition of public service;

(3) A commercially reasonable loan made in the ordinary course of business of making loans; or

F. **Contracts.** The City shall not enter into any contract for goods or services with any City elected official or City employee, with any former City elected official or City employee who was a City elected official or City employee during the immediate prior twelve months, or with the spouse or domestic partner of any of the above, or with a business in which such current or former City elected official or employee has a controlling interest, unless:

(1) The existence of any controlling interest is disclosed; and

(2) The contract is entered into after public notice and competitive bidding or competitive sealed proposals in which price is a factor.

G. **Enforcement.** The Governing Body shall adopt ordinances and provide for fines necessary to implement the provisions of this Article. Enforcement shall be delegated to the Campaign and Ethics Board.

Section 9.02. Holding Other Office.

A. Except as authorized by state law, no elected officer of the City shall hold any other elected public office during the term for which the member was elected. Any such state law authorization shall be specific, and is not to be implied by silence. Upon swearing in and assumption of any such other office, the elected officer shall be deemed to have forfeited the City office.

B. No elected officer of the City shall hold any other City officer or be employed by the City during the term for which the member was elected.

C. No former Mayor or Councilor shall be employed by the City until one (1) year after the expiration of the term for which the member was elected.

D. Nothing in this section shall be construed to prohibit the Governing Body from selecting any current or former Mayor or Councilor to represent the City before any other governmental entity.

Section 9.03. Political Activity.

A. No person shall engage in fund raising or campaigning in City offices regarding any ballot measure at a City election.

B. No person shall be disciplined or dismissed from City employment for failure or refusal to pay or promise to pay any assessment, subscription or contribution to any political group, organization or campaign for municipal office, provided, that nothing herein shall prohibit or limit voluntary contributions to municipal election campaigns.

C. Any City employee who becomes a candidate for municipal elective office of the City of Las Vegas shall, upon filing a declaration of candidacy, take a leave of absence without pay, use accrued vacation time, or both, not later than thirty (30) days prior to the date of the municipal election. The City shall grant any such requested leave of absence.

D. No employee of the City shall engage in any campaigning, fundraising or other political activity involving any municipal election while on duty.

E. The Governing Body shall adopt an ordinance providing for implementation and enforcement of this section.

ARTICLE X

TRANSITIONAL PROVISIONS

Section 10.01. **Effective Date.**

Section 10.02. **Officers and Employees.**

Section 10.03. **Saving of Consolidation and Repeal of Existing Charter.**

Section 10.01. **Effective Date.** This Charter shall take effect for all purposes on the second Monday following the regular municipal election in March, 2012.

Section 10.02. **Officers and Employees.**

A. Rights and Privileges Preserved. Except as otherwise specifically provided herein, nothing in this Charter shall affect or impair the rights or privileges of persons who are appointed City officers or employees at the time of its effective date. Upon the effective date of this Charter, all appointed officers and employees of the City shall remain in office until removed as provided for or as authorized in this Charter.

B. Personnel System. Any person who is a merit employee of the City at the tome this Charter becomes effective shall remain in the same legal status as existed prior to the effective date of the Charter, and shall remain subject to the City personnel system.

Section 10.03. **Saving of Consolidation and Repeal of Existing Charter.**

A. **Saving of Consolidation.** The City of Las Vegas has heretofore adopted a Consolidation and Charter, dated March, 1970, and amended from time to time. The Consolidation portion of that document, designated as "First Part" and providing for the consolidation of the Town of Las Vegas and the City of Las Vegas is reaffirmed and adopted by this Charter except to the extent of any inconsistency, in which case the provisions of this Charter shall prevail.

B. Repeal of Existing Charter. The City Charter portion of the aforesaid document, designated as "Second Part" and providing for municipal Charter for the City, is hereby repealed except to the extent, if any, that said Charter ratifies, affirms, authorizes or otherwise establishes the consolidation of the Town of Las Vegas and the City of Las Vegas. Any such ratification, affirmation, authorization or establishment is expressly saved and incorporated herein for all purposes and is newly ratified by enactment of this Charter.

This Charter, as amended by the voters at the March 1, 2022 election and as written above, shall be effective as of April 8th, 2022.

Mayor Louie Trujillo

City Clerk Casandra Fresquez

(SEAL)