

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 25-32

A RESOLUTION

APPROVING PROPOSED CHARTER AMENDMENTS AND AUTHORIZING PLACEMENT OF BALLOT QUESTIONS ON THE BALLOT OF THE REGULAR LOCAL ELECTION FOR THE CITY OF LAS VEGAS IN THE COUNTY OF SAN MIGUEL ON NOVEMBER 4, 2025, FOR THE PURPOSE OF VOTING ON SUCH AMENDMENTS

QUESTION TWO

WHEREAS, the City of Las Vegas ("City") Governing Body appointed a Charter Commission ("Commission") to review the City Charter pursuant to Section 1.05 of the Charter;

WHEREAS, the Commission has finished their duties and submitted their suggested Charter amendments to the Governing Body;

WHEREAS, the City adopted Ordinance 22-03 opting in to the Regular Local Election;

WHEREAS, the Governing Body has considered said suggested Charter amendments;

WHEREAS, the Governing Body has requested the City's legal counsel draft the Governing Body's proposed Charter amendments;

WHEREAS, the Governing Body, in considering the Charter revisions, may approve, deny, modify, or remand any of the proposed amendments back to the City's legal counsel for further changes;

WHEREAS, each proposed amendment receiving approval by a majority vote of the Governing Body shall be submitted to the qualified voters of the City at the November 4, 2025, Regular Local Election;

WHEREAS, the Governing Body pursuant to NMSA 1-16-3(B) shall adopt a resolution authorizing placement of ballot questions for the Regular Local Election no later than sixty-seven days before the election.

WHEREAS, according to the Charter Commission's suggested amendments, the Commission recommends ten substantive amendments be placed on the ballot for the November 2025 election;

WHEREAS, specifically, the Commission's suggested amendments recommend that Sections 3.01, 3.03 (A)(B) and (C), and 3.04 (A)(B) and (C) of the City of Las Vegas Municipal Charter be amended to read as follows:

ARTICLE III. — MAYOR

Section 3.01. Qualification and Election.

The Mayor and mayoral candidates shall meet the qualifications required by Section 1-22-3(B), as amended, of the New Mexico Local Election Act, 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~~regular local election of November 2025. The Mayor, unless otherwise removed as provided herein, shall remain in office until his or her successor is elected and has taken office.

Section 3.03. 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 temporary medical~~ disability of the Mayor that renders the Mayor unable to fulfill the duties of Mayor, or when there is a vacancy in the office 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 the Mayor Pro Tempore's~~ 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.
- C. A Mayor shall be considered temporarily absent when the Mayor is temporarily unreachable through technology or is otherwise unavailable for remote video or audio attendance of governing body meetings. A Mayor is considered present at a governing body meeting if the Mayor is attending remotely by video or audio means.

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. The then-current Mayor Pro Tempore shall serve as Mayor until such time as the vacancy is filled in accordance with this Section.
- B. ~~If the date on which the vacancy occurs within one (1) year of the expiration of the Mayor's term, t~~Within 45 days of the vacancy, the Council shall appoint from among its membership, and/or from among other qualified electors who physically reside within the boundaries of the City, a person to serve as Mayor the remainder of the term until the next regular local election. ~~and If the appointed person is from among the Council's membership, the Council seat shall become vacant, to be filled as provided in Article II herein. Any person appointed pursuant to this paragraph shall. 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. At the next regular local election following the vacancy, the office of the Mayor shall be placed on the ballot either to fill the remaining two years left in the regular Mayoral term, or for a four year term if the next regular local election coincides with the regular Mayoral term. 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.~~

WHEREAS, the Governing Body wishes to submit the above-recommended amendments to the City's voters for approval;

WHEREAS, state law, Section 3-15-16 NMSA 1978, states that a home rule municipality may amend its Charter "by a proposal submitted to the governing body of the municipality to the qualified electors";

WHEREAS, resolution is the formal expression of the will of the Governing Body, and is used by the City to describe a proposed ballot questions and submit it to the electors;

WHEREAS, Section 1-16-3 NMSA 1978, requires the City to "file a resolution proposing the ballot question" with the county clerk, not less than seventy (70) days before the election at which the ballot question is proposed to be submitted to the voters.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS that the Governing Body hereby proposes to submit the following question on the ballot of the Regular Local Election on November 4, 2025:

MAYOR

Shall the City amend Article III of the City of Las Vegas Municipal Charter to require the Mayor and Mayoral appointees to meet the qualifications required by the New Mexico Local Election Act; to specify that the Mayor's four (4) year term commences with the regular local election of November 2025; and to specify the circumstances and appointment procedures in which a Mayor Pro Tempore will assume the role of the Mayor?

For ☐ Against ☐

BE IT FURTHER RESOLVED that the City Clerk shall present this ballot question to the Secretary of State no later than August 29, 2025.

BE IT FURTHER RESOLVED that, if the voters approve the above ballot question, then the following amendments shall be made to the City's Charter:

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The Mayor and mayoral candidates shall meet the qualifications required by Section 1-22-3(B), as amended, of the New Mexico Local Election Act, 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~~regular local election of November 2025. The Mayor, unless otherwise removed as provided herein, shall remain in office until his or her successor is elected and has taken office.

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- C. At the next regular local election following the vacancy, the office of the Mayor shall be placed on the ballot either to fill the remaining two years left in the regular Mayoral term, or for a four year term if the next regular local election coincides

~~with the regular Mayoral term. 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.~~

PASSED, APPROVED, AND ADOPTED THIS 13th DAY OF AUGUST, 2025.


DAVID ROMERO, MAYOR

ATTEST:


CASANDRA FRESQUEZ, CITY CLERK

APPROVED AS TO FORM:


GENO ZAMORA, ESQ., CITY'S LEGAL COUNSEL