

**CITY OF LAS VEGAS, NEW MEXICO**  
**Resolution No. 25-37**

**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 SEVEN**

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 No. 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 9.01 9.02, and 9.03 of the City of Las Vegas Municipal Charter be amended to read as follows:

**ARTICLE IX. — CONFLICT OF INTEREST, ETHICS**

**Section 9.01. New Mexico Governmental Conduct Act.**

The New Mexico Governmental Conduct Act, Section 10-16-1, N.M.S.A 1978 et seq., shall apply to and govern the ethical principles of public service for the City's elected officials, appointees, board, commission, and committee members, employees and all other representatives of the City covered by the Act. Independent from and in addition to the New Mexico Governmental Conduct Act, the ethical principles of this Article shall also apply as stated herein.

**Section 9.024. 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 9.0~~32~~<sup>32</sup>. Holding Other Office.**

- A.** Except as authorized by state law, no elected officer of the City shall hold any other partisan elected public office during the term for which the member was elected. Holding non-partisan elected public office is permitted. 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 City office, the elected officer shall be deemed to have forfeited the prior City office.
- B.** No elected officer of the City shall hold any other City office~~r~~ 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 9.0~~43~~<sup>43</sup>. 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.

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:

CONFLICT OF INTEREST, ETHICS

Shall the City amend Article IX of the City of Las Vegas Municipal Charter to add Section 9.01, specifying the New Mexico Governmental Conduct Act as governing authority over the City’s elected officials, appointees, board, commission, and committee members, employees and all other representatives of the City covered by the Act; and to specify in Section 9.02 that no elected officer shall hold any other partisan elected public office?

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:

**ARTICLE IX. — CONFLICT OF INTEREST, ETHICS**

**Section 9.01. New Mexico Governmental Conduct Act.**

The New Mexico Governmental Conduct Act, Section 10-16-1, N.M.S.A 1978 et seq., shall apply to and govern the ethical principles of public service for the City’s elected officials, appointees, board, commission, and committee members, employees and all other representatives of the City covered by the Act. Independent from and in addition to the New Mexico Governmental Conduct Act, the ethical principles of this Article shall also apply as stated herein.

**Section 9.0~~2~~<sup>1</sup>. Conflict of Interest.**

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

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- (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:

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- (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 9.0~~32~~<sup>32</sup>. Holding Other Office.

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- 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 9.0~~43~~<sup>43</sup>. 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.

PASSED, APPROVED, AND ADOPTED THIS 13<sup>th</sup> DAY OF AUGUST, 2025.

  
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DAVID ROMERO, MAYOR

ATTEST:

  
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CASANDRA FRESQUEZ, CITY CLERK

APPROVED AS TO FORM:

  
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GENO ZAMORA, ESQ., CITY'S LEGAL COUNSEL