ARTICLE II. GOVERNING BODY

DIVISION 1. IN GENERAL

Sec. 2-21. Designation, Election, Composition Generally.
The governing body of the city is the City Commission. The City Commission is elected at large and consists of five members. All powers of the city are vested in the Commission and the Commission has the powers provided by law (State law references: Commission size and districts, NMSA 1978, §3-14-6; powers of commission, NMSA 1978, §3-14-12).
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-24)

Sec. 2-22. Election of Members and Vacancies in the Commission.
Election of members of the City Commission shall be accomplished in the manner set forth by state law (State law reference: Governing body generally, NMSA 1978. §§3-12-1 et seq., §3-14-1 et seq.). Selection of members of the City Commission to fill vacancies on the Commission shall be accomplished in the manner set forth by state law (State law references: Municipal elections, NMSA 1978, §§3-8-1 et seq., §3-9-1 et seq., §3-14-7; filling of vacancies, NMSA 1978, §3-14-9.).
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-22)

Sec. 2-23. Mayor Generally.
The Mayor and Mayor Pro-Tem are elected within the five members and by the five members of the Commission after each Regular Municipal Election (State law reference: Mayor and duties thereof, NMSA 1978, §3-14-10).
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-24)

Sec. 2-24. Compensation.
The salary for the Commissioners shall be eight hundred dollars ($800.00) per month; the salary for the mayor pro-tem shall be eight hundred fifty dollars ($850.00) per month; and the salary for the mayor shall be one thousand dollars ($1,000.00) per month. If a commissioner or mayor is absent without an excuse, the salary shall be reduced accordingly at the rate of one-half of the salary per month. This shall not apply if the member is excused.
Commissioners may elect in writing to forego some or all of the compensation, at which time the city no longer has the obligation to pay a commissioner who has made that election. The election to forego compensation may be withdrawn at any time (State law reference: Authority to fix compensation of governing body, NMSA 1978, §3-10-3).
(Ord. 2013-420, eff. 2013-Apr-04; Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-24)

Sec. 2-25. Removal from Office.
Any commissioner or the mayor is subject to recall election as provided and in the manner set forth by state law (State law reference: Commission-manager; recall; election; ballot; effect; filling vacancies, NMSA 1978 §3-14-16).
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-24)
Sec. 2-26. Regular Meetings.
The City Commission shall meet at least twice a month; however, when the day fixed for
meeting falls upon a day designated as a legal holiday, such meeting shall be held on the next
succeeding day that is not a holiday or as designated by the City Commission. Meetings of the
Commissioners shall be held in compliance with the Open Meetings Act (State law reference:
Meetings, NMSA 1978, §3-14-11).
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-24)

Sec. 2-27. Special Meetings.
Special meetings of the City Commission may be called in the manner provided by law.
(Code 2007, 2-47)

Sec. 2-28. Workshop Meetings.
Workshops may be held for the purpose of examining issues, but no action may be taken.
(Ord. 2010-382, eff. 2010-Jun-30)

Sec. 2-29. Reconvened Meetings.
The Commission may recess and reconvene a meeting to a subsequent date, provided that
prior to recessing, the presiding officer specifies the date, time and place for continuation, and
immediately posts notice of the date, time and place for the reconvened meeting. Only matters
appearing on the agenda of the original meeting may be discussed at the reconvened meeting.
(Ord. 2010-382, eff. 2010-Jun-30)

Sec. 2-30. Public Notice Required.
Notice of all meetings (Regular, Special, and Workshops) shall be in accordance with the
annual City Open Meetings Resolution.
(Ord. 2010-382, eff. 2010-Jun-30)

Sec. 2-31. Agenda.
1. The City Clerk or Designee shall prepare the agenda for all Commission meetings.

2. The City Clerk or Designee shall assure that scheduled public hearings and meetings have
been duly advertised.

3. The City Clerk or Designee shall collect all written reports, communications, ordinances,
resolutions, contracts and other documents to be presented to the Commission, no later
than noon, five calendar days prior to the meeting date to allow for preparation and
distribution of Commission agenda packets.

4. Requests for initiation of legislation or placement of items on the agenda shall be directed
through the City Clerk. Any member of the Commission may include items for the agenda.
City staff is available to assist the member in the preparation and presentation of the issue.
(Ord. 2010-382, eff. 2010-Jun-30)
Sec. 2-32. Minutes and Records.
1. Minutes shall include the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions showing how each member voted.

2. Official records of meetings shall be open to inspection at all times.
   (Ord. 2010-382, eff. 2010-Jun-30)

Sec. 2-33. Powers, Duties and Responsibilities.

1. Commission Powers. All powers of the municipality are vested in the Commission as prescribed in New Mexico state law (NMSA §3-14-12) which states the following:

   (1) Pass all ordinances and other measures conducive to the welfare of the municipality;

   (2) Perform all acts required for the general welfare of the municipality;

   (3) Appoint a City Manager and shall hold him/her responsible for the proper and efficient administration of the municipal government; and

   (4) In addition to the office of manager, create all offices and boards necessary for the proper carrying on of the work of the municipality.

2. Mayor Responsibilities.

   (1) The Mayor is the presiding officer of all meetings of the City Commission; both regular and special. The Mayor shall preserve order and decorum and give general direction of the Commission chambers.

   (2) Announce the business before the body in the order in which it is to be acted upon.

   (3) Recognize the speakers entitled to the floor and guide and direct the proceeding of the body.

   (4) May call for public input on agenda items.

   (5) Decide all points of order, subject to appeal, unless he/she prefers to submit the point to the decision of the Commission.

   (6) Put to vote all questions which are regularly moved or otherwise arise in the course of the proceedings. The Mayor has the same right to vote and participate as a Commissioner.

   (7) In the absence of the Mayor or the Mayor Pro Tem, a temporary presiding officer may be appointed from the remaining commissioners, who shall serve and act with full authority and power of the Mayor for and during the tenure of the meeting for which he/she is appointed.

   (8) Insure that the City Manager is informed as soon as practical, of significant communications with outside entities, whether or not directed to or initiated by the Commission.
(9) Official Head of the Municipality for all ceremonial, military, and civilian purposes. The Mayor is also the signatory authority for all official documents.

(10) The Mayor shall appoint members of the governing body to various City and community boards and committees as provided in Article V, Division 2 of these regulations.

3. Mayor Pro-Tem Responsibilities.

The Mayor Pro-Tem shall preside and shall have all the duties and responsibilities of the Mayor in absence of the Mayor, upon the Mayor’s inability to act, or upon the request of the Mayor.


(1) In all public statements, Commissioners shall clarify the message as their individual position unless otherwise authorized by the Commission.

(2) Insure that the Mayor is informed, as soon as practical, of significant communications with outside entities, whether or not directed to or initiated by the Commission.

(3) Refrain from negotiating contracts on behalf of the City. Only the City Manager or his/her designee can negotiate a contract on behalf of the City.

(4) All Commission resignations shall be submitted in writing to the City Clerk by the elected official. The Clerk shall immediately issue copies of the written resignation to the Commission and City Manager. The resignation, including date of separation need not be formally accepted by the Commission but shall be read into the minutes for formal acknowledgement and may not be rescinded once submitted.

(5) The duties and powers of all appointed board members shall be advisory only unless expressly stated otherwise by ordinance and shall expire with the end of the appointed term, after which time the position will be considered vacant until filled.

(6) All members of the City Commission shall be required to attend all Commission meetings regular or special.

Sec. 2-34. Code of Conduct.
The Commission shall:

1. Place Commission goals ahead of individual goals.

2. Not use the position for personal gain or advantage to friends.

3. Not disclose confidential information.

4. Not exercise authority as a governing body member, except when acting in a meeting with the full Commission, unless formally delegated by the Commission.
5. Not interfere in personnel matters, union negotiations, nor discuss pending legal issues/litigation with adverse parties and their attorneys in any legal action involving the City, unless formally delegated by the Commission.

(Ord. 2010-382, eff. 2010-Jun-30)

Secs. 2-35 to 2-45. Reserved.

DIVISION 2. RULES OF ORDER AND PROCEDURE

Sec. 2-46. Suspension of Rules.
Any of the provisions of this division may be temporarily suspended in connection with any matter under consideration by a recorded vote of two-thirds of the members present, except that this section shall not be construed to permit any action that is contrary to state statutes.

(Code 2007, 2-46)

Sec. 2-47. Quorum.
1. A majority of the Commissioners shall constitute a quorum for transacting business.

2. A Commissioner shall be considered in attendance and have the right to vote on city business if present through a telephone or video conference when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone or video can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

(Ord. 2013-424, eff. 2013-Jun-19; Code 2007, 2-48)

Sec. 2-48. Order of Business.
In general, the business of the Commission shall be taken up for consideration and disposition in the following order:

1. Call to Order. The presiding officer shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Commission to order. The presiding officer is by default the Mayor. In the absence of the Mayor, the Mayor Pro-Tem shall function as the presiding officer and call the Commission to order. In the absence of both the Mayor and the Mayor Pro-Tem, another commissioner appointed by the Mayor or Mayor Pro-tem shall call the Commission to order and chair the meeting. Upon the arrival of the Mayor or the Mayor Pro-Tem, the Mayor Pro-Tem or the presiding commissioner shall immediately relinquish the chair upon the conclusion of the business immediately before the Commission. The Mayor shall preserve order and decorum, decide all questions of order and conduct the proceedings of the meetings in accordance with the parliamentary rules contained in Robert's Rules of Order.

2. Invocation and Pledge of Allegiance. The presiding officer shall invite someone to lead the Invocation and Pledge of Allegiance.

3. Roll Call. Before proceeding with the business of the Commission, the clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes. If a quorum is not present, the members present may adjourn.
4. **Approval of Agenda Items.** The Agenda must be motioned and approved for the listing of items for discussion and action. If there is an item or items requiring removal from the agenda, a Commission member may make a motion to have the item removed from the Agenda. Any removal of an item from the Agenda will prohibit further discussion and action taken upon the agenda item. The amended Agenda will require approval by the City Commission before moving forward with the Agenda.

5. **Consent Agenda.** The Commission shall vote to approve the consent agenda. The items of consent may include but are not limited to preceding commission minutes, travel requests, and any other business which is standard to the regular daily operations of the city. With respect to the Commission minutes, any errors to the minutes shall be noted and approval of the consent agenda will incorporate the minutes as corrected.

6. **Items Removed from Consent Agenda.** If questions or concerns exist on a particular item, a commissioner must make a motion to have the item removed from the consent agenda for further discussion. The removed item will then be voted upon separately from the consent agenda.

7. **Proclamation.** The Mayor shall read any Proclamations before the Public.

8. **Presentations.** Any person or agency can request to be placed on the Agenda for purposes of a presentation. Such requests must be brought to the City Clerk and by the deadline required for the production of Agenda. The presentation will be of educational value and will be limited in time as determined by the City Commission. No action can be taken by Commission as a result of a presentation.

9. **Citizen Input.** The Mayor may invite the public, to speak for a limited time, to provide input to Commission regarding issues of concern within the City.

10. **Business Items.** The Commission shall consider any business that has been previously considered or is considered new. Such business will include, but not limited to ordinances, resolutions, agreements, contracts, hearings, etc.

11. **Quasi Judicial Hearings.** The Commission shall preside over Quasi Judicial Hearings. Such hearings will function in a manner similar to a court setting, whereby the Commission will function in a capacity as judge and jury by making ruling and decision upon the land issues in discussion. The process will require the swearing in of all applicants, city representatives, and witnesses to speak before the Commission, cross-examination of witnesses, and entry of evidence. the Commission must also avoid ex parte contacts, and disclose any ex-parte contact so as to avoid any influence upon the case decision

12. **Commission, City Manager, Department Reports.** Prior to adjournment, the Commission shall, as it deems necessary, consider giving or hearing reports on activities or business not specifically provided for herein.

13. **Adjournment.** The Commission may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007)
Sec. 2-49 Decorum.
1. All remarks shall be addressed through the presiding officer.

2. Members shall confine their remarks to the question under discussion or debate, avoiding personal references or attacks on fellow members, staff members or members of the public. No member of the governing body shall engage in private discourse or commit any other act tending to distract the attention of the governing body from the business before it.

3. A member of the governing body or public who resorts to persistent irrelevance or persistent repetition may be directed to discontinue his speech by the presiding officer.

4. Point of Order. A member may call attention to the violation of the rules or a mistake in procedure by claiming a point of order. The presiding officer may permit a full explanation before ruling on the claim and may submit the question to the governing body for decision by a majority vote.

5. Question of Privilege. Questions of privilege do not relate to pending business but concern special matters of immediate and overriding importance which should be allowed to interrupt the consideration of any other matter. The presiding officer makes all rulings as to whether a request for privilege is granted.

(Ord. 2010-382, eff. 2010-Jun-30)

Sec. 2-50 Debate.
A debate is the essential feature of a legislative body. It is the means by which the opinions of members are exchanged, questions deliberated and conclusions reached on the business before the body.

1. To Permit Debate. An item of debate is introduced from the agenda by the presiding officer.

2. Time Limits. The presiding officer may set up time limits in debate, including a time limit on members and public input.

3. Call the Question (Previous Question). Debate may be closed by calling the question. If there is no objection, the presiding officer shall immediately call the question; otherwise a second and subsequent vote is needed to close debate. A call for the question is not debatable.

(Ord. 2010-382, eff. 2010-Jun-30)

Sec. 2-51 Motions.
1. Presentation of Motion. A main motion presents an ordinance, resolution, or other proposition for the passage, adoption, approval, or rejection. The question shall be stated in the positive form, e.g., “to pass”, “to adopt”, “to approve” “to confirm”, “to concur”. A main motion must be seconded before a vote can take place and only one main motion may be on the floor at a time. In the absence of a second, the motion fails. Main motions are debatable and amendable, and can be tabled and reconsidered after adoption.

2. Withdrawal and Modification of Motions. Until a motion is seconded and stated, the mover may withdraw or modify the motion without consent. When a motion is seconded, and stated, it is in the control of the governing body and can therefore be withdrawn or modified only by consent of the body.

(Ord. 2010-382, eff. 2010-Jun-30)
Sec. 2-52. Voting.
1. Vote Required. Each member in attendance must vote for or against all measures before the body unless there is a stated and disclosed conflict of interest, for which abstention is allowed.

2. Voting Shall Be By Voice. For audio recording purposes, the motion shall be re-stated by the presiding officer. Each member’s vote shall be recorded in the minutes. Certain votes shall be by roll call such as Ordinances and Hearings. The order of Roll call votes may be at random and called by the City or Designee.

(Ord. 2010-382, eff. 2010-Jun-30)

Sec. 2-53. Ordinances.
1. All laws of the city shall be enacted by the passage of ordinances which ranks highest in authority of all actions. All ordinances:

   (1) Shall be numbered consecutively, giving first the calendar year.

   (2) Shall bear a title which shall set forth in general terms its subject matter.

   (3) Shall contain an enacting clause.

   (4) Shall bear the date, signatures of the mayor, signature of attesting officer, signature of the City Attorney, and the seal of the city.

   (5) Shall be adopted by roll call vote.

   (6) The vote of each member shall be recorded in the minutes of the meeting.

   (7) Shall be published as provided by law.

   (8) Shall be kept in a permanent log book in which the original of each ordinance considered and adopted shall be kept by the City Clerk.

2. A proposed ordinance is open to minor amendment on final reading.

3. Substantive amendments offered at adoption shall require adoption to be postponed to a subsequent meeting and re-publication of the proposed ordinance.

4. A Roll Call vote shall be taken for each Ordinance.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007)

Sec. 2-54. Resolutions.
1. A resolution is an internal legislative act which is a formal statement of policy concerning matters of special or temporary character and should be used in cases where an ordinance is not required. All resolutions:

   (1) Shall be numbered consecutively, giving first the calendar year.

   (2) Shall bear a title which shall set forth in general terms its subject matter.

   (3) Shall contain a resolving clause.
(4) Shall bear the date, signature of the mayor and the attesting officer and the seal of the city.

(5) Shall be kept in a permanent log book in which the original of each resolution considered and adopted shall be kept by the City Clerk.

2. Resolutions shall remain in effect until rescinded or replaced by a subsequent resolution on the same subject.
   (Ord. 2010-382, eff. 2010-Jun-30; Code 2007)

Sec. 2-55. Approvals.
Approvals are the class of non-policy action in which the Commission shall make the final determination upon the recommendation of City Staff or the City Manager. Those items allowing for such approval by the Commission shall include, but not be limited to:

1. Mayor’s communications, recommending appointments to boards and commissions.

2. City Manager communications recommending approval of contracts, sealed bids, and administrative or departmental requests.
   (Ord. 2010-382, eff. 2010-Jun-30)

Sec. 2-56. Reconsideration of Action.
Reconsideration of a negative vote on final action is as proper as reconsideration of a favorable vote. The motion to reconsider may be made at the same meeting or a subsequent meeting. However, certain rules apply as appropriate under the circumstances:

1. The motion must be made by a member who voted with the prevailing side.

2. The motion to reconsider is inappropriate after the action taken has gone into effect or after it is too late to reverse the action taken.

3. Should the motion for reconsideration pass, the item is immediately before the governing body to be acted upon or scheduled for hearing at a subsequent meeting, if necessary, for required public notice purposes.

4. Should the motion for reconsideration fail, the item remains as adopted.
   (Ord. 2010-382, eff. 2010-Jun-30)

Sec. 2-57. Committees.
1. Standing. The only standing committee of the Commission shall be the committee of the whole; the mayor shall be its presiding officer, and applicable rules of procedure of the Commission shall be observed.

2. Special. Special committees shall be appointed by the majority of the Commission.

3. Reports. Reports of standing or special committees shall be made in writing and shall be submitted together with the petition, resolution, account or other paper under consideration. All reports shall be filed with the clerk for entry in the minutes.
   (Ord. 2010-382, eff. 2010-Jun-30)
DIVISION 3. PUBLIC HEARINGS

All Commission hearings fall under the guidelines established by the Open Meetings Act (Chapter 10, Article 15 NMSA 1978). In addition, the following shall apply:

1. Reasonable efforts shall be made to give notice of public hearings to all interested people. Notice of public hearings shall state the subject, the time and place of the public hearing, the manner in which interested people may express their view and where interested people may obtain copies of the material that is the subject of the hearing.

2. At the beginning of the public hearing, the presiding officer may require that all interested persons, who have an immediate, monetary or direct interest that will be substantially and specifically affected by the proceeding, and witnesses sponsored by such interested persons, wishing to address the Commission register with the City Clerk, giving their names and addresses, and whether they wish to speak as a proponent, opponent, or otherwise.

3. The presiding officer may set time limits and may change the order of speakers so that testimony is heard in the most logical groupings, e.g., proponents, opponents, adjacent owners, vested interests, etc.

4. Interested persons shall have the opportunity to submit data, views or arguments orally or in writing. All written material must be marked as exhibits, submitted to the City Clerk, and placed into evidence as part of the administrative record.

5. Comments from the general public on legal or policy matters raised by the proceeding may be received before the close of the public hearing.

(Ord. 2010-382, eff. 2010-Jun-30)

Secs. 2-62 to 2-65. Reserved.
DIVISION 4. GOVERNANCE POLICIES

Sec. 2-66. Policies.
It is the purpose of this Division to establish the Commission’s governance policies incorporate herein by reference and set forth as follows:

1. **Commission Process Policies.**
   1) Job Description Policy
   2) Code of Conduct Policy
   3) Process for Filling a Vacant Commission Position Outside of an Election

2. **Commission / City Manager Relationship Policies.**
   1) Delegation to the City Manager Policy
   2) Commission Personnel Committee Policy
   3) Monitoring City Performance Policy

3. **City Manager Accountability Policies.**
   1) City Manager Accountability Policy
   2) Staff Treatment Policy
   3) Employee Recognition Program Policy

4. **Strategic Direction Policy.**
   1) Annual Performance Plan Policy

Policies shall be monitored by the method and with the frequency as specified on each policy document.

(Ord. 2017-458, eff. 2017-Apr-19; Ord. 2010-382, eff. 2010-Jun-30; Ord. 2009-378, eff. 21 Oct 2009)

Secs. 2-67 to 2-70. Reserved.