

**Chapter 2  
ADMINISTRATION**

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Editor’s Note: References to New Mexico State Law for various Sections was added on March 18, 2014.

## Chapter 2 ADMINISTRATION

### ARTICLE I. IN GENERAL

#### Sec. 2-1. Form of Government.

The city is organized under the Commission-manager form of government. Such form of government may be abandoned in the manner provided by law (State law reference Commission-manager form of government, [NMSA 1978, §3-14-1](#) et seq., abandonment of commission-manager form of government, [NMSA 1978, §3-14-19](#)).  
(Code 2007, 2-1)

#### Sec. 2-2. Referendum, Initiative.

The power of referendum and initiative is exercised in the manner provided by law (State law references-Referendum, [NMSA 1978, §3-14-17](#); initiative, [NMSA 1978, §3-14-18](#)).  
(Code 2007, 2-2)

#### Secs. 2-3 to 2-20. Reserved.

### 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.<sup>00</sup>) per month; the salary for the mayor pro-tem shall be eight hundred fifty dollars (\$850.<sup>00</sup>) per month; and the salary for the mayor shall be one thousand dollars (\$1,000.<sup>00</sup>) 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.

### 4. Commission Responsibilities.

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

**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)

#### **Secs. 2-58 to 2-60. Reserved.**

### **DIVISION 3. PUBLIC HEARINGS**

#### **Sec. 2-61. Public Hearing Procedures: Liquor Licenses, Quasi Judicial Hearings, Appeals Allowed by State Law, and Other Proceedings.**

All Commission hearings fall under the guidelines established by the Open Meetings Act ([NMSA 1978, Chapter 10, Article 15](#)). 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.**

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**ARTICLE III. OFFICERS AND EMPLOYEES**

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**DIVISION 1. IN GENERAL****Sec. 2-71. Offices Created.**

There are hereby created the offices of City Manager, City Clerk, Chief of Police, Fire Chief, City Attorney, Director of Finance, Director of Public Works, Director of Electric, Director of Parks & Recreation, Director of Animal Control and Shelter, Director of Water and Wastewater, Director of Senior-Civic Center, Librarian, and Community Development Director.

(Ord. 2014-433, eff. 2014-Feb-18; Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-71)

**Sec. 2-72. Oaths, Bonds.**

All elected or appointed officers shall take the oath required by law. Bonds for officers and employees shall be secured as provided by law.

(Code 2007, 2-72)

**Sec. 2-73. Powers and Duties.**

In addition to any powers and duties prescribed in this Code, each officer shall have such further powers, perform such further duties, and hold such other office as may be provided by the Commission through ordinance, resolution or order.

(Code 2007, 2-73)

**Secs. 2-74 to 2-90. Reserved.****DIVISION 2. CITY MANAGER****Sec. 2-91. Office Established.**

There is established the office of City Manager.

(Code 2007, 2-91)

**Sec. 2-92. Agreements on Employment.**

Nothing in this division shall be construed as a limitation on the power or authority of the Commission to enter into any supplemental agreement with the City Manager delineating additional terms and conditions of employment not consistent with any provisions of this division.

(Code 2007, 2-92)

**Sec. 2-93. Appointment, Term, Qualifications, Salary.**

The City Manager is appointed as provided by law, has the term provided by law, has the qualifications provided by law and receives the salary provided by law (NMSA §3-14-13).

(Code 2007, 2-93)

**Sec. 2-94. Persons Ineligible.**

No elective officer of the City shall be appointed City Manager during the term for which he/she was elected, nor within one (1) year after the expiration of his/her term.

(Code 2007, 2-94)

**Sec. 2-95. Appointment; Dismissal.**

1. Appointment. The governing body shall select a City Manager by majority vote of all the members of the governing body, at any time that a vacancy shall exist in the City Manager position.
2. Dismissal. the Commission may dismiss the City Manager by a majority vote of all members of the governing body, at a regularly scheduled meeting.

(Code 2007, 2-96)

**Sec. 2-96. Acting City Manager; Filling of Vacancy.**

The procedure for temporarily filling the vacancy of the Office of City Manager is as follows:

1. Voluntary. Is defined by the temporary absence of the City Manager as a result of a scheduled vacation or hospitalization. The City Manager has the ability to appoint an individual within the City Government to temporarily serve as an Acting City Manager until his/her return.
2. Involuntary. Is defined by the temporary absence or disability of the City Manager as a result of unforeseeable illness, hospitalization, or other circumstances, whereby the City Manager is incapacitated or unable to perform his/her duties. The Mayor through approval of the City Commission has the ability to appoint an individual within the City Government to temporarily serve as an Acting City Manager until his/her return.
3. The acting City Manager has the same duties and responsibilities as granted to a City Manager under this Code.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-97)

**Sec. 2-97. Reserved.****Sec. 2-98. Conflict of Interest.**

The City Manager shall have no financial interest in any contract or financial transaction, beyond the contract terms of his/her employment, with the city.

(Code 2007, 2-98)

**Sec. 2-99. Political Activity Prohibited.**

The City Manager shall not engage, either directly or indirectly, in partisan political activity in any manner while in office.

(Code 2007, 2-99)

**Sec. 2-100. Powers, Duties Generally.**

1. The City Manager has the powers and duties provided by law (NMSA §3-14-14). Such powers and duties include those prescribed by this division and other ordinances and resolutions enacted by the Commission.
2. The City Manager shall be the head of the administrative branch of the government. The City Manager shall be responsible to the City Commission for the efficient administration of city government. The manager shall:
  - (1) Attend all meetings of the Commission unless excused there from by the Commission or by the mayor.
  - (2) See that laws and ordinances are endorsed and that the provisions of all franchises, leases, contracts, permits and privileges granted by the Commission are observed.
  - (3) Act as purchasing agent for all departments of the city, giving due consideration to the recommendations and the counsel of the department heads.
  - (4) Appoint, and when deemed necessary for the good of the service, layoff, suspend, transfer, demote and remove all department heads and employees of the city, subject, however, to such employee or merit system regulations as the Commission may adopt, or as provided by the ordinances of the city and the laws of the state.
  - (5) Advise the Commission as to the financial condition of the city, supervise the preparation of all financial reports, including the annual budget and those reports requested from time to time by the Commission, to be presented to the mayor and commission members.
  - (6) Recommend to the Commission in writing for its consideration such measures that he/she may deem necessary or expedient.
  - (7) Be responsible for the preparation of the annual budget.
  - (8) Keep the Commission informed of the financial condition and of the needs of the city and render reports with respect thereto and with respect to all other city affairs at such times and in such forms as may, from time to time, be prescribed by the Commission, accompanied by such recommendations as he/she may deem advisable.
  - (9) Formulate and recommend to the mayor and City Commission the adoption of such measures as he/she may, from time to time, deem necessary or advisable for the health, safety and welfare of the city and its inhabitants, or for the improvement of administrative or departmental functions and services.
  - (10) Make recommendations with respect to the purchase on behalf of the city departments of materials, supplies and equipment and supervise the making of such purchases when and in the manner authorized by the Commission.  
(Code 2007, 2-100)

**Sec. 2-101. Interference by Commission.**

1. Neither the Commission nor any of its members shall interfere with the execution by the manager of his/her powers and duties or order, directly or indirectly, the appointment by the manager of any person to an office of employment, or his/her removal there from, except as otherwise provided in this Code.
2. Except for the purposes of inquiry, the Commission and its members shall deal with the administrative service under the manager solely through the manager, and neither the Commission nor any member thereof shall give orders to any subordinate of the manager either publicly or privately.  
(Code 2007, 2-101)

**Sec. 2-102. Departmental Officer.**

The City Manager may, upon appointment by the Mayor and confirmation by a majority of the Commission, serve as the administrative officer of one (1) or more departments.  
(Code 2007, 2-102)

**Sec. 2-103. Designation of Employees.**

The City Manager shall designate those employees of the city to perform any service which may be authorized by the Commission.  
(Code 2007, 2-103)

**Secs. 2-104 to 2-120. Reserved.****DIVISION 3. CITY CLERK****Sec. 2-121. Handling of Records.**

The clerk shall keep a true and correct record of all business transacted by the Commission and any other records that either pertain to the business of the City or that the Commission directs.  
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-121)

**Sec. 2-122. Public Inspection of Records.**

The clerk shall keep convenient for public inspections all public records and public documents under his/her control, as provided by state statute.  
(Code 2007, 2-122)

**Sec. 2-123. Monthly Reports.**

The clerk shall prepare to include such information as may be directed by the Commission.  
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-123)

**Sec. 2-124. Minutes.**

The clerk shall prepare or cause to be prepared all minutes of the Commission proceedings and ensure their correctness and accuracy.  
(Code 2007, 2-124)



**Sec. 2-125. Ordinances, Resolutions, Budgets and Notices.**

The clerk shall process, record, file, publish and if required by state statute, post all ordinances, resolutions, budgets and notices that may be passed by the Commission. The clerk shall keep a separate list of all Resolutions and Ordinances by number.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-125)

**Sec. 2-126. Reserved.**

(Ord. 2011-401, eff. 2011-Oct-19; Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-126)

**Sec. 2-127. Administrative Duties.**

The clerk shall perform those administrative responsibilities and duties that are conferred upon him/her by the manager, in addition to those specified in this Code.

(Code 2007, 2-127)

**Secs. 2-128 to 2-140. Reserved.****DIVISION 4. CHIEF OF POLICE****Sec. 2-141. Authorized, Duties Generally.**

There shall be a Chief of Police in and for the City. The Chief of Police shall perform such duties as may be required by law and identified in the City of Aztec job description.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-141)

**Sec. 2-142. Appointment.**

The Chief of Police shall be appointed in a manner provided by law.

(Code 2007, 2-142)

**Sec. 2-143. Compensation.**

The Chief of Police shall be compensated as determined by the Commission through the budget process. The Chief of Police shall not receive any compensation for his services as Chief of Police except as the Commission may prescribe.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-143)

**Secs. 2-144 to 2-150. Reserved.****DIVISION 5. FIRE CHIEF****Sec. 2-151. Authorized, Duties Generally.**

There shall be a Fire Chief. The Fire Chief shall perform such duties as may be required by law and as identified in the City of Aztec job description.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-151)

**Sec. 2-152. Appointment.**

The Fire Chief shall be appointed in a manner provided by law.  
(Code 2007, 2-152)

**Sec. 2-153. Compensation.**

The Fire Chief shall be compensated as determined by the Commission through the budget process. The Fire Chief shall not receive any compensation for services as Fire Chief except as the Commission may prescribe.  
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-153)

**Secs. 2-154 to 2-160. Reserved.****DIVISION 6. MUNICIPAL JUDGE****Sec. 2-161. Election.**

The municipal judge shall be elected as provided by law. A vacancy in the office of municipal judge shall be filled in the manner provided by law (NMSA 1978, §35-14-4).  
(Code 2007, 2-161)

**Sec. 2-162. Qualifications.**

The municipal judge shall be a registered, qualified elector and citizen of the city.  
(Code 2007, 2-162)

**Sec. 2-163. Bond and Oath.**

The municipal judge shall, before entering the duties of office, if no corporate surety bond covering all municipal officials exists, obtain a surety bond to the City in an amount to be established by City Commission, conditioned upon the faithful performance of duties and the paying over to the city of all fines, forfeited bonds and other money which comes into hand by virtue of the office. The premium of the bond shall be paid by the city. The municipal judge shall take the oath of office as required in NMSA 1978, §3-10-2.  
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-163)

**Sec. 2-164. Annual Training.**

The municipal judge shall have the training as required in NMSA 1978, §3-14-10.  
(Code 2007, 2-164)

**Sec. 2-165. Temporary Vacancy and Appointments.**

Two or more alternate judges shall be selected from a list of qualified electors (as defined by NMSA 1978 § 3-1-2). The elected municipal judge, prior to the vacation, temporary absence, unavailability or incapacity, shall select at least one designee from the alternates set forth above to serve as temporary municipal judge, to exercise all powers of the municipal judge until the return of the municipal judge. In the event that the elected municipal judge is unable to select an alternate judge to fill in their absence, the mayor shall select an alternate municipal judge. The selection of an alternate municipal judge shall be as follows:

1. The Municipal Court staff shall publish a notice in the local newspaper, utility bills, or other means for the solicitation of qualified candidates to submit a letter of interest to serve as Alternate Municipal Judge.
2. All letters of interested will be submitted to the City Clerk to verify their status as a qualified elector within the corporate City limits. Copies of those letters from qualified electors shall be given to the Municipal Judge and City Commission for review.
3. The Municipal Judge shall review all letters of interest from qualified electors and make a recommendation to the City Commission for the alternate municipal judge position(s). The recommendation will be in the form of a list of qualified candidates.
4. The term for the alternate judge(s) coincides with the current term of the municipal judge.
5. At a regularly scheduled Commission Meeting, the City Commission shall approve who serves in the position(s) as alternate municipal judge.  
(Ord. 2010-379, eff. 2010-Feb-17; Ord. 2009-377, eff. 2009-Oct-21; Code 2007, 2-165)

#### **Sec. 2-166. Duties Generally; Compensation.**

1. In addition to those duties set forth in the laws of the state, the municipal judge shall be present at the court a minimum of thirty-two (32) hours per week and up to a maximum of forty (40) hours per week and shall hold court a minimum of twenty-four (24) hours per week, holidays excluded, and may conduct marriage ceremonies. The municipal judge shall be available at all reasonable hours for the issuance of warrants and summons and as necessary to accommodate the public and may provide night court to accommodate the public. The municipal judge shall be paid the annual sum of fifty percent (50%) of the State Magistrate Judges' annual salary at the beginning of each term and shall take the same oath as is now required of magistrates in the state.  
(Ord. 2020-501, eff. 2020-Apr-09; Ord. 2019-490, eff. 2019-Jun-13; Ord. 2011-396, eff. 2011-Jun-22; Ord. 2010-390, eff. 2010-Aug-18; Code 2007, 2-166)
2. In the absence of the municipal judge, the alternate judge will work as designated by the municipal judge and will receive compensation from funds allocated in the municipal judge's salary except in the cases of disqualification or required absences (mandatory judges training sessions) in which the city will compensate the alternate judge at a rate of pay fixed by the municipal judge with the approval of the City Commission.  
(Code 2007, 2-166)

#### **Sec. 2-167. Employee Benefits.**

Benefits for the municipal judge will include the benefits of a full-time city employee as provided in the personnel policy as adopted by the City Commission, with the exception of leave benefits.  
(Ord. 2019-490, eff. 2019-Jun-13; Code 2007, 2-167)

#### **Sec. 2-168. Personnel.**

The municipal court judge may participate in the hiring, supervising, and compensating employees of the municipal court, and shall have the sole power, subject to the grievance procedure of the city's personnel policy, to terminate employees of the municipal court. In all other respects that do not conflict with the powers of the judge, the court employees shall fall within the provisions of the city's personnel policy.  
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-168)

**Sec. 2-169. Records.**

The municipal judge shall keep, or cause to be kept, a record of every traffic complaint, uniform traffic citation and other form of traffic charge filed in his court and every official action and disposition of the charge by his court. Within ten (10) days after disposition of every charge of violating the traffic code of the city, the municipal judge shall, upon forms furnished by the Commissioner of motor vehicles, prepare, certify as correct and forward to the state department of motor vehicles an abstract of the record. A report need not be made of any conviction involving illegal parking or standing of a vehicle, except when a uniform traffic citation is issued. When the uniform traffic citation is issued, the form of the abstract on the back of the officer's first copy containing the above information shall be used. The failure or refusal of the municipal judge to comply with the provisions of this section is misconduct in office and grounds for removal.

(Code 2007, 2-169)

**Secs. 2-170 to 2-180 Reserved.****DIVISION 7. CITY ATTORNEY****Sec. 2-181. Duties Generally.**

The City Attorney shall act as the legal counselor and advisor of the Commission and other city officials, and as such, shall give their opinion in writing when requested. The City Attorney shall draft or approve as to form all deeds, contracts, conveyances, ordinances, resolutions, and other legal instruments. The City Attorney shall approve as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the Commission. The City Attorney shall return, within ten (10) days, all ordinances and resolutions submitted to him/her for consideration by the Commission, with his/her approval or disapproval as to form noted thereon, together with his/her reasons therefore. The City Attorney shall prosecute and defend all suits, actions, or causes where the city is a party and shall report to the Commission, when required, the condition of any suit or action to which the city is a party.

(Code 2007, 2-181)

**Secs. 2-182 to 2-190. Reserved.****DIVISION 8. DIRECTOR OF FINANCE****Sec. 2-191. Duties Generally.**

The Director of Finance shall perform such duties as may be required by law and identified in the City of Aztec job description. The Director of Finance shall hold and receive and safely keep all monies that shall come to the City and payout the same when authorized by the Commission.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-191)

**Sec. 2-192. Bond.**

The Director of Finance, within ten days after entering the duties of office, shall furnish a surety bond in an amount and in such form as is set and approved by the City Commission,

conditioned upon the faithful discharge of the duties of such office and proper care and disposition of city funds. The premium of the bond shall be paid by the city.  
(Ord. 2010-382, eff. 2010-Jun-30)

### **Sec. 2-193. Investment of Funds.**

The Director of Finance, with the advice and consent of the City Commission, shall designate banks for the prudent investment of city funds in the manner specified in state law.  
(Ord. 2010-382, eff. 2010-Jun-30)

### **Sec. 2-194. Bond Issues.**

The Director of Finance shall be responsible for maintaining good and sufficient records of all of the city bond issues; shall coordinate city bond issues with fiscal agents and bond counsel; and shall act as advisor to the city manager and city commission with reference to all matters which in any way pertain to city bonds.  
(Ord. 2010-382, eff. 2010-Jun-30)

### **Sec. 2-195. Budget Preparation.**

The Director of Finance shall assist the city manager, city commission, and city departments in the preparation of the annual city budget and shall prepare financial reports and shall render advice upon these matters as may be requested by the appropriate city officials.  
(Ord. 2010-382, eff. 2010-Jun-30)

### **Sec. 2-196. Records.**

The Director of Finance shall keep a separate record and account of each different fund provided by the Commission, apportion the monies received among the different funds as prescribed by the Commission and keep a complete set of books showing every money transaction of the city, the state of each fund, from what source the money in each fund was derived and for what purpose expended.  
(Code 2007, 2-192)

### **Sec. 2-197. Reports.**

The Director of Finance shall make reports to the Commission as necessary or as directed by the city manager or city commission.

#### **1. Monthly.**

A report to the Commission during the following month showing the business of the finance department during the month preceding, including the balance on hand for each fund and summary of the receipts and expenditures by fund and department.

#### **2. Midyear.**

The midyear report shall be received for introduction at the first city commission meeting in February. The midyear report shall be accompanied by a midyear appropriation resolution for those programs that are projected to be overspent and which the city manager determines that expenditure controls cannot bring the programs within the limits of existing budgets.

**3. Year End.**

- (1) Prepared annually, for the close of the fiscal year, a report that includes the evidences of indebtedness issued, and what portion remains thereof outstanding, with the rate and amount of interest due thereon.
- (2) Prepare annually, for the close of the fiscal year, a comprehensive financial report showing the receipts, expenditures and balances for each fund. A copy of the financial report shall be filed in the finance department.  
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-193)

**Sec. 2-198. Policies and Procedures.**

The Director of Finance shall establish policies and/or procedures for the handling of monies by the various departments that deal with public transactions.  
(Ord. 2010-382, eff. 2010-Jun-30)

**Secs. 2-199 to 2-200. Reserved.****DIVISION 9. COMMUNITY DEVELOPMENT DIRECTOR****Sec. 2-201. Authorized, Duties Generally.**

There shall be a Community Development Director. The Community Development Director shall perform such duties as may be required by law and as identified in the City of Aztec job description to aid in the development of the City for the purposes of health, welfare, and safety of its citizens and their properties.  
(Ord. 2014-433, eff. 2014-Feb-18; Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-201)

**Secs. 2-202 to 2-210. Reserved.****DIVISION 10. DIRECTOR OF PUBLIC WORKS****Sec. 2-211. Duties Generally.**

The Director of Public Works shall have charge of the city streets, sewer collections and water distribution and shall perform such duties as may be required of him/her by law and identified in the City of Aztec job description.  
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-211)

**Secs. 2-212 to 2-255. Reserved.**

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**ARTICLE IV. DEPARTMENTS**

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**DIVISION 1. IN GENERAL****Sec. 2-256. Division of Municipal Affairs.**

The administration of the affairs of the City shall be divided into as many departments as may be deemed desirable by the Commission. Each department shall be under the charge of a person employed by the City Manager. There are hereby created the departments of Administration, Fire, Police, Finance, Community Development, Public Works, Electric, Information Systems, Parks & Recreation, Animal Control and Shelter, Library, Water and Wastewater, Senior-Civic Center, and Projects Management.

(Ord. 2014-433, eff. 2014-Feb-18; Ord. 2011-395, eff. 2011-Apr-20; Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-256)

**Secs. 2-257 to 2-280. Reserved.****DIVISION 2. FIRE DEPARTMENT****Sec. 2-281. Created; Composition.**

There is hereby created a fire department for the city which shall consist of volunteer officers and members as outlined in the fire department policies and procedures as adopted by the City Commission.

(Code 2007, 2-281)

**Sec. 2-282. Departmental Policies and Procedures.**

The fire department shall be operated and managed in accordance with such fire department policies and procedures and city rules and regulations as may from time to time be adopted by the City Commission.

(Code 2007, 2-282)

**Sec. 2-283. Compensation.**

The members of the fire department shall be compensated as may be determined by the City Commission.

(Code 2007, 2-283)

**Sec. 2-284. Fire Chief.**

The Fire Chief shall:

1. Be accountable to the City Manger for the personnel, morale, and general efficiency of the fire department as outlined in the policies and procedures of the fire department and city ordinances.
2. Submit a tentative budget and reports as requested by the City Manger.

(Code 2007, 2-284)

**Sec. 2-285. Equipment.**

The fire department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire and to respond to medical emergency calls. Recommendations concerning apparatus and equipment needed shall be made by the Fire Chief, and after approval by the City Commission through the budget process. Such apparatus and equipment shall be purchased in such manner as may be designated by the Commission. All equipment of the department shall be safely and conveniently housed in such a place or places as may be designated by the Fire Chief.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-285)

**Sec. 2-286. Fire Protection and Medical Protection Outside City.**

The City Commission may enter into agreements or contracts to furnish fire and emergency medical protection outside the city or enter into mutual aid agreements, and the fire department is authorized to render fire fighting and/or emergency medical service pursuant to the terms of such agreement, contracts or state law.

(Code 2007, 2-286)

**Sec. 2-287. Adoption of Regulations.**

The City Commission may adopt regulations as are deemed necessary for the operation of the fire department.

(Code 2007, 2-287)

**Secs. 2-288 to 2-300. Reserved.****DIVISION 3. POLICE DEPARTMENT****Sec. 2-301. Created; Composition.**

There is hereby created a police department for the city which shall consist of a Chief of Police and as many law enforcement officers as may from time to time be deemed necessary by the Commission for the safety and good order of the city.

(Code 2007, 2-301)

**Sec. 2-302. Compensation of Officers.**

The police officers of the city shall be compensated as determined by the Commission through the budget process.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-302)

**Sec. 2-303. Rules and Regulations.**

The police department shall be operated and managed in accordance with such departmental and city rules and regulations as may from time to time be approved by the Commission.

(Code 2007, 2-303)

**Secs. 2-309 to 2-325. Reserved.**



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**ARTICLE V. ADVISORY BOARDS AND COMMITTEES**

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**DIVISION 1. IN GENERAL****Sec. 2-326. Enumerated.**

The following committees or advisory boards have been created by the Commission:

- Library Board (Division 5)
- Lodgers' Tax Board (Division 6)
- Capital Improvements Advisory Committee (Division 7)
- Economic Development Advisory Board (Division 8)
- Airport Advisory Board (Division 9)

Such other committees or boards that the City Commission may create from time to time by ordinance or resolution.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-326)

**Secs. 2-327 to 2-350. Reserved.****DIVISION 2. ADVISORY BOARDS AND COMMITTEES****Sec. 2-351. Scope of Authority.**

The City Commission may create such boards or committees, standing, or special, as it deems necessary. In addition, the Commission may provide such aid and assistance from the administrative staff of the city to any such board, committee or commission as may be necessary.

(Code 2007, 2-351)

**Sec. 2-352. Responsibility, Construction of "Committee."**

1. Any board or committee created by the City Commission shall be responsible to the Commission and shall function in an advisory capacity to the Commission.
2. Whenever the word "committee" is used in this division, it may also be construed to mean the word "board."

(Code 2007, 2-352)

**Sec. 2-353. Regulations.**

1. The procedures and regulations set forth in this division (Sections 2-351-2-360) shall be the minimum for each committee.
2. Each committee shall have the ability, with the advice and consent of the Commission, to make all necessary rules and regulations governing its proceedings.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-353)

**Sec. 2-354. Membership.**

1. Each committee shall consist of a minimum of five (5) members; provided that each member shall be appointed by the City Commission.
2. Unless otherwise specified, the terms of office for members of each committee shall be four (4) years after the initial terms have been served. The initial terms shall be staggered as follows: Two (2) members shall serve for four (4) years, one (1) member for three (3) years, one (1) member for two (2) years, one (1) member for one (1) year. The term of office shall expire on December 31st of the last year of the member's appointed term.
3. All members shall have residency within the Aztec Municipal School District, unless otherwise specified.
4. A vacancy on a committee shall follow this process:
  - (1) City Staff shall advertise the vacant position in the local publication or through other communication channels to allow all interested community members to apply.
  - (2) Applications shall be submitted to the City Clerk.
  - (3) City Staff shall provide candidate names, other applicable information, and recommendations to the Commission for approval.
  - (4) The City Commission will appoint the committee member. If the City Commission does not appoint a committee member from the list of candidates.
5. A City Commissioner, City Manager, City Clerk, or their authorized delegate or representative shall participate as a member on each committee in an advisory position, but shall have no voting privileges.  
(Ord. 2014-433, eff. 2014-Feb-18; Ord. 2011-397, eff. 2011-Jul-20; Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-356)

**Sec. 2-355. Removal of Members.**

The mayor shall have the right and power to remove any committee member, with or without cause, upon approval by the City Commission. It shall be a cause for removal if any committee member has two (2) or more consecutive unexcused absences from regular meetings. Such absences shall be reported to the Commission by the city representative of the committee. The committee, with the approval of the Commission, may establish additional causes for the removal of a member by the Commission, when so reported to the Commission by the chairman of the committee.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-355)

**Sec. 2-356. Powers and Duties.**

1. The functions of each committee shall be determined by the Commission, or when appropriate, by state law.
2. Each committee shall be responsible for such matters as may be referred to it by the Commission or by state law and shall meet at such times as may be necessary to perform its duties.
3. Boards and Committees shall follow the annual Meetings Resolution approved by the City Commission.  
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-356)

**Sec. 2-357. Officers.**

The officers of any committee created under the authority provided by this division shall be elected by the members of the committee and shall serve for a term of one (1) year. The number of terms as an officer is unrestricted.

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

**Sec. 2-358. Compensation.**

Committee members shall serve without compensation; provided that the committee members may be reimbursed for actual and necessary expenses for committee duties, as approved by the City Commission through the budget.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-358)

**Sec. 2-359. Meetings.**

1. An organizational meeting shall be held on or before January 31st of each year at which time officers shall be selected as set forth in Sec. 2-357.
2. Each committee shall designate a time and day for regularly scheduled meetings which shall be listed in the annual Open Meetings Resolution.
3. A majority of the members of the committee shall constitute a quorum at any meeting.
4. Each committee shall cause minutes to be kept of the proceedings, showing the vote of each item. The minutes of the committee and all other records of actions taken shall be filed forthwith, upon approval by the committee, in the office of the City Clerk and the same shall be public record.

(Ord. 2010-393, eff. 2011-Jan-14; Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-359)

**Sec. 2-360. Financial Status.**

1. No committee shall incur debts, make any purchases or enter into any contracts binding the City. All matters coming before any such committee involving the expenditures of money or the making of agreements or contracts shall be referred to the Commission with the recommendation of the committee.
2. All money received by any committee shall be deposited with the Finance Department.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-360)

**Sec. 2-361 to 2-400. Reserved.****DIVISION 3. RESERVED****Secs. 2-401 - 410. Reserved.**

(Ord. 2010-393, eff. 2010-Jan-14 Removed Utility Advisory Board)

## **DIVISION 4. PLANNING AND ZONING BOARD**

### **Sec. 2-411. Terms for Planning Board Members**

There is established for the City of Aztec a Planning Board, composed of not less than five (5) members of whom shall be appointed by a majority of the members of the City Commission of the City of Aztec. The term of the five appointed members of the Board shall be two (2) years; provided, however, that the terms of the members appointed shall be as follows: three (3) members shall be appointed for a term of one (1) year, thereafter appointment of each member shall be for a term of two (2) years. Election of the Chair and Co-Chair positions will be conducted on the last meeting of each year. The number of consecutive terms as Chair and Co-Chair is unrestricted.

### **Sec. 2-412. Duties of the Board.**

It shall be a function and duty of the Planning Board to hold meetings at least once per month if matters are scheduled for discussion, to keep minutes of its meetings as public record, to elect a chairperson annually, create and fill other offices, adopt rules for transaction of its business, and to recommend and advise the City Commission on the following matters:

1. Promotion of municipal planning and land development;
2. Planning of land within the corporate limits of the City of Aztec and land lying within three miles thereof in accordance with the adopted Land Subdivision Regulations;
3. Hold publicly advertised public hearings relating to any changes requested in the Official Land Development Ordinance and the Official District Map, and to make appropriate recommendations to the City Commission regarding such changes;
4. Matters necessary to carry out the purpose of the Municipal Code (Chapter of the New Mexico Statutes Annotated, 1978 compilation as amended);
5. Adoption and changes to the major street or thoroughfare plan of Aztec and its environs lying within three miles of the corporate limits as well as to recommend establishment of future street lines in said area;
6. Recommend adoption of a comprehensive master plan for the City of Aztec and the three-mile area of extraterritorial planning and platting jurisdiction;
7. Construction, authorization, acceptance, widening, narrowing, removal, extension, vacating, abandonment, acquisition or change in the use of any park, street, or other public way, ground place or space; public building or structure; or utility, whether privately or publicly owned;
8. Recommendations on planning and developing of the city to the city commission, public utility companies, civic, educational, professional and other organizations and citizens;
9. Programs for public improvements and their financing.

**Sec. 2-413. Removal of Board Members.**

Removal of a member of the Planning Board can occur in the following manner:

1. The City Commission, through a public meeting and by a majority vote of commission members, can remove any member of the Planning Board.
2. If a member of the Planning Board misses two (2) consecutive regular meetings without a valid excuse, the member's seat may be declared open by the Chairman of the Board.

**Sec. 2-414 to 2-420. Reserved.**

(Ord. 2022-523, eff. 2022-May-6 Re-establishment of Planning & Zoning Board; Ord. 2010-393, eff. 2010-Jan-14 Removed Planning and Zoning Board)

**DIVISION 5. LIBRARY BOARD****Sec. 2-421. Membership.**

The Library Board shall consist of five (5) members and meet the membership requirements as established in Sec. 2-354. The board shall be composed of the following:

1. Members at large from the community that are residents within the Aztec School District.  
(Ord. 2024-542, eff. 2024-Mar-6; Ord. 2022-250, eff. 2022-Feb-16; Ord. 2016-453, eff. 2016-Nov-02; Ord. 2010-382, eff. 2010-Jun-30)

**Sec. 2-422. Reappointment Restricted.**

The regular term of office shall be three years with no limits to the number of consecutive terms. In consideration of a replacement member serving less than a full first term: A full term shall be any amount of more than ½ of a full term of four (4) years. Less than ½ of a full term of four (4) years will not be considered a full term.

(Ord. 2024-542, eff. 2024-Mar-6; Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-422)

**Sec. 2-423. Officers.**

Appointment of Officers shall be in accordance with Sec. 2-357. Officers may not hold office on both the Advisory Board and the Friends of the Library at the same time.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-423)

**Sec. 2-424. Duties.**

The Library Advisory Board shall:

1. Assist the librarian to establish policies for the administration of the Aztec Public Library.
2. May recommend to the city commission action(s) to maintain or administer the library.
3. Exercise all other powers granted by the City Commission necessary to perform its' duties under this article.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-425)

**Secs. 2-425 to 2-450. Reserved.**

**DIVISION 6. LODGERS' TAX ADVISORY BOARD**

**Sec. 2-451. Membership.**

The Lodgers' Tax Advisory Board will consist of five (5) members and meet the membership requirements as established in Sec. 2-354. The board shall be composed of the following:

1. Two (2) members who are owners or operators of lodgings subject to the occupancy tax within the municipality;
2. Two (2) members who are owners or operators of industries located within the municipality that primarily provide services or products to tourists; and
3. One (1) member who is a resident of the municipality and represents the general public.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-451)

**Sec. 2-452. Duties.**

The Lodgers' Tax Advisory board shall advise the governing body on expenditure of funds authorized under [Section 27-417](#) of the City Code for advertising, publicizing and promoting tourist attractions and facilities in the municipality and surrounding area.

(Code 2007, 2-452)

**Secs. 2-453 to 2-470. Reserved.**

**DIVISION 7. CAPITAL IMPROVEMENTS ADVISORY COMMITTEE**

**Sec. 2-471. Membership.**

The Capital Improvements Advisory Committee will consist of five (5) members and meet the membership requirements as established in Sec. 2-354. The board shall be composed of the following:

1. One (1) member of the building or construction industry;
2. One (1) member of the real estate industry;
3. Three (3) members at large from the community that are residents within the City of Aztec.

No governmental members shall be appointed by the Commission.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-471)

**Sec. 2-472. Duties.**

The Capital Improvements Advisory committee advises the City Commission on land use assumptions, the capital improvement plan, impact fees, perceived inequalities and the need to update either the Capital Infrastructure Projects or fees.

(Code 2007, 2-472)

**Secs. 2-473 to 2-480. Reserved.**

## **DIVISION 8. ECONOMIC DEVELOPMENT ADVISORY BOARD**

### **Sec. 2-481. Membership.**

The Economic Development Advisory Board shall be composed of seven (7) members qualified by training, experience, and ability to exercise sound and practical judgment on civic, social, economic and governmental affairs. The board shall be composed of the following:

1. An appointed representative from the Board or Staff of Four Corners Economic Development and/or alternate representative from Four Corners Economic Development if the representative is unable to attend;
2. An appointed representative from the Board or Staff of the Aztec Chamber of Commerce and/or an alternate representative from Aztec Chamber of Commerce if the representative is unable to attend;
3. One (1) member of the financial community appointed by the governing body by a majority vote and/or an alternate representative from the financial community if the representative is unable to attend;
4. Two (2) members at large, at least one (1) representing the community, appointed by the governing body by a majority vote and/or an alternate representative from the community if the representative is unable to attend.

Of the three (3) members appointed to the board, they will have two-year terms. There shall be no limitation on the number of consecutive terms a member may serve on the Economic Development Advisory Board.

(Ord. 2017-460, eff. 2017-July-17; Ord. 2014-433, eff. 2014-Feb-18; Ord. 2013-426, eff. 2013-July-04; Ord. 2012-419, eff. 2012-Dec-19; Ord. 2010-382, eff. 2010-Jun-30)

### **Sec. 2-482. Duties.**

The Economic Development Advisory Board is assigned the following duties:

1. Regular review of strategies and opportunities for economic development within the City.
2. Assist with the economic and community development planning for the City.
3. Recommend annually to the City Commission appropriations for economic development programs.
4. Develop and update annually a comprehensive strategic economic development plan.
5. Make recommendations to the governing body on applications for assistance for economic development projects.

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

**Secs. 2-483 to 2-490. Reserved.**

**DIVISION 9. AIRPORT ADVISORY BOARD****Sec. 2-491. Membership.**

The Airport Advisory Board shall be composed of seven (7) members. The majority of the board members shall be citizens of the city.

**Sec. 2-492. Duties.**

The airport advisory board shall be responsible to the City Commission and shall act in an advisory capacity to the City Commission to encourage and insure the safe, proper and orderly use and development of the airport.

(Code 2007, formerly 6-26)