

City Ordinance § 2-6-1, PUBLIC BOARDS COMMISSIONS AND COMMITTEES

PART 1: GENERAL PROVISIONS

§ 2-6-1-1 SHORT TITLE.

Sections [2-6-1-1](#) et seq. shall be known and may be cited as the "Public Boards, Commissions and Committees Ordinance."

('74 Code, § 1-12-1) (Ord. 55-1992)

§ 2-6-1-2 DEFINITION.

For the purpose of §§ [2-6-1-1](#) et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC BOARDS, COMMISSIONS and ***COMMITTEES***. Every board, commission, committee and other similar body whose meetings are required by the Open Meetings Act, Chapter 10, Article 15 NMSA 1978, as amended and as supplemented from time to time, to be open to the public.

('74 Code, § 1-12-2) (Ord. 55-1992)

§ 2-6-1-3 MEMBERSHIP.

The following shall govern the qualifications, appointment and conduct of members of the public boards, commissions and committees of the city; provided that the provisions relating to qualifications and appointment of members of public boards, commissions and committees of the city shall apply only to members who are appointed after the effective date of §§ [2-6-1-1](#) et seq. and that any member of any public board, commission or committee in existence on the effective date of §§ [2-6-1-1](#) et seq. shall complete the term of office for which such member was appointed, unless said member's conduct is in violation of §§ [2-6-1-1](#) et seq.

(A) *Qualifications.*

(1) Each person appointed to any public board, commission or committee shall normally be a resident of the city.

(2) No person regularly employed on a full-time basis by the city shall be appointed to any public board, commission or committee; provided that the Mayor, Councillors or administrative officers of the city may be appointed as ex officio members.

(3) No member of the immediate family of any elected city official shall be appointed to any public board, commission or committee.

(4) No person shall be a member of more than one public board, commission or committee at any one time.

(5) No person shall serve more than two consecutive terms on any public board, commission or committee; provided that if a person is appointed to fill an unexpired term of another person, that term shall not be considered a term for the purpose of this limitation if the time remaining in the term at the time of the appointment is one year or less.

(B) *Appointments.*

(1) The Mayor, with the advice and consent of the Council, shall appoint the members of the public boards, commissions and committees. An appointment is not effective until Council approves it.

(2) The members of each public board, commission or committee shall be appointed from the broadest possible base of the community at large and, to the fullest extent possible, the Mayor will seek information from interest groups as to potential appointees.

(3) The Mayor shall send written notice of the appointment to the appointee, which notice shall clearly state that such appointment is made subject to all the provisions outlined herein, and the member so appointed may be removed by the Mayor for violation of any of the provisions hereby established.

(4) Each appointment shall be accepted in writing by the appointee confirming that such appointee accepts the policies outlined herein as a condition precedent to such appointee's appointment and holding office.

(5) Each appointment shall be for a term of three years unless the appointment is to fill a vacancy. The initial terms of members of newly established public boards, commissions and committees shall be staggered and shall be for either one, two or three years.

(6) Every member, unless removed as provided herein, shall hold office until a successor has been duly qualified unless the Council has voted not to approve that member for a reappointment, in which case, the member shall not serve beyond the date the member's current term expires or the date the Council votes not to approve the member, whichever is later.

(C) *Conduct.*

(1) Any member of a public board, commission or committee may be removed from office by the Mayor or by an affirmative vote of two-thirds of all Councillors after due notice and hearing if such member has missed three consecutive meetings or has been absent from more than 50% of the meetings held during any twelve consecutive months.

(2) Any member of a public board, commission or committee may be removed from office by the majority of Mayor or by an affirmative vote of two-thirds of all Councillors after due notice and hearing if such member has violated any law, regulation or charter provision, or for other good cause such as the intentional failure to carry out the duties of the board, commission or committee.

(D) *Number of Members.* Except as may be expressly provided otherwise in the ordinance or resolution establishing a specific public board, commission or committee, each public board, commission and committee shall consist of five members.

('74 Code, § 1-12-3) (Ord. 54-1975; Am. Ord. 60-1975; Am. Ord. 55-1992; Am. Ord. 35-2003; Am. Ord. 57-2003)

§ 2-6-1-4 ORGANIZATION.

The following provisions shall govern the organizational structure of the public boards, commissions and committees.

(A) *Officers.*

(1) The minimum number of officers of any public board, commission or committee shall be not less than two officers (such as the Chairperson and Vice-Chairperson) and such other officers as such public board, commission or committee may deem necessary.

(2) All officers shall be elected by the members for a term of one year and no officer shall serve more than two consecutive terms.

(B) *Meetings.*

(1) All meetings of any public board, commission or committee shall be open to the public and insofar as possible, shall be held at a city-owned facility.

(2) Reasonable notice shall be given to the public prior to any meeting of any public board, commission or committee. At least once a year, each public board, commission or committee shall determine what is reasonable notice to the public; provided that in no event shall notice be less than the notice required for Council meetings.

(3) Minutes shall be kept of each meeting and filed with the City Clerk and copies of the minutes shall be sent to the Mayor.

(4) Each public board, commission or committee shall meet at least quarterly.

(5) A majority of all the members of a public board, commission or committee shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting.

(C) *Rules and Regulations.*

(1) Each public board, commission or committee may promulgate such rules and regulations for its conduct as may be deemed necessary.

(2) If an ordinance or resolution establishing a public board, commission or committee provides that the public board, commission or committee may adopt rules and regulations pertaining to matters within its jurisdiction, the public

board, commission or committee shall comply with the following procedures in adopting such rules and regulations.

(a) Notice of the public board, commission or committee's intention to consider the adoption of a rule or regulation shall be given by posting in the lobby of City Hall and by giving written notice to the Mayor. Such notice shall be given at least 14 days prior to the meeting at which the proposed rule or regulation will be considered and shall be in addition to the notice to be given to the public pursuant to division (B)(2) hereof. All such notices shall state the time and location of the meeting and contain a brief description of the proposed rule or regulation.

(b) The meeting, at which the proposed rule or regulation is considered, shall be open to the public and any person may give testimony in favor of or in opposition to the proposed rule or regulation, whether such testimony be given orally or in writing. In considering the proposed rule or regulation, the public board, commission or committee shall give due consideration to all such testimony.

(c) Notwithstanding division (B)(5) hereof, a proposed rule or regulation shall be deemed to have been adopted by the public board, committee or commission upon the affirmative vote of a majority of the entire membership of the public board, commission or committee plus one additional member thereof.

(d) All rules and regulations adopted by a public board, commission or committee shall be promptly filed with the City Clerk and shall bear the signature of the presiding officer.

(D) *Report.* At least once each year, every public board, commission or committee shall present a written report to the Mayor and Council of its activities for the past year and any recommendations as may be deemed appropriate. ('74 Code, § 1-12-4) (Ord. 54-1975; Am. Ord. 60-1975; Am. Ord. 55-1992)

§ 2-6-1-5 APPLICABILITY.

(A) The provisions contained herein shall apply to every public board, commission and committee of the city. In the event that any of the provisions contained herein conflict with any specific provision of any ordinance or resolution establishing a specific public board, commission or committee, such specific provision shall control.

(B) The provisions contained herein shall not apply to those boards, commissions, committees, task forces and other similar bodies established by city officials or employees but not appointed or consented to by the City Council, provided that such groups have no authority to make city policy, including the power to make rules and regulations.

(C) The prohibition contained in § [2-6-1-3\(A\)\(2\)](#) shall not apply to the appointment of city employees to those public boards, commissions and committees which are established to perform a specific task or tasks and submit a report and which have a duration of not more than one year.

('74 Code, § 1-12-5) (Ord. 54-1975; Am. Ord. 60-1975; Am. Ord. 55-1992)